

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case number:

In the matter between

HELEN SUZMAN FOUNDATION

Applicant

and

NATIONAL COMMISSIONER OF CORRECTIONAL SERVICES First Respondent

DEPARTMENT OF JUSTICE AND CORRECTIONAL

SERVICES

Second Respondent

MEDICAL PAROLE ADVISORY BOARD

Third Respondent

JACOB GEDLEYIHLEKISA ZUMA

Fourth Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

FRANCIS ANTONIE

state under oath that:

1. I am a director of the Applicant, the HSF.
2. The contents of this affidavit are true and, unless the context indicates otherwise, within my personal knowledge.


J-C

OVERVIEW

3. The Constitutional Court sentenced Mr Zuma to undergo 15 months' imprisonment for contempt. Less than 2 months into his sentence, Mr Zuma is out of jail after the National Commissioner decided to grant him medical parole under section 75(7) of the Correctional Services Act 111 of 1998 ("the Act").
4. This is an urgent review of the National Commissioner's decision. It is brought in two parts.
 - 4.1 In Part A, the HSF asks for the record of the National Commissioner's decision under Rule 53 to be disclosed on an urgent basis, and for the setting of truncated filing periods to allow for the urgent review of the National Commissioner's decision under Part B. At minimum, as part of the record, the National Commissioner is obliged to disclose:
 - 4.1.1 the National Commissioner's decision to grant Mr Zuma medical parole;
 - 4.1.2 the reasons for the National Commissioner's decision to grant Mr Zuma medical parole;
 - 4.1.3 any documents that formed the basis of the National Commissioner's decision, or that the National Commissioner considered during his decision-making process including any documents that set out any delegation of powers and whether and, if so, when such delegated powers were revoked;

SEC



- 4.1.4 Mr Zuma's application for medical parole and its annexures, including the medical report referred to in section 79(c) of the Act and also referred to in the press statement issued by the Department of Correctional Services dated 5 September 2021;
- 4.1.5 any report on Mr Zuma's application for medical parole issued by any official of the Estcourt Correctional Centre, including the Estcourt Correctional Centre's correctional medical practitioner;
- 4.1.6 any report on Mr Zuma's application for medical parole issued by the Medical Parole Advisory Board;
- 4.1.7 any recommendations made by any individual about Mr Zuma's application for medical parole;
- 4.1.8 any conditions that have been prescribed by the National Commissioner under section 52 of the Act; and
- 4.1.9 any other documents relevant to the National Commissioner's decision to grant Mr Zuma medical parole.

("the Record").

- 4.2 In Part B, the HSF asks that the National Commissioner's decision to grant Mr Zuma medical parole be declared unlawful and set aside. This relief is also urgent as there is an ongoing and repeated violation of the rule of law and the duties of transparency and rationality without



the final resolution of Part B, and should proceed on expedited timelines once the National Commissioner has furnished the Record.

5. The HSF does not ask for interim relief in Part A. Part A is simply about urgently obtaining the Record and setting expedited time-frames, to allow for the urgent review of the National Commissioner's decision. The HSF has a clear entitlement to the Record both in its own right and in the public interest, and, for the reasons outlined in this affidavit, the truncation of the usual timelines in Rule 6 and Rule 53 is necessary.

THE PARTIES

6. The HSF is the Applicant. It is a non-governmental organisation whose objectives are to defend the values that underpin our liberal democracy and to promote respect of human rights and the rule of law.
 - 6.1 The HSF has own-interest and public-interest standing.
 - 6.2 The HSF participated in the litigation in the Constitutional Court about Mr Zuma's failure to appear before the Zondo Commission. The culmination of that sorry saga was the Court declaring Mr Zuma to be guilty of the crime of contempt of court and sentencing Mr Zuma to 15 months' imprisonment.
 - 6.3 The National Commissioner's decision appears to undermine the Constitutional Court's order. As a party to that order, the HSF has standing to review the National Commissioner's decision. The HSF has, in any event, public-interest standing given the public importance



of the National Commissioner's decision and its effect on the rule of law.

7. The National Commissioner is the First Respondent.
 - 7.1 The incumbent National Commissioner is Arthur Fraser.
 - 7.2 The National Commissioner is appointed under section 3(3) of the Act.
 - 7.3 The National Commissioner's principal place of administration is at Poyntons Building, 124 WF Nokomo Street, Pretoria.
8. The Second Respondent is the Department of Justice and Correctional Services. Its principal place of administration is at Poyntons Building, 124 WF Nokomo Street, Pretoria.
9. The Third Respondent is the Medical Parole Advisory Board, which is established under section 79(3) of the Act.
10. Mr Zuma is the Fourth Respondent. He is the former President of the Republic of South Africa, and he resides at Kwadakwadunse Homestead, KwaNxamalala, Nkandla, King Cetshwayo District, KwaZulu-Natal. His legal representatives in respect of the litigation concerning his contempt of court and incarceration pursuant to the order of the Constitutional Court have at all relevant times been, and remain, Ntanga Nkhulu Incorporated.

THE FACTS AND URGENCY

11. At the end of June this year, the Constitutional Court declared that Mr Zuma "is guilty of the crime of contempt of court". The Court sentenced Mr Zuma to 15



months' imprisonment. The Court's judgment is reported and available on Saflii.¹

12. At the beginning of September, the National Commissioner decided to grant Mr Zuma medical parole under section 75(7) of the Act.

12.1 Section 75(7) states that the National Commissioner may "grant ... medical parole to [a] sentenced offender serving a sentence of incarceration for 24 months or less".

12.2 Section 79(1) states that a sentenced offender "may be considered for placement on medical parole, by the National Commissioner ... if ... (a) such offender is suffering from a terminal disease or condition or if such offender is rendered physically incapacitated as a result of injury, disease or illness so as to severely limit daily activity or inmate self-care; (b) the risk of re-offending is low; and (c) there are appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released."

13. The requirements in section 79(1) are conjunctive.

14. The Department's press statement about the National Commissioner's decision is attached as "FA1".

15. The press statement confirmed that, amongst other things:

¹ Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others [2021] ZACC 18; 2021 (9) BCLR 992 (CC).



- 15.1 The National Commissioner decided to grant Mr Zuma medical parole under section 75(7)(a) of the Act.
- 15.2 The National Commissioner based his decision on a “report received by the Department of Correctional Services”.
- 15.3 According to the press statement, “[a]part from being terminally ill and physically incapacitated, inmates suffering from an illness that severely limits their daily activity or self-care can also be considered for medical parole.”
16. The press statement did not explain the basis for the National Commissioner’s decision. Though the press statement parroted the wording of section 79(1)(a), it did not say, first, whether Mr Zuma is, to use the words of the subsection, “suffering from a terminal disease or condition” or is “rendered physically incapacitated as a result of injury, disease or illness so as to severely limit daily activity or inmate self-care”, and, second, if so, the basis for that determination. Neither is there any evidence of satisfaction of the other legal requirements for medical parole.
17. Nor did the press statement give any details about the “report received by the Department of Correctional Services” or the remaining requirements under section 79(1), including importantly, the arrangements made for Mr Zuma’s supervision. This report remains shrouded in secrecy. The National Commissioner has not even revealed what the report says, let alone made it available for scrutiny.



18. A few days after announcing his decision, the National Commissioner was interviewed on SABC. The full interview is available online at: [The Watchdog | In conversation with Arthur Fraser: 08 September 2021 - YouTube](#) . I attach a news article summarising the interview as “**FA2**”.
19. During the interview, the National Commissioner said (emphasis added):
- “I took the decision to place [Mr Zuma] on medical parole, and I’ve given a host of reasons. The reasons are available. It’s in documentation, and it will be presented to whoever needs to see that. I’m sure parliament will be asking.”
20. The National Commissioner also admitted during the interview that the Medical Parole Advisory Board—the expert medical body established under section 79(3) of the Act—“did not approve medical parole, because they indicated that [Mr Zuma] was in a stable condition.” (my emphasis)
21. The National Commissioner then explained that the head of the Estcourt prison who, according to the National Commissioner, “has the authority to decide” indicated that “the conditions, based on all the reports that we have, require us to release the former president”.
22. At around 53 minutes of the link provided above the National Commissioner also stated that the power exercised by the Medical Parole Board was one to be exercised by him, which he had delegated to the Medical Parole Board and subsequently “rescinded”, it appears after the Medical Parole Board had concluded that Mr Zuma was in stable condition.



