

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case no: \_\_\_\_\_

In the matter between:

**DEMOCRATIC ALLIANCE**

Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent

**DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY**

Second Respondent

**SPEAKER OF THE NATIONAL ASSEMBLY**

Third Respondent

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**NOTICE OF MOTION**

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**TAKE NOTICE** that the Applicant intends applying to this Court on a date to be allocated by the Registrar for an order in the following terms:

1 It is declared that:

- 1.1 The failure and/or refusal of the President, in response to a question put to him, to inform the National Assembly of the total amount in Rand of all legal costs incurred by (a) his Office and/or (b) the Presidency since 1 May 2009 in respect of the decision by the National Prosecuting

Authority to drop 783 counts of fraud, corruption and racketeering against him is unlawful, unconstitutional and invalid.

- 1.2 The failure and/or refusal of the Deputy Speaker of the National Assembly to direct the President, in response to a question put to him, to inform the National Assembly of the total amount in Rand of all legal costs incurred by (a) his Office and/or (b) the Presidency since 1 May 2009 in respect of the decision by the National Prosecuting Authority to drop 783 counts of fraud, corruption and racketeering against him is unlawful, unconstitutional and invalid.
- 2 The President is directed, within 5 days of this order, to inform the National Assembly in writing of the total amount in Rand of all legal costs incurred by (a) his Office and/or (b) the Presidency since 1 May 2009 in respect of the decision by the National Prosecuting Authority to drop 783 counts of fraud, corruption and racketeering against him.
- 3 It is directed that the costs of this application shall be paid as follows:
  - 3.1 In the event that the application is not opposed, the costs shall be paid by the first and second respondents, jointly and severally.
  - 3.2 In the event that the application is opposed, the costs shall be paid by any respondent opposing this application in their personal capacity, on the attorney-client scale.
- 4 Further and/or alternative relief.

**TAKE NOTICE** that the founding affidavit of **JAMES SELFE** (together with its annexes) will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicant has appointed the office of its attorneys, as set out below, as the address at which it will accept notice and service of all documents in these proceedings.

**TAKE NOTICE FURTHER** that any respondent wishing to oppose this application must:

- (a) Within 10 days of service of this application deliver notice of its intention to oppose the relief sought by the Applicant and in such notice appoint an address within eight kilometres of the office of the Registrar at which notice and service of all documents in this application will be accepted.
- (b) Within 15 days of the filing of such notice of opposition, deliver his answering affidavits (if any).

DATED at CAPE TOWN on this 8TH day of November 2017.

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**MINDE SHAPIRO & SMITH INC**

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c/o

GERALD SCHNAPS ATTORNEYS

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TO: The Registrar of the above Honourable Court

AND TO: **THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent

TUYNHUIS

CAPE TOWN

AND TO: **DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY**

Second Respondent

Parliament

CAPE TOWN

AND TO: **SPEAKER OF THE NATIONAL ASSEMBLY**

Second Respondent

Parliament

CAPE TOWN