

MEDIA RELEASE – In defence of the judiciary in South Africa
19 February 2021

The General Council of the Bar, representing fourteen affiliated associations of advocates countrywide, deems it necessary once again to issue a media statement in defence of the judiciary in South Africa and the Zondo Commission in particular.

There is a developing trend that all too frequently certain public figures in South Africa and their supporters launch spurious and unwarranted attacks against the judiciary in South Africa, and the Zondo Commission and its personnel.

The latest attacks on these institutions come in the form of public statements made by Mr Julius Malema and former President Jacob Zuma during and after the opening day of the State of the Nation debate.

The statements by Mr Malema accuse certain judges of receiving bribes from white businessmen. Ironically, the State Security Agency “Project Justice” was allegedly set up to persuade members of the judiciary to influence the outcome of cases against Mr Zuma in Zuma’s favour. Mr Malema continues with the threat that if they [the judges] think they are the law, then the people will rise against those judges who are conspiring with politicians to deal with the supporters of the current establishment.

Mr Malema suggests that judges have in fact received bribes to decide cases in a certain way and that judges are simply an extension of the political forces of the State. Those statements lack any semblance of veracity, as no detail is provided as to which judges are being referred to, what they are alleged to have done, nor are any specific court proceedings identified.

The absence of any such detail renders the statements simultaneously damaging to the judiciary and the rule of law, but unhelpful to any possible enquiry into the vaguely alleged misconduct to which the statements allude. The reasonable inference is that these statements are simply baseless rhetoric, issued for political or other personal ends.

The attacks by Mr Zuma on the Zondo Commission, and his complete disregard for the Constitutional Court decision upholding the legality of the subpoena issued to Mr Zuma to appear before the Commission, are equally misguided and appear to be politically motivated.

The GCB has recently issued a media statement which was strongly critical of the JG Zuma Foundation’s statements condemning the Zondo Commission. The attacks were described in the media statement as a dangerous, unjustified, and cynical attack on the rule of law. That criticism applies in equal measure to Mr Zuma’s latest public defiance of the Commission, and of the Constitutional Court’s ruling.

The GCB condemns these unwarranted attacks on our judges, our judiciary, the Constitutional Court, and the Zondo Commission in the strongest terms.

Attacks against our judges undermine public confidence in the judiciary. An independent judiciary is the cornerstone of any constitutional democracy. In a fledgling democracy such as ours, its independence assumes an even greater importance. It is vital that public confidence in its independence be maintained. These unwarranted attacks are a danger, not only to the rule of law in South Africa, but also to our democracy.

The GCB agrees with and supports the statement made by the Minister of Justice and Constitutional Development in response to these unsubstantiated attacks on our democracy and the rule of law to the effect that the Constitution and the rule of law are sacrosanct components of our democracy. The GCB joins the Minister in condemning these public attacks in the strongest terms.

General Council of the Bar of South Africa

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