



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE STATE ATTORNEY: PRETORIA

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MY REF :5385/17/Z59 timol inquest
MY REF :4319/2018/Z59 RODERIGUES CRIMINAL TRIAL

MEMO TO : OFFICE OF THE CLO

ATTENTION : Mr R ISAACS

RE: REPLY OF ACCESS OF RECORDS

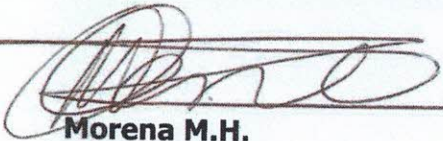
This serves as a reply request made by **Imtiaz Ahmed Cajee**, requesting the following three records:

1. The costs of inquest the death of **Ahmed Essop Timmol**- Case Number IQ01/2017 incurred by State Attorneys.
2. Criminal matter- Case Number 1555/06/2018 cost incurred by the State Attorneys.
3. Application for the S342. A matter between Joao Rodrigues/ NPA Case Number 76755/2018 cost incurred by the State Attorneys.

Kindly note that in our records the legal fees paid in all the cases or matters to date amounts to **R 3, 585, 205.92** (Three million five hundred and eighty-five thousand two hundred and five rand ninety-two cents) being the global amount of all matters mentioned above. The amount comprises of legal fees of private attorney, junior and senior legal counsel.

This only evidencing costs incurred by the State attorney under the above reference numbers. And the amount cannot be broken down as to who was paid what as that might encroach on private individuals, but it only suffices that is in the public interest to disclose costs incurred by the State attorneys but same cannot be said in disclosing specifically financial status of individuals who didn't give consent. further see Ben Minnaar Attorneys memo marked "R".

I trust the disclosure suffices.

A handwritten signature in dark ink, appearing to read 'Morena M.H.', written over a horizontal line.

Morena M.H.

For: State Attorney

"R" 11

BEN MINNAAR ATTORNEYS
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27 September 2019

Enq: B MINNAAR

My Ref: 101/10/2018 Rod

Email: benjaminnaar@gmail.com

Your Ref: 4319/2018/F2Z59

BY E-MAIL:

Attention: Herren Morena

State Attorney

Pretoria

Dear Sir,

STATE VS J A RODRIGUES

As to progress in this matter please note the following.

In preparation for the full court hearing in the stay of proceedings matter the court papers were indexed and paginated and heads of argument filed. Bundles were prepared with case law referred to.

All the other parties filed their papers and the matter was heard on 28 and 29 March 2019.

Mr Rodrigues appeared from time to time in the criminal proceedings where Monama J handled the matter. It was postponed on 8 April to 9 May 2019. On 9 May the matter was postponed to 28 June 2019. We briefed and consulted with an expert witness, Prof Saayman, a pathologist and obtained his opinion.

The judgment in the stay of proceedings matter was handed down on 3 June 2019 and the application was dismissed with no order as to costs. Client provided instructions to appeal the ruling and advice from senior counsel was that there are good prospects on appeal. An application for leave to appeal was drawn and served. On 28 June Mr Rodrigues appeared in the criminal matter and it was postponed to 2 August 2019. Although two counsel were briefed on instructions from SAPS only one counsel appeared at the postponements of the criminal matter.

BENJAMIN MINNAAR, B PROC, UP

'R'!

There were also numerous consultations in chambers on the postponement dates as Monama J was also in charge of the case management of the matter.

On 2 August 2019 the criminal matter was postponed to 25 September 2019. Heads of argument were drawn and filed for application for leave to appeal and a supplementary application was also drawn and filed. The supplementary ground was based on the provisions of section(17)(a)(ii) of the Superior Courts Act.

On 9 September 2019 we consulted with General Groenewald to bring her up to speed with progress and take further instructions.

On 18 September 2019 the application for leave to appeal was heard in Johannesburg High Court. Some of the appearances in the criminal matter was not in the Johannesburg High Court, but in the High Court at Palm Ridge as Monana J sometimes sat at that court.

We are currently investigating the possibility of curtailing the proceedings. We have instructions to petitions the Supreme Court of Appeal as we are still of the opinion that we have good prospects on appeal to have a permanent stay of proceedings. Consultations we held with representatives of the NDPP on 20 September 2019 to discuss the possibility of curtailing the matter. Currently and if the Supreme Court of Appeal grant leave to appeal the matter will go to the Supreme Court and most likely end up in the Constitutional Court. This will be a prolonged and costly exercise and thus our attempt to curtail the matter.

The last appearance of Mr. Rodrigues in the criminal matter was on 25 September 2019 when the matter was postponed to 12 December 2019. A date was set for further meeting in chambers for case management for 21 October 2019.

We are currently drafting the petition to the Supreme Court of Appeal and will proceed with our attempts to shorten the proceedings and get finality.

We will keep you informed of progress.

Yours faithfully



B Minnaar