



## **Press Statement 25 November 2022**

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### **Respecting judicial outcomes central to both Zuma and Waluś parole cases**

Defend our Democracy notes the recent judgement by the Supreme Court of Appeal (SCA) in relation to former President Jacob Zuma's parole, and that of the Constitutional Court regarding Janusz Waluś' parole.

#### **Zuma parole case**

Defend our Democracy welcomes the ruling of the SCA in relation to the medical parole case of former President Zuma. This ruling gives meaning to the fundamental aspect of our Constitutional democracy: that no individual is above the law in South Africa. It emphasises that policies and procedures cannot be applied selectively, and friends or family cannot get preferential treatment by the National Commissioner for Correctional Services.

This case should prompt government to relook how it can strengthen not only correctional services, but all state institutions from political interference, and put in place strong measures to prevent the abuse of power.

The ruling by the SCA follows the former President's defiance of a Constitutional Court order to appear before the Commission of Inquiry into Allegations of State Capture (Zondo Commission) in 2021. Defend our Democracy has stated before and maintains that this undermining of the Constitution was an attack on our hard-won democracy, something that all who live in South Africa must consistently challenge and call out.

We reject any attempts to undermine the independence of the judiciary, and condemn messaging that, like in July 2021, opportunistically exploits circumstances to present the former President as a victim of the justice system.

Defend our Democracy notes the decision by the Department of Correctional Services to appeal the Zuma parole case, and we await further clarity from the courts.

#### **Waluś parole case**

In a separate matter, Defend our Democracy notes the judgement made by the Constitutional Court in the case of Chris Hani's killer, Janusz Waluś.

We are acutely aware of the pain that the Waluś judgement has evoked for not only the Hani family but the loved ones of the many who paid the ultimate price for freedom, and that of South Africans who suffered the indignity and injustice of Apartheid.



As reflected in the statements of Cde Hani’s widow, Mme Limpho Hani, as well as that of the SACP and COSATU, the decision to grant Waluś parole has understandably evoked outrage and grief.

It must not be ignored that the aim of Waluś, in his cold-hearted murder of Cde Hani, was to keep South Africa from attaining the freedoms we have today, to use our great love for Cde Hani as a weapon against us. By the strength and sober mindedness of ordinary South Africans we persevered and have a democracy to show for it. This democracy is threatened similarly today and it is through the same strength and sober-mindedness, upholding our hard-won constitution, that we will successfully defend it.

In this regard, the words of Chief Justice Raymond Zondo in handing down the Waluś judgement are significant: “In considering whether or not the applicant should be released on parole, I have been mindful of the fact that, in assassinating Mr Hani, the applicant sought to derail the attainment of democracy in this country and nearly plunged South Africa into a civil war. However, I have also borne in mind that, when the fathers and mothers of our constitutional democracy drafted our Constitution and included in it the Bill of Rights, they did not draft a Bill of Rights that would confer fundamental rights only on those who fought for democracy and not on those who had supported apartheid or who were opposed to the introduction of democracy in this country. They drafted a Bill of Rights that conferred fundamental rights on everyone including those who had supported apartheid with all their hearts. Indeed, they drafted a Bill of Rights which conferred fundamental rights even upon visitors to our country so that, upon entry into our country, they begin to enjoy the benefits and protections of our Bill of Rights.”

Defend our Democracy further reiterates the views of COSATU that, “As a nation, we need to undertake serious self-introspection. Have we kept true to the visions and ideals that Cde Hani spent his entire adult life struggling for and ultimately laid down his life for? The sad truth is that we have in many ways failed to honour his sacrifices.

“If we are to truly do justice to the memory of Cde Hani, then we need to transform our economy to ensure that no person is left behind, trapped in poverty, or condemned to lifelong unemployment. We need to deal with corruption and state capture that has hobbled our efforts to uplift the poor.”

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