

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case number: 2021/46488

In the matter between

**HELEN SUZMAN FOUNDATION**

Applicant

and

**NATIONAL COMMISSIONER OF CORRECTIONAL  
SERVICES**

First Respondent

**DEPARTMENT OF JUSTICE AND CORRECTIONAL  
SERVICES**

Second Respondent

**MEDICAL PAROLE ADVISORY BOARD**

Third Respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Fourth Respondent

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**FILING NOTICE**

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**TAKE NOTICE THAT** the applicant ("**the HSF**") presents the following for service and filing:

1. The HSF's supplementary founding affidavit dated 13 October 2021.

**DATED AT JOHANNESBURG ON THIS 13<sup>th</sup> DAY OF OCTOBER 2021.**



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TO:  
**THE REGISTRAR OF THE ABOVE HONOURABLE COURT**  
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AND TO:  
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**MEDICAL PAROLE ADVISORY BOARD**

Third Respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Fourth Respondent

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**SUPPLEMENTARY FOUNDING AFFIDAVIT**

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I, the undersigned,

**FRANCIS ANTONIE**

state under oath that:

1. I deposed to the applicant's founding affidavit. I am duly authorised to depose to this supplementary affidavit, which is filed in terms of Rule 53(4) of the Uniform Rules.



2. The contents of this affidavit are true and, unless the context indicates otherwise, within my personal knowledge. Where I rely on information conveyed to me by others, I believe that information to be true and correct.
3. Where I make legal submissions, I do so on the advice of the applicant's legal representatives, which advice I believe to be true and correct.
4. For the sake of convenience, I use the same abbreviations in this affidavit as the founding affidavit unless otherwise indicated.

### **CONDUCT OF THE MATTER AND PURPOSE OF THIS AFFIDAVIT**

5. The HSF seeks to review and set aside the decision of the National Commissioner granting Mr. Zuma medical parole under section 75(7) of the Act. The HSF asks that the National Commissioner's decision be declared unlawful, set aside and substituted with a decision refusing Mr. Zuma's application for medical parole.
6. Mr Arthur Fraser was the incumbent National Commissioner at the time that the impugned decision was taken. However, since the launch of the HSF's application, it has been announced that Mr. Fraser's contract with the Department of Correctional Services has not been renewed and that an acting National Commissioner, Mr. Makgothi Samuel Thobakgale, has been appointed. I attach a news article detailing these occurrences as "SFA1".
7. This does not affect the relief sought. It is the decision of the National Commissioner that is impugned. This is unaffected by any change in the individual who holds this public office. All the references below to the impugned

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decision of the National Commissioner are references to the decisions taken by Mr Fraser in his capacity as the National Commissioner.

8. The Constitutional Court has also since dismissed Mr. Zuma's application for rescission of the Constitutional Court's order declaring him guilty of contempt of court and sentencing him to imprisonment for 15 months. The Constitutional Court's judgment is reported and available on Safflii.<sup>1</sup>
9. The HSF's urgent review application, lodged on 14 September 2021, was brought in two parts. In Part A, the HSF asked: (i) for the record of the National Commissioner's decision under Rule 53, including the reasons for such decision, to be disclosed on an urgent basis; (ii) for the setting of truncated filing periods to allow for the urgent review and setting aside of the National Commissioner's decision, which was sought under Part B; and (iii) for the case management of HSF's urgent review application (Part B) by the Deputy Judge President of this court.
10. On 21 September 2021, the HSF's attorneys received a letter from the State Attorney representing the National Commissioner, in which it was stated that:
  - 10.1 The State Attorney held instructions not to oppose the relief sought in Part A of the HSF's application (paragraph 3 of the letter).
  - 10.2 A decision was made, presumably by the State Attorney and its client, to compile the necessary record (paragraph 8 of the letter).

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<sup>1</sup> *Zuma v Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State and Others* [2021] ZACC 28.

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10.3 The Rule 53 record would be provided by 28 September 2021 subject to any directives that the National Commissioner would seek from the Deputy Judge President in relation to those documents that he alleged he may be unable to furnish because it was confidential or because it was subject to classified information protocols (paragraph 10 of the letter).

10.4 It too proposed that the applications for review be case managed by the Deputy Judge President from whom a special allocation should be sought (paragraph 11 of the letter).

(Together “**the undertakings**”).

A copy of the letter with the undertakings is attached as “**SFA2**”.

11. On 22 September 2021, the HSF’s attorneys wrote to the Honourable Judge President and Deputy Judge President requesting that, in the light of the undertakings, a case management meeting be scheduled to discuss the further conduct of Part A and Part B. A copy of the letter is attached as “**SFA3**”.
12. On 23 September 2021, the State Attorney wrote to the HSF’s attorneys suggesting that the record would not be provided on 28 September 2021 and that directions would be sought regarding how to deal with the alleged confidential portions of the record. This is despite the State Attorney having expressly stated in the letter with the undertakings that first, it would provide the record by 28 September 2021 and second, it would seek directives from the Deputy Judge President if there were any documents over which it wished to claim confidentiality or the applicability of classification protocols. No directives

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were sought and the State Attorney simply reneged on the undertakings without any explanation.

13. On 25 September 2021, the HSF's attorneys responded to the State Attorney insisting that the entire record be delivered, as the National Commissioner had undertaken to do, and reserving its right urgently to proceed with Part A of its application should the record not be delivered. A copy of the letter is attached as "**SFA4**".
14. On 28 September 2021, the HSF's attorney wrote to the Honourable Justice Maumela ("**Maumela J**") requesting that the hearing of Part A be postponed *sine die*. A copy of the letter is attached as "**SFA5**". Despite this request, the matter was set down before Maumela J, who stood the matter down until 30 September 2021 since the meeting that had been sought with the Deputy Judge President had been, in the interim, scheduled for that day.
15. Despite the undertakings, the National Commissioner did not provide the record by 28 September 2021, nor did it seek any form of directive from the Deputy Judge President prior to the first case management meeting on 30 September 2021 in relation to those portions of the record that it contended were confidential or constituted classified information.
16. On 30 September 2021, the case management meeting was held with Deputy Judge President Ledwaba and the representatives for the HSF, the Democratic Alliance, Afriforum, the National Commissioner and Mr. Zuma.
17. At that meeting and for the first time the National Commissioner informed the parties that Mr Zuma's medical records could not be provided as they were 'top

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secret' and in the possession of the South African Military Health Services ("**SAMHS**"). The National Commissioner indicated that if SAMHS refused to furnish the medical records, the National Commissioner might consider launching an urgent application to compel delivery of those records but that there was no opposition to providing those portions of the record that were non-controversial. Mr Zuma's counsel made his position plain, that Mr Zuma would not consent to his "private" medical information being disclosed, and refused upfront (that is, without even seeing the terms of any proposed confidentiality regime) to consider such information from being disclosed as part of the record under an agreed confidentiality regime.

18. The Deputy Judge President made directives for the further conduct of the matter requiring:

18.1 The National Commissioner to provide the non-controversial portion of the record on 4 October 2021 ("**the non-controversial record**").

18.2 The parties to meaningfully engage, within 48 hours after receiving the non-controversial record, to determine whether it is possible to reach agreement in respect of the other portions of the record not provided including agreement on a suitable confidentiality regime that would apply in respect of the contentious portions of the record ("**the alleged controversial record**").

18.3 A further case management meeting with the Deputy Judge President on either 7 or 8 October 2021 to determine the further conduct of the matter.

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A copy of the minute of the case management meeting is attached as  
“SFA6”.

19. On 30 September 2021, the HSF’s attorneys wrote to the State Attorney requesting that a schedule be provided listing the material not provided in the non-controversial record with sufficient particularity, including where that information is held and by whom, so as to enable the parties to meaningfully engage with what steps they could take, if any. A copy of the letter is attached as “SFA7”. There was no response to this letter.
20. On 4 October 2021, the National Commissioner produced what he considered to be the non-controversial record. Despite the request from HSF, the non-controversial record was not accompanied by a schedule of the alleged controversial record.
21. On 5 October 2021, the HSF’s attorneys wrote to the State Attorney repeating the request for a schedule of the material not provided and proposing a confidentiality regime with regard to the alleged controversial record. The HSF’s attorneys did so pursuant to the directive of the Deputy Judge President that the parties meaningfully engage.
22. HSF proposed – referencing the type of strict confidentiality regime endorsed by the Constitutional Court in the *Helen Suzman Foundation v JSC judgment* – that the controversial record be provided *only* to the parties’ attorneys of record, counsel and any independent experts – all of whom would sign a confidentiality undertaking. A copy of the letter is attached as “SFA8”.

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23. The State Attorney did not respond to the HSF's proposed confidentiality regime within the 48-hour deadline – ignoring the directive of the Deputy Judge President requiring meaningful engagement.
24. A further case management meeting was held on Friday, 8 October 2021 at which:
- 24.1 The HSF made clear that it did not wish to become embroiled in a fight over the record and that it would proceed with Part B of the relief that it seeks against the respondents on the basis of the non-controversial record only. The Democratic Alliance and Afriforum adopted the same approach.
- 24.2 The National Commissioner's legal representatives repeatedly stated that they did not wish to derail the applications nor stand in the way of the applicants, but that the National Commissioner's position may be compromised if the full set of documents that served before the National Commissioner do not serve before the presiding Judge(s), and, therefore, the National Commissioner would consider whether to utilise the provisions of Rule 35 to compel production of the entire record, redacted to the extent necessary (and if it did so, to do so in a manner that did not prejudice the timetable for an expedited hearing).
- 24.3 Mr Zuma's counsel then tried to have the non-controversial record, provided on 4 October 2021 and already in the public domain, subjected to a confidentiality regime, but gave up those suggestions when the Deputy Judge President made clear that he would not give any directives making the non-controversial record (which had already

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been filed with the court and provided to the parties on a non-confidential and public basis) subject to confidentiality.

- 24.4 The parties agreed a timeline for the filing of affidavits and heads of argument in time for the hearing of the review applications on the merits to take place in the week of 22 November 2021, subject to judges being available during that week.
25. The position that the HSF communicated to the Deputy Judge President at this meeting had been set out by it in a letter sent on the evening of 7 October 2021. A copy of this communication is attached as “**SFA9**”. A copy of the Minutes of the case management meeting held on 8 October, which were distributed amongst the parties' representatives and to which no response was received or adjustments claimed by the respondents within the requested time, is attached as “**SFA10**”. The Minutes includes the timetable under which the case was managed for hearing in the week of 22 November 2021.
26. The HSF is accordingly proceeding with the relief sought in Part B of its application in terms of the timetable agreed before and directed by the DJP, and on the basis that the record filed is the only record availed by the respondents in justification of the National Commissioner's impugned decision.
27. In its founding affidavit, the HSF set out why the decision to grant Mr. Zuma medical parole was *ultra vires* the National Commissioner's power in the absence of a positive recommendation that Mr. Zuma be placed on medical parole by the Medical Advisory Parole Board (“**the Board**”).

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28. The HSF also explained why, even if the National Commissioner does have the power to overrule the recommendation of the Board, the National Commissioner's decision to grant Mr. Zuma medical parole was, in any event, unreasonable and irrational in the circumstances.
29. The purpose of this affidavit is to:
- 29.1 Supplement the HSF's founding affidavit with relevant references to the non-controversial record; and
  - 29.2 Supplement the HSF's grounds of review.
30. The HSF's application is about the lawfulness of the National Commissioner's decision to grant Mr. Zuma medical parole, including whether his decision was ultra vires, irrational and unreasonable, and whether the National Commissioner considered irrelevant considerations.

### THE NON-CONTROVERSIAL RECORD

31. Below I discuss, chronologically, the facts that are revealed by the record filed by the National Commissioner. For the Court's benefit, I attach a full copy of the record that has already been publicly filed as "SFA11" ("the filed record"). It was filed by the National Commissioner without any index or pagination. The HSF has thus added an Index to the filed record (as the first three pages of Annexure "SFA11") to assist the Court, and for present purposes I will refer below to the relevant documents in the record where appropriate by reference to that Index. In due course, once this affidavit and annexures have been added to Caselines, the HSF will refer in its heads of argument to the relevant documents in the filed record by reference to their Caselines numbering.

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### Mr. Zuma's time in detention and release on medical grounds

32. On 8 July 2021, Mr. Zuma was admitted into the Escourt Correctional Centre. Upon his arrival, he was examined by the medical team from SAMHS apparently allocated to him.
33. On the same day, the SAMHS medical team produced a medical report recommending that Mr. Zuma "*be moved to a specialist medical high care unit to be assessed further*" and that "*a thorough specialist medical investigation be done*". A copy of the medical report of 8 July 2021 is Item 1 in the filed record.
34. The following day, 9 July 2021, Brigadier General M.Z. Mduywa wrote to the Head of the Escourt Correctional Centre requesting that Mr. Zuma's medical team (effectively the SAMHS team) be granted permission to monitor him on a daily basis. This request was motivated on the basis that the SAMHS "*has the sole mandate [and] responsibility of assuring and giving medical support [and] services to Mr. JG Zuma*". (My emphasis). A copy of the letter is Item 2 in the filed record.
35. On 28 July 2021, Mr. Zuma's SAMHS medical team made an application for Mr. Zuma's medical release to a "*specialist medical facility to be assessed further by specialists ... for proper investigations and to optimize therapy for better outcome*". The report expressly states that it is "*not a final report*" and indicates that a final report by the Specialist Medical Panel will be provided to assist towards application for medical parole. A copy of the medical report of 28 July 2021 is Item 3 in the filed record.

