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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**MEDIA STATEMENT**

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**02 February 2021**

1. The Commission has taken note of the recent public statement issued by Mr. Jacob Zuma yesterday (Monday, 1 February 2021).
2. In that statement Mr. Zuma made it clear that he had decided that:
  - 2.1. he would not obey the summons issued by the Commission requiring him to appear before it from 15 – 19 February 2021 and there answer questions; and
  - 2.2. he would defy the order of the Constitutional Court compelling him to appear before the Commission, answer questions and to obey all directives and summonses issued by the Commission.
3. The Constitution expressly provides that an order or decision issued by a Court binds all persons to whom it applies. Therefore, Mr Zuma is, in terms of the Constitution, expressly bound by the order of the Constitutional Court. Mr Zuma's decision that he will defy the order of the country's highest court and the summons of the Commission is completely unacceptable in a constitutional democracy such as ours. This is particularly so when the person making such a decision is a former President of the country who should be exemplary in upholding the rule of law and

the Constitution. (It is to be noted that, while Mr Zuma refuses to comply with the Constitution and to obey the order of the Constitutional Court on the one hand, he continues to enjoy the benefits that the Constitution grants to all former Presidents in terms of his pension and other benefits paid for by the taxpayers). It seems that Mr Zuma considers himself to be above the law and the Constitution. The Commission reiterates that in terms of the Constitution everyone is equal before the law. This constitutional guarantee must be given effect to.

4. The Commission is concerned that Mr. Zuma's decision to defy the order of the Constitutional Court and the summons of the Commission displays a complete disregard for the rights and interests that South Africans have in obtaining comprehensive responses from him to a lot of evidence regarding state capture, corruption and fraud that concern him and others connected with him that relate to his terms of office as President of the country which have been led in the Commission over the past three years.
5. With regard to Mr. Zuma's decision not to appear before the Commission during the week of the 18<sup>th</sup> to the 22<sup>nd</sup> of January 2021 as he had been required to do in terms of one of the Commission's summonses served on him, the Chairperson has asked the Secretary of the Commission to lay a criminal complaint against Mr. Zuma. In this regard the Commission's Legal Team will assist the Secretary.
6. In terms of one of the summonses issued by the Commission Mr. Zuma is required to appear before the Commission from the 15<sup>th</sup> to the 19<sup>th</sup> February 2021. As already indicated the order of the Constitutional Court compels Mr. Zuma to comply with that summons by appearing before the Commission and answering questions that may be put to him.
7. Should Mr. Zuma carry out his decision not to appear before the Commission on 15 February 2021 and, therefore, act in breach of the summons and in contempt of the order of the Constitutional Court, the Commission will announce on that day what further action it will take in regard to such conduct.

8. It is noted that in his statement that Mr. Zuma continues his attacks on the person and integrity of the Chairperson but the Chairperson will deal with those attacks in a separate statement.



**Prof. Itumeleng Mosala**

**Issued by the Secretary of the Commission at the instance of the Chairperson**

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