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26 May 2022

## **MEDIA STATEMENT**

### **Matters before the SCA pertaining to former President Jacob Zuma**

The Supreme Court of Appeal wishes to provide clarity on media reports relating to delays in two matters before it involving former President Jacob Zuma.

The first matter relates to an appeal by former President Zuma against a judgment of the High Court declaring the decision by the then National Commissioner of Correctional Services, Mr Arthur Fraser, to grant him medical parole in terms of section 75(5) of the Correctional Services Act 111 of 1998, unlawful.

The second matter relates to an application in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013, for reconsideration of the order granted by two Judges of the Supreme Court of Appeal dismissing Mr Zuma's application for leave to appeal against a judgment of the Kwa-Zulu Natal Division of the High Court, Pietermaritzburg. The high court dismissed a special plea raised by Mr Zuma in terms of section 106(1)(h) of the Criminal Procedure Act 51 of 1977 (the CPA) in which he contended that the lead prosecutor representing the State, Mr William John Downer SC, 'has no title to prosecute' as contemplated in section 106(1)(h) of the CPA, and 'should be removed as the prosecutor in this case.' Mr Zuma had further demanded his acquittal on all the charges in terms of section 106(4) of the CPA if it were found that Mr Downer lacks title to prosecute.

Briefly, the position in regard to these matters is the following. With respect to the appeal, President Maya, having considered the application for an expedited date of hearing of the appeal, sent an email to the former Registrar of the SCA, Mr Paul Myburgh, on 11 February 2022 requesting him to inform the parties that she was disposed to set the appeal down for hearing during May 2022. The former Registrar was also requested to enquire from the parties as to when they would be ready to file the appeal record and their respective heads of argument to enable her to issue the necessary Directives. The former Registrar instead wrote to the parties that the appeal could 'not be accommodated'. Insofar as the application for



reconsideration is concerned, President Maya became seized with it on 17 May 2022 and not since March 2022 as has been widely reported in the media. She attended the application expeditiously, in line with the conventions of the SCA, and thereafter issued an order disposing of the application on 20 May 2022.

It is most unfortunate that the delays on these two matters have been directly attributed to the President of the SCA, Justice Maya. Some reports have suggested that the delays were a deliberate act on her part. The facts in this regard do not support these assertions.

As has been explained to members of the media that have taken the time to enquire with the Office of the Chief Justice (OCJ) personnel, the delays were as a result of administrative challenges within the SCA general office. The OCJ, as the administrative support to the Judiciary, has identified the challenges relating to these matters and is currently addressing any inadequacies in control measures and processes within the general office. The OCJ has assured President Maya that they will take the necessary corrective measures to address the failures of its support staff.

President Maya remains committed to the principle of judicial independence and the application of the law impartially and without fear, favour or prejudice as required by the Constitution.

**Ends.**

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***Issued by the Office of the Chief Justice***