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36. On 29 July 2021, the Operational Manager of the Escourt Correctional Centre, J.A. Mtshali, recommended that Mr. Zuma be released on medical grounds. A copy of the recommendation is Item 4 in the filed record.
37. On 5 August 2021, Mr. Zuma's SAMHS medical team wrote to the National Commissioner requesting that Mr. Zuma be moved to a specialist military medical facility "*to be assessed and managed further by specialists*". A copy of the medical report of 5 August 2021 is Item 5 in the filed record.
38. Mr. Zuma departed the Escourt Correctional Centre on medical release on 5 August 2021 – just under a month after his admission. A copy of the Escourt Correctional Centre admission detail pertaining to Mr. Zuma, which reflects the date and time of Mr. Zuma's release, is Item 6 in the filed record.

#### **The application for Mr. Zuma to be placed on medical parole**

39. Having arrived on 8 July 2021 at the Estcourt Correctional Centre, twenty days later application was made for Mr. Zuma to be placed on medical parole. The application for medical parole is Item 7 in the filed record.
40. In the application, Mr. Mafa states that Mr. Zuma is suffering from a terminal disease or condition that is chronic and progressive. He further states that Mr. Zuma's condition has progressively deteriorated since 2018 and that he is, accordingly, unable to perform the activities of daily living or self care.
41. Mr. Mafa makes note of the fact that Mr. Zuma is "*under the full time medical care of the SAMHS (DOD) with a specialist team assigned for the role.*" He does not explain, however, why Mr. Zuma is under the care of SAMHS instead of receiving care from the Department. He does not allege that the required health



Jiv)

care services for Mr. Zuma's condition are not available within the Department and at the Estcourt Correctional Centre.

42. The application indicates that it was accompanied by a written medical report by a medical practitioner, as required in terms of section 79(2) of the Act. However, the non-controversial record does not contain any document purporting to be a section 79(2) medical report nor does it provide any details concerning a section 79(2) medical report.
43. On 29 July 2021, the Case Management Committee at the Estcourt Correctional Centre provided a profile report (form G326) on Mr. Zuma's application for medical parole to the Correctional Supervision and Parole Board. A copy of the profile report is Item 8 in the filed record.
44. On page 7 of the profile report, the Case Management Committee recommended Mr. Zuma for medical parole. Its reasons appear on page 8, in which it is recorded that Mr. Zuma will reside at Kwanxamalala Area, Nkandla.
45. On page 11, certain conditions relating to community corrections are recommended, including that Mr. Zuma must refrain from changing his residential address without prior approval and must not leave his magisterial district without prior arrangements. Mr. Zuma accepted these conditions, and the relevant page was signed by Mr. Zuma and Mr. Fraser on 5 September 2021 – the date upon which Mr. Zuma was released on medical parole.
46. On 23 August 2021, a confirmation of address and undertaking of care form was signed by Mr. Zuma's spouse, Ms. Sizakele Zuma, in which she undertook to accommodate him at her residential address at Kwanxamalala Area,



M. Fraser

Nkandla. The form was also signed by an official delegated by the Head of Community Corrections, VL Sangweni, on the same date, who declared that the undertaking of care and the residential address in Nkandla had been confirmed as suitable. A copy of the form is Item 9 in the filed record.

47. It was, therefore, contemplated at all relevant times during the application stage that Mr. Zuma would be released to Nkandla.
48. On 2 September 2021, a social work suitability report was provided by A. Mthonti, supervised by S. Naidoo, to "*the parole board*" with information on Mr. Zuma's application for medical parole. A copy of the social work suitability report is Item 10 in the filed record.
49. In the report, A. Mthonti indicates that a family consultation was conducted at Mr. Zuma's home in Pretoria and that an interview was conducted with Mr. Zuma's spouse, Ms. Bongekile Zuma. A. Mthonti notes that Ms. Bongekile Zuma had indicated "*a willingness to take responsibility to accommodate the offender.*" A. Mthonti further notes that Mr. Zuma has two homes at Nkandla Homestead and Pretoria, and that the accommodation "*is sufficient to cater for the offender's needs when released*". A. Mthonti concludes that "*the social circumstances of the offender's family are suitable for his placement on medical parole*".
50. However, there is no indication that A. Mthonti conducted a consultation at Mr. Zuma's Nkandla Homestead or interviewed his spouse who resides at the Nkandla Homestead, Ms. Sizakele Zuma. This, notwithstanding that Mr. Zuma, if paroled, was to be release to the Nkandla Homestead and into Ms. Sizakele Zuma's care.

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### **The recommendation of the Medical Parole Advisory Board**

51. The Medical Parole Advisory Board, established in terms of section 79(3)(a) of the Act, is tasked with providing independent medical reports on applications for medical parole to the relevant decision-maker – in this case, the National Commissioner.
52. The Board is comprised of two permanent members, the chairperson and the vice chairperson, and a number of non-permanent members (at least one member per province) who are *“to be co-opted to the Board by direction of the chairperson, when necessary, for the functioning of the Board”*. The members of the Board are appointed by the Minister of Justice and Correctional Services. The appointment and composition of the Board are set out in Regulation 29B(1).
53. All members of the Board are medical practitioners duly registered, as required by Regulation 29B(3). They, thus, have the requisite medical expertise to assess whether an applicant for medical parole is terminally ill or is rendered physically incapacitated by disease or illness so as to severely limit daily activity or self-care.
54. The Board meets regularly to consider applications for medical parole. Regulation 29B(5) provides that a meeting of the Board is properly constituted if the chairperson, vice chairperson (or their secundi) and three co-opted members are present.
55. Regulation 29B(8)(a) permits a member of the Board to examine a sentenced offender who applies for medical parole. A member of the Board,

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Dr. Mphatswe, examined Mr. Zuma on 13 August 2021 and re-assessed him on 17 August 2021.

56. On 23 August 2021, Dr. Mphatswe produced a medical report in which he recommended that Mr. Zuma be placed on medical parole. A copy of the medical report of Dr. Mphatswe is Item 11 in the filed record.
57. Much of the report is redacted. However, it is clear from the unredacted portions of the report that Dr. Mphatswe took into account that Mr. Zuma is "a high-profile figure, a former President of the Republic" and that "the facility does not cope with the nature of the demand notwithstanding his position in society". (My emphasis).
58. The report records that while in detention Mr. Zuma was receiving treatment through "the support services of his security detail and medical personnel." Nevertheless, Dr. Mphatswe concludes that the correctional centre is an "environment limited to support his optimum care". (My emphasis).
59. Although the Regulations permit a member of the Board to examine an applicant for medical parole, Regulation 29B(6) clearly provides that "a decision of the majority of the Board present shall be a decision of the Board."
60. On 26 August 2021, the Medical Parole Advisory Board met and produced a report on Mr. Zuma's application for medical parole. The report is Item 12 in the filed record.
61. In its report, the Board indicated that the evidence and documentation before it included Mr. Zuma's medical parole application form and unspecified specialist reports. The Board further indicated that Mr. Zuma had been examined by a

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member of the Board and that the member's report was before it. The Board, therefore, had regard to the medical report by Dr. Mphatswe.

62. The Board did not accept Dr. Mphatswe's recommendation. It decided not to recommend Mr. Zuma for medical parole, because it "*did not have sufficient information to reach a decision*". It required further medical reports to reach a decision, including reports from various independent medical experts (cardiologist, surgeon and physician) and a histopathology report.
63. On 27 August 2021, the Medical Parole Advisory Parole Board communicated its decision to the Escourt Correctional Centre and requested further medical reports from independent medical experts to enable it to finalise the matter. A copy of the letter is Item 13 in the filed record.
64. On 28 August 2021, the Medical Parole Advisory Board produced another report not recommending Mr. Zuma for medical parole. A copy of the report is Item 14 in the filed record.
65. The report is almost identical to that of 26 August 2021, except that the request for further reports from *independent* medical experts is removed and replaced with a request for reports from a SAMHS cardiologist, a SAMHS physician and the SAMHS surgical team.
66. The decision was communicated to the Escourt Correctional Centre in a letter dated 31 August 2021, which letter is Item 15 in the filed record. The letter indicates that the decision was taken at the meeting of the Board held on 26 August – the same meeting at which the first decision not to recommend Mr. Zuma was taken. It would appear that the Board either performed a sudden

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about-face on its request for reports from independent medical experts, or sought SAMHS reports in addition to those of the independent experts.

67. On 2 September 2021, the Medical Parole Advisory Board produced a further report in which it took the decision not to recommend Mr. Zuma for medical parole, after receiving the medical reports from specialists requested by it. A copy of the decision of the Board is Item 16 in the filed record.
68. In its decision, the Board states that while Mr. Zuma suffers from multiple comorbidities, "*[h]is treatment has been optimized and all conditions have been brought under control*". The Board reached the conclusion that Mr. Zuma "*is stable and does not qualify for medical parole according to the Act*". Tellingly, the Board expressly states that it "*can only make its recommendations based on the Act*" – thus alive to its duty to eschew any irrelevant considerations raised in the application.
69. After reaching its conclusion, the Board states that it is "*open to consider other information, should it become available*". There is no indication that further information was sent to the Board for consideration before the National Commissioner overruled its recommendation.

#### **The decision and reasons of the National Commissioner**

70. On 5 September 2021, the National Commissioner took the decision to place Mr. Zuma on medical parole, with immediate effect, in terms of section 75(7)(a) of the Act – less than two months after Mr. Zuma's admission to the Escourt Correctional Centre, and less than three full days after the Medical Parole



Advisory Board had decided against doing so. A copy of the decision is Item 17 in the filed record.

71. At paragraph 3, the National Commissioner relates that he gave instructions that he be consulted in all decisions concerning the incarceration and care of Mr. Zuma because of the *"events that occurred during the month of July 2021 (public unrest and destruction of property) following the incarceration of Mr JG Zuma, as well as the ongoing heightened public interest in any matter that relates to Mr Zuma"*.
72. At paragraph 5, the National Commissioner notes that on 4 September 2021 – two days after the Board produced its last report – the KwaZulu-Natal Regional Commissioner and the Head of the Escourt Correctional Centre approached him and indicated that *"they were concerned that the Medical Parole Advisory Board (MPAB) had not recommend (sic) for the placement of Mr. Zuma on medical parole"*. Their reasons were that: He had been hospitalized for an extended period; the Escourt Correctional Centre would not be able to provide the type of care required for Mr. Zuma; and there would be *"major consequences should Mr. Zuma perish"* within the Correctional Centre.
73. At paragraph 7, the National Commissioner states that this engagement motivated him to call for documents pertaining to Mr. Zuma's application for medical parole. At paragraph 8, the National Commissioner states that he received and considered the following documents:

- 73.1 Three medical reports by the SAMHS dated 8 July 2021, 28 July 2021 and 5 August 2021;

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- 73.2 The report of Dr. Mphatswe; and
- 73.3 The recommendation of the Board concerning Mr. Zuma's application.
74. At paragraph 11 of the decision, the National Commissioner rescinds the delegation of the authority in section 75(7)(a) of the Act, which had been delegated to Heads of Correctional Centres, in order to take the decision regarding Mr. Zuma's application for medical parole himself. A copy of the Delegation, which was promulgated in Government Gazette no 43834 dated 23 October 2020, is Item 18 in the filed record.
75. In particular, the National Commissioner considered, at paragraph 10, that the *"situation occasioned a unique moment within the history of Correctional Services, where a former Head of State of the Republic of South Africa is incarcerated whilst still entitled to privileges as bestowed by the Constitution"*.
76. The National Commissioner indicates that he called for further *"relevant and available information"* to be placed before him for consideration in arriving at a decision. However, what further information was provided is not specified and no reference is made to any additional documents in his reasons.
77. At paragraph 12, the National Commissioner sets out his reasons for granting Mr. Zuma medical parole as follows:
- "12.1. Mr Zuma is 79 years old and undeniably a frail old person.
- 12.2. That the various reports from the SAMHS all indicated that Mr Zuma has multiple comorbidities which require him to secure specialized treatment outside the Department of Correctional Services (DCS).

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- 12.3. *That Dr LJ Mphatswe (member of MPAB) in his report dated 23 August 2021 recommended that the applicant, Mr JG Zuma be released on medical parole because his 'clinical health present unpredictable health conditions' and that sufficient evidence has also arisen from the detailed clinical reports submitted by the treating specialists to support the above read recommendation.*
- 12.4. *The Medical Parole Advisory Board recommendation agreed that Mr Zuma suffers from multiple comorbidities. The MPAB further stated that his treatment had been optimized and his conditions have been brought under control because of the care that he is receiving from a specialized hospital, therefore they did not recommend medical parole. It is the type of specialized care that cannot be provided by the Department of Correctional Services in any of its facilities.*
- 12.5. *As a result, there is no guarantee that when returned back to Escourt Correctional Centre Mr Zuma's 'conditions' would remain under control. It is not disputed that DCS does not have medical facilities that provide the same standard of care as that of a specialized hospital or general hospital.*
- 12.6. *Mr. Zuma's wife, Mrs Ngema, has undertaken to take care for him if released, as Mr Zuma will be aided by SAMHS as a former Head of State, providing the necessary health care and closely monitoring his condition."*
78. At paragraph 13, the National Commissioner approves Mr. Zuma's release on medical parole subject to certain conditions, including that Mr. Zuma undergo regular medical evaluations and provide monthly reports to the Department until



the expiry of his sentence and that he be monitored by the Community Corrections Office nearest his residence.

