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Zondo commission – Zuma says his persecution akin to apartheid laws

Former president Jacob Zuma used the opportunity of a media briefing at his Nkandla home on Sunday evening to take a swipe at both the judiciary and the current administration, likening the state of affairs to apartheid-type rules of persecuting people because of who they are and not the crimes they have committed.

This was on the deadline of a Constitutional Court directive for him to present himself to either the Nkandla or Johannesburg central police stations to begin a 15-month sentence after being found guilty of contempt. The court delivered a judgment critical of Zuma's conduct over the past eight months or so, in light of his refusal to appear before the state capture commission chaired by Deputy Chief Justice Raymond Zondo.

"I am facing long detention without trial. Elsewhere, the secretary-general of the ANC has a banning order prohibiting him from addressing meetings. We have a level four lockdown with all hallmarks of a state of emergency and the curfews of the 1980s," Zuma said.

He will on Tuesday appear before the Pietermaritzburg High Court to make an urgent application to interdict his sentence. His counsel Advocate Dali Mpofu, also present at the briefing, told the media that he would not speculate on what Zuma's fate over the next few days would be, but that Tuesday's proceedings were an avenue that his team had adopted while awaiting the hearing of an application for the rescission of the Constitutional Court's contempt judgment.

Zuma himself said that far being defiant, he was actually exercising his right as a citizen to pursue legal avenues open to him in the interest of justice, after what he called an unfair act on the part of the Constitutional Court in sentencing him without trial, as was the case during the apartheid era. He has since filed papers with the apex court asking it to rescind its judgment.

"Contrary to the mainstream narrative and propaganda against me, I've never refused to appear before the state capture commission. In fact, the disagreement or discomfort from my side arose when I was in attendance at the state capture commission," said Zuma.

"It is my honest view that my past relationship with Judge Zondo began to manifest itself in a manner that caused him to treat me unfairly and with bias." He did not specify how Zondo's bias manifested, but said that the unfair treatment meted out to him during proceedings in November last year when he asked Zondo to recuse himself, were evidence enough.

What puzzled him after that, Zuma added, was that the Constitutional Court found it proper to give Zondo direct access when he applied there for an order compelling him to appear. "Had Judge Zondo simply recused himself, and allowed my submission to be made to somebody neutral, the people of South Africa would have heard my version as regards all the unsubstantiated allegations against me.

“All I am asking for is fairness and consistency.” Zuma said he was not the first witness to have a reason not to appear before the state capture commission, but the others – who are prominent names in the private sector – were not given the same treatment as him.

“Even the Constitutional Court was inconsistent in a whole range of instances including denying direct access to cases involving life and death matters, but granting direct access for squabbles which could have been referred as well.”

Zuma said he had for over 20 years respected the rule of law, adhering to directives for him to appear before the courts on various matters, and only being absent when sick and ordered to rest, by his doctors.

This is why it came as a shock when Judge Dhaya Pillay issued an arrest warrant against him in early 2020 when he was unable to attend his corruption trial. “The same Judge Pillay was part of the Concourt panel which ordered my detention without trial.”

Zuma said he had been a prisoner of his conscience and beliefs before, and can do it again. But he is obligated to fight against a travesty of justice in sending anyone to prison without trial.

The rescission application will be heard on 12 July. The state capture commission has filed opposing submissions.

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