



**COUNCIL**  
FOR THE ADVANCEMENT OF THE  
**SOUTH AFRICAN**  
**CONSTITUTION**

## Media Statement

29 April 2016

### **The meaning and impact of the Court's ruling on Jacob Zuma's corruption charges**

The Council for the Advancement of the South African Constitution (CASAC) welcomes the unanimous judgment of the North Gauteng High Court setting aside the 1 April 2009 decision of Adv Mokotedi Mpshe not to proceed with the 783 fraud, corruption and racketeering charges against Mr Jacob Zuma. It found that his decision, as Acting National Director of Public Prosecutions, to drop the charges was irrational and unlawful, and set it aside.

The court was of the view that the appropriate forum to determine whether there was an abuse of process in the decision of when prosecute Mr Zuma was a court, and not "extra-judicially" by the National Prosecuting Authority (NPA).

CASAC's view is that the only logical and sound interpretation of the High Court's ruling is that it restores the situation as it was immediately before the decision to discontinue the charges was taken: namely, that as things stand, President Zuma is indicted with numerous serious charges of fraud, corruption and racketeering.

On this interpretation, the National Director of Public Prosecutions (NDPP), Adv Shaun Abrahams, has no decision to take. The charges are reinstated. All other things being equal, the National Prosecuting Authority should proceed with the prosecution of Mr Zuma. If we are to be in a situation where the NDPP must consider whether to reinstate the charges, then there was no need for the Court's order. The NDPP could have been approached directly to consider reinstating the charges.

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In its judgment the Court stated at paragraph 93:

*“The respondents further argued that since the charges against Mr Zuma were formally withdrawn in court on 8 April 2009 after Mr Mpshe decided to discontinue the prosecution the order sought in the notice of motion may be of no consequence. We are constrained to state that said technical argument was not raised in the papers and it cannot render the order we are to make herein inept and ineffective.”*

As the Court succinctly put it:

*“Mr Zuma should face the charges as outlined in the indictment”.*

CASAC Executive Secretary, Lawson Naidoo says”

“The grievous consequence facing South Africa now is that we have a sitting President, recently found to have violated his constitutional obligations by the Constitutional Court, now also facing 783 counts of corruption and related offences. The nation must now contend with the political and constitutional implications that flow from this.”

For further comment:

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