

## Zuma likely to fight on despite the odds

Not only did former President Jacob Zuma have his bid to appeal the court's refusal to grant him a permanent stay of prosecution unanimously dismissed, but three judges of the KZN High Court (Pietermaritzburg) handed his legal team a judicial tongue-lashing on Friday for using 'disrespectful and intemperate language' in written submissions. It was a grim, if expected, outcome for Zuma and although there has been no word of his next move, nobody's betting against him launching a petition to the SCA to be allowed to appeal, notes [Legalbrief](#). A likely failure there will inevitably be taken to the Constitutional Court in line with his well-worn Stalingrad defence strategy. A direct access appeal to the Constitutional Court has already been lodged by Thales, the French arms company accused of bribing Zuma for his 'political protection' from any possible investigation in the multi-billion rand arms deal. **Thales also failed to persuade the High Court on Friday that it should be allowed to appeal its decision. Both appeals were dismissed with costs.** As pointed out in a [BusinessLIVE](#) report, lead prosecutor Billy Downer has argued strongly that multiple courts have already ruled that the various complaints made by Zuma about the case against him – which relate to delays in his trial, prosecutorial misconduct and political interference – can be addressed during his actual trial. In its ruling dismissing Zuma's application for a permanent stay of his prosecution, the High Court confirmed what multiple other courts have stated about the case against Zuma: in the absence of evidence showing that the prosecution he faces is without any basis, and despite apparent politically-motivated efforts to meddle in its processes, it should go ahead.

*Zuma's lawyers got a judicial tongue-lashing for using 'disrespectful and intemperate language' in their written submissions in their leave to appeal application, says a [TimesLIVE](#) report.* During argument before Judges Jerome Mnguni, Esther Steyn and Thoba Poyo-Dlwati a week earlier, Zuma's counsel, Muzi Sikhakhane, apologised for the comments, which included allegations that the judges had 'sanitised' facts, had 'slavishly aligned' themselves to a version, and had made 'gratuitous remarks' and 'astonishing findings'. **In Friday's judgment, the judges noted the apology had only been made after the state had asked for a punitive costs order against Zuma in this regard.** 'We believe we must voice our displeasure at the disrespectful manner in which the court was addressed. The apology is not sufficient. Such scandalous and vexatious allegations should be avoided at all costs because they can bring the administration of justice into disrepute. They do more than just hurt judges' feelings or impugn their reputations.' They said: 'With regard to costs, we were mindful that in applications of this nature it is not usual to grant a costs order against an applicant. However, in our view, Mr Zuma's complaints were not genuine.' Zuma has argued that his continued prosecution is a violation of his fair trial rights – because of the many delays in the matter not of his making – and a violation of his constitutional rights because of evidence of political interference during the investigation against him, notes [TimesLIVE](#). He said another court may well agree with him. In their ruling, the judges said Zuma had to convince them 'on proper grounds' that he had a realistic prospect of success on appeal. He had failed to do this.