



EFF STATEMENT ON JUDICIAL CAPTURE AND MANIPULATION BY ANC GOVERNMENT

Saturday, 05 February 2022

The EFF notes the shocking, unethical and deplorable revelations at the Judicial Service Commission (JSC) Interviews for Chief Justice related to exchange of letters and phone calls between Minister Lamola and Deputy Chief Justice Zondo. Yesterday, Minister Lamola and DCJ Zondo revealed an exchange of letters and phone calls in which the Minister sought to influence the appointment of acting judge for the Constitutional Court in favour of Judge Mlambo.

In essence, as DCJ Zondo indicates, Minister Lamola's letter was not in keeping with norms on how the executive interacts with judiciary on such acting positions. This is because Minister Lamola literally asked that Judge Mlambo be appointed as acting judge at the Constitutional Court. Such a singling out of a candidate gives the impression of a direct interest, perhaps even on the matter the judge was going to be hearing at the Constitutional Court. An ethical minister would have simply allowed the head of the judiciary to recommend from among the plethora of capable judges. Seeking the name of Mlambo, in light of Mlambo's interest to be head of the judiciary, is an unethical expression of interest in him.

The EFF welcomes these revelations as evidence of judicial manipulation by the ANC government. Minister Lamola specifically singled Judge Mlambo to be appointed so that he gains experience of the Constitutional Court. Without this experience, Mlambo would have arrived at the JSC interviews for Chief Justice without ever having acted in the Constitutional Court. Therefore, Lamola insisted on him so as to make him a viable and legitimate choice in the race for the head of the Constitutional Court. Judge Mlambo clearly comes with a Lamola anointing on his head.

For the DCJ Zondo to also comply with such a request or instruction must be seen as lacking of independence on his part. He has exposed himself as a pushover, a quality that is not befitting of a justice, let alone one who wants to be Chief Justice. The EFF is vindicated by these revelations as we have always warned South Africa about ANC's attempt to influence which judges get appointed to what bench and which ones hear which matters. They do this to serve their nefarious political interests and not the interests of justice and the constitution.

Furthermore, the EFF is vindicated by revelations that Zuma and Zondo met privately to discuss the Commander In Chief Julius Malema's political views. Zondo revealed how he visited Zuma to discuss utterances made by the CIC regarding "killing for Zuma" as then President of the ANCYL. These utterances were so crucial to Zondo that he privately called Zuma and went to meet him in his private residence. This is important because for many months now, including yesterday, Zondo stressed how he has no friendship with Zuma. However, at the JSC interviews, unwittingly he provided counter evidence to his long-held claims. He exposed what is more than a cordial, but actually a cosy personal relationship he shares with Zuma.

It is a fact that only friends can meet privately, in the comfort of their homes to discuss other politicians' utterances. No other judge, regardless of how worried about politicians' public utterances could ever reach out in so cosy a manner as Zondo did with Zuma. Zondo's fear for the spark of violence does not absolve him. Instead, it exaggerates the fact of their special cosy friendship; the advantage of his private access to Zuma.

All these years he never cared to reveal so crucial a fact that he met one of the most influential politicians who later appointed him as both a Constitutional Court Judge and a head of the Judicial Commission on State Capture. He never cared to reveal or declare that he met this politician to discuss another influential politician whose views he regarded so crucial that he took time out from the demanding work of the bench to discuss them in a private and cosy home. This amounts to an unethical conduct of catastrophic proportions especially because he has set in so many cases in which the EFF and CIC Malema were at loggerheads with Zuma and his ANC government.

Zondo insisted on presiding over the State Capture Commission even when Zuma called him out on their private and cosy relationship. It does not matter whether in all these matters he ruled in favour of or against Zuma. He had an ethical responsibility to declare such a cosy relationship. Moreover, he had the duty, in the interest of fairness, to recuse himself when Zuma called him out. Over 200 lives lost later, including in Phoenix, and billions of properties lost in the #FreeZuma riots, Zondo confesses to the private cosy relationship. All this could have been avoided by him respectfully and ethically admitting to the cosy relationship and recuse himself from hearing Zuma.

Once more, EFF is vindicated because we have on many occasions told South Africa that some in the judiciary break bread with politicians, in cosy private residences to discuss the EFF leadership. How could these judges ever be fair or hear the EFF and its leaders without the influence of these private and cosy discussions they hold with EFF's opponents?

Zondo was further evasive at the JSC Interviews on the details of his other cosy meetings with Zuma in Durban hotels. He remembers details of all other things except his hotel meetings with Zuma. All legal eagles pride themselves with the ability to recall details, particularly of crucial meetings, crucial even by his admission. Yet, Zondo claims he does not. In all these cosy meetings, including at Zuma's private residence, Zondo was in the bench, and as such must have always known the implications of these cosy meetings and deliberately omits them when it is convenient. Our country cannot entrust the whole judiciary in the hands of so questionable a character.

We can no longer turn a blind eye on this bias and unethical conduct. We cannot act like judges are not captured by politicians due to their ambitions for judicial promotions. The EFF will file a complaint against Zondo with the JSC for referral to the Judicial Conduct Committee, so that he is held accountable.

Finally, we call on the dismissal of Minister Lamola from cabinet for what is clearly a successful and unethical act to have Judge Mlambo appointed as acting judge of the Constitutional Court. The EFF will also consider reporting both Ramaphosa and Lamola to the police, SCOPA and the Public Protector.

Since Lamola acted on Ramaphosa's behalf, the police must investigate a possible conspiracy to predetermine the appointment of Mlambo as Chief Justice of the country.



ISSUED BY THE ECONOMIC FREEDOM FIGHTERS

Vuyani Pambo (National Spokesperson): 066 082 0889


Delisile Ngwenya (National Spokesperson): 066 388 8779

Sixelise Gcilishe (National Communications Manager): 071 142 1663

 communications@effonline.org

 <http://www.effonline.org>

 @EFFSouthAfrica

 @EFFSouthAfrica

 Economic Freedom Fighters

ISSUED BY THE ECONOMIC FREEDOM FIGHTERS

Vuyani Pambo (National Spokesperson): 066 082 0889

Delisile Ngwenya (National Spokesperson): 066 388 8779

Sixolise Gcilishe (National Communications Manager): 071 142 1663

✉ communications@effonline.org

🌐 <http://www.effonline.org>

🐦 @EFFSouthAfrica

📷 @EFFSouthAfrica

📘 Economic Freedom Fighters

