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Media Statement

INACCURACIES BY THE NEW AGE NEWSPAPER ON DEPUTY CHIEF JUSTICE ZONDO

On 27 June 2017, The New Age newspaper published an article titled “*Education is key – Zondo*” based on an interview the newspaper had conducted with the Deputy Chief Justice of the Republic, Justice Zondo, on 22 July 2017. The New Age had undertaken to forward the draft article to the Office of the Chief Justice prior to publication to check for factual errors, but the newspaper did not do so and published the article without honouring this undertaking.

The article had a number of inaccuracies and untrue statements. Having pointed out these inaccuracies to The New Age, requesting a published correction of facts, and receiving undertakings that the issues pointed out would be corrected, the newspaper has thus far failed to correct what it put in the public space.

The New Age has been informed that the Office of the Chief Justice has a full recording of the interview with the Deputy Chief Justice and that the recording would disprove the inaccuracies and incorrect statements in the published article.

In view of the fact that The New Age has failed to publish a correction of facts on this matter, the Office of the Chief Justice deems it necessary to set the record straight.

1. The article states that “*Over tea at the Constitutional Court which houses Zondo’s chamber; the deputy chief justice said the ethos that lay behind the unanimous ruling that National Assembly Speaker Baleka Mbete, had the constitutional powers to permit Parliament to vote on a motion of no confidence in President Jacob Zuma through a secret ballot, was employed through his work as a judge in the country’s top court.*” Deputy Chief Justice Zondo did not say this nor did he suggest anything of this nature. The electronic recording of the full interview which the OCJ has in its possession does



not contain any statements or suggestion by the Deputy Chief Justice along the lines suggested by The New Age in this regard.

2. In the article Deputy Chief Justice Zondo is reported to have said that, in addition to giving his mother *“groceries every month”*, Mr Bux gave him *“a loan which enabled him to obtain his junior law degree.”* Deputy Chief Justice Zondo did not at any point during the interview say Mr Bux gave him or his family anything in addition to the voucher for monthly groceries. There was no such additional loan. This statement is factually incorrect.
3. It is stated in the article that Deputy Chief Justice Zondo said that the theory of separation of powers *“penetrated ever deeper in his own life.”* The Deputy Chief Justice did not make this statement.
4. The article states that *“Zondo said that after he decided to leave the Labour Court in May 2010, to serve as one of 11 judges on the Constitutional Court benches, his experience in the broader legal profession paid off immediately.”* The Deputy Chief Justice did not make this statement. The Deputy Chief Justice did not ‘decide’ to leave the Labour Appeal Court and Labour Court in May 2010 to serve as one of the 11 Judges of the Constitutional Court; his term as Judge President of the Labour Appeal Court and Labour Court came to an end in April 2010. Further, the Deputy Chief Justice was never a candidate for appointment at the Constitutional Court at any time during 2010. He was only appointed to the Constitutional Court in 2012. Therefore, he could not have made the statement attributed to him. In addition, the Deputy Chief Justice did not make the statement that *“his experience in the broader legal profession paid off immediately”* after he had left the Labour Appeal Court and Labour Court nor did he say anything to that effect. The statement attributed to him has no basis.
5. The article also states that *“Zondo, sharing his reflection on existential political and economic headwinds facing the country, said that while he feared that the political turmoil could “unduly increase the workload of the courts”, notwithstanding which, the constitutional court as a court of last resort, would remain on the high alert to help arrest the crises.”* Deputy Chief Justice Zondo did not speak of any political turmoil during the interview and did not say that the Constitutional Court would remain on high alert to help arrest ‘the crises or any crisis’. What in fact Deputy Justice Zondo said was that the workload of the courts is unnecessarily increased when certain disputes that could have been resolved by other arms of the state are not resolved at that level and are brought to the courts.



6. In the accompanying section titled “Facts and Figures”, which appears on the same page as the article, there are a number of incorrect statements which were never made by the Deputy Chief Justice. These are:

- The statement that Deputy Chief Justice Zondo completed his articles at Mxenge’s firm is incorrect. The Deputy Chief Justice is on record saying that he ceded his articles to another Law Firm after the assassination of Mrs Victoria Mxenge.
- The statement that Deputy Chief Justice Zondo obtained an LLM from the University of Kwazulu-Natal is incorrect. The Deputy Chief Justice’s LLM degrees are from the University of South Africa.
- The statement that Mr Bux had told Deputy Chief Justice Zondo that he had “*written off the debt*” is incorrect. What the Deputy Chief Justice told the journalist was that Mr Bux urged him to do for others as “he” had done for him.
- The statement that during his interview for appointment to the Constitutional Court in 2012, Deputy Chief Justice Zondo “*wasted no time in displaying the range of his labour law jurisprudence*” is simply incorrect and without any basis.

It is unacceptable that factually incorrect statements have been attributed to the Deputy Chief Justice or factually incorrect statements have been made in relation to Deputy Chief Justice or in relation to certain aspects of his life. The Office of the Chief Justice is deeply disturbed by the failure of The New Age to honour its undertaking to correct facts where it has been pointed out, in line with the code of ethics and conduct for South African print and online media, without providing any reason for doing so.

We trust that putting these facts in the public space will prevent other media houses from possibly quoting any of the misrepresentations published by The New Age.

-Ends-

ISSUED BY THE OFFICE OF THE CHIEF JUSTICE