## SUPPLEMENTED GROUNDS OF REVIEW

### The decision was *ultra vires* the National Commissioner's powers

79. Section 79(1) of the Act sets out the jurisdictional facts necessary for the consideration of medical parole. Most importantly in this case, section 79(1)(a) provides that an offender may only be considered for medical parole if he or she is terminally ill or rendered physically incapacitated "*so as to severely limit daily activity or inmate self care*".
80. In its report of 2 September 2021, the Board – which is tasked with providing an independent medical expert determination on whether medical parole is appropriate in accordance with section 79(1)(a) – determined that Mr. Zuma "*does not qualify for medical parole according to the Act*", given, *inter alia*, that "*all conditions have been brought under control*" and "*the applicant is stable*". In other words, the Board determined that Mr. Zuma is neither terminally ill nor physically incapacitated.
81. First, as set out in the HSF's founding affidavit, the National Commissioner does not have the power to overrule the recommendation of the Board, and the National Commissioner's decision is *ultra vires* his powers for this reason alone.

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82. To the extent that the National Commissioner understood that he was empowered to overrule the recommendation of the Board, he committed an error of law. Further legal argument will be addressed on this at the hearing.
83. Second, even if the National Commissioner is empowered to overrule the recommendation of the Board, the jurisdictional fact set out in section 79(1)(a) is absent in Mr. Zuma's case.
84. Nowhere in the National Commissioner's reasons for his decision is it stated that:
- 84.1 Mr. Zuma suffers from a terminal illness or disease; or
- 84.2 Mr. Zuma is physically incapacitated as a result of illness or disease so as to severely limit his ability to engage in daily activity or self care.
85. Instead, the National Commissioner reasons that Mr. Zuma should be granted medical parole because: Mr. Zuma is old and frail, has multiple comorbidities and has an unpredictable health condition; and the Department does not have the medical facilities to "*provide the same standard of care as that of a specialised hospital (sic) or general hospital,*" in circumstances where the Board's recommendation does not make mention of a specialised hospital required to take care of Mr Zuma, and only states that his "*care has been optimised*".
86. On the reasons provided by the National Commissioner, the jurisdictional facts necessary for the exercise of his power are absent. Granting medical parole

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without establishing that the applicant is terminally ill or physically incapacitated is arbitrary and unlawful.

87. The proper exercise of the National Commissioner's power (assuming that he or she has the power to determine whether section 79(1)(a) is satisfied) requires that he or she be satisfied that the applicant is terminally ill or physically incapacitated, having regard to the medical expert reports provided and, in particular, to the independent medical expert report of the Board.
88. The reasons provided by the National Commissioner evidence that he did not so satisfy himself before granting Mr. Zuma medical parole, and for this reason acted unlawfully.
89. Third, I am advised that a section 79(2) written medical report recommending placement on medical parole is a jurisdictional fact necessary for the consideration of medical parole. Without a section 79(2) report positively recommending placement on medical parole, the National Commissioner may not consider an application for medical parole.
90. It is unclear whether the application for Mr. Zuma's release on medical parole was accompanied by a written medical report positively recommending release on medical parole. No such report appears in the non-controversial record.
91. Critically, in his decision, the National Commissioner does not refer to or rely on any medical report by the SAMHS or an independent medical practitioner that positively recommends Mr. Zuma's placement on medical parole. The National Commissioner does not state that the SAMHS reports, upon which he relies, recommend that Mr. Zuma be placed on medical parole. It is reasonable

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to conclude that if Mr. Zuma's application had been accompanied by a report positively recommending his placement on medical parole, then the National Commissioner would have relied on it, or at least considered it, in his reasons.

92. In the absence of a section 79(2) written medical report positively recommending Mr. Zuma's placement on medical parole, the National Commissioner did not have the power to consider, let alone grant, Mr. Zuma's application for medical parole.
93. Given that the National Commissioner was not empowered to grant Mr. Zuma medical parole in the circumstance, his decision is reviewable in terms of the principle of legality and sections 6(2)(f)(i) and 6(2)(b) of the Promotion of Administrative Justice Act 3 of 2000 ("PAJA").

**The National Commissioner's decision is unreasonable, irrational and arbitrary in the circumstances**

94. As explained above, the Board makes independent expert medical determinations on the appropriateness of granting medical parole in accordance with section 79(1)(a).
95. Even if the National Commissioner has the power to overrule the recommendation of the Board, the National Commissioner requires a rational and reasonable basis to do so. There is no basis whatsoever for the National Commissioner to have overruled the recommendation of the Board.
96. First, the National Commissioner's reasons for his decision do not meaningfully engage with whether it is appropriate to grant medical parole in accordance with section 79(1)(a). As explained above, the reasons given by the National



Commissioner do not engage with whether Mr. Zuma is terminally ill or physically incapacitated so as to severely limit his ability to engage in daily activities or self care.

97. The National Commissioner has, thus, not provided any reasonable or rational basis for his decision to overrule the recommendation of the Board concerning the appropriateness of granting Mr. Zuma medical parole in accordance with section 79(1)(a). The decision of the National Commissioner is unreasonable, irrational and arbitrary for this reason.
98. Second, the National Commissioner does not explain why he departed from the recommendation of the Board of 2 September 2021. He does not state that the decision of the Board is incorrect or flawed in any way. Instead, his reasons relate to the standard of care that the Department can provide.
99. The National Commissioner sets up a false predicate by reading words into the decision of the Board, which evidently neither appear in the Board's decision nor are implied. In paragraph 12.4 of his reasons, the National Commissioner states:
- “The MPAB further stated that his treatment had been optimized and his conditions have been brought under control because of the care that he is receiving from a specialized hospital, therefore they did not recommend medical parole.” (My emphasis).
100. The National Commissioner, thereafter, concludes that Mr. Zuma should be released on medical parole because the Department cannot provide this same standard of care. By reading in the above underlined words, the National

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Commissioner makes the Board's decision not to recommend Mr. Zuma for medical parole conditional upon him receiving the same standard of care that he received from a specialised hospital.

101. But the decision of the Board neither contains nor implies any such condition. The Board is clear that Mr. Zuma's treatment "*has been optimized*" and that all of his conditions "*have been brought under control*". The Board further clearly states that Mr. Zuma is stable and does not qualify for medical parole. The clear meaning of the Board's recommendation is, quite to the contrary, that Mr. Zuma is in a state of health which does not require him to be released on medical parole.
102. By setting up a false predicate upon which to justify his departure from the recommendation of the Board, instead of engaging frontally with the recommendation and reasons of the Board, the National Commissioner acted unreasonably, irrationally and arbitrarily.
103. Third, and in any event, to the extent that the National Commissioner was of the view that the Board had not considered that the Department could not provide the standard of care allegedly required by Mr. Zuma, he could have put this to the Board before overruling its recommendation.
104. In its decision of 2 September 2021, the Board expressly states that it is "*open to consider other information, should it become available*". A rational process would have required the National Commissioner to put any information concerning the level of care that the Department is able to provide to Mr. Zuma before the Board – as the expert medical body tasked with determining whether medical parole may be granted in accordance with section 79(1)(a) – before

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overruling its recommendation. This was rationally required, since the National Commissioner lacks the requisite medical expertise to determine whether the level of care that the Department is able to provide is adequate to Mr. Zuma's needs.

105. By failing to place this information, which was critical to his decision, before the Board before overruling its recommendation, the National Commissioner short-circuited the process legislatively prescribed for determining whether the requirement in section 79(1)(a) is satisfied. The process followed by the National Commissioner was, accordingly, irrational.
106. Fourth, the National Commissioner unreasonably, irrationally and arbitrarily prefers the medical reports of the SAMHS and a single member of the Board over the recommendation of the Board.
107. The National Commissioner gives no reasons as to why the reports of Mr. Zuma's SAMHS medical team are preferred over the independent report of the Board. The Board was established exactly because the Legislature considered an independent medical report a necessary safeguard to prevent abuses of medical parole. The National Commissioner must, therefore, have a reasonable or rational basis for preferring the report of Mr. Zuma's medical team over the independent report of the Board. None is provided by the National Commissioner, and he is not permitted to retrofit reasons after the fact.
108. Moreover, the "*various reports of the SAMHS ... which require [Mr. Zuma] to secure specialised treatment outside the Department*" relied upon by the National Commissioner do not recommend that Mr. Zuma be placed on medical parole. It is, therefore, unreasonable and irrational for the National



Commissioner to place reliance on these reports to support his decision to grant Mr. Zuma medical parole.

109. The only SAMHS medical reports expressly referred to by the National Commissioner in his reasons are those of 8 July 2021, 28 July 2021 and 5 August 2021. None of these reports recommend that Mr. Zuma be placed on medical parole. In fact, they were not even prepared for the purposes of an application for medical parole. The SAMHS report of 28 July 2021 expressly states that it is not a final report and that a report will be prepared by the "*Specialist Medical Panel*" to assist with an application for medical parole.
110. All three of the reports called for Mr. Zuma's temporary release on medical grounds to a specialised medical facility for further assessment. Indeed, the National Commissioner does not state that any of the SAMHS reports upon which he relies recommended that Mr. Zuma be placed on medical parole.
111. The SAMHS report of 8 July 2021 calls for Mr. Zuma to be moved to a specialist medical facility so that he can be "*assessed further*" and a "*specialist medical investigation be done*". The SAMHS report of 28 July 2021 calls for Mr. Zuma to be released to a specialist medical facility for assessment "*to optimize therapy for better outcome*". The SAMHS letter of 5 August, addressed to the National Commissioner, similarly requests Mr. Zuma's temporary release to a specialist medical facility to be "*assessed and managed*" further by specialists.
112. Moreover, all of the reports precede Mr. Zuma's release to a specialised medical facility, and therefore do not take into account the change in Mr. Zuma's circumstances thereafter. The Board concludes in its report of 2 September

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2021 that the aim sought by the calls in the SAMHS reports for Mr. Zuma's temporary release has been achieved – his treatment has been optimised.

113. Similarly, the National Commissioner gives no reasons for preferring the recommendation of Dr. Mphatswe (a single member of the Board) over the considered decision of the Board; particularly in light of Regulation 29B(6), which provides that a decision of the majority of the members present is a decision of the Board.
114. The purpose of an examination by a single member of the Board is to assist the Board in making *its* decision. It is telling that the recommendation of Dr. Mphatswe was before the Board when it made its decision of 26 August 2021, in which it decided not to recommended Mr. Zuma for medical parole on the basis that there was insufficient information before it to reach a decision.
115. Importantly, the Board thereafter received a number of reports from various specialists whose reports informed its decision of 2 September 2021, and which were necessarily not considered by Dr. Mphatswe when he made his recommendation of 23 August 2021.
116. It is also noteworthy that Dr. Mphatswe's medical report seems to have been tainted by irrelevant considerations related to Mr. Zuma's position as a former President of the Republic, whereas the Board expressly limited itself to making recommendations "*based on the Act*".
117. It was accordingly unreasonable and irrational for the National Commissioner to prefer the medical reports of the SAMHS medical team and Dr. Mphatswe

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over the clear recommendation of the Board that Mr. Zuma not be placed on medical parole.

118. Fifth, there is an obvious contradiction in the reasons provided by the National Commissioner.
119. At paragraph 12.6 of his reasons, the National Commissioner considers the arrangements made for Mr. Zuma's treatment and care if he is released on medical parole and concludes that these arrangements, whereby he was to be released *not* to a specialized hospital, hospice, or some other medical facility, but to his private home, are appropriate – as required in terms of section 79(1)(c) of the Act – since the SAMHS will be "*providing the necessary health care and closely monitoring his condition*".
120. This stands in stark contrast to what is said at paragraphs 12.4 and 12.5 of his reasons. In those paragraphs it is stated that Mr. Zuma's condition has been brought under control "*because of the care that he is receiving from a specialized hospital*" and that there is "*no guarantee*" that Mr. Zuma's conditions would remain under control when removed from the standard of care provided by the hospital. He concludes that Mr. Zuma should be placed on medical parole because the Department cannot provide the same standard of care.
121. It must be recalled that while at the Escourt Correction Centre, Mr. Zuma was monitored daily by his SAMHS medical team and that, as stated in the application for his release on medical parole, he was under the "*full time medical care of the SAMHS (DOD)*". There is no reason to believe that this position would change if Mr. Zuma were returned to the Escourt Correctional Centre.

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122. It is obviously contradictory for the National Commissioner to conclude that Mr. Zuma should be released on medical parole because he will not be able to receive the level of care that he requires while in detention, but at the same time to conclude that a similar arrangement to that which he enjoyed at the Escourt Correctional Centre is adequate for his care, if placed on medical parole. In other words, in both situations (both when Mr Zuma was detained at Escourt Correctional Centre and now when he is placed on medical parole), Mr Zuma would be in a non-medical facility, with SAMHS providing any necessary health care and monitoring of his condition.
123. The inherent unreasonableness, irrationality and arbitrariness of the National Commissioner's decision founds a review in terms of the principle of legality and sections 6(2)(e)(vi), 6(2)(f)(ii) and 6(2)(h) of PAJA.

**The National Commissioner took into account irrelevant considerations and failed to take into account relevant considerations**

124. It is evident from the reasons provided by the National Commissioner for his decision that he both had regard to irrelevant considerations and failed to have regard to relevant ones.
125. First, the National Commissioner clearly had regard to irrelevant considerations in making his decision. At paragraph 3 of his reasons, the National Commissioner states that his involvement in Mr. Zuma's application for medical parole, notwithstanding the delegation of his power to Heads of Correctional Centres, was precipitated by the "*public unrest*" following the incarceration of Mr. Zuma and the "*heightened public interest*" in matters concerning Mr. Zuma.

