



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

MEDIA STATEMENT

19 November 2020

ZUMA DEFIES ZONDO COMMISSION

The decision of former President Jacob Zuma to defy the Judicial Commission of Inquiry into State Capture following the rejection of his application for the recusal of Deputy Chief Justice Zondo is a grave matter.

As the Constitutional Court reminded the country in its watershed 'Nkandla' judgment in 2016, the President is a 'Constitutional Being', with a weighty responsibility to uphold and protect the Constitution. We believe that Mr Zuma's responsibility to uphold the rule of law did not end with his resignation from office. By refusing to accept the authority of the Commission, which he himself established, Mr Zuma also sends out a very unfortunate message: that it is possible to defy due process and thereby evade accountability. There can be only one conclusion: that Mr Zuma has no intention of appearing or giving evidence before the Commission. Instead, he appears determined to undermine its credibility and authority to avoid or delay having to tell the country the truth of his time in office. He has consistently followed this same "Stalingrad" strategy in his legal wrangles relating to the "Arms Deal" charges.

Thus, no less than the integrity of the Commission and the rule of law is at stake. This is a very serious moment for South Africa's constitutional democracy. Once again, progressive democrats must work together to defend the Constitution, by standing with Deputy Chief Justice Zondo and the Commission of Inquiry. It is clear that by defying the Commission's Summons, Mr Zuma commits an offence. Accordingly, the criminal justice system must now be invoked to enforce the summons. It is a matter of great regret that further criminal proceedings should now be brought against a former president, but Mr Zuma has brought this upon himself and it is now the duty of the democratic state to enforce the law against him.

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