23. Near the end of the interview, the National Commissioner was asked whether he thought his decision would withstand scrutiny. The National Commissioner replied that his decision was “legal and procedural”.
24. Disclosing the Record is an important first step in the National Commissioner showing the nation that his decision was “legal and procedural”. The National Commissioner has already undertaken to make the “reasons” and “documentation” for his decision available “to whoever needs to see” it. In law he is in any event required to do so.
25. On the National Commissioner’s own public statements, then, there should be no opposition to the National Commissioner furnishing the Record—and doing so expeditiously.
26. The National Commissioner could have—and should have—avoided the need for this application. The HSF’s attorneys wrote to the National Commissioner twice asking for the Record, to be delivered by no later than 13 September 2021. These letters are attached as “**FA3**” and as “**FA4**”.
27. Regrettably, the National Commissioner did not bother to reply to either letter, leaving the HSF with no choice but to approach this Court for urgent relief. The HSF approached this Court as soon as possible after the deadline for the National Commissioner to deliver the Record expired.
28. This application is urgent, and the HSF will not obtain substantial redress in a hearing in the ordinary course, for three reasons.
29. First, delaying this review until a hearing in the ordinary course risks irreparable harm to the rule of law.

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- 29.1 The Constitutional Court sentenced Mr Zuma to 15 months' imprisonment, as the necessary sentence to defend our constitutional democracy, the rule of law, and the administration of justice. Were it not for the National Commissioner's decision, Mr Zuma would, currently, be serving that constitutionally-necessary sentence.
- 29.2 Mr Zuma's sentence under the Constitutional Court's order started on 8 July 2021 when, under threat of imminent arrest, he eventually reported to the Estcourt Correctional Services Centre.
- 29.3 This means that by the time the National Commissioner granted Mr Zuma medical parole, Mr Zuma had served just under 2 months of a 15 month sentence, less than a sixth of the total time to be served.
- 29.4 Even if the National Commissioner's decision is reviewed and set aside in Part B, the intervening time that Mr Zuma is unlawfully released on medical parole may still count towards his sentence. If so, then Mr Zuma would have benefitted from an unlawful reduction of his sentence (although the HSF reserves its rights to make fuller submissions on remedy in Part B). This would, in turn, erode the effectiveness of the Constitutional Court's order—something that the National Commissioner, as an organ of state, is duty-bound to avoid under section 165(4) of the Constitution. It would also erode the rule of law.
- 29.5 Even if this Court can reinstate Mr Zuma's full sentence such that any time on medical parole does not count towards fulfilment of Mr Zuma's sentence, Mr Zuma's current absence from prison does not accord



with the requirements of the Constitutional Court order. He was ordered to serve 15 months in jail as of 8 July 2021. Mr Zuma is not entitled to an unconstitutional reprieve from his sentence. That reprieve was given to him by the National Commissioner at Mr Zuma's instance. In this context, Mr Zuma is an effective cause of the illegality. Absent a full and proper accounting to justify him being released on medical parole, the rule of law requires the punctilious and full enforcement of the Constitutional Court order.

- 29.6 For these reasons, the HSF will not obtain substantial redress in a hearing in the ordinary course. If the National Commissioner's decision to grant medical parole is unlawful, the effluxion of time should not be allowed nonetheless to effect a *de facto* erosion of Mr Zuma's sentence. If that is allowed to happen, then the Constitutional Court's order will be rendered empty and, to use the Court's own words, a "brutum fulmen".
- 29.7 An urgent review of the National Commissioner's decision is the only way to guard against *de facto* erosion. It follows that the relief sought in Part A is similarly urgent because urgent access to the Record is needed for the urgent review of the National Commissioner's decision.
30. Second, and with respect, the vindication of the rule of law should not be left to wait.
- 30.1 This is no run-of-the-mill exercise of public power. The Constitutional Court found that there was "no doubt that Mr Zuma is in contempt of court." The Court previously ordered him to appear before the Zondo



Commission—a mechanism designed precisely to uncover the extent of state capture under Mr Zuma’s watch while he was President.

30.2 Mr Zuma ignored the Court’s order. He defied the Zondo Commission; he defied the judiciary; he defied the rule of law. He showed a “marked disregard for the authority of [the Constitutional] Court and is resolute in his refusal to participate in the Commission’s proceedings.” The Court described his conduct as “unbecoming and irresponsible” given the highest office that he once occupied; he chose “time and time again, to publicly reject and vilify the Judiciary entirely”; he “insult[ed] our constitutional dispensation”.

30.3 Imprisonment was both vindication and constitutionally and immediately required. It was, in the Court’s view, the only way for the Court to rebuild broken confidence in the judiciary that Mr Zuma engineered. Mr Zuma “attack[ed]” the judiciary. His attacks were “egregious”. And they were “unique[ly]” egregious given that Mr Zuma “is no ordinary litigant”, but “remains a public figure and continues to wield significant public influence”. Indeed, the Court emphasised that “[n]ever before has the legitimacy of this Court, nor the authority vested in the rule of law, been subjected to the kind of sacrilegious attacks that Mr Zuma, no less in stature than a former President of this Republic, has elected to launch. Never before has the judicial process, nor the administration of justice, been so threatened.”

30.4 The “unique and special political position that Mr Zuma enjoys as the former President” weighed on the Court. The Court was concerned



that “[i]f his conduct is met with impunity, he will do significant damage to the rule of law”.

30.5 The Court imposed imprisonment precisely because Mr Zuma “owes this sentence in respect of violating not only this Court, nor even just the sanctity of the Judiciary, but to the nation he once promised to lead and to the Constitution he once vowed to uphold.”

30.6 The sentence was imposed by the Constitutional Court as a matter of urgency and in the rare exercise of its direct access jurisdiction. The Court emphasised that the blatant and callous disregard for the rule of law had to be arrested forthwith.

30.7 The National Commissioner’s decision to grant Mr Zuma’s medical parole draws a line through most of the Constitutional Court’s judgment. Mr Zuma was in prison for little over a tenth of his sentence. To rub salt into the judiciary’s deep wounds, the National Commissioner’s diktat overruled the medical experts.

30.8 This is not the first time that a “public figure” who “wield[s] significant public influence” has benefitted from a lightning-speed parole decision under dubious circumstances. In 2009, Shabir Shaik was granted medical parole—just 2 years into his 15-year sentence for corruption and fraud. Like Mr Zuma, Mr Shaik was granted medical parole because he was allegedly suffering a terminal illness. Fortunately for Mr Shaik, but unfortunately for the rule of law, Mr Shaik’s terminal illness apparently still permitted frequent rounds of golf (see, for



example, the news article attached as “FA5”). Mr Shaik was released on medical parole in March 2009. He is alive to this day.

- 30.9 The lawfulness of the National Commissioner’s decision to grant Mr Zuma medical parole has been met with the same outrage as the equivalent decision for Mr Shaik. The reasonable apprehension—and actual perception—is that the National Commissioner’s decision was unlawful. It is in the interests of justice that the lawfulness of the National Commissioner’s decision be tested as soon as possible.
31. Third: the National Commissioner has deliberately shrouded his decision in secrecy and has failed to provide substantive reasons or supporting evidence.
- 31.1 In respect of such a pivotal decision that was always likely to attract public scrutiny and generate national and international interest (see, for example, the article from the New York Times attached as “FA6”), that lack of transparency makes not only a mockery of the rule of law, but also violates the public’s right to truth as regards accountability for Mr Zuma’s conduct.
- 31.2 Such lack of transparency has consequences for the esteem and respect that our judiciary and our institutions of state enjoy. If the National Commissioner has good reasons for his decision, then the sooner those are revealed the better for him and South Africa. If his reasons are non-existent or flawed, then the rule of law demands that this be revealed and tested as soon as possible too.



- 31.3 By electing to keep his reasons away from the sunlight, the National Commissioner has made this case urgent. That is for the simple reason that important constitutional decisions – and this is one of them – should never be taken in the dark. When there is legitimate public concern about their lawfulness, any repeated efforts to keep the facts about the decision from the public alone justifies urgent scrutiny.
32. The truncation of the usual time periods in Rule 6 and Rule 53 is reasonable. The relief sought in Part A is narrow. The National Commissioner already has the documents that make up the Record at hand. He already undertook to make them available during the interview that I mentioned earlier.