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126. He further states, at paragraph 10, that he rescinded the delegation in order to take the decision on Mr. Zuma's application for medical parole himself, because he considered the application as occasioning "*a unique moment within the history of Correctional Services, where a former Head of State of the Republic of South Africa is incarcerated whilst still entitled to privileges as bestowed by the Constitution*".
127. Mr. Zuma's position as a former president of the Republic has no relevance to the determination of whether he should be released on medical parole. And necessarily so, if equality before the law is to have any meaning.
128. In sentencing Mr. Zuma to a period of imprisonment for his contempt of court, the Constitutional Court confirmed that no person is above the law. It upheld the ideal of a democratic and free society that "*all persons are both as equal in opportunity, as they are in accountability, before the law*".<sup>2</sup>
129. To grant Mr. Zuma a reprieve from his sentence because of his former role as President of the Republic is to make a mockery of equality before the law. To do so by arrogating power to himself – by withdrawing the delegation – bespeaks an abuse of power for an ulterior purpose, which purpose was clearly achieved, namely, to take charge of the process and ensure Mr Zuma's freedom from jail by overriding the decision of the Medical Parole Board. That was further achieved by ignoring relevant considerations and taking into account irrelevant ones. The decision is thus reviewable on the basis that it was taken

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<sup>2</sup> *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others* [2021] ZACC 18; 2021 (9) BCLR 992 (CC); 2021 (5) SA 327 (CC) at paras 139-140.

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for an ulterior purpose, is irrational and unreasonable, and is otherwise unconstitutional.

130. Second, once it has been determined that the applicant satisfies the requirements in section 79(1)(a) of the Act (whether by the Board or the National Commissioner, if he or she has that power), the National Commissioner must consider whether the other jurisdictional facts for medical parole are present.
131. Section 79(1)(b) requires that the risk of re-offending must be low for medical parole to be considered. There is absolutely no indication in the reasons provided by the National Commissioner that he gave any consideration to the risk of Mr. Zuma reoffending.
132. Mr. Zuma has repeatedly indicated, both through his actions and words, that he does not respect the authority of the Constitutional Court or the courts generally. There is, thus, every likelihood that Mr. Zuma, if released, will continue to disrespect the authority of the courts.
133. As explained in the HSF's founding affidavit, Mr. Zuma's disrespect for the authority of the courts, as the former President of Republic, seriously threatens the administration of justice and the rule of law. The National Commissioner should have considered the likelihood of Mr. Zuma reoffending as well as the significant harm which would be occasioned thereby. On the contrary, the National Commissioner seems to have given the requirement in section 79(1)(b) no thought whatsoever.

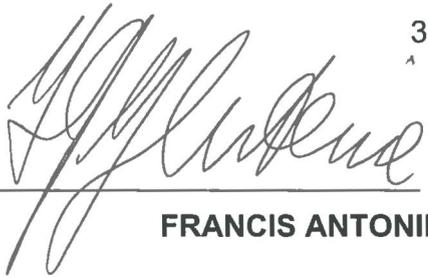
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134. The National Commissioner failed to properly apply his mind to, or even consider, whether it was appropriate to grant Mr. Zuma medical parole in accordance with section 79(1)(b).
135. The National Commissioner's decision is reviewable in terms of section 6(2)(e)(iii) of PAJA.

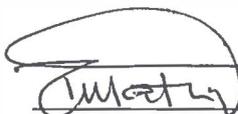
## CONCLUSION

136. I submit that, for the reasons given in the HSF's founding affidavit and above, the National Commissioner's decision falls to be reviewed and set aside, and to be substituted with a decision refusing Mr. Zuma's application for medical parole.
137. For the reasons outlined in the founding affidavit, which will be fully addressed in argument, the appropriate, just and equitable remedy consequent upon reviewing and setting aside the National Commission's decision is:
- 137.1 an order substituting the National Commissioner's decision to grant Mr Zuma medical parole with a decision rejecting the application; and
  - 137.2 an order directing that the time that Mr Zuma was out of jail on medical parole shall not be counted for the fulfilment of his sentence of 15 months' imprisonment imposed by the Constitutional Court.
138. The HSF accordingly asks for an order in terms of Part B of the notice of motion.

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**FRANCIS ANTONIE**

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and sworn to before me at PARKVIEW on this the 13<sup>th</sup> day of October 2021, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

  
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 Cst  
 MATHYE  
 7146633  
 COMMISSIONER OF OATHS  
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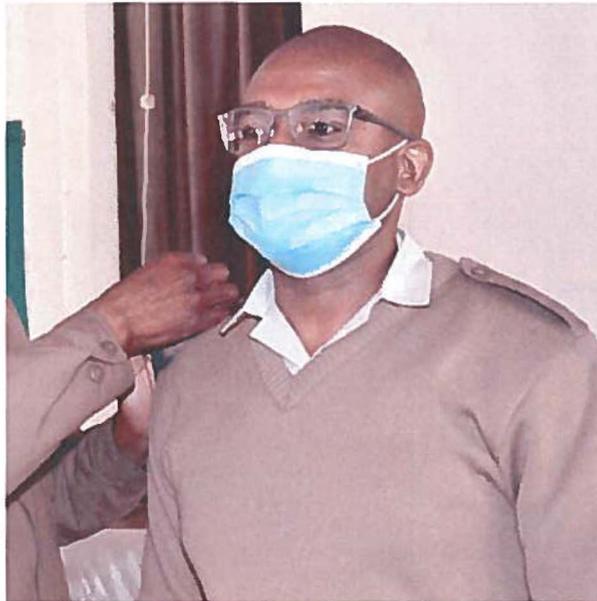
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## Bye-bye Arthur Fraser: Lamola appoints new acting prisons boss

*Makgothi Samuel Thobakgale's appointment comes after an earlier announcement that Arthur Fraser's contract would not be renewed.*



Makgothi Samuel Thobakgale. Picture: Department of Corrections

Justice and Correctional Services Minister Ronald Lamola has appointed Makgothi Samuel Thobakgale as acting national corrections commissioner, to replace the outgoing Arthur Fraser.

Thobakgale joined Corrections last year as the chief deputy commissioner for incarceration and corrections. He holds a B.Com in Finance and Business Administration, and a postgraduate degree in Development, while he is currently studying for his Master's in Finance.

He has 17 years of experience in the public sector, and has previously served as deputy director-general in the department of public works.

Thobakgale's appointment comes after an earlier announcement that the contract of his predecessor, Fraser, would not be renewed. Fraser took over the role in April of 2018.



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He was recently at the centre of the storm surrounding the release of former president Jacob Zuma on [medical parole](#). Fraser admitted that he had approved Zuma's parole despite contrary recommendations by the medical parole board.

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Fraser said at the time that he was aware of the perceptions surrounding him, but made the decision anyway.

"I know the noise and perception were created that I was Jacob Zuma person; the only thing that I know is that I was appointed by him into the position of director-general in the SSA," said Fraser before explaining the alleged procedure that eventually led to the former president's freedom.

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TO: MINDE SCHAPIRO AND SMITH ATTORNEYS

Ref: R Nyama / MD / HM001035

AND TO: HURTER SPIES INC

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AND TO: WEBBER WENTZEL REF: V Moshovich /P Dela / D Cron / D Rafferty / D

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IN RE: THE DEMOCRATIC ALLIANCE // THE NATIONAL COMMISSIONER OF

CORRECTIONAL SERVICES AND 4 OTHERS

AFRIFORUM NPC // THE NATIONAL COMMISSIONER OF

CORRECTIONAL SERVICES AND 5 OTHERS

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HELEN SUZMAN FOUNDATION // NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES AND 3 OTHERS

SIR/MADAM

1. The above matters refer. We act on behalf of the National Commissioner of Correctional Services (“the First Respondent”) in all the three matters.
2. Our instructions are to approach the court and request that all three matters be heard by the same Judge on the same day.
3. We also hold instructions not to oppose part A in all three matters and comply with your request for reasons in terms of Rule 53. We are, in this regard, in the process of compiling the report and also taking instructions on the status of some of the documents that should be included in the record.
4. We are acutely aware that in the Democratic Alliance // The National Commissioner of Correctional Services and 4 Others we were required to dispatch, on the 17<sup>th</sup> September 2021, to both the Registrar of the High Court and the Applicant’s Attorneys the record of the parole decision, including all recommendations, correspondence, reports, memoranda, minutes of meetings, documents, evidence, transcripts of recorded proceedings and other information before our client when the decision was made.

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5. We were unable to comply with that directive as the Legal team was only briefed on Tuesday afternoon and due to the unfortunate incidence regarding the IT systems of the State Attorney, documents could not be sent to the Legal team. Documents were sent straight from client to Legal team only during the late afternoon of Tuesday.
6. The parties will appreciate that at this time the State Attorney had already received three (3) applications and other requests that are related to the same matters but not relevant to this letter. The Legal Team had to hastily read through all three applications in preparation for a consultation.
7. On Wednesday morning, Legal team started arranging for a consultation, which consultation called for the inclusion of officials from Escourt Correctional Services Center in Kwa Zulu Natal and all other role players. The officials could only avail themselves on Saturday the 18<sup>th</sup> September 2021. A consultation was subsequently conducted on Saturday the 18<sup>th</sup> of September 2021.
8. Subsequent to the consultation, a decision was made to compile the necessary record with a view of providing same to the different parties.
9. Two of the Applicants, the AFRIFORUM NPC and the HELEN SUZMAN FOUNDATION have set their applications down for the hearing of Part A on Tuesday the 28<sup>th</sup> September 2021 for an order directing the First Respondent to file the record in terms of Rule 53 of the Uniform Rules of Court within seven and three days of the court order respectively.

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10. We hold instructions that the record as called upon by all the Applicants in terms of Rule 53 will be ready by Tuesday the 28<sup>th</sup> September 2021, and shall be made available to the parties subject to any directives that may be sought by the First Respondent and issued by the Deputy Judge President. All the parties involved are aware and appreciate the nature of the information to be produced which includes but not limited to, confidentiality, classified information and the protocol applicable to the disclosure of such information. Notwithstanding the aforementioned factors, the First Respondent is prepared to comply with the request to file the necessary record, but within the confines of the law.
11. We therefore propose that the Legal Representatives of the parties should seek a hearing with the Deputy Judge President for a directive on how this matter should proceed and to further request a special allocation, if the parties so wish.
12. We propose that such meeting should be requested for the 28<sup>th</sup> September 2021, with the concurrence of all parties involved and subject to the Deputy Judge President's availability.

We await a positive and expeditious response.

Sincerely

SGD: R SEKGOBELA

RN SEKGOBELA

ASSISTANT STATE ATTORNEY: PRETORIA

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# WEBBER WENTZEL

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**The Honourable Judge President**  
**The Honourable Acting Deputy Judge President**

Gauteng Division of the High Court  
Pretoria

By hand

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Your reference  
GP case no 2021/46468

Our reference  
V Movshovich / P Dela / D Cron /  
D Rafferty / D Qolohle  
3050264

Date  
22 September 2021

Dear Sir/Madam

**Helen Suzman Foundation // National Commissioner of Correctional Services and others ("the respondents") (GP Case no 2021/46468) ("the proceedings") In re: Request for urgent case management meeting on 28 September 2020**

1. We represent the Helen Suzman Foundation ("HSF" or "the applicant") in the proceedings.
2. HSF is a not-for-profit public interest organisation actively involved in the advancement of respect for the rule of law and constitutionalism in South Africa. HSF acts in its own interest as well as in the public interest.
3. On 29 June 2021, the Constitutional Court handed down its judgment and order in the matter of *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others* [2021] ZACC 18 ("the Constitutional Court Judgment and Order").
4. In terms of the Constitutional Court Judgment and Order, it was declared that former President, Mr Jacob Gedleyihlekisa Zuma ("Mr Zuma"), was guilty of the crime of contempt of court for failure to comply with the order made by the Constitutional Court in the matter of *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Jacob Gedleyihlekisa Zuma* [2021] ZACC 2. Mr Zuma was sentenced to undergo 15 months' imprisonment. The rescission application in respect of the Constitutional Court Judgment and Order has

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Chief Operating Officer: SA Boyd



recently been dismissed: *Zuma v Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State and Others* (CCT 52/21) [2021] ZACC 28 (17 September 2021).

5. On or about 5 September 2021, the National Commissioner of Correctional Services, Mr Arthur Fraser ("**National Commissioner**") took the decision to place Mr Zuma on medical parole.
6. On 13 September 2021, the HSF instituted urgent review proceedings in two parts: namely:
  - 6.1 Part A, set down on the urgent court roll for 28 September 2021: directing the National Commissioner to deliver, under Rule 53, the record of decision sought to be corrected or set aside, being the decision to grant the Fourth Respondent, Mr Zuma, medical parole in terms of section 75(7) of the Correctional Services Act, 1998 ("**Part A**") ("**the record**") ("**the decision**") and a timetable be ordered for the further conduct of Part B; and
  - 6.2 Part B: that the decision be declared unlawful, reviewed and set aside ("**Part B**"). A copy of the notice of motion dated 14 September 2021 ("**notice of motion**") is annexed marked "A".
  - 6.3 In support of the relief sought in the notice of motion, the applicant delivered a founding affidavit, also dated 14 September 2021, comprising 22 pages of affidavit and 40 pages of annexes. We do not annex the founding affidavit, but a copy of the document is on the CaseLines platform or may be made available electronically or physically, should this be required.
7. The proceedings are opposed by the National Commissioner and Mr Zuma. The Medical Parole Advisory Board and the Department of Justice and Correctional Services are abiding.
8. In terms of the notice of motion, the record was due to be filed by the National Commissioner within 3 days of an order granted in Part A as prefaced in paragraph 6.1 above.
9. Our client understands that the Democratic Alliance and Afriforum NPC have launched similar urgent applications before this Honourable Court in which they too, albeit separately, challenge the decision made by the National Commissioner to place Mr Zuma on medical parole.
10. On 21 September 2021, our client received correspondence from the State Attorney representing the National Commissioner. That correspondence is attached marked "**B**" ("**the 21 September 2021 letter**") and was also delivered to the legal representatives of the Democratic Alliance and Afriforum. For present purposes, the following undertakings are made in the letter:
  - 10.1 the National Commissioner will not oppose the relief sought in Part A (albeit that it is not clear whether reasons will be filed with the record, as the National Commissioner has not addressed this aspect in his correspondence);
  - 10.2 the record shall be delivered by 28 September 2021 (the State Attorney has intimated, at paragraph 3, that he is taking instruction "*on the status of some of the documents that should be included in the record*" and, at paragraph 10, that the record will be provided "*within the confines of the law*"). The HSF reserves its right to challenge the



content of the record to the extent necessary and on an urgent basis should the record be incomplete).

