



PARLIAMENT

OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
MEMBER OF PARLIAMENT

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21 June 2018

HE C Ramaphosa
President of the Republic

Dear President Ramaphosa

LEGAL COSTS: FORMER PRESIDENT JACOB ZUMA

You will be aware that the Democratic Alliance (DA) has brought an application before the North Gauteng High Court to declare that the State is not liable for the legal costs incurred by former President Jacob Zuma for the criminal prosecution instituted against him, as well as any civil litigation he may institute related thereto. We have also requested that the court order that Mr Zuma should repay money expended on such criminal and civil proceedings in the past.

The reason we have done so is that the provision in law that affords political office bearers the right of legal representation at State expense is intended to protect such office bearers against proceedings brought against them for actions taken in *good faith* in their *official capacities*.

Our contention is that the prosecution against Mr Zuma is for alleged crimes which, by their very nature, could not have been committed in good faith, and which were allegedly committed by him in his private capacity. Moreover, Mr Zuma has abused court processes over the last ten years by launching civil proceedings and opposing applications with the goal of avoiding or substantially delaying the criminal prosecution, and that he has done so recklessly, in the knowledge that these would be funded by the State. He should not be allowed to continue to do so utilising public funds.

In any event, Mr Zuma is no longer an office-bearer. He is an ordinary citizen, and can hardly claim the privilege of litigating *ad infinitum* at the expense of the taxpayer.

You have very commendably agreed to abide by the decision of the Court. You also equally commendably indicated that the State would no longer pay his legal costs.

I now understand that you have reversed the latter decision pending the outcome of the DA's application, and this, according to news reports, has cleared the way for Mr Zuma to file an application to review the decision of the National Director of Public Prosecutions to prosecute him.

I would respectfully suggest that it was wrong to reverse this decision, and would urge you to reconsider the matter. The State has already, by your own admission, spent at least R15 300 250,73 on Mr Zuma's legal costs, and it is not clear whether this amount is confined only to the litigation involving the DA. The total cost could be, and I would suggest almost definitely is, much more.

It is, with respect, a hollow argument to suggest that, if Mr Zuma is convicted, he will be obliged to repay the legal costs incurred by the State. It is obvious that he would not have the means to repay amounts of the sort we estimate, and even less so were he to be sentenced to imprisonment.

But more seriously, what this will do is to encourage Mr Zuma to continue his Stalingrad tactics to interminably delay and even avoid the "day in court" that he has professed to be looking forward to. Therefore, these costs will escalate alarmingly at precisely the time when 9.5 million South Africans are unemployed.

It is our belief that he should not be entitled to any further financial support from the government. Therefore, the DA is currently considering an application to interdict the State from paying any further costs related to Mr Zuma's legal fees in this matter as he has already cost the people of South Africa dearly and unjustifiably.

However, we do not wish to litigate needlessly, and I therefore respectfully repeat our request to reconsider your decision to continue to pay for Mr Zuma's legal costs both in the best interests of all South Africans and so that justice will be allowed to prevail.

Kindly respond no later than 16h00 on Monday 25 June 2018.

Kind regards



JAMES SELFIE MP
Chairperson: Federal Executive
Democratic Alliance