

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

Case no:

In the matter between:

**DEMOCRATIC ALLIANCE**

Applicant

and

**THE ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS** First Respondent

**THE HEAD OF THE DIRECTORATE OF SPECIAL OPERATIONS** Second Respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Third Respondent

---

**NOTICE OF MOTION**

---

**PLEASE TAKE NOTICE** that application will be made on behalf of the abovementioned Applicant on **TUESDAY, 9 JUNE 2009** at **10h00** or so soon thereafter as counsel may be heard for an order in the following terms:

1. Condoning the Applicant's non-compliance with the usual rules of Court and dispensing with the forms, time limits and requirements for service prescribed in the rules of the above Honourable Court, and disposing of this matter in an urgent manner as contemplated by Rule 6(12) of the Rules of this Court;
2. Reviewing, correcting and setting aside the decision of the First Applicant, taken on or about 6 April 2009, to discontinue the criminal prosecution of the Third

Respondent, in accordance with charges contained in an indictment of 27 December 2007;

3. Declaring that the decision of the First Respondent referred to in paragraph 2 above to be inconsistent with the *Constitution of the Republic of South Africa, 1996*, and invalid;
4. Further and / or alternative relief; and
5. The costs are to be paid by the First and second Respondents; and the Third Respondent to the extent that he opposes this application.

**TAKE FURTHER NOTICE** that the affidavit of **JAMES SELFE** will be use in support of this application.

**TAKE NOTICE FURTHER** that the First and Second Respondents are hereby called upon to deliver to the Registrar of this Honourable Court by **FRIDAY, 24 APRIL 2009** the record of the proceedings pursuant to which their decision referred to in paragraph 2 was taken (including all documents, letters, memoranda, reports, minutes and other materials of whatsoever nature which were before them at the time their decisions were made), together with such reasons as are by law required or as the First and Second Respondents desire to give or make, and to notify the Applicant that it has done so.

**TAKE NOTICE FURTHER** that the Applicant has appointed the office of **EDELSTEIN-BOSMAN INC**, 220 Lange Street, Muckleneuk, Waterkloof, Pretoria (ref: Anisha Jogi; tel: 012 452 8900; fax: 012 452 8901; e-mail : [anisha@edelbos.co.za](mailto:anisha@edelbos.co.za))

**TAKE NOTICE FURTHER** that the Applicant will within seven (7) days of a copy of the record being made available to it by the Registrar, amend, add to or vary the terms of its Notice of Motion and supplement its founding affidavit In terms of Rule 53(4).

**TAKE NOTICE FURTHER** that if you intend opposing the relief sought in, you are required to:

- a) notify the Applicants' attorney at the abovementioned address and the Registrar of this Honourable Court of your intention to oppose by delivering a written notice to that effect by the close of business on **FRIDAY, 24 APRIL 2009**;
- b) in that notice appoint an address which must be an address of an attorney and which is situate within eight (8) kilometres of the office of the Registrar of this Honourable Court at which you will accept notice and service of all documents in these proceedings; and
- c) deliver your answering affidavits, if any, by the close of business on **FRIDAY, 22 MAY 2009**.

Whereafter the Applicant will file its replying affidavits, if any, by the close of business on **FRIDAY, 29 MAY 2009**.

**KINDLY PLACE THIS MATTER ON THE ROLL ACCORDINGLY.**

**DATED** at **CAPE TOWN** this      day of **APRIL 2009**.

**EDELSTEIN-BOSMAN INC**

---

Per : Anisha Jogi  
220 Lange Street  
Muckleneuk  
Waterkloof, Pretoria

Tel : 012 452 8900  
Fax : 012 452 8901  
e-mail : [anisha@edelbos.co.za](mailto:anisha@edelbos.co.za)

**TO: THE REGISTRAR**  
High Court  
**PRETORIA**

**AND TO: THE ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**  
(First Respondent)  
VGM Building (Corner Westlake & Hartley)  
123 Westlake Avenue  
Weavind Park, Silverton  
**PRETORIA**

**AND TO: THE HEAD OF THE DIRECTORATE OF SPECIAL OPERATIONS**  
(Second Respondent)  
VGM Building (Corner Westlake & Hartley)  
123 Westlake Avenue  
Weavind Park, Silverton  
**PRETORIA**

**AND TO: JACOB GEDLEYIHLEKISA ZUMA**  
(Third Respondent)  
Care of Luthuli House  
54 Sauer Street  
Johannesburg