11. In light of the above undertakings, our client writes to the Honourable Judge President and Deputy Judge President to alert them to the proceedings, as well as the applications brought by the Democratic Alliance and Afriforum NPC.
12. Our client seeks directions in relation to the further conduct of this matter as well as a special allocation of Part B as a matter of urgency, given the public importance of, and the need to bring finality to, the proceedings. By way of background context:
  - 12.1 each of the related matters set forth in paragraph 4 above were heard on an extremely urgent basis by the Constitutional Court, including outside of term time;
  - 12.2 the proceedings concern the exercise of an important public power by the National Commissioner;
  - 12.3 there is manifest public interest in ensuring the lawfulness of the decision, not least given the effect of the decision on the rule of law, the integrity of the judiciary and the administration of justice (actual and perceived); and
  - 12.4 the matter implicates the potential erosion of the effectiveness of the Constitutional Court Judgment and Order.
13. Our client notes that the National Commissioner has proposed "*a hearing with the Deputy Judge President for a directive on how this matter should proceed and to further request a special allocation, if the parties so wish*", and has suggested 28 September 2021 as an appropriate date.
14. Our client agrees with this proposal and requests that a case management meeting is scheduled for 28 September 2021, assuming that this is convenient for your Lordship / Ladyship (the day on which Part A has been set down for hearing), in order to discuss the further conduct of Part B, including directions in relation to the hearing of all three applications (those of the HSF, the Democratic Alliance and Afriforum NPC) at the same time.
15. The legal representatives of the parties in all three matters have been copied on this correspondence. If 28 September 2021 is not convenient, our client respectfully requests that the meeting be convened as soon as possible, given the urgency which it contends animates the matters.
16. We thank your Lordship/Ladyship for your consideration of the request and look forward to receiving your Lordship/Ladyship's directions in respect thereof.

Yours faithfully

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Page 4

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Your reference  
2822/21/Z59  
GP case no 2021/46468

Our reference  
V Movshovich / P Dela / D Cron /  
D Rafferty / D Qolohle / B Lotter  
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Date  
25 September 2021

Dear Sirs

**Helen Suzman Foundation // National Commissioner of Correctional Services ("your client") and others ("the respondents") (GP Case no 2021/46468) ("the proceedings") In re: "Your Responses to our letter dated 21 September 2021 and your letters dated the 22<sup>nd</sup> and 23<sup>rd</sup> September 2021 addressed to the DJP/ADJP respectively bear reference"**

1. We represent the Helen Suzman Foundation ("HSF" or "our client") in the proceedings.
2. We refer to your letters dated 21 September 2021 and 23 September 2021 ("the 21 September letter" and "the 23 September letter" respectively). We also refer to the respective applications brought by the HSF, the Democratic Alliance and Afriforum NPC, to the extent necessary.
3. As your client will be aware, at least our client and the Democratic Alliance particularised the minimum components which your client was to provide under Rule 53 (see, simply by way of example, paragraph 4 of our client's founding affidavit and paragraph 89 of the Democratic Alliance's affidavit). Your client also records, in paragraph 4 of the 21 September letter, certain material which falls to be included in the Record.
4. Against this background, and knowing full well what was – as a minimum – required to form part of the Record, the 21 September 2021 letter recorded that, *inter alia*:

Senior Partner: JC Els Managing Partner: SJ Hutton Partners: BW Abraham RB Africa NG Alp RL Appelbaum DC Bayman KL Beillings AE Bennett AP Blair DHL Booysen AR Bowley J Braum MS Burger M Bux RI Carrim T Cassim SJ Chong ME Claassens C Collett KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies PM Daya L de Bruyn PU Dela M Denenga DW de Villiers BEC Dickinson MA Diemont DA Dingley MS Dladla G Driver W Drue GP Duncan HJ du Preez CP du Toit SK Edmundson LF Egypt KH Elser AE Esterhuizen MJR Evans K Fazel AA Felekis G Fitzmaurice JB Forman L Franca KL Gawith OH Geldenhuys MM Gibson CI Gouws PD Grealy S Haroun JM Harvey JS Henning KR Hillis Z Hlophe CM Hofveld PM Holloway AV Ismall ME Jarvis CA Jennings JC Jones CM Jonker S Jooste LA Kahn ACR Katzke M Kennedy A Keyser MD Kota JC Kraamwinkel J Lamb KJ Lebea E Louw M Mahlangu V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer AJ Mills D Milo NP Mngomezulu P Mohanlal M Moloi N Moodley LE Mostert VM Movshovich C Murphy RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba A October L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel N Pather GR Penfold SE Phajane M Philippides BA Phillips MA Phillips DJ Rafferty D Ramjetan GI Rapson K Rew SA Ritchie NJA Robb J Roberts G Sader M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh S Sithole J Smit RS Smith MP Spalding PS Stein MW Straeull LJ Swaine Z Swanepoel A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tihavani G Truter PZ Vanda SE van der Meulen JP van der Poel CS Vanmali JE Veeran B Versfeld MG Versfeld TA Versfeld DM Visagie EME Warmington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

Chief Operating Officer: SA Boyd

- 4.1 you *"hold instructions not to oppose part A in all three matters and comply with your request for reasons in terms of Rule 53"*;
- 4.2 *"a decision was made to compile the necessary record with a view of providing same to the different parties"*;
- 4.3 *"[n]otwithstanding the aforementioned factors [confidentiality, classified information and the protocol applicable to the disclosure of such information], the First Respondent is prepared to comply with the request to file the necessary record"; and*
- 4.4 *"the record as called upon by all the Applicants in terms of Rule 53 will be ready by Tuesday the 28th September 2021, and shall be made available to the parties subject to any directives that may be sought by the First Respondent and issued by the Deputy Judge President" (emphasis added).*
5. As such, it was represented and undertaken that all the material requested would be provided (this was so despite various alleged concerns of your client), and that the record would be available on 28 September 2021.
6. Our client is thus concerned to read the 23 September letter, which suggests that the record will not be made available on 28 September 2021, and instead only some unspecified "directions" will be sought on such date (*"We therefore request that we see the DJP/ADJP on the 28th September 2021 and subject to the directives and/or ruling by the DJP/ADJP, then the record will be dealt with accordingly"*).
7. This is not what your client represented and undertook. The entire record must be delivered by 28 September 2021, as per your client's undertaking on 21 September 2021, which was made in the face of court proceedings to compel the delivery of the entire record.
8. It is in any event entirely unclear what directions your client may seek; whether the subject matter of these can competently be made by way of direction; and what these directions are intended to cater for or to apply to.
9. Given the fact that the respective applications expressly identified what had to be included in the record, and the representations and undertakings conveyed by you on 21 September, it is particularly concerning that the contents of the record are now seemingly being negotiated or will be subject to argument. If there was any objection to providing the record,



this ought to have been ventilated in answering papers – not in a meeting yet to be scheduled.

10. Accordingly, and as previously undertaken, you are called upon to provide the entire record on 28 September 2021.
11. Without detracting from the above, if directions are anticipated to be sought by your client, we request that your client, by no later than 12:00 on 27 September 2021:
  - 11.1 indicate what directions it will seek;
  - 11.2 in respect of what material; and
  - 11.3 on what legal basis.
12. All our client's rights are reserved. This includes urgently proceeding with Part A if it appears that your client is adopting tactics to delay the delivery of the entire record under the smokescreen of seeking or waiting for directions.

Yours faithfully

**WEBBER WENTZEL**

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Ref: R Nyama/MD/HM001035

Cc: *Hurter Spies Attorneys*  
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Ref: WD Spies/MAT4215



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**The Honourable Maumela J  
C/o Ms Y Maja**

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Date

28 September 2021

Your reference

2822/21/Z59

GP case no 2021/46468

Our reference

V Movshovich / P Dela / D Cron /  
D Rafferty / D Qolohle / B Lotter  
3050264

To the Honourable Maumela J

**Helen Suzman Foundation // National Commissioner of Correctional Services and others  
(GP case no 2021/46468) ("the proceedings")**

1. We represent the Helen Suzman Foundation ("**HSF**" or "**our client**") in case no. 2021/46468.
2. We have previously addressed Your Lordship and indicated that the proceedings may be subject to case management by the Acting Deputy Judge President ("**ADJP**"). To this end, we undertook to keep Your Lordship updated as to any developments which may pertain to the hearing of this matter (which was, on 27 September 2021, stood down to 29 September 2021).
3. Our client was today informed that the ADJP would be convening a case management meeting on either 30 September 2021, *alternatively* 1 October 2021.
4. Given this, our client understands that both Part A and Part B of its application will be case managed by the Acting Deputy Judge President. For Your Lordship's benefit, we attach correspondence sent earlier today to the ADJP.
5. In the circumstances, our client will not move the Part A proceedings before Your Lordship on 29 September 2021, and requests that the matter be postponed *sine die* pending the case management meeting.

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Chief Operating Officer: SA Boyd



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Page 2

6. We look forward to your urgent response.

Yours faithfully

pp 

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Ref: WD Spies/MAT4215



**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

Case number: 45997/21

In the matter between:

**THE DEMOCRATIC ALLIANCE**

Applicant

and

**THE NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES**

First respondent

**THE MEDICAL PAROLE ADVISORY BOARD**

Second respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Third respondent

**THE SECRETARY OF THE JUDICIAL COMMISSION  
OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION, AND FRAUD IN THE  
PUBLIC SECTOR, INCLUDING ORGANS OF STATE**

Fourth respondent

**THE MINISTER OF JUSTICE AND CORRECTIONAL  
SERVICES**

Fifth respondent

and

Case number: 46468/2021

In the matter between:

**HELEN SUZMAN FOUNDATION**

Applicant

and

**THE NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES**

First respondent

**DEPARTMENT OF JUSTICE AND  
CORRECTIONAL SERVICES**

Second respondent

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**MEDICAL PAROLE ADVISORY BOARD**

Third respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Fourth respondent

and

Case number: 46701/21

In the matter between:

**AFRIFORUM NPC**

Applicant

and

**THE NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES**

First respondent

**THE MEDICAL PAROLE ADVISORY BOARD**

Second respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Third respondent

**THE SECRETARY OF THE JUDICIAL COMMISSION  
OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION, AND FRAUD IN THE  
PUBLIC SECTOR, INCLUDING ORGANS OF STATE**

Fourth respondent

**THE MINISTER OF JUSTICE AND CORRECTIONAL  
SERVICES**

Fifth respondent

**THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

Sixth respondent

---

**AGREED MINUTE OF CASE-MANAGEMENT MEETING  
HELD ON 30 SEPTEMBER 2021 AT 10h00**

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1. Participants:

1.1. the honourable Deputy Judge President Ledwaba;



- 1.2. Ismail Jamie SC for the Democratic Alliance ('the DA');
  - 1.3. Max du Plessis SC for the Helen Suzman Foundation ('the HSF');
  - 1.4. FJ Labuschagne for AfriForum NPC ('AfriForum');
  - 1.5. Sy Mphahlele SC and Elizabeth Baloyi-Mere SC for the National Commissioner of Correctional Services ('the Commissioner'); and
  - 1.6. Dali Mpofu SC for Mr Jacob Gedleyihlekisa Zuma ('Mr Zuma').
2. The DA initially proposed the following timeline for the further conduct of the matter:
- 2.1. the Rule-53 record is provided on Monday, 4 October 2021;
  - 2.2. applicants file supplementary founding affidavits by 8 October 2021;
  - 2.3. respondents file answering affidavits by 22 October 2021;
  - 2.4. applicants file replying affidavits by 29 October 2021;
  - 2.5. applicants file heads of argument on 5 November 2021;
  - 2.6. respondents file heads of argument on 12 November 2021; and
  - 2.7. the matter is heard on any two days between 22-24 November 2021.
3. None of the parties expressed any objection to this timetable (on the assumption that no further interlocutory proceedings took place in relation to the Rule-53 record).



4. The Commissioner admitted he was obliged to disclose the Rule-53 record in all three matters.
5. However, the Commissioner stated that some of the information in the Rule-53 record —
  - 5.1. contains confidential medical information;
  - 5.2. contains information that is classified; and
  - 5.3. contains information that is in the possession of South African Military Health Service ('SAMHS');together '**allegedly sensitive information**'.
6. The Commissioner committed to filing the portion of the record in his possession that does not contain any allegedly sensitive information by Monday, 4 October 2021 ('**the non-controversial record**'). This includes the Commissioner's reasons, the reasons of the Medical Advisory Parole Board, and records from area commissioners.
7. The Commissioner stated that he may bring an urgent application against SAMHS to obtain the information in the possession of SAMHS in order to be able to disclose the relevant information to the applicants, if SAMHS is not willing to transmit the information to the Commissioner.
8. The Commissioner stated that he would prefer to defend the three applications on the merits with the benefit of the full Rule-53 record.



