

**IN THE SUPREME COURT OF APPEAL
(BLOEMFONTIEN)**

**APPEAL COURT CASE NO: 1186/2019
COURT A QOU CASE NO: 76755/2018**

In the matter between:

JOAO RODRIGUES

Appellant

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

FIRST RESPONDENT'S PRACTICE NOTE

A. NATURE OF THE APPEAL.

1. This is an appeal against the full bench decision of the South Gauteng High Court by the honourable Justice Kollapen, the honourable Justices Moshidi and Opperman concurring on 3 June 2019.

B. BASIC FOR JURISDICTION.

2. The High Court refused leave to appeal.
3. The applicant applied for leave to appeal to this Court.
4. This Court referred the application for leave to appeal for oral argument in terms of section 17(2)(d) of the Superior Courts Act by order of this court on 27 January 2020.

C. ISSUES ON APPEAL.

5. The issue in this application is whether an appeal would succeed.
6. In the event that leave to appeal is granted, the issue would be whether a permanent stay of prosecution should be granted.
7. The first and third respondents contend that:
 - 7.1 There is no reasonable prospect that an appeal would succeed.
 - 7.2 The applicant has not demonstrated that the trial Court is no longer capable of giving him a fair trial and without this having been established, a permanent stay of prosecution is not possible.
 - 7.3 The applicant's rights have not been irremediably violated such that a fair trial is no longer possible.
 - 7.4 There are ordinary and less drastic remedies available to the applicant throughout the trial to remedy the applicant's complaints and this militates against a permanent stay of prosecution.
 - 7.5 The nature of the crime in issue and the society's interest in seeing people accused of crimes being brought to trial override the applicant's basis for a permanent stay.
 - 7.6 The application ought to be dismissed with costs.

D. ESTIMATED DURATION OF THE ARGUMENT.

8. One day.

E. PORTIONS OF THE RECORD IN A LANGUAGE OTHER THAN ENGLISH.

9. None.

F. PARTS OF THE RECORD NECESSARY FOR THE DETERMINATION OF THE APPEAL.

10. The key documents are contained in the Core Bundle.

G. SUMMARY OF ARGUMENT.

11. A summary of the first and third respondents' argument is set out in paragraph 7 above.

H. RULE 8(8) and 8(9) COMPLIANCE.

12. The appellants have complied with Rule 8(8) and 8(9). This is reflected in the appeal record.

I. REPRESENTATIVES.

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