

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NUMBER: 76755/2018

In the matter between:

JOAO RODRIGUES

Applicant

and

**THE NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS OF SOUTH AFRICA**

First Respondent

**MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES**

Second Respondent

THE MINISTER OF POLICE

Third Respondent

IMITIAZ AHMED CAJEE

Fourth Respondent

**NOTICE OF SUPPLEMENTARY APPLICATION FOR LEAVE TO
APPEAL ON BEHALF OF APPLICANT**

PLEASE TAKE NOTE that the Applicant hereby gives notice of his intention to supplement his application for leave to appeal against the judgment and order by the Honourable Kollapen J with the Honourable

Moshidi J and Opperman J delivered on the 3rd of June 2019 in this Honourable Court.

PLEASE TAKE FURTHER NOTICE that the Applicant filed an application for leave to appeal in this matter on the 21st of June 2019 in terms of section 17(1) of the Superior Courts Act, Act 10 of 2013 in this matter but wishes to supplement the present application for leave to appeal as set out hereinafter.

TAKE NOTICE that the Applicant wishes to supplement the present application for leave to appeal by adding the following:

1 Leave to appeal should be granted on the basis that there are some compelling reasons why the appeal should be heard as is provided for in section 17(1)(a)(ii) of the Superior Courts Act.

2 The compelling reasons referred to above are *inter alia* the following:

2.1 It is common cause that this case deals with alleged offences that occurred in the so-called apartheid era allegedly committed by

members of the South African Police in order to uphold the then Government.

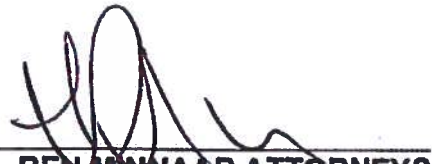
- 2.2 There are still a substantial number of these alleged crimes that are investigated that occurred in that era for the mentioned purpose by members of the then South African Police and/or other State agencies.
- 2.3 The fact that it deals with alleged perpetrators who did not apply to the Amnesty Committee of the Truth and Reconciliation Commission for amnesty for offences and/or who applied unsuccessfully for amnesty to the TRC during the late 1990's is also very material.
- 2.4 All these alleged offences were committed a substantial time ago, mostly in the 1970's and 1980's.
- 2.5 It appears that a substantial number of further prosecutions will be instituted in the above regard and surely the same issues

relating to fairness of such prosecutions that formed the subject matter of this application will be raised during such trials.

2.6 It will therefore be of the utmost importance to get clarity and finality on the approach that Courts should follow in this prosecution as well as future prosecutions based on the same principles.

PLEASE TAKE FURTHER NOTICE that the application for leave to appeal has already been set down for hearing on the 18th of September 2019.

SIGNED at PRETORIA on this 27th day of AUGUST 2019



BEN MINNAAR ATTORNEYS
ATTORNEYS FOR THE APPLICANT
190 MELT MARAIS STREET
WONDERBOOM AH X1
WONDERBOOM
PRETORIA
REF: BM 01/09/18
TEL: 082 446 2644
E-MAIL: benjaminnaar@gmail.com

**TO: THE REGISTRAR OF THE
HIGH COURT
JOHANNESBURG**

**AND TO: THE NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS
FIRST RESPONDENT
C/O STATE ATTORNEY: PRETORIA
316 THABO SEHUME STREET
SALU BUILDING
PRETORIA
REF: PETER SELEKA**

**SERVED BY E-MAIL AS AGREED TO:
Pseleka@justice.gov.za**

**AND TO: THE MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES
SECOND RESPONDENT
C/O STATE ATTORNEY: PRETORIA
316 THABO SEHUME STREET
SALU BUILDING
PRETORIA
REF: PETER SELEKA**

**SERVED BY E-MAIL AS AGREED TO:
Pseleka@justice.gov.za**

AND TO: THE MINISTER OF POLICE
THIRD RESPONDENT
C/O STATE ATTORNEY: PRETORIA
316 THABO SEHUME STREET
SALU BUILDING
PRETORIA
REF: PETER SELEKA

SERVED BY E-MAIL AS AGREED TO:
Pseleka@justice.gov.za

AND TO: IMTIAZ AHMED CAJEE
FOURTH RESPONDENT
C/O LEGAL RESOURCES CENTRE
BRAAM FISHER TOWERS
15th AND 16th FLOOR
20 ALBERT STREET
MARSHALLTOWN
JOHANNESBURG
E-MAIL: Lucien@lrc.org.za
REF: LUCIEN LIMACHER

WEBBER WENTZEL
JOINT ATTORNEYS FOR FOURTH RESPONDENT
10 FRICKER ROAD
ILLOVO BOULEVARD
JOHANNESBURG
2196
E-MAIL: moray.hathorn@webberwentzel.com
REF: MORAY HATHORN 3005789