9. Mr Zuma's counsel asserted that the question of if and how the Rule-53 record is to be provided is a matter that must be decided in open court, not in a case-management meeting.
10. Mr Zuma does not consent to the release of any of his medical information.
11. The DA enquired whether Mr Zuma would consent to the release of his medical information under a confidentiality regime that permitted only the judge, and the parties' lawyers after having signed formal confidentiality agreements, access to them. Mr Zuma's counsel rejected the proposal.
12. The HSF—
  - 12.1. stated that Mr Zuma cannot reasonably oppose any confidentiality regime without having considered proposals from the applicants; and
  - 12.2. requested that where the Commissioner refuses to disclose information in the Rule-53 record on Monday, 4 October, that he provides reasons for each refusal.
13. Mr Zuma's counsel requested that the Commissioner's counsel consult with him as to the content of the non-controversial record before disclosing it, and the Commissioner's counsel stated that he would do so.
14. The DA objected to this.
15. Mr Zuma's counsel stated that Mr Zuma would bring an urgent application interdicting the disclosure of Mr Zuma's confidential medical information if it appeared that the Commissioner intended to do so.

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16. The DJP made the following directives for the further conduct of the matter:

16.1. the Commissioner shall file the non-controversial portion of the record by Monday, 4 October 2021;

16.2. within 48 hours after receiving the non-controversial portion of the record, the parties shall have a meaningful discussion to determine whether they can reach an agreement in respect of the confidentiality of the other documents in the record that have not been provided; and

16.3. another case-management meeting will be held on Thursday, 7 October or Friday, 8 October, at a time agreed between the parties and convenient to the DJP, to obtain further directives as to the further conduct of the matter.

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# WEBBER WENTZEL

In alliance with > **Linklaters**

## The State Attorney, Pretoria

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Your reference

GP case no 2021/46468

Our reference

V Movshovich / P Dela / D Cron /  
D Rafferty / D Qolohle / B Lotter  
3050264

Date

30 September 2021

Dear Sir/Madam

**Helen Suzman Foundation // National Commissioner of Correctional Services and others ("the respondents") (GP Case no 2021/46468) ("the proceedings")**

1. We represent the Helen Suzman Foundation ("our client") in the proceedings.
2. We refer to the case management meeting held on 30 September 2021 before the Honourable Deputy Judge President, which dealt with, *inter alia*, the proceedings and the similar applications brought by the Democratic Alliance and AfriForum.
3. Our client understood, from the submissions made by the National Commissioner's representatives at the meeting, that the Rule 53 Record is envisaged broadly to comprise of three sections:
  - 3.1 a non-controversial section;
  - 3.2 a portion which may be made available subject to certain redactions being made; and
  - 3.3 material which was anticipated to be controversial as it pertained to medical reports, confidential and / or classified materials.

Senior Partner: JC Els Managing Partner: SJ Hutton Partners: BW Abraham RB Africa NG Alp RL Appelbaum DC Bayman KL Beilings AE Bennett AP Blair DHL Booysen AR Bowley J Braum MS Burger M Bux RI Carrim T Cassim SJ Chong ME Claassens C Collett KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies PM Daya L de Bruyn PU Dela M Denenga DW de Villiers BEC Dickinson MA Diemont DA Dingley MS Dladla G Driver W Drue GP Duncan HJ du Preez CP du Toit SK Edmundson LF Egypt KH Eiser AE Esterhuizen MJR Evans K Fazel AA Felekis G Fitzmaurice JB Forman L Franca KL Gawith OH Geldenhuys MM Gibson CI Gouws PD Grealy S Haroun JM Harvey JS Henning KR Hillis Z Hlophe CM Hofeld PM Holloway AV Ismail ME Jarvis CA Jennings JC Jones CM Jonker S Jooste LA Kahn ACR Katzke M Kennedy A Keyser MD Kota JC Kraamwinkel J Lamb KJ Lebea E Louw M Mahlangu V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer AJ Mills D Milo NP Mngomezulu P Mohanlall M Moloi N Moodley LE Mostert VM Movshovich C Murphy RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba A October L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel N Pather GR Penfold SE Phajane M Philippides BA Phillips MA Phillips DJ Rafferty D Ramjettan GI Rapson K Rew SA Ritchie NJA Robb J Roberts G Sader M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh S Sithole J Smit RS Smith MP Spalding PS Stein MW Straeuli LJ Swaine Z Swanepoel A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tihavani G Truter PZ Vanda SE van der Meulen JP van der Poel CS Vanmali JE Veeran B Versfeld MG Versfeld TA Versfeld DM Visagie EME Warmington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

Chief Operating Officer: SA Boyd

4. As per the directives issued, the National Commissioner is to file the so-called "non-controversial" portion of the Rule 53 record by or before Monday, 4 October 2021. This may or may not include some redacted material as per 3.2. In our client's view, the redacted material should also be provided at this stage, as the National Commissioner is prepared, and has a duty, to make this available forthwith.
5. The parties will then have 48 hours to try to agree a regime to deal with the alleged "controversial" and redacted components of the record, which appear to comprise of purportedly confidential or classified material.
6. In order properly to engage in this regard, however, it will be necessary for the parties to be informed what material is part of the record but has not been provided (including any redactions made), and why. To this end, we request the National Commissioner, when filing the record by 4 October 2021, to provide a schedule:
  - 6.1 listing the material not provided, with sufficient particularity such that it is apparent what each document is;
  - 6.2 briefly indicating why the document, or part of a document, has not been provided, including an indication of any statutes believed to be applicable in this regard; and
  - 6.3 recording in whose possession the material currently is.
7. Finally, our client was perturbed to note that the National Commissioner appeared to envisage engaging with Mr Zuma, prior to compiling or providing the record (even the non-controversial components). It is, of course, not for private parties to dictate or influence what falls to be provided – it should be the material which served before the National Commissioner when making the impugned decision, as well as the reasons therefor. Our client's rights are reserved in this regard.

Yours faithfully

pp 

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Your reference

GP case no 2021/46468

Our reference

V Movshovich / P Dela / D Cron /  
D Rafferty / B Lotter / D Qolohle  
3050264

Date

5 October 2021

Dear Sir

**Helen Suzman Foundation // National Commissioner of Correctional Services and others ("the respondents") (GP Case no 2021/46468) ("the proceedings")**

1. As you are aware, we represent the Helen Suzman Foundation ("our client") in the proceedings.
2. We refer to:
  - 2.1 the case management meeting held on 30 September 2021 before the Honourable Deputy Judge President ("**the case management meeting**"), which dealt with, *inter alia*, the proceedings and the similar applications brought by the Democratic Alliance and AfriForum;
  - 2.2 our letter dated 1 October 2021 which is attached marked "**A**" for convenience ("**our letter**");

**Senior Partner:** JC Els **Managing Partner:** SJ Hutton **Partners:** BW Abraham RB Africa NG Alp RL Appelbaum DC Bayman KL Beillings AE Bennett AP Blair DHL Booysen AR Bowley J Braum MS Burger M Bux RI Carrim T Cassim SJ Chong ME Claassens C Collett KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies PM Daya L de Bruyn PU Dela M Denenga DW de Villiers BEC Dickinson MA Diemont DA Dingley MS Dladla G Driver W Drue GP Duncan HJ du Preez CP du Toit SK Edmundson LF Egypt KH Elser AE Esterhuizen MJR Evans K Fazel AA Feleklis G Fitzmaurice JB Forman L Franca KL Gawith OH Geldenhuys MM Gibson CI Gouws PD Grealy S Haroun JM Harvey JS Henning KR Hillis Z Hlophe CM Hofveld PM Holloway AV Ismail ME Jarvis CA Jennings JC Jones CM Jonker S Jooste LA Kahn ACR Katzke M Kennedy A Keyser MD Kota JC Kraamwinkler J Lamb KJ Lebea E Louw M Mahlangu V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer AJ Mills D Milo NP Mngomezulu P Mohanlal M Moloi N Moodley LE Mostert VM Movshovich C Murphy RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba A October L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel N Pather GR Penfold SE Phajane M Philippides BA Phillips MA Phillips DJ Rafferty D Ramjetan GI Rapson K Rew SA Ritchie NJA Robb J Roberts G Sader M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh S Sithole J Smit RS Smith MP Spalding PS Stein MW Straeul LJ Swaine Z Swanepoel A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tihavani G Truter PZ Vanda SE van der Meulen JP van der Poel CS Vanmali JE Veeran B Versfeld MG Versfeld TA Versfeld DM Visagie EME Warmington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

**Chief Operating Officer:** SA Boyd



- 2.3 the "non-controversial" portion of the record (as described in our letter) delivered under Rule 53 of the Uniform Rules of Court on 4 October 2021 pursuant to the directives issued by the Honourable Deputy Judge President at the case management meeting ("**the non-controversial portion of the record**"); and
- 2.4 the further directive issued by the Honourable Deputy Judge President at the case management meeting that within 48 hours after receiving the non-controversial portion of the record, the parties shall have a meaningful discussion to determine whether they can reach an agreement in respect of the confidentiality of the other documents in the record that have not been provided.
3. In terms of paragraph 6 of our letter, our client requested that a schedule be provided:
  - 3.1 listing the material not provided, with sufficient particularity such that it is apparent what each document is;
  - 3.2 briefly indicating why the document, or part of a document, has not been provided, including an indication of any statutes believed to be applicable in this regard; and
  - 3.3 recording in whose possession the material currently is.
4. No response was received to our letter despite the fact that the information in this schedule ("**the schedule**") is required in order for our client meaningfully to engage with the parties in relation to those portions of the record which have not been provided and despite the clear directive of the Honourable Deputy Judge President in this regard.
5. Your client is required urgently to disclose the schedule to the parties but in any event, by no later than 5pm on Tuesday, 5 October 2021. Should your client fail to do so, or should any response be inadequate, our client will place this correspondence and our letter before the Honourable Deputy Judge President at the next case management meeting.
6. In relation to the directive pertaining to the meaningful engagement amongst the parties with a view to reaching agreement, within 48 hours after receiving the non-controversial portion of the record, in respect of the confidentiality of the other documents in the record that have not been provided or redacted portions of the record, our client makes the following proposal.

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7. As you are aware, our client is of the view that at least the following further documents must be included in the record:
  - 7.1 Mr Zuma's complete application for medical parole, together with its annexes, including the medical report referred to in section 79(c) of the Correctional Services Act and also referred to in the press statement issued by the Second Respondent dated 5 September 2021;
  - 7.2 any report on Mr Zuma's application for medical parole issued by any official of the Estcourt Correctional Centre, including the Estcourt Correctional Centre's correctional medical practitioner; (from the documents provided in the non-controversial record, it is unclear which reports – provided in heavily redacted form – were attached to Mr Zuma's application for medical parole)
  - 7.3 any report on Mr Zuma's application for medical parole issued by the Third Respondent;
  - 7.4 any recommendations made by any individual about Mr Zuma's application for medical parole;
  - 7.5 any conditions that have been prescribed by the National Commissioner under section 52 of the Correctional Services Act; and
  - 7.6 any documents that formed the basis of the National Commissioner's decision, or that the National Commissioner considered during his decision-making process
8. To the extent that the National Commissioner and / or Mr Zuma allege that any of the abovementioned documents are confidential and / or classified, our client proposes the following confidentiality regime.
  - 8.1 The National Commissioner will provide the documents to Mr Zuma's and the applicants' attorneys of record, and in doing so will indicate which documents the National Commissioner and/or Mr Zuma claim/s are confidential and / or classified ("**the confidential documents**").
  - 8.2 Save for purposes of consulting with counsel, or any independent experts or unless the Court orders otherwise, the applicants' attorneys of record will not disclose directly



or indirectly to any other party (including the applicants) any part of the confidential documents.

- 8.3 The applicants' attorneys of record and any other person given access to the confidential documents pursuant to paragraph 8.2 above will sign a confidentiality undertaking confirming that they will not disclose directly or indirectly the contents of the confidential documents to any other party other than a party that has also signed a confidentiality undertaking in terms of paragraph 8.2 above, and will not use the confidential documents for any purpose other than for the purpose of the applicants' applications under case numbers 2021/46468, 45997/21,46701/21 and any appeals in respect thereof, unless one or more of the applicants' attorneys of record or one or more of the applicants obtain an order of court, or it is agreed with Mr Zuma and the National Commissioner, to the contrary, or it is otherwise required by a Court order to disclose the documentation.
- 8.4 In the event that the applicants' attorneys of record, on behalf of the applicants, dispute that any document/s alleged by the National Commissioner and/or Mr Zuma to be confidential ought to be treated as confidential, then the applicants' attorneys of record are given leave, on behalf of the applicants, urgently to approach the Court on supplemented papers for an order providing for non-confidential production of such document/s, and for such application to be case managed by the Honourable Deputy Judge President.
- 8.5 Any affidavits attaching or referring to confidential documentation as aforesaid will likewise be kept confidential by the parties' legal representatives and their experts, and the parts of the affidavit which contain the confidential documentation will not be made available publicly; and
- 8.6 In the alternative to paragraphs 8.1 to 8.6 above, such other confidentiality regime that the DJP deems appropriate.
9. The HSF welcomes responses to the aforementioned or further proposals to be made by the parties by no later than 5pm on Tuesday, 5 October 2021. And the HSF reiterates that it awaits – for its own benefit, but also the benefit of the Court and the other parties – the schedule indicated in paragraphs 3 and 4 above.



**WEBBER WENTZEL**

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Page 5

Yours faithfully

**WEBBER WENTZEL**

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A handwritten signature in black ink, consisting of several vertical strokes and a few horizontal lines, located in the bottom right corner of the page.