THE HSF IS ENTITLED TO THE RECORD

33. I am advised that our courts have already held that medical parole decisions under the Act are administrative action under section 33 of the Constitution and PAJA.
34. The National Commissioner's decision to grant Mr Zuma medical parole is no different. It is, in any event, an exercise of public power and so it is reviewable under the principle of legality.
35. Either way, Rule 53 applies. The Constitutional Court has made clear that the ambit of the record of a decision under Rule 53 extends to "all information relevant to the impugned decision or proceedings." And this is the test for relevance: "[i]nformation is relevant if it throws light on the decision-making process and the factors that were likely at play in the mind of the decision-maker." Importantly, relevance is not determined with reference to the case set



out in the founding affidavit as is the case in the enquiry of relevance in normal discovery under Rule 35 of the Uniform Rules, instead relevance is assessed as it relates to the decision sought to be reviewed making it incumbent upon the party responsible for compiling the record to properly apply its mind to what is relevant and what is not.

36. On the facts of this case, Rule 53 obliges the National Commissioner to disclose, at least, the documents listed in paragraph 4.1.

37. The HSF acknowledges that the Record will include, to some extent, information about the state of Mr Zuma's health and his medical history. This is, however, no basis for the National Commissioner to refuse to disclose or redact any parts of the Record.

37.1 I am advised that confidentiality is not a basis to refuse disclosure of documents under Rule 53. This is especially in light of the unique circumstances of this litigation and the unique constitutional wrongs that Mr Zuma has committed. The need for transparency is obvious.

37.2 In any event, as part of his application for medical parole, Mr Zuma must have provided, under section 79(4)(i) of the Act, "informed consent ... to allow the disclosure of his ... medical information, to the extent necessary, in order to process an application for medical parole". A review of a decision to grant medical parole is part and parcel of an application for medical parole. Mr Zuma cannot have it both ways: if he wants to apply for medical parole, he must accept the consequences of that decision. One of the consequences is that the decision to approve medical parole may be subject to judicial review.



In this way, disclosure of his medical information is part and parcel of the “informed consent” that Mr Zuma must have already given.

- 37.3 The principles of open justice and accountability, I am advised, require unrestricted disclosure and access to the full Record. To the extent that any information is truly confidential and should not be scrutinised by the public at large (for which no case has been made out to date), such information can be disclosed under a confidentiality regime agreed between the HSF and the National Commissioner. Our law does not sanction the withholding of such information, no matter how confidential.

THE REVIEW IN PART B

38. I am advised that a litigant’s entitlement to a record under Rule 53 does not depend on the merits of the underlying review—and obviously not, because the whole point of a record is to shed light on the impugned decision and its reasons. It follows that for Part A, the HSF is not required to deal with the merits of the National Commissioner’s decision.
39. Nonetheless, despite the National Commissioner’s failure to provide the HSF with the Record, it is already evident that there at least two bases for this Court to find that the National Commissioner’s decision is unconstitutional and unlawful. We briefly explain these below. However, HSF reserves its right to supplement its case in this respect after it receives the Record.
40. **First**, the National Commissioner’s decision was ultra vires his powers under the Act.



- 40.1 The National Commissioner's power to grant medical parole under section 75(7) of the Act must be read with section 79, which deals with the requirements for medical parole.
- 40.2 Section 79(1) lists three jurisdictional facts for medical parole. For now, the most important is that the offender "is suffering from a terminal disease or condition or if such offender is rendered physically incapacitated as a result of injury, disease or illness so as to severely limit daily activity or inmate self-care".
- 40.3 That jurisdictional fact requires an expert medical determination. The National Commissioner has no medical expertise. For this reason, the Act establishes the Medical Parole Advisory Board. It is made up of 10 medical doctors. Its job is to "provide an independent medical report" on an application for medical parole. It was created as an independent body to act as a bulwark against the abuse of medical parole for the politically powerful and to ensure the legitimacy—and perceived legitimacy, too—of medical parole as a humanitarian safety valve for deserving and justified cases.
- 40.4 The HSF submits that on a text-faithful and purpose-driven interpretation of section 75(7), read with section 79 and the relevant regulations, a positive recommendation by the Medical Parole Advisory Board about whether the offender is suffering from a terminal illness is a jurisdictional requirement for the National Commissioner's power to grant medical parole. Said another way, the National Commissioner may grant medical parole only if the Medical Parole



Advisory Board determines that the offender is suffering from a terminal illness.

40.4.1 If the Board makes a *positive* recommendation on this score—that is, the Board determines that the offender is suffering from a terminal illness—then the National Commissioner is *empowered* in terms of the relevant regulations to grant medical parole if the other requirements in sections 79(1)(b) and (c) of the Act—risk of reoffending and arrangements for supervision—are met. The National Commissioner does not have power to overrule a positive recommendation by the Board on the existence of a terminal illness. And this makes sense: the National Commissioner has no medical expertise.

40.4.2 However, the mere existence of a terminal illness as determined by the Board does not guarantee medical parole. The other two jurisdictional requirements in subsections (1)(b) and (1)(c) of the Act must still be met. Unlike the existence of a terminal illness in subsection (1)(a), the Board plays no role in the existence of the jurisdictional requirements in subsections (1)(b) and (1)(c). The Board has medical expertise, but it does not have criminology expertise.

40.4.3 The takeaway is that although the National Commissioner has the power to grant medical parole, he has no power to



determine the existence of one of the three jurisdictional facts: the existence of a terminal illness. The Act entrusts that medical determination to the experts on the Board. If the Board makes a positive recommendation on the existence of a terminal illness, then the National Commissioner may proceed to consider the other two jurisdictional facts.

40.4.4 Things are different when there is a *negative* recommendation of the Board. The National Commissioner then does not get out of the starting blocks because there is no terminal illness—and so no jurisdictional fact—according to the mechanism that the Act has put in place to make that expert determination. The Act does not allow the National Commissioner to overrule the Board's recommendation on the existence of a terminal illness.

40.5 For these reasons, the National Commissioner's decision to grant Mr Zuma medical parole is unconstitutional and unlawful. The jurisdictional fact of the National Commissioner's power under section 75(7) read with section 79(1) and the relevant regulations was missing, and so the National Commissioner exceeded his powers.

41. **Second**, even if the National Commissioner has the power to overrule a negative recommendation of the Board (the statutory, independent medical

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experts), the National Commissioner requires a rational and reasonable basis to do so.

41.1 If the National Commissioner had the requisite rational and reasonable basis for overruling the Board, despite his lack of any medical expertise, then, no doubt, he would have provided his reasons for doing so both publicly and to the HSF.

41.2 But he has failed to do so.

41.3 Accordingly, the HSF submits that the National Commissioner acted irrationally and unreasonably in overruling the Board's recommendation and granting Mr Zuma medical parole. On this basis too, his decision is unconstitutional and unlawful.

42. As for remedy, the HSF will argue that this Court is well-placed to grant substitution. This is the rare case when substitution *aligns with*, not upsets, the first-instance decision of the experts, the Medical Advisory Parole Board. I am also advised that this Court has, in the past, granted substitution in reviews of medical parole decisions. In Part B, the HSF will ask this Court to set aside the National Commissioner's decision and substitute it with an order rejecting Mr Zuma's application for medical parole. That decision would, furthermore, comport with the reasons and the order by the Constitutional Court which explained the constitutional necessity for Mr Zuma's imprisonment for period of sentence that the Court decided was just and equitable.

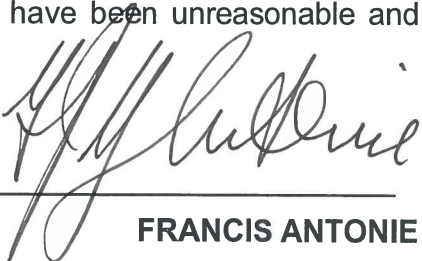
43. The HSF will also argue that in the exercise of its just and equitable power, the Court should grant relief ensuring that Mr Zuma does not unduly benefit from



the hiatus in his jail time and that the full 15 months sentence is served. To the extent that any future medical parole decision is to be taken, that may only occur within the prescripts of the law as articulated by this Court in its judgment.

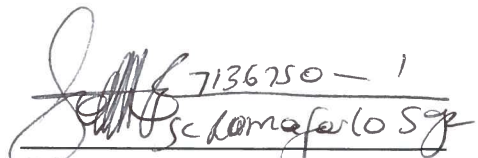
CONCLUSION

- 44. The HSF asks for an order in terms of Part A of the notice of motion.
- 45. In the event of opposition, costs should follow. If there is no opposition to the Part A relief, then the Record can and should be delivered without delay so that the timetable for Part B can be set as quickly as possible. The National Commissioner is under a clear obligation to disclose the Record. In light of the urgency of this application, his opposition will have been unreasonable and obstructive.



