IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: CCT 53/21

In the matter between:

SECRETARY OF THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE — Applicant

and

JACOB GEDLEYIHLEKISA ZUMA — First Respondent

MINISTER OF POLICE — Second Respondent

NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE — Third Respondent

CONSTITUTIONAL COURT OF SOUTH AFRICA
Private Bag X1, Constitution Hill, Braamfontein 2017
2021 -02- 22
CC-003
GRIFFIER VAN DIE GRONDWETLIKE HOF SUID-AFRIKA

NOTICE OF MOTION

TAKE NOTICE THAT the Applicant intends to apply to the above Honourable Court under section 167(6)(a) of the Constitution and rule 18 of the Rules of the Constitutional Court for an order in the following terms:

1 In terms of rule 12 of the Rules of this Honourable Court leave is hereby granted that this application be heard as one of urgency, and the rules and forms of service dispensed with in accordance with any directions that the Chief Justice may issue.

2 It is declared that Mr Jacob Gedleyihlekisa Zuma is guilty of contempt of court in that, in disobedience of paragraphs 4 and 5 of this Court's order of 28 January 2021 under case number CCT 295/20, he –

2.1 intentionally and unlawfully failed to appear before the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State ("the Commission") on 15 to 19 February 2021 in compliance with the summons issued by the Secretary of the Commission on 30 November 2020, which directed him to appear and give evidence before the Commission on the said dates; and

2.2 intentionally and unlawfully failed or refused to furnish the Commission with affidavits in compliance with the directives issued by the Chairperson of the Commission under regulation 10(6) of the Regulations of the Commission on 27 August 2020 and 8 September 2020.

3 Mr Jacob Gedleyihlekisa Zuma is sentenced to imprisonment for a term of two (2) years.

4 The Second and Third Respondents are ordered to take all such steps as may be required to give effect to the order in paragraph 3.

5 Mr Jacob Gedleyihlekisa Zuma is directed to pay the costs of this application on the attorney and own client scale, including the costs of two counsel.

6 Further and/or alternative relief.

TAKE NOTICE FURTHER THAT the Chief Justice is requested to issue directions for the further conduct and disposal of the matter, in accordance with Rule 12 of the Constitutional Court.

TAKE NOTICE FURTHER THAT the Applicant has appointed the State Attorney, Johannesburg, as its attorney of record and his address, as set out below, as the address where it will accept notice and service of all documents in these proceedings.

TAKE NOTICE FURTHER THAT the accompanying affidavit of the Applicant will be used in support of this application.

DATED AT JOHANNESBURG ON THIS DAY OF FEBRUARY 2021.

STATE ATTORNEY, JOHANNESBURG
Attorneys for the Applicant
10th Floor, North State Building
95 Albertina Sisulu Str, Cnr Kruis Str
Private Bag x9, Docex 688
JOHANNESBURG, 2000
Per: Mr Johan van Schalkwyk
Cell: 071 401 6235
Ref: J Van Schalkwyk/1544/18/P45
Email: JohVanSchalkwyk@justice.gov.za

TO: **THE REGISTRAR OF THE CONSTITUTIONAL COURT**
Private Bag X1
Constitutional Hill
Braamfontein, 2017
Johannesburg

AND TO: **MR JACOB GEDLEYIHLEKISA ZUMA**
Respondent
Kwadakwadunuse Homestead, KwaNxamalala, Nkandla, King Cetshwayo District, Kwazulu-Natal

Care of Mabuza Attorneys
1st Floor
83 Central Street
Houghton, 2198
Johannesburg
Ref: Mr E T Mabuza
By hand &
By email: eric@mabuzas.co.za

AND TO: **STATE ATTORNEY**

PRETORIA

Per: Mr I Chowe

IChowe@justice.gov.za

ATTORNEY FOR THE MINISTER OF POLICE AND NATIONAL COMMISSIONER OF POLICE

C/o General E Groenewald

Email: GroenewaldD@saps.gov.za