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Your reference	Our reference	Date
2822/2021/Z59	V Movshovich / P Dela / D Cron / D Rafferty / B Lotter / D Qolohle	7 October 2021
GP case no 2021/46468	3050264	

Dear Sirs

**Helen Suzman Foundation // National Commissioner of Correctional Services and others (GP Case no 2021/46468) ("the proceedings")**

- As you are aware, we represent the Helen Suzman Foundation ("our client") in the proceedings.
- We refer to the letter from the State Attorney dated 6 October 2021 ("the 6 October letter"), preceding correspondence and the previous case management meeting with the Honourable Deputy Judge President.
- The HSF hereby alerts the parties that it intends requesting an expedited timetable for the hearing of Part B of the proceedings – the review leg – at tomorrow's meeting and will proceed on the basis of the record delivered on 4 October 2021. It does so given the following:

**Senior Partner:** JC Els **Managing Partner:** SJ Hutton **Partners:** BW Abraham RB Africa NG Alp RL Appelbaum DC Bayman KL Bellings AE Bennett AP Blair AR Bowley J Braum MS Burger M Bux RI Carrim T Cassim SJ Chong ME Claassens C Collett KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies PM Daya L de Bruyn PU Dela M Denenga DW de Villiers BEC Dickinson MA Diemont DA Dingley MS Dladla G Driver W Drue GP Duncan HJ du Preez CP du Tolt SK Edmundson LF Egypt KH Eiser AE Esterhuizen MJR Evans K Fazel AA Felekis G Fitzmaurice JB Forman L Franca KL Gawith OH Geldenhuys MM Gibson CI Gouws PD Grealy S Haroun JM Harvey JS Henning KR Hillis Z Hlophe CM Hofeld PM Holloway AV Ismail ME Jarvis CA Jennings JC Jones CM Jonker S Jooste LA Kahn ACR Katzke M Kennedy KE Kilner A Keyser MD Kota JC Kraamwinkle J Lamb E Louw M Mahlangu V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer AJ Mills D Milo NP Mngomezulu P Mohanlall M Moloi N Moodley LE Mostert VM Movshovich C Murphy RA Nelson G Niven ZN Ntshona M Nxumalo AN Nyatumba A October L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel N Pather GR Penfold SE Phajane M Philipplides BA Phillips MA Phillips DJ Rafferty D Ramjetan GI Rapson K Rew SA Ritchie J Roberts G Sader M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh S Sithole J Smit RS Smith MP Spalding PS Stein MW Straeull LJ Swaine Z Swanepoel A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tlhavani G Truter PZ Vanda SE van der Meulen JP van der Poel CS Vanmali JE Veeran B Versfeld MG Versfeld TA Versfeld DM Visagie EME Warmington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

**Chief Operating Officer:** SA Boyd

- 3.1 At the last case management meeting Mr Zuma's counsel, Mpofu SC, confirmed that Mr Zuma had already instructed his representatives to reject any confidentiality regime: this before any regime had even been proposed. Moreover, Mr Zuma's representatives expressly referenced that any order in Part A would (1) have to be secured from Court, as there would be no agreement on the so-called confidential aspects of the Record and (2) this order may be subject to appeals.
- 3.2 Unfortunately, even though, pursuant to the DJP's directions, our client proposed a comprehensive confidentiality regime (as did the DA), which would limit access to confidential portions of the record to only legal representatives and any independent experts with signed confidentiality undertaking, Mr Zuma rejected this.
- 3.3 Therefore, our client reasonably fears that Mr Zuma's strategy is, transparently, to attempt to delay the review (Part B) for years whilst he runs interlocutory processes regarding what material falls to be disclosed (Part A).
- 3.4 The National Commissioner is of the view that he need not disclose any further documents if Mr Zuma persists with his objection.
4. Therefore, and against this background, our client considers the record delivered on 4 October 2021 to constitute the record for purposes of the review and will run Part B on this basis
5. Our client accordingly proposes that the directives to be issued by the Honourable Deputy Judge President at the case management meeting tomorrow, 8 October 2021, include the following timetable for the hearing of Part B of the proceedings:
- 5.1 the HSF is to deliver any amended notices of motion and supplementary founding affidavits by Wednesday, 13 October 2021;
- 5.2 the respondents are to deliver their answering affidavits by Monday, 25 October 2021;
- 5.3 the HSF to deliver its replying affidavit by Monday, 1 November 2021;
- 5.4 the HSF to deliver its heads of argument by Monday, 8 November 2021;
- 5.5 the respondents are to deliver their heads of argument by Monday, 15 November 2021;



- 5.6 Part B of the proceedings is heard on a date in the period 22 to 25 November 2021, as ordered by the DJP after consultation with the parties.
6. Our client has not liaised with either the Democratic Alliance or Afriforum to ascertain whether they will be proceeding to a substantive review or envisage litigation in respect of the record provided. To the extent that those cases first require litigation regarding the record, our client contends that its case should be split therefrom, as the HSF is prepared to proceed on the merits to review and set aside the National Commissioner's decision, on the record as provided.

Yours faithfully

  
pp  
**WEBBER WENTZEL**

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*Ref: R Nyama/MD/HM001035*

Cc: *Hurter Spies Attorneys*  
*By email: [spies@hurterspies.co.za](mailto:spies@hurterspies.co.za)*  
*Ref: WD Spies/MAT4215*

  
EM

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

Case number: 45997/21

In the matter between:

**THE DEMOCRATIC ALLIANCE**

Applicant

and

**THE NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES**

First respondent

**THE MEDICAL PAROLE ADVISORY BOARD**

Second respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Third respondent

**THE SECRETARY OF THE JUDICIAL COMMISSION  
OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION, AND FRAUD IN THE  
PUBLIC SECTOR, INCLUDING ORGANS OF STATE**

Fourth respondent

**THE MINISTER OF JUSTICE AND CORRECTIONAL  
SERVICES**

Fifth respondent

and

Case number: 46468/2021

In the matter between:

**HELEN SUZMAN FOUNDATION**

Applicant

and

**THE NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES**

First respondent

**DEPARTMENT OF JUSTICE AND  
CORRECTIONAL SERVICES**

Second respondent

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**MEDICAL PAROLE ADVISORY BOARD**

Third respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Fourth respondent

and

Case number: 46701/21

In the matter between:

**AFRIFORUM NPC**

Applicant

and

**THE NATIONAL COMMISSIONER OF  
CORRECTIONAL SERVICES**

First respondent

**THE MEDICAL PAROLE ADVISORY BOARD**

Second respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Third respondent

**THE SECRETARY OF THE JUDICIAL COMMISSION  
OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION, AND FRAUD IN THE  
PUBLIC SECTOR, INCLUDING ORGANS OF STATE**

Fourth respondent

**THE MINISTER OF JUSTICE AND CORRECTIONAL  
SERVICES**

Fifth respondent

**THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

Sixth respondent

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**AGREED MINUTE OF CASE-MANAGEMENT MEETING  
HELD ON 8 OCTOBER 2021 AT 8h00**

---

1. Participants:

1.1. the Honourable Deputy Judge President Ledwaba;



- 1.2. Ismail Jamie SC for the Democratic Alliance ('**the DA**');
  - 1.3. Max du Plessis SC for the Helen Suzman Foundation ('**the HSF**');
  - 1.4. FJ Labuschagne for AfriForum NPC ('**AfriForum**');
  - 1.5. Sy Mphahlele SC and Elizabeth Baloyi-Mere SC for the National Commissioner of Correctional Services ('**the Commissioner**'); and
  - 1.6. Dali Mpofo SC for Mr Jacob Gedleyihlekisa Zuma ('**Mr Zuma**').
2. The minute of the case-management meeting held on 30 September 2021 at 10h00 was accepted without objection, subject to Mr Zuma's counsel stating that it omitted some information but without specifying the nature of that information.
  3. The parties confirmed that the Commissioner had filed the so-called non-controversial part of the record.
  4. The parties confirmed that the DA and the HSF had proposed a lawyers-only confidentiality regime for the remainder of the record.
  5. The Commissioner stated that he was unable to disclose the remainder of the record because (a) Mr Zuma refused to consent to the disclosure of the remainder of the record in any form, even under a confidentiality regime, and (b) parts of the record were in the possession of the South African Military Health Service ('**SAMHS**'), and SAMHS had to date refused to transfer possession to the Commissioner.



6. The DA, the HSF, and AfriForum confirmed that they intended to proceed with their review applications on the basis of the record as filed, with reservation of rights.
7. Mr Zuma's counsel stated that —
  - 7.1. Mr Zuma had no objection to the applicants proceeding with the review applications, subject to his counsel's availability; and
  - 7.2. Mr Zuma had not conceded that the matter was urgent.
8. The Commissioner reserved the right to argue that the matter was not urgent.
9. The Commissioner placed on record that his defence is compromised because the full Rule 53 record is not before the Court, but conceded that the applicants had the right to proceed with their reviews without the full record.
10. The Commissioner stated that he might bring an application in terms of the Uniform Rules to obtain the documents in the possession of SAMHS from SAMHS but if he did so he would ensure that it did not disrupt the timetable for the hearing.
11. The Commissioner stated that he does not wish to prevent the review hearing from taking place in the week of 22 November 2021.
12. With the agreement of all the parties, the DJP directed that the further conduct of the matter would be subject to the following timelines:
  - 12.1. the applicants would file any supplementary notices of motion and founding affidavits by Wednesday, 13 October 2021;



- 12.2. the respondents would file answering affidavits by Tuesday, 26 October 2021;
  - 12.3. the applicants would file replying affidavits by Tuesday, 2 November 2021;
  - 12.4. the applicants would file heads of argument by Monday, 8 November 2021;
  - 12.5. the respondents would file heads of argument by Tuesday, 16 November 2021;
  - 12.6. the hearing would occur in the week of 22 November 2021, subject to judges being available. If judges are not available, the DJP will liaise with the parties as to an alternative date.
13. Mr Zuma's counsel requested between one-and-a-half and two days for the hearing. No party objected.
  14. The Commissioner requested that the parties file hard copies of all of the papers in the court file before filing the papers on Caselines.

A handwritten signature in black ink, appearing to be 'M. J. M.' or similar, located in the bottom right corner of the page.

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case number: 2021/46488

In the matter between

**HELEN SUZMAN FOUNDATION**

Applicant

and

**NATIONAL COMMISSIONER OF CORRECTIONAL  
SERVICES**

First Respondent

**DEPARTMENT OF JUSTICE AND CORRECTIONAL  
SERVICES**

Second Respondent

**MEDICAL PAROLE ADVISORY BOARD**

Third Respondent

**JACOB GEDLEYIHLEKISA ZUMA**

Fourth Respondent

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4.	29 July 2021	Recommendation by the Operational Manager of the Estcourt Correctional Centre, Mr J.A. Mtshali, in respect of application for medical parole, together with annexes	6-21
5.	5 August 2021	Letter from SAMHS medical team to the National Commissioner of Correctional Services ("the National Commissioner") regarding " <i>medical report of former president Mr J. G Zuma</i> "	22-23
6.	28 August 2021	Estcourt Correctional Centre admission detail in respect of Mr Zuma, together with copies of the warrant of committal issued by the Constitutional Court, dated 30 June 2021, and the order of the Constitutional Court in case no. 52/21 dated 29 June 2021	24-32
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16.	31 August 2021	Feedback to the Estcourt Correctional Centre regarding the reviewed application for medical parole	71
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20.	30 August 2021	Medical report by the Surgeon General, Lt Gen (Dr) ZWS Dabula	80



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# sa military health service

Department:  
Defence  
REPUBLIC OF SOUTH AFRICA

Telephone: (012) 671 5354  
Facsimile: (012) 671 5257  
SSN: 812 5354  
Enquiries: Maj (Dr) Q.S.M. Mafa

Department of Defence  
Area Military Health Formation  
Private Bag X102  
Lyttelton  
0046  
08 July 2021

## MEDICAL REPORT OF FORMER PRESIDENT MR J.G ZUMA BY THE PRESIDENTIAL MEDICAL TEAM DATED 08 JULY 2021

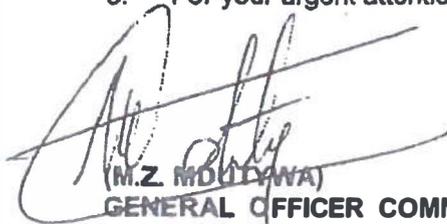
1. The abovementioned patient was examined on the 08 July 2021. Mr Zuma is a 79 year old male [REDACTED]

[REDACTED]

6. This report is hereby recommend that Mr Zuma be moved to a specialist medical facility high care unit to be assessed further to ensure his health is not jeopardised during this period. It is further recommended that a thorough specialist medical investigation be done to verify and rule out other challenges that could have been missed during the examination.

7. Your cooperation in this matter will be highly appreciated as this will prevent any embarrassment to the government should anything happen to Mr Zuma.

