



COMMISSION OF INQUIRY INTO STATE CAPTURE

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MEDIA STATEMENT

24 July 2018

COMMISSION WELCOMES EXTENSION OF PERIOD FOR ITS WORK

[1] On Thursday, 19 July 2018, last week the Chairperson of the Judicial Commission of Inquiry Into Allegations of State Capture, Corruption and Fraud In the Public Sector Including Organs of State (Commission), Deputy Chief Justice Zondo, launched an urgent application in the Gauteng Division of the High Court, Pretoria, for an order extending the 180 days within which the Commission is required to complete its work. The period of 180 days was included in the remedial action of the “State of Capture” Report released by the former Public Protector, Adv Thuli Madonsela, in October 2016. In terms of that remedial action the former President, Mr Jacob Zuma, was required to establish a Commission of Inquiry to investigate allegations of State Capture and various matters relating to corruption in the public sector. Subsequently, the Gauteng Division of the High Court, Pretoria, made an order on 13 December 2017 requiring the then President to comply with the Public Protector’s remedial action and to ensure that the Commission completed its work within 180 days. One of the challenges with the period of 180 days was that it was never indicated in the Public Protector’s remedial action from what date the period should be calculated. After the Commission had been established, it took 1 March 2018 as the date when the 180 days commenced.

[2] Yesterday, 23 July 2018, the Gauteng Division of the High Court (Judge Rabie) granted an order (in the form of a rule nisi) calling upon various persons including the

President and the Public Protector and various political parties and other organisations to show cause on 2 October 2018 (return day) why the period of 180 days should not be extended by 24 months calculated from 1 March 2018. A copy of the Court order is attached. The Court also made an order the effect of which is that, pending the return day, the period of 180 days mentioned in its order of 13 December 2017 “is extended for a further 24 (twenty four) months calculated from 1 March 2018.” The order of 13 December 2017 was made by the Court when it dismissed the review application that had been brought by former President, Mr Jacob Zuma.

[3] Yesterday’s order was in the form of a *rule nisi* and it gives various persons and organisations the opportunity to oppose the confirmation of the extension of the 180 days time frame on 2 October 2018 should they wish to do so. To give them this opportunity was important because the urgent application was brought without notice to them due to the urgency occasioned by the looming expiry of the 180 days.

[4] Since it was never indicated in the first place from which date the 180 days had to be calculated, there was no certainty either as to when it would expire. One possible date from when the 180 days could be calculated was 25 January 2018 when the appointment of the Commission and its terms of reference were published in the Government Gazette. If that was the date from which the 180 days had to be calculated, the period would be expiring today. Another possible date from which the 180 days could possibly be calculated was 9 February 2018 when the regulations of the Commission were promulgated in the Government Gazette because these regulations gave the Chairperson the power, among other things, to make key appointments to the Commission without which the Commission could not undertake its task. Another possible date was 1 March 2018 when the Secretary of the Commission and the Head of Investigations commenced duties. In this regard it needs to be pointed out that the appointment of the Secretary of a Commission is a requirement of the Commissions Act.

[5] The Chairperson of the Commission, Deputy Chief Justice Zondo, welcomed the decision of the Gauteng Division of the High Court. He said:

“Although the extension of the 180 days within which the Commission must complete its work is subject to the confirmation by the Court on 2 October 2018,

the order of the High Court granting the extension is most welcome. It brings relief to the Commission, the Secretary and his staff, the Commission's Legal Team and Investigators since we are given more time to do this very important work of the Commission. If the extension is confirmed on 2 October we will be able to really focus on our work without having to be concerned that in a few months' time the Commission may have to stop its work because the 180 days will be up which has been the case so far, particularly for many of the people appointed to assist the Commission or to work for the Commission."

Dr K De Wee
Secretary of the Commission
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