FRANCIS ANTONIE

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and sworn to before me at Parkview on this the 13 day of September 2021, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.


 7136250-1
 Selw Ory Ramafaw Sg
COMMISSIONER OF OATHS
 Full names: SELW Ory RAMAFAW
 Address: NO 71 DUNDALK AVENUE PARKVIEW
 Capacity: Sg





correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

"FA1"

MEDIA STATEMENT

05 September 2021

MR ZUMA PLACED ON MEDICAL PAROLE

The Department of Correctional Services (DCS) is able to confirm that Mr Jacob Gedleyihlekisa Zuma has been placed on medical parole.

Section 75(7)(a) of the Correctional Services Act 111 of 1998, affords the National Commissioner a responsibility to place under correctional supervision or day parole, or grant parole or medical parole to a sentenced offender serving a sentence of incarceration for 24 months or less. The National Commissioner is also in terms of Section 52, empowered to prescribe conditions of parole.

Medical parole's eligibility for Mr Zuma is impelled by a medical report received by the Department of Correctional Services. Apart from being terminally ill and physically incapacitated, inmates suffering from an illness that severely limits their daily activity or self-care can also be considered for medical parole.

The risk of re-offending of released inmates must also be low and there must be appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released to.

Medical parole placement for Mr Zuma means that he will complete the remainder of the sentence in the system of community corrections, whereby he must comply with specific set of conditions and will be subjected to supervision until his sentence expires.

Medical Parole can only be revoked if an offender does not comply with the placement conditions.

We want to reiterate that placement on medical parole is an option available to all sentenced offenders provided they meet all the requirements. We appeal to all South Africans to afford Mr Zuma dignity as he continues to receive medical treatment.

Ends.

Enquiries, Singabakho Nxumalo on 079 523 5794.

Issued by the Department of Correctional Services.

SOUTH AFRICA

'I placed Zuma on medical parole': prisons boss Arthur Fraser

Correctional services commissioner Arthur Fraser confirmed during an SABC interview that the medical parole advisory board did not recommend former president Jacob Zuma's release - but that he overruled it.



Matthew Savides

Night news editor



08 September 2021 - 22:36



Correctional services commissioner Arthur Fraser told the SABC that he took the decision to place former president Jacob Zuma on medical parole, despite a recommendation from the medical parole advisory board not to do so. File photo.

Image: Gallo Images / Netwerk24 / Jaco Marais

Correctional services commission Arthur Fraser overruled a recommendation that former president Jacob Zuma should not be released on medical parole, he said on Wednesday.

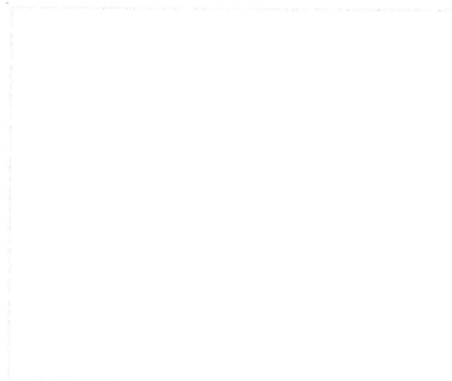
Speaking to the SABC's Vuyo Mvoko in an exclusive interview on his show, *The Watchdog*, Fraser admitted that, after assessments, the medical parole advisory board "did not approve medical parole" because Zuma was "in a stable condition".

But, said Fraser, he stood by his decision to overrule this and release the former president.

"I took the decision to place him on medical parole, and I've given a host of reasons. The reasons are available. It's in documentation, and it will be presented to whoever needs to see that. I'm sure parliament will be asking," he said.

Earlier in the hour-long interview, Fraser explained the process that was followed which ultimately saw the former president released.

He said that Zuma was brought into the Estcourt correctional facility and underwent various assessments, including a health assessment, by medical and administrative staff. This was the same process followed for every inmate, and was not unique to Zuma.



"When you do the assessments, you then know what type of care must be given. When we deal with care we deal with even dietary requirements. Every offender ... will have to be able to give a history of themselves, health and otherwise. Then we assess how we categorise them and how we are able to place them. This was the process applied [to Zuma]," said Fraser.

It was during this process that Zuma "declared his comorbidities", the prisons boss said.

"But additional to that, because he was still under the care of the SA military health service, they also provided us [with] an assessment on his first day of admission. So that is when we realised that we've got a person in our custody who actually is frail.

"We then received further reports, medical reports, that indicated that he required specialised treatment and it was only around the third report that we received, where his medical team - the medical team, in conjunction with our team - indicated that he can no longer be kept in our facility because the type of med care required we are not able to provide," he said.

It was at this point that Zuma was taken to hospital.

"When we are directed by health professionals, we are obligated. It has to be done. You'll recall that he had gone to hospital because we were advised that the type of care he needed and the type of

clinical procedures that needed to be done couldn't be done in our facility. We then had to move him to a medical healthcare institution, and it's there that we got further reports. We then got informed that there's a range of procedures that need to happen, and all of that," said Fraser.

Now, he said, was when the application was made for medical parole. This was in early August, said Fraser, who said he didn't have the exact dates at hand.

"There was then, from the medical staff, an application made much earlier where they applied for medical parole. And I think that's at the beginning of August, when they applied, and we directed [them] to the relevant structures [to assess the application]. In our structures we've got healthcare and then we've got [the] medical advisory parole board, so we directed it to them.

"They allocated a doctor to go and do an observation, as they do in all instances. They did the observation, and based on the doctor's engagement and assessment on the patient, recommendations were made to the medical parole advisory board.

"The recommendations were that the board did not approve medical parole, because they indicated that he was in a stable condition," said Fraser.

He said that the head of the Estcourt prison - "who has the authority to decide" - reviewed the information available and "then indicated that the conditions, based on all the reports that we have, require us to release the former president".

This was when he, personally, took the decision to release Zuma on medical parole. Mvoko asked Fraser whether he felt this decision would stand up to scrutiny.

"It's legal and procedural," he said.

The Jacob G Zuma Foundation said on Tuesday night that the former president was still in hospital and had not yet gone home, despite being placed on medical parole.

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■ NATIONAL

Arthur Fraser says he put Jacob Zuma on medical parole

Correctional services commissioner confirms the medical parole advisory board did not recommend Zuma's release

08 SEPTEMBER 2021 - 23:01 by MATTHEW SAVIDES



Correctional services commissioner Arthur Fraser. Picture: GALLO IMAGES/NETWERK24/JACO MARAIS

Correctional services commissioner Arthur Fraser overruled a recommendation that former president Jacob Zuma should not be released on medical parole, he said on Wednesday.

Speaking to the SABC's Vuyo Mvoko in an exclusive interview on his show, *The Watchdog*, Fraser admitted that, after assessments, the medical parole advisory board "did not approve medical parole" because Zuma was "in a stable condition".

But, said Fraser, he stood by his decision to overrule this and release the former president.

"I took the decision to place him on medical parole, and I've given a host of reasons. The reasons are available. It's in documentation, and it will be presented to whoever needs to see that. I'm sure parliament will be asking," he said.

Earlier in the hour-long interview, Fraser explained the process that was followed which ultimately saw the former president released.

He said that Zuma was brought into the Estcourt correctional facility and underwent various assessments, including a health assessment, by medical and administrative staff. This was the same process followed for every inmate, and was not unique to Zuma.

"When you do the assessments, you then know what type of care must be given. When we deal with care we deal with even dietary requirements. Every offender ... will have to be able to give a history of themselves, health and otherwise. Then we assess how we categorise them and how we are able to place them. This was the process applied [to Zuma]," said Fraser.

It was during this process that Zuma "declared his comorbidities", the prisons boss said.

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“But additional to that, because he was still under the care of the SA military health service, they also provided us [with] an assessment on his first day of admission. So that is when we realised that we’ve got a person in our custody who actually is frail.

“We then received further reports, medical reports, that indicated that he required specialised treatment and it was only around the third report that we received, where his medical team – the medical team, in conjunction with our team – indicated that he can no longer be kept in our facility because the type of medical care required we are not able to provide,” he said.

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“There was then, from the medical staff, an application made much earlier where they applied for medical parole. And I think that’s at the beginning of August, when they applied, and we directed [them] to the relevant structures [to assess the application]. In our structures we’ve got healthcare and then we’ve got [the] medical advisory parole board, so we directed it to them.