8. For your urgent attention and action.

  
(M.Z. MDITSHWA)  
GENERAL OFFICER COMMANDING AREA MILITARY HEALTH FORMATION: BRIG GEN

DR Q.S.M MAFA  
MBChB (Medunsa), AME (U.P)  
PR0532444  
MP0732768  
Cell: 072 209 3842



Lefapha la Boiphemelo . Umnyango wezokuVikela . Kgoro ya Tshireletso iSebe lezoKusalo . Department of Defence . Mubusho wa Tshipiridzo  
UmNyango WezokuVikela . Ndzamulo ya sva Vusiheleri . Lefapha la Tshireletso . Departement van Verdediging . LiTiko leTekuvikela







Department:  
Defence  
REPUBLIC OF SOUTH AFRICA

Telephone: (012) 671 5354  
Facsimile: (012) 671 5257  
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Enquiries: Maj (Dr) Q.S.M. Mafa

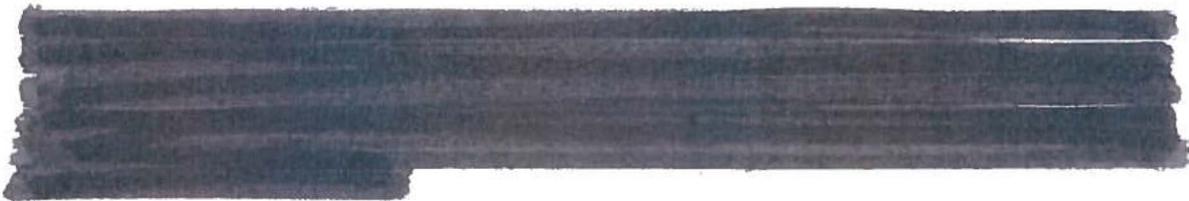
Department of Defence  
Area Military Health Formation  
Private Bag X102  
Lyttelton  
0046  
09 July 2021

Head of the Center.  
Escourt Correctional Center  
Department of Correctional Services  
Escourt

Dear Madam

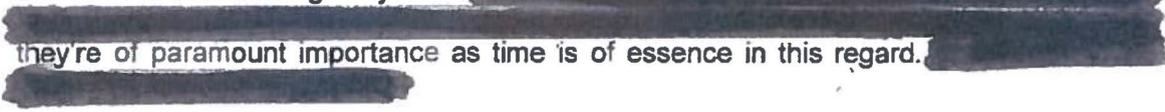
**REQUEST FOR DAILY CHECK UPS OF FORMER PRESIDENT MR J.G ZUMA BY THE PRESIDENTIAL MEDICAL TEAM: 98255607MC WO1 G.M. MOLOISI**

1. The South African Military Health Service has the sole mandate & responsibility of assuring and giving medical support & services to Mr. JG Zuma. Based on our recent medical assessment done on him upon his arrival at the facility, we have a great concern about his current medical health status.



3. We want to manage and avoid the exposure of sensitive medical information or records to our medical counterparts from the Correctional services, as Doctor to patient confidentiality has to be adhered to at all times. However this is not limited to the critical medical reports that'll be given after every assessments done for filing purposes in Mr. JG Zuma's file while he is still in the facility.

4. Furthermore we are requesting that Mr GM Moloisi be granted permission to monitor him on a daily basis and alert the doctors and specialists immediately of any changes should there be any during this period while he is in your facility. This is based on the findings from the medical assessment that were done upon his arrival into the facility by our doctors including myself.



they're of paramount importance as time is of essence in this regard.



5. Mr GM Moloisi is one of our OECP qualified Medics to do this task of checking him daily. He has extensive experience [redacted] he has been with him for a period of time. It is critical that we get daily update [redacted]

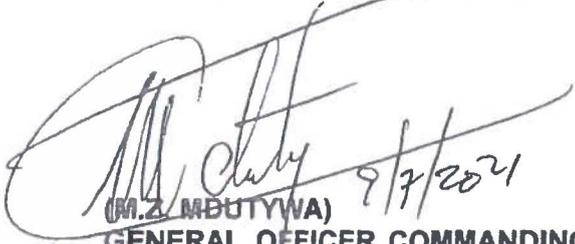


6. Your swift response and cooperation in this regard will be highly appreciated.

7. For your urgent attention and action.



REQUEST FOR DAILY CHECK UPS OF FORMER PRESIDENT MR J.G ZUMA BY THE  
PRESIDENTIAL MEDICAL TEAM: 98255607MC WO1 G.M. MOLOISI <sup>3</sup>

  
(M.Z. NDUTYWA) 9/7/2021

GENERAL OFFICER COMMANDING AREA MILITARY HEALTH FORMATION: BRIG  
GEN





Telephone: (012) 671 5354  
Facsimile: (012) 671 5257  
SSN: 812 5354  
Enquiries: Maj (Dr) Q.S.M. Mafa

Department of Defence  
Area Military Health Formation  
Private Bag X102  
Lyttelton  
0046

29 July 2021

**MEDICAL REPORT OF FORMER PRESIDENT MR J.G ZUMA BY THE PRESIDENTIAL MEDICAL TEAM DATED 28 JULY 2021**

1. The abovementioned patient was examined on the 08 July 2021 by a member of presidential medical team. Mr Zuma is a 79 years old male.

[REDACTED]

6. Taking the abovementioned medical conditions into consideration, there is a fear that his condition may further deteriorate if intervention is delayed. As a result of this report, it is hereby recommended that Mr Zuma be moved to a specialist medical facility to be assessed further by specialists under presidential medical team for proper investigations and to optimise therapy for better outcome.



[Handwritten signature]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

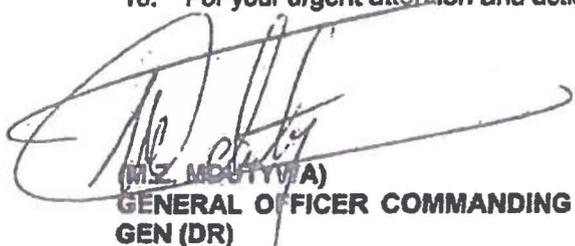
[REDACTED]

[REDACTED]

8. This is not a final report; the comprehensive medical report will follow once all the investigations have been conducted by the specialist. The specialists will also determine other investigations as necessary. The final report by the Specialist Medical Panel will assist towards further interventions; prognosis and application for Medical Parole.

9. Your cooperation in this matter will be highly appreciated.

10. For your urgent attention and action.



(M. S. MOUTYVA)

**GENERAL OFFICER COMMANDING AREA MILITARY HEALTH FORMATION: BRIG  
GEN (DR)**





# correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag x02, Glencoe 2930, Bigger Street North, North Field Mine,  
Tel: (034) 393 1112, Fax: (034) 393 3377

32

6

<b>Reference:</b>		<b>Date:</b>	<b>29 JULY 2021</b>
<b>Enquiries:</b>	<b>MTSHALI J.A</b>	<b>Cell Number:</b>	<b>082 5031 369</b>

**SUBJECT: APPLICATION FOR PLACEMENT OR MEDICAL RELEASE OF  
MR JACOB GEDLEYHLEKISA ZUMA REG. NO.221673598:  
ESCOURT CORRECTIONAL CENTRE KZN**

**1. Medical History:**

Mr Jacob Zuma was admitted into our Correctional Facility on the 08 July 2021

[REDACTED]

Mr Zuma also came with a referral letter from his doctors from SA Military health service

[REDACTED]

On the 2021/07/28 Mr Zuma was seen by the team of his Doctors from SA Military Health Services which suggested that Mr Zuma be urgently transferred to Military hospital in Pretoria, and they made application for his medical release, see report attached and medical file.

<b>SUBJECT:</b>	<b>APPLICATION FOR PLACEMENT OR MEDICAL RELEASE OF MR JACOB GEDLEYIHLEKISA ZUMA REG. NO.221673598: ESCOURT CORRECTIONAL CENTRE KZN</b>
-----------------	--

**1. Recommendations:**

It is recommended that Mr Zuma be released on medical grounds base on the following:

- The report written by his medical team stating that Mr Zuma has number of comorbidities including [REDACTED]  
[REDACTED]  
[REDACTED]
- Mr Zuma needs tertiary health care services that Correctional Services is not providing.
- His conditions need to be closely monitored by Specialist, and should his condition complicate during the night it will take time for him to access relevant health services.

  
\_\_\_\_\_  
**Operational Manager**  
**Estcourt Correctional Centre**  
**Glencoe Management Area**  
**Mtshali J.A.**  
**Date: 2021.07.29**



**CONFIDENTIAL**  
**correctional services**

Department  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

G16(j) 8

33

**CONSENT FORM: PLACEMENT OR RELEASE ON MEDICAL GROUNDS**

Name of Management Area : Glencoe Management Area  
 Name of Correctional Centre : Estcourt Correctional Centre  
 Address : Private Bag X8021 Estcourt 3310  
 Telephone number : N/A  
 Fax number : N/A

I Jacob G. Zuma registration number 221 673 598 hereby grant consent that for the purpose and processes of considering my recommendation for placement on medical grounds, hereby grant permission that my health condition and / or diagnosis be shared with any individual or person who will provide any form of administrative, economic, psycho-social, health any other form of support that will contribute positively to my health.

I hereby confirm that I was not coerced to grant the above mentioned permission/ consent.



Offender-patient's signature  
 Name in Print : JACOB G. ZUMA  
 Date : 28.07.2021

Thumb print left / right (specify)  
 Time: 14:40

**1. Witness**  
 Signature :   
 Name in Print : GEORGE M. Moloi  
 Capacity : MEDIC  
 Date and time : 28/07/2021

Name in Print : MICHAEL J. ...  
 Capacity : Operational Manager  
 Date and time : 28.07.2021

**2. Witness**  
 Signature :



CONSENT FORM FOR TAKING RESPONSIBILITY OF AN OFFENDER PLACED ON MEDICAL GROUND

Name of the Management Area: GLENCOE

Name of Correctional Centre : ESTCOURT

Address : \_\_\_\_\_

Telephone number : 036 352 2220

Fax number : 036 352 4010

Patient's Name(s) and Surname: JACOB GEDLEYIHLAKISA ZUMA

Registration Number : 221673598

GLORIA BONGEKHE NGEMA identity number: 6501010539089

Hereby confirm that I will take care of Mr. / ~~Ms.~~ JACOB GEDLEYIHLAKISA ZUMA  
Registration number: 221673598 after he/she has been released on medical  
Grounds

His / ~~her~~ condition was explained to me and I understand that the Department of Correctional Services will not in any way be responsible for his / ~~her~~ health costs once he / ~~she~~ has been placed on medical grounds.

Signature [Handwritten Signature]



Thumb print left/right (specify)

GLORIA BONGEKHE NGEMA

Name and surname (print)

Relationship to the offender WIFE

Physical address : ENTEMBENI

INKANDLA

Telephone numbers 0791810080 / 0721833935

Signature of witness [Handwritten Signature] Capacity: ASD

Date and time 2021.09.02

[Handwritten Signature]

**SCHEDULE B**

**MEDICAL PAROLE APPLICATION IN TERMS OF SECTION 79 OF ACT 111 OF 1998 AS AMENDED**

**A. DETAILS OF OFFENDER**

1. Registration No. 221 673 598 2. Surname and Initials Zama J. G  
 3. Date of Birth 1942.04.12 4. Gender Male  
 5. Correctional Centre at which detained Estcourt Correctional Centre

I, ..... (Name and Surname) hereby consent to the full disclosure of my medical information to the extent necessary and to the persons necessary in order to process this application for medical parole. I also agree, that should I be granted medical parole, to undergo periodic medical examination by a medical practitioner in the event that this is required.

SIGNATURE OR RIGHT THUMB PRINT \_\_\_\_\_ SURNAME AND INITIALS AND SIGNATURE OF WITNESS \_\_\_\_\_

**B. DETAILS OF APPLICANT (if different from A)**

1. ID No. 8403228686081 2. Surname and Initials Musa Q & M  
 3. Date of Birth 1984/03/22 4. Relationship to Offender Doctor

**C. MEDICAL REPORT - to be completed by medical practitioner**

1. Name and Surname of \_\_\_\_\_ 2. Practice number: \_\_\_\_\_  
 Medical Practitioner  
 examined the offender on \_\_\_\_\_ at \_\_\_\_\_  
 4.  did  did not Refer the offender for a specialist opinion.  
 (If referral to specialist attached separate report)  
 5. (a) Diagnosis \_\_\_\_\_

*[Handwritten signature]*

**ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM**

**C. MEDICAL REPORT [to be completed by the Correctional Medical Practitioner (Regulations 29(A)(3)) REGISTERED IN TERMS OF THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA.**

(If the space is insufficient please attach annexure/s)

- 1. Names and Surname: QABA Solomon MOREMA M RFA
- 2. Practice number: MP0732788
- 3. I examined the offender on 08 July 2021 at ESCORT Correctional.

4. I  **did**  **did not** refer the offender for a specialist opinion.  
 (if referred to a specialist, attached separate report)

5. Clinical and non-clinical information:

[REDACTED]

(b) What is the concrete clinical evidence?

see attached medical report

(c) Medical history :

see attached medical report

(d) Is the offender suffering from a terminal disease OR condition which

is chronic :

Is progressive: yes

Has deteriorated permanently or reached and irreversible state: deteriorated significantly

**NB: "A terminal disease or condition is a condition or illness which is irreversible with poor prognosis and irremediable by available medical treatment but requires continuous palliative care and will lead to imminent death within a reasonable time."**

*[Handwritten signature]*  
JM

**ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM**

If yes, please provide clinical, radiological, biochemical and any other relevant information:

See attached medical report.

(e) What is the long term prognosis?

Better to report

(f) Is the offender able / unable to perform activities of daily living and self care due to the above mentioned?

(If unable, please attach Occupational Therapist's report)

Comments: patient is under full time comprehensive medical care of medical team.

(g) If unable, date of onset or period he /she suffered from the condition / diseases / incapacity?

Progressive deterioration since 2018.

(h) How has the offender been managed?

i. Clinical management:

See attached report

ii. Non-clinical management: (Attach any additional report e.g. on nursing care, physiotherapy)

patient is under full time comprehensive medical care of medical team.

*[Handwritten signature]*

*[Handwritten signature]*  
AM

**ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM**

If yes, please provide clinical, radiological, biochemical and any other relevant information:

See attached medical report.

(e) What is the long term prognosis?

Refer to report

(f) Is the offender able / unable to perform activities of daily living and self care due to the above mentioned?

(If unable, please attach Occupational Therapist's report)

Comments: patient is under full time comprehensive medical care of medical team.

(g) If unable, date of onset or period he /she suffered from the condition / diseases / incapacity?

Progressive deterioration since 2018.

(h) How has the offender been managed?

i. Clinical management:

See attached report

ii. Non-clinical management: (Attach any additional report e.g. on nursing care, physiotherapy)

patient is under full time comprehensive medical care of medical team.

*[Handwritten signature]*

*[Handwritten signature]*  
EM

**