

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO:

In the matter between:

HELEN SUZMAN FOUNDATION First Applicant

FREEDOM UNDER LAW NPC Second Applicant

and

**THE PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA** First Respondent

SHAUN ABRAHAMS Second Respondent

DR JP PRETORIUS SC Third Respondent

SIBONGILE MZINYATHI Fourth Respondent

THE NATIONAL PROSECUTING AUTHORITY Fifth Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the applicants intend to make application to the above Honorable Court on Tuesday, 22 November 2016 at 10h00 or as soon thereafter as counsel for the parties may be heard, for an order in the following terms:

1. To the extent necessary, condoning the applicant's non-compliance with the rules of this Honourable Court relating to the service and

time periods, and hearing this application on an urgent basis in terms of rule 6(12).

1. the failures, *alternatively*, refusal by the first respondent:
 - 1.1 to institute an enquiry, under section 12(6)(a) of the National Prosecuting Authority Act, 1998 ("**NPA Act**"), into the second respondent's fitness to hold the office of the National Director of Public Prosecutions ("**the Abrahams enquiry**");
 - 1.2 provisionally to suspend the second respondent from his office, under section 12(6)(a) of the NPA Act pending the finalisation of the Abrahams enquiry,
 - 1.3 to institute an enquiry, under section 12(6)(a) of the NPA Act, into the third respondent's fitness to hold the office of Acting Special Director of Public Prosecutions and Head: Priority Crimes Litigation Unit ("**the Pretorius enquiry**");
 - 1.4 provisionally to suspend the third respondent from his office, under section 12(6)(a) of the NPA Act pending the finalisation of the Pretorius enquiry,
 - 1.5 to institute an enquiry, under section 12(6)(a) of the NPA Act, into the fourth respondent's fitness to hold the office of Director of Public Prosecutions ("**the Mzinyathi enquiry**");

- 1.6 provisionally to suspend the sixth respondent from his office, under section 12(6)(a) of the NPA Act pending the finalisation of the Mzinyathi enquiry,

are reviewed and set aside;
2. the first respondent is directed to institute the Abrahams enquiry and provisionally to suspend the second respondent from his office pending the finalisation of such enquiry;
3. the first respondent is directed to institute the Pretorius enquiry and provisionally to suspend the third respondent from his office pending the finalisation of such enquiry;
4. the first respondent is directed to institute the Mzinyathi enquiry and provisionally to suspend the fourth respondent from his office pending the finalisation of such enquiry;
5. ordering the first respondent to pay the applicant's costs, including the costs of two counsel, jointly and severally, the one paying the others to be absolved, together with any other respondent who opposes the relief sought in this application;
6. granting the applicant further and / or alternative relief.

TAKE NOTICE FURTHER THAT the founding affidavit of **FRANCIS ANTONIE**, together with the annexes thereto will be used in support hereof.

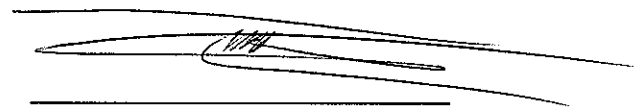
TAKE NOTICE FURTHER that the applicants have appointed Webber Wentzel as their attorneys of record and the address at which they will accept service of notices and other process in these proceedings is care of Hills Incorporated Attorneys at 835 Jan Shoba Street (Duncan), Brooklyn, Pretoria; *alternatively:* dylan.cron@webberwentzel.com.

TAKE NOTICE FURTHER that if any of the respondents intends to oppose the relief sought in this application, such respondent is required:

- (a) to notify the applicants' attorneys in writing on or before 12:00 on **Thursday, 10 November 2016** and in such notice to appoint an address within 15 kilometres of the office of the Registrar of this Honourable Court at which such respondent will accept notice and service of all process in these proceedings; and
- (b) to file its answering affidavit, if any, on or before 10:00 on **Tuesday, 15 November 2016**, so as to allow the applicants to deliver replying papers, if any, by 12:00 on **Thursday, 17 November 2016**.

PLEASE ENROL THE MATTER FOR HEARING ACCORDINGLY.

DATED AT JOHANNESBURG ON ^{9th} NOVEMBER 2016



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**C/O HILLS INCORPORATED
ATTORNEYS**

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0075

Tel: 087 230 7314

Ref: L Pienaar

THE REGISTRAR
High Court
PRETORIA

AND TO: **THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA**
First Respondent
c/o STATE ATTORNEY
SALU Building
316 Thabo Sehume Street
Cnr Thabo Sehume and Frances
Baard Streets
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BY HAND

BY EMAIL:

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AND TO: **SHAUN ABRAHAMS**
Second Respondent
Victoria and Griffiths Mxenge
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Silverton
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AND TO: **DR JP PRETORIUS SC**
Third Respondent
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AND TO: **SIBONGILE MZINYATHI**
Fourth Respondent

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**AND TO: THE NATIONAL PROSECUTING
AUTHORITY**

Fifth Respondent

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