“They allocated a doctor to go and do an observation, as they do in all instances. They did the observation, and based on the doctor’s engagement and assessment on the patient, recommendations were made to the medical parole advisory board.

“The recommendations were that the board did not approve medical parole, because they indicated that he was in a stable condition,” said Fraser.

He said that the head of the Estcourt prison - “who has the authority to decide” – reviewed the information available and “then indicated that the conditions, based on all the reports that we have, require us to release the former president”.

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“It’s legal and procedural,” he said.

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07/09/2021

**The National Commissioner for Correctional Services
Mr A Fraser**

By email: Arthur.Fraser@dcs.gov.za and
singabakho.nxumalo@dcs.gov.za

and

**The Honourable Minister for Correctional Services
Mr Ronald Lamola, MP**

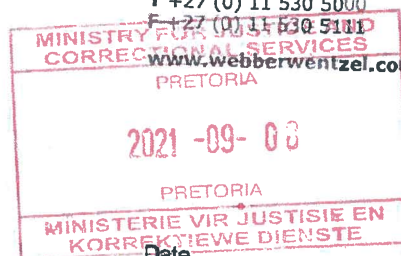
By email: ZaneNdlovu@justice.gov.za

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Date

06 September 2021

Your reference

Our reference

V Movshovich / P Dela / D Cron /
D Rafferty / D Qolohle
3041349

Dear Sirs

The decision to place former president, Mr Jacob Gedleyihlekisa Zuma, on medical parole

1. We represent the Helen Suzman Foundation ("HSF" or "our client").
2. HSF is a not-for-profit public interest organisation actively involved in the advancement of respect for the rule of law and constitutionalism in South Africa. HSF acts in its own interest as well as in the public interest.
3. HSF participated in the proceedings before the Constitutional Court in the matter of Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others 2021 (5) SA 1 (CC) ("the initial application") and [2021] ZACC 18 ("the main application"). The HSF is further cited and is participating as a respondent in the matter before the Constitutional Court under case number CCT52/21 which relates to the rescission application brought by Mr Zuma against the judgment and order of the Constitutional Court in the main application.

Senior Partner: JC Els **Managing Partner:** SJ Hutton **Partners:** BW Abraham RB Africa NG Alp RL Appelbaum DC Bayman KL Beilings AE Bennett AP Blair DHL Booysen AR Bowley J Braum MS Burger M Bux RI Carrim T Cassim SJ Chong ME Claassens C Collett KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies PM Daya L de Bruyn PU Dela M Denenga DW de Villiers BEC Dickinson MA Diermont DA Dingley MS Dladla G Driver W Drué GP Duncan HJ du Preez CP du Toit SK Edmundson LF Egypt KH Eiser AE Esterhuizen MJR Evans K Fazel AA Felekis G Fitzmaurice JB Forman L Franca KL Gawith OH Geldenhuys MM Gibson CI Gouws PD Grealy S Haroun JM Harvey JS Henning KR Hillis Z Hlophe CM Holfeld PM Holloway AV Ismail ME Jarvis CA Jennings JC Jones CM Jonker S Jooste LA Kahn ACR Katzke M Kennedy A Keyser MD Kota JC Kraamwinkel J Lamb KJ Lebea E Louw M Mahlangu V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer AJ Mills D Mlilo NP Mngomezulu P Mohanlal M Moloi N Moodley LE Mostert VM Movshovich C Murphy RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba A October L Odendaal GJP Olivier N Paige AMT Pardini AS Pany S Patel N Pather GR Penfold SE Phajane M Phillippides BA Phillips MA Phillips DJ Rafferty D Ramjattan GI Rapson K Rew SA Ritchie NJA Robb J Roberts G Sader M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh S Sithole J Smit RS Smith MP Spalding PS Stein MW Straeuli LJ Swaine Z Swanepoel A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tihavani G Truter PZ Vanda SE van der Meulen JP van der Poel CS Vanmali JE Veeran B Versfeld MG Versfeld TA Versfeld DM Visagie EME Warrington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

Chief Operating Officer: SA Boyd

J-C

4. Our client understands that on 5 September 2021, the Department of Correctional Services issued the media statement attached marked "A" which confirms, *inter alia*, that:
 - 4.1 Mr Zuma has been placed on medical parole;
 - 4.2 the National Commissioner has taken the decision in terms of section 75(7)(a) of the Correctional Services Act, 1998 read with section 52, to place Mr Zuma on medical parole and has prescribed conditions which will apply to such medical parole ("**the decision**");
 - 4.3 the decision was based on a medical report received by the Department of Correctional Services; and
 - 4.4 Mr Zuma shall, in terms of the decision, complete the remainder of his period of incarceration, which was ordered in the main application, in "*the system of community corrections, whereby he must comply with a specific set of conditions*";
5. As you will know, our client is (and has been) concerned that the rule of law is upheld in all spheres, including the essential fight against corruption and organised crime mandated by the Constitution.
6. The decision to place Mr Zuma on medical parole is shrouded in secrecy; it seems to be based on a medical report – the details of which are entirely concealed from the public; and has been made in circumstances where it is reported that Mr Zuma has refused, despite an order by the Honourable Mr Justice Koen in separate proceedings in the KwaZulu-Natal High Court, Pietermaritzburg, to subject himself to an independent medical examination. These circumstances give rise to concerns about the rule of law.
7. In light of the above circumstances, you are requested to provide the following, by no later than 5pm on 13 September 2021:
 - 7.1 full written reasons for the decision;
 - 7.2 a copy of any documents or information which formed the basis of, or which were considered in the taking of, the decision, including but not limited to any application for parole by Mr Zuma and the medical report referred to in the media statement attached as annex A;



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Page 3

- 7.3 the conditions which have been prescribed in terms of section 52 of the Correctional Services Act;
 - 7.4 an indication as to which individuals, in which capacity, took the decision and made recommendations in relation to the decision;
 - 7.5 a copy of the decision and the aforesaid recommendations; and
 - 7.6 any other information or documentation relevant to the decision.
8. Given the urgency of the matter, we submit that the above time periods are reasonable and necessary.
 9. Should you fail to deliver the abovementioned information and documentation timeously or should the information/documentation not negate our client's concerns about the lawfulness or otherwise of the decision, our client will have no option but to assume that there was no lawful basis for the decision and to exercise its legal rights, in its interest and in the public interest, on an urgent basis.
 10. All our client's rights are reserved.

Yours faithfully

pp 

WEBBER WENTZEL

Pooja Dela

Partner

Direct tel: +27 11 530 5422

Direct fax: +27115306422

Email: pooja.dela@webberwentzel.com

Letter sent electronically





correctional services

**Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA**

"A"

MEDIA STATEMENT

05 September 2021

MR ZUMA PLACED ON MEDICAL PAROLE

The Department of Correctional Services (DCS) is able to confirm that Mr Jacob Gedleyihlekisa Zuma has been placed on medical parole.

Section 75(7)(a) of the Correctional Services Act 111 of 1998, affords the National Commissioner a responsibility to place under correctional supervision or day parole, or grant parole or medical parole to a sentenced offender serving a sentence of incarceration for 24 months or less. The National Commissioner is also in terms of Section 52, empowered to prescribe conditions of parole.

Medical parole's eligibility for Mr Zuma is impelled by a medical report received by the Department of Correctional Services. Apart from being terminally ill and physically incapacitated, inmates suffering from an illness that severely limits their daily activity or self-care can also be considered for medical parole.

The risk of re-offending of released inmates must also be low and there must be appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released to.

Medical parole placement for Mr Zuma means that he will complete the remainder of the sentence in the system of community corrections, whereby he must comply with specific set of conditions and will be subjected to supervision until his sentence expires.

Medical Parole can only be revoked if an offender does not comply with the placement conditions.

We want to reiterate that placement on medical parole is an option available to all sentenced offenders provided they meet all the requirements. We appeal to all South Africans to afford Mr Zuma dignity as he continues to receive medical treatment.

Ends.

Enquiries, Singabakho Nxumalo on 079 523 5794.

Issued by the Department of Correctional Services.

