



MINDE SCHAPIRO & SMITH

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Our Ref: DEM16/0786/ELZANNE JONKER/ks | **Your Ref:** | **Date:** 21 November 2022

ATTENTION: MR M S THOBAKGALE
ACTING NATIONAL COMMISSIONER
DEPARTMENT OF CORRECTIONAL SERVICES
PER EMAIL: Makgothi.Thobakgale@dcs.gov.za

Dear Mr Thobakgale

**NATIONAL COMMISSIONER OF CORRECTIONAL SERVICES v DEMOCRATIC ALLIANCE
(33/2022)**

1. The above matter refers. We act for the Democratic Alliance.
2. As you know, this morning the Supreme Court of Appeal handed down its judgment and order in the appeal in the above matter.
3. Of note:
 - 3.1. The Supreme Court of Appeal confirmed that the decision to grant former President Jacob Zuma medical parole on 5 September 2021 was unlawful.
 - 3.2. The Supreme Court of Appeal confirmed that the effect of its order is that Mr Zuma must return to prison to serve out the remainder of his sentence. We quote the relevant portion of the judgment (para 60):

'The effect of the setting aside of this declarator is that once the order in this appeal is handed down Mr Zuma's position as it was prior to his release on medical parole will be reinstated. In other words, Mr Zuma, in

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law, has not finished serving his sentence. He must return to the Estcourt Correctional Centre to do so.'

4. It follows that —
 - 4.1. Mr Zuma is obliged by the order immediately to return to the Estcourt Correctional Centre; and
 - 4.2. if Mr Zuma fails to do so within a reasonable time, you are obliged to ensure that he is returned to the Estcourt Correction Centre – by arrest if necessary.
5. We are thus instructed to demand, as we hereby do, that you confirm within 48 hours that you will ensure that Mr Zuma is returned to the Estcourt Correctional Centre to serve out the remainder of his sentence by 17h00 on Friday, 25 November 2022.

Yours faithfully

MINDE SCHAPIRO & SMITH INC.

per: 

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