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"FA4"

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The National Commissioner for Correctional Services
Mr A Fraser

By email: Arthur.Fraser@dcs.gov.za and
singabakho.nxumalo@dcs.gov.za

and

The Honourable Minister for Correctional Services
Mr Ronald Lamola, MP

By email: ZaneNdlovu@justice.gov.za

Your reference

Our reference

V Movshovich / P Dela / D Cron /
D Rafferty / D Qolohle
3050264

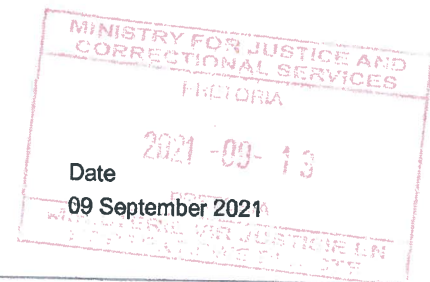
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Dear Sirs

The decision to place former president, Mr Jacob Gedleyihlekisa Zuma, on medical parole

1. As you know, we represent the Helen Suzman Foundation ("HSF" or "our client"). We refer to our letter dated 6 September 2021 attached hereto marked "A" for your convenience ("our letter").
2. On 8 September 2021, Mr Fraser, in his capacity as the National Commissioner of Correctional Services, was interviewed on SABC by Mr Vuyo Mvoko in relation to the decision to place the former president, Mr Zuma, on medical parole ("the interview"). The interview may be accessed at the following link: <https://www.youtube.com/watch?v=tKMaxcWwUqk>
3. During that interview, Mr Fraser stated that he *"took the decision to place [Mr Zuma] on medical parole, and [he has] given a host of reasons. The reasons are available. It's in documentation, and it will be presented to whoever needs to see that"*. This statement is made approximately 54 mins 30 seconds into the interview.
4. Following the interview, Mr Fraser was quoted as making the above statement in media publications, some of which are attached hereto marked "B".
5. In light of the above circumstances, you are requested to provide the documents and information set forth in our letter as soon as possible but, in any event, by no later than 5pm

Senior Partner: JC Els Managing Partner: SJ Hutton Partners: BW Abraham RB Africa NG Alp RL Appelbaum DC Bayman KL Bellings AE Bennett AP Blair DHL Booysen AR Bowley J Braum MS Burger M Bux RI Carrim T Cassim SJ Chong ME Claessens C Collett KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies PM Daya L de Bruyn PU Dela M Denenga DW de Villiers BEC Dickinson MA Diermont DA Dingley MS Dladla G Driver W Drue GP Duncan HJ du Preez CP du Toit SK Edmundson LF Egypt KH Eiser AE Esterhuizen MJR Evans K Fazel AA Felekis G Fitzmaurice JB Forman L Franca KL Gawith OH Geldenhuys MM Gibson CI Gouws PD Grealy S Haroun JM Harvey JS Henning KR Hillis Z Hlophle CM Hofveld PM Holloway AV Ismail ME Jarvis CA Jennings JC Jones CM Jonker S Jooste LA Kahn ACR Katzke M Kennedy A Keyser MD Kota JC Kraamwinkel J Lamb KJ Lebea E Louw M Mahlangu V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer AJ Mills D Milo NP Mngomezulu P Mohanlall M Moloi N Moodley LE Mostert VM Movshovich C Murphy RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba A October L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel N Pather GR Penfold SE Phajane M Philippides BA Phillips MA Phillips DJ Rafferty D Ramjattan GI Rapson K Rew SA Ritchie NJA Robb J Roberts G Sader M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh S Silhole J Smit RS Smith MP Spalding PS Stein MW Straeuli LJ Swaine Z Swanepoel A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tihavani G Truter PZ Vanda SE van der Meulen JP van der Poel CS Vanmali JE Veeran B Versfeld MG Versfeld TA Versfeld DM Visagie EME Warrington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

Chief Operating Officer: SA Boyd

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Page 2

on Monday, 13 September 2021. This should include (but not be limited to) the documentation referred to by Mr Fraser.

6. As previously stated, given the urgency of the matter, we submit that the above time periods are reasonable and necessary.
7. Should you fail to deliver the abovementioned information and documentation timeously or should the information/documentation not negate our client's concerns about the lawfulness or otherwise of the decision, our client will have no option but to exercise its legal rights, in its interest and in the public interest, on an urgent basis.
8. All our client's rights are reserved.

Yours faithfully

pp 

WEBBER WENTZEL

Pooja Dela

Partner

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Direct fax: +27115306422

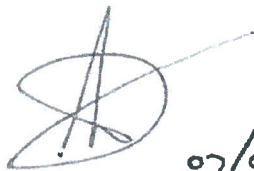
Email: pooja.dela@webberwentzel.com

Letter sent electronically



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07/09/2021

The National Commissioner for Correctional Services
Mr A Fraser

By email: Arthur.Fraser@dcs.gov.za and
singabakho.nxumalo@dcs.gov.za

and

The Honourable Minister for Correctional Services
Mr Ronald Lamola, MP

By email: ZaneNdlovu@justice.gov.za

Your reference

Our reference

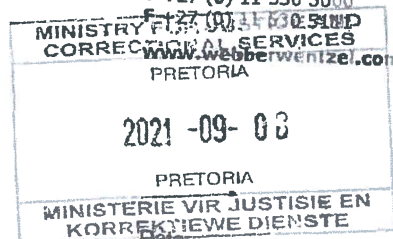
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Date
06 September 2021

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The decision to place former president, Mr Jacob Gedleyihlekisa Zuma, on medical parole

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Chief Operating Officer: SA Boyd



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Page 2

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 - 4.1 Mr Zuma has been placed on medical parole;
 - 4.2 the National Commissioner has taken the decision in terms of section 75(7)(a) of the Correctional Services Act, 1998 read with section 52, to place Mr Zuma on medical parole and has prescribed conditions which will apply to such medical parole ("the decision");
 - 4.3 the decision was based on a medical report received by the Department of Correctional Services; and
 - 4.4 Mr Zuma shall, in terms of the decision, complete the remainder of his period of incarceration, which was ordered in the main application, in "*the system of community corrections, whereby he must comply with a specific set of conditions*";
5. As you will know, our client is (and has been) concerned that the rule of law is upheld in all spheres, including the essential fight against corruption and organised crime mandated by the Constitution.
6. The decision to place Mr Zuma on medical parole is shrouded in secrecy; it seems to be based on a medical report – the details of which are entirely concealed from the public; and has been made in circumstances where it is reported that Mr Zuma has refused, despite an order by the Honourable Mr Justice Koen in separate proceedings in the KwaZulu-Natal High Court, Pietermaritzburg, to subject himself to an independent medical examination. These circumstances give rise to concerns about the rule of law.
7. In light of the above circumstances, you are requested to provide the following, by no later than 5pm on 13 September 2021:
 - 7.1 full written reasons for the decision;
 - 7.2 a copy of any documents or information which formed the basis of, or which were considered in the taking of, the decision, including but not limited to any application for parole by Mr Zuma and the medical report referred to in the media statement attached as annex A;



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- 7.3 the conditions which have been prescribed in terms of section 52 of the Correctional Services Act;
 - 7.4 an indication as to which individuals, in which capacity, took the decision and made recommendations in relation to the decision;
 - 7.5 a copy of the decision and the aforesaid recommendations; and
 - 7.6 any other information or documentation relevant to the decision.
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 10. All our client's rights are reserved.

Yours faithfully

pp 

WEBBER WENTZEL

Pooja Dela

Partner

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Letter sent electronically





correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

"A"

MEDIA STATEMENT

05 September 2021

MR ZUMA PLACED ON MEDICAL PAROLE

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The risk of re-offending of released inmates must also be low and there must be appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released to.

Medical parole placement for Mr Zuma means that he will complete the remainder of the sentence in the system of community corrections, whereby he must comply with specific set of conditions and will be subjected to supervision until his sentence expires.

Medical Parole can only be revoked if an offender does not comply with the placement conditions.

We want to reiterate that placement on medical parole is an option available to all sentenced offenders provided they meet all the requirements. We appeal to all South Africans to afford Mr Zuma dignity as he continues to receive medical treatment.

Ends.

Enquiries, Singabakho Nxumalo on 079 523 5794.

Issued by the Department of Correctional Services.

SOUTH AFRICA

'I placed Zuma on medical parole': prisons boss Arthur Fraser

Correctional services commissioner Arthur Fraser confirmed during an SABC interview that the medical parole advisory board did not recommend former president Jacob Zuma's release - but that he overruled it.



Matthew Savides

Night news editor



08 September 2021 - 22:36



Correctional services commissioner Arthur Fraser told the SABC that he took the decision to place former president Jacob Zuma on medical parole, despite a recommendation from the medical parole advisory board not to do so. File photo.

Image: Gallo Images / Netwerk24 / Jaco Marais

Correctional services commission Arthur Fraser overruled a recommendation that former president Jacob Zuma should not be released on medical parole, he said on Wednesday.

Speaking to the SABC's Vuyo Mvoko in an exclusive interview on his show, *The Watchdog*, Fraser admitted that, after assessments, the medical parole advisory board "did not approve medical parole" because Zuma was "in a stable condition".

But, said Fraser, he stood by his decision to overrule this and release the former president.

"I took the decision to place him on medical parole, and I've given a host of reasons. The reasons are available. It's in documentation, and it will be presented to whoever needs to see that. I'm sure parliament will be asking," he said.

Earlier in the hour-long interview, Fraser explained the process that was followed which ultimately saw the former president released.

He said that Zuma was brought into the Estcourt correctional facility and underwent various assessments, including a health assessment, by medical and administrative staff. This was the same process followed for every inmate, and was not unique to Zuma.

"When you do the assessments, you then know what type of care must be given. When we deal with care we deal with even dietary requirements. Every offender ... will have to be able to give a history of themselves, health and otherwise. Then we assess how we categorise them and how we are able to place them. This was the process applied [to Zuma]," said Fraser.

It was during this process that Zuma "declared his comorbidities", the prisons boss said.

"But additional to that, because he was still under the care of the SA military health service, they also provided us [with] an assessment on his first day of admission. So that is when we realised that we've got a person in our custody who actually is frail.

"We then received further reports, medical reports, that indicated that he required specialised treatment and it was only around the third report that we received, where his medical team - the medical team, in conjunction with our team - indicated that he can no longer be kept in our facility because the type of med care required we are not able to provide," he said.

It was at this point that Zuma was taken to hospital.

"When we are directed by health professionals, we are obligated. It has to be done. You'll recall that he had gone to hospital because we were advised that the type of care he needed and the type of

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'I placed Zuma on medical parole': prisons boss Arthur Fraser

clinical procedures that needed to be done couldn't be done in our facility. We then had to move him to a medical healthcare institution, and it's there that we got further reports. We then got informed that there's a range of procedures that need to happen, and all of that," said Fraser.

Now, he said, was when the application was made for medical parole. This was in early August, said Fraser, who said he didn't have the exact dates at hand.

"There was then, from the medical staff, an application made much earlier where they applied for medical parole. And I think that's at the beginning of August, when they applied, and we directed [them] to the relevant structures [to assess the application]. In our structures we've got healthcare and then we've got [the] medical advisory parole board, so we directed it to them.

"They allocated a doctor to go and do an observation, as they do in all instances. They did the observation, and based on the doctor's engagement and assessment on the patient, recommendations were made to the medical parole advisory board.

"The recommendations were that the board did not approve medical parole, because they indicated that he was in a stable condition," said Fraser.

He said that the head of the Estcourt prison - "who has the authority to decide" - reviewed the information available and "then indicated that the conditions, based on all the reports that we have, require us to release the former president".

This was when he, personally, took the decision to release Zuma on medical parole. Mvoko asked Fraser whether he felt this decision would stand up to scrutiny.

"It's legal and procedural," he said.

The Jacob G Zuma Foundation said on Tuesday night that the former president was still in hospital and had not yet gone home, despite being placed on medical parole.

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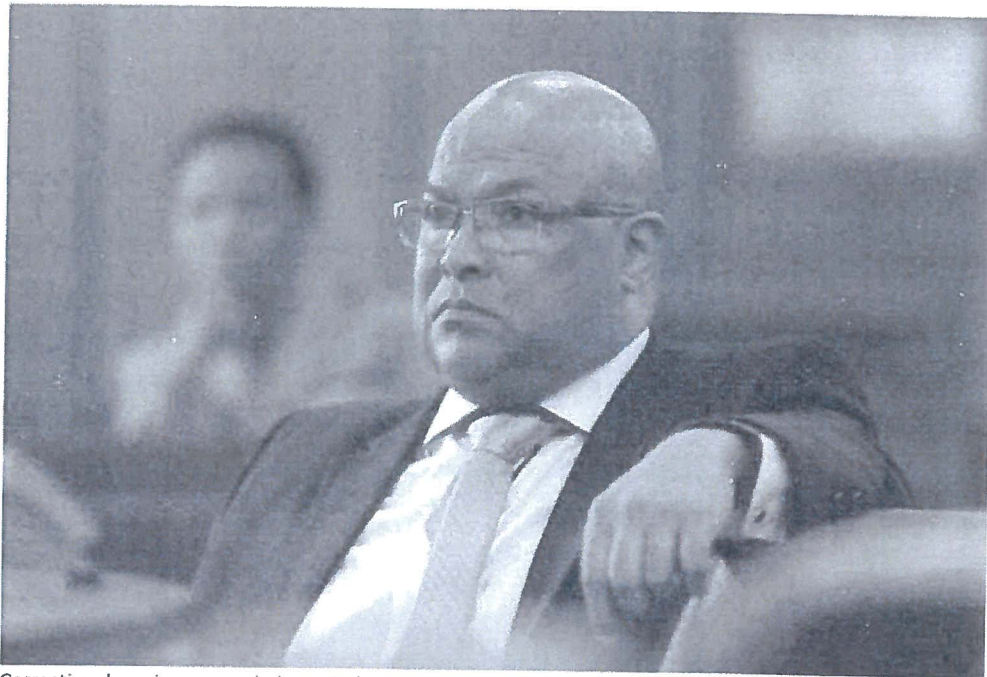
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■ NATIONAL

Arthur Fraser says he put Jacob Zuma on medical parole

Correctional services commissioner confirms the medical parole advisory board did not recommend Zuma's release

08 SEPTEMBER 2021 - 23:01 by MATTHEW SAVIDES



Correctional services commissioner Arthur Fraser. Picture: GALLO IMAGES/NETWERK24/JACO MARAIS

Correctional services commissioner Arthur Fraser overruled a recommendation that former president Jacob Zuma should not be released on medical parole, he said on Wednesday.

Speaking to the SABC's Vuyo Mvoko in an exclusive interview on his show, *The Watchdog*, Fraser admitted that, after assessments, the medical parole advisory board "did not approve medical parole" because Zuma was "in a stable condition".

But, said Fraser, he stood by his decision to overrule this and release the former president.

"I took the decision to place him on medical parole, and I've given a host of reasons. The reasons are available. It's in documentation, and it will be presented to whoever needs to see that. I'm sure parliament will be asking," he said.

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Image: JacquesMaree/Twitter

Living it up: 'Terminally ill' golfer Schabir Shaik's medical parole re-examined

Is Jacob Zuma going to stay behind bars, or will we see him granted a Schabir Shaik-like medical parole, giving him the opportunity to relax at his fire pool in Nkandla?



by **Erene Roux**
08-07-2021
in **Celeb News**

After [Jacob Zuma was officially arrested](#) on 7 July 2021, [Schabir Shaik's](#) controversial medical parole and his lavish lifestyle has made its way back into the spotlight.

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S.C.



Next article

But now, many are drawing comparisons between Zuma and his former financial adviser friend, Schabir Shaik, who continued to enjoy a lavish lifestyle — shopping, dining at fancy restaurants and playing golf — while under house arrest.

THE STORY OF SCHABIR SHAIK

Almost 15 years ago, on 2 June 2005, Shaik was convicted of two counts of corruption and one of fraud, according to [IOL](#). The trial, in the Durban High Court, focused on the relationship between Shaik, a businessman, and Jacob Zuma.

Judge Hilary Squires, who presided over the trial, sentenced Shaik to two terms of 15 years for corruption and one term of three years for fraud. Shaik was ultimately given a 15-year sentence and reported to jail in 2006 to start his sentence.

MEDICAL PAROLE AND PLAYING GOLF

But, only two years and four months after going to prison, in March 2009, Shaik was released on medical parole on the grounds that he was terminally ill, clinically depressed, losing his eyesight, had suffered a stroke, and would die from “severe” high blood pressure. He spent the time under house arrest at his home in Durban.

In 2018, a group calling itself Minorities of South Africa also said it wanted the council to investigate if the doctors had acted ethically as Shaik was frequently spotted out and about.

‘MEDICAL MIRACLE’

According to various articles, Shaik was frequently spotted shopping, dining at fancy restaurants, and playing golf.

Golf seems to be his biggest hobby, with various publications claiming that Shaik was spotted on the golf course [again](#) and [again](#). Some called it a “[medical miracle that he’s still chugging along](#)”, although his doctor insists the right call was made back in 2009.

HOUSE ARREST AND LIVING A PEACEFUL LIFE

In December 2019, President Cyril Ramaphosa approved the release of more than 14 500 offenders on pardons and remissions to mark Reconciliation Day. Shaik, who by then had already served more than 13 years of his sentence, was among those considered. From the middle of January 2020, he effectively became a free man.



A handwritten signature in black ink, appearing to be "S.C." with a stylized flourish above it.

Handwritten initials "S.C." in black ink.



Next article

In May 2020 following the month-long Islamic fast of Ramadaan, he celebrated Eid-ul-Fitr free of house arrest.

When contacted, Shaik said: "No comment. I have no comment at all. I just want to live a quiet and peaceful life."

Also read: [Correctional cuisine: What could be on Zuma's presidential prison platter?](#)

WHAT ABOUT JACOB ZUMA?

It has been widely speculated that Zuma would be granted parole as soon as he was eligible, and would not be treated as a normal prisoner. For starters, it has been said if Zuma is imprisoned at the beginning of July, he will be eligible for parole in late September.

He might also be sent to the medical wing due to his age (79), as well as the need to keep him separate from "hardened criminals".

WILL ZUMA BE RELAXING AT HIS FIRE POOL ON MEDICAL PAROLE?

[2OceansVibe](#) also begs the question of whether Zuma is actually going to stay behind bars, or will we see him granted a Schabir Shaik-like medical parole, where he relaxes at Nkandla – with his fire pool – for the duration of his sentence?



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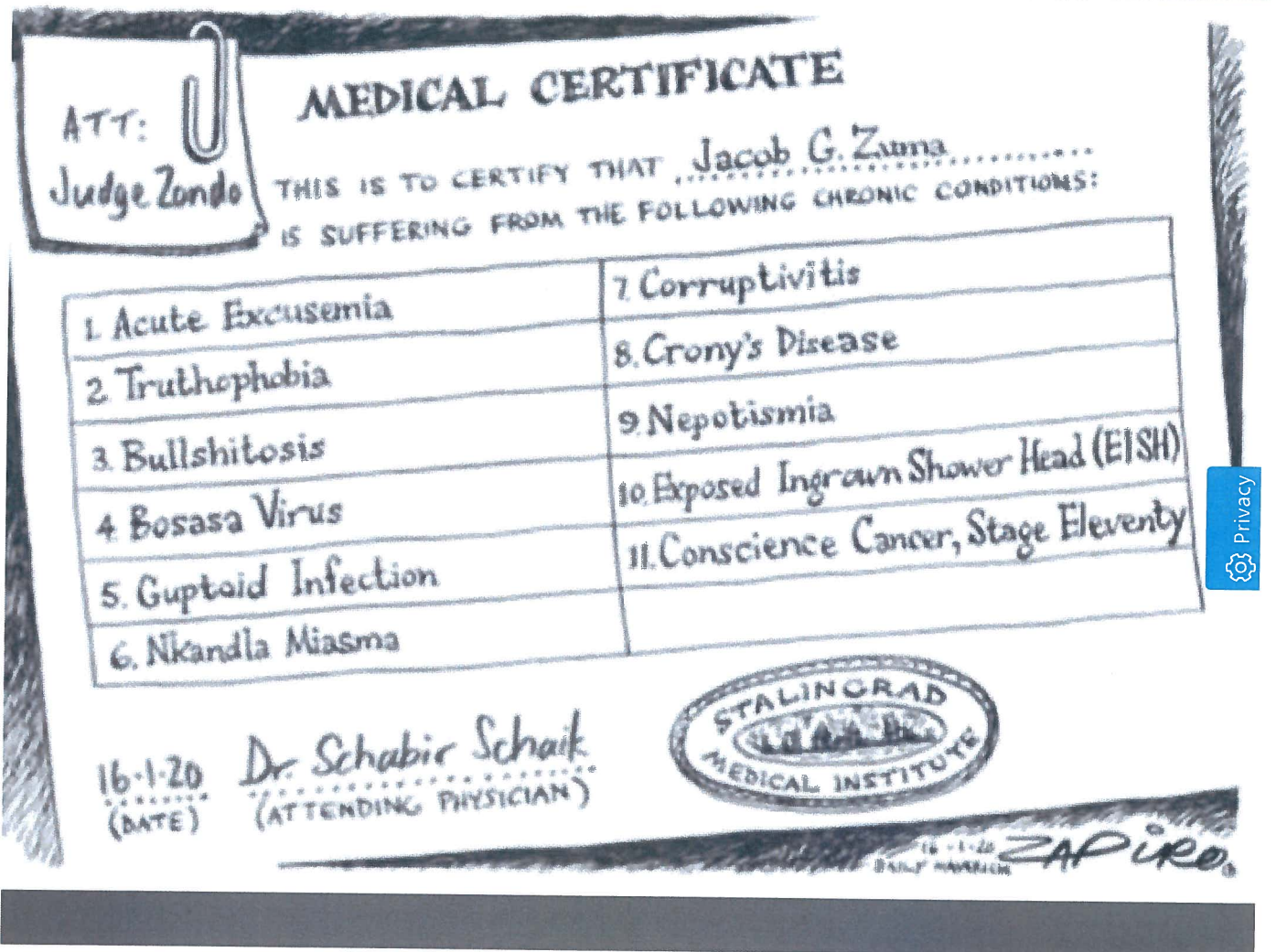


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A SICK NOTE

In 2020, Zapiro saw it coming and sketched a 'sick note' from the 'physician Schabir Shaik' to Jacob Zuma for the following reasons:

Zapiro does it again #zuma #sicknote 😂



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Jacob Zuma, South Africa's Former President, Is Granted Medical Parole

The leader of the political opposition called the move by the country's correctional department "entirely unlawful."



By Livia Albeck-Ripka

Sept. 6, 2021

Jacob Zuma, the former president of South Africa, has been released on medical parole a little over two months after he was ordered imprisoned on contempt charges.

The government's department of correctional services said in a statement on Sunday that Mr. Zuma's parole had been "impelled by a medical report," but it provided no details about the nature of his illness. Mr. Zuma was admitted to a hospital to undergo the first of several medical procedures last month, the department said then.

Mr. Zuma will serve the remainder of his 15-month sentence under supervision in the community corrections system, the department said, adding that he would be subjected to "supervision until his sentence expires." But it gave no details about where exactly he would serve his parole.

His release comes after his staggering downfall as a once-celebrated freedom fighter who fought against apartheid alongside Nelson Mandela and was a powerful figure in the governing African National Congress.

Mr. Zuma, 79, was forced to step down in 2018 after being rejected by the A.N.C., threatened by a no-confidence vote in Parliament and abandoned by millions of voters. He was taken into custody on July 7 after South Africa's highest judicial body found him guilty of contempt for refusing to appear before a commission investigating sweeping corruption allegations during his nine years as president.

John Steenhuisen, the leader of the Democratic Alliance, South Africa's opposition party, said in a statement on Sunday that Mr. Zuma's medical parole was "entirely unlawful" and made a "mockery" of the country's correctional law.

"Jacob Zuma publicly refused to be examined by an independent medical professional, let alone a medical advisory board," Mr. Steenhuisen said, adding that such an assessment was required under law in order for a prisoner to be granted medical parole.

The One South Africa Movement, which focuses on policy solutions to South Africa's development challenges, said in a statement on Twitter that the government's decision had been questionable and lacked transparency.

Under South Africa's correctional law, prisoners eligible to be released for medical reasons include terminally ill inmates serving 24 months or less; those who are physically incapacitated; and inmates suffering from an illness that severely limits their daily activity or capacity to care for themselves. The risk of reoffending must also be low.

"We appeal to all South Africans to afford Mr. Zuma dignity as he continues to receive medical treatment," the correctional department said.

A foundation named after Mr. Zuma, which posted on Twitter that it welcomed the decision, said he was still in the hospital.

When Mr. Zuma was detained in July, supporters argued that he had been treated unfairly, and that sentencing him to prison without a trial was unconstitutional. Some called for a shutdown of his home province, KwaZulu-Natal.

Protests led to several deaths, tens of millions of dollars in damage and the disruption of the nation's coronavirus vaccination program.

President Cyril Ramaphosa deployed the military to curb the civil unrest, describing it as some of the worst in the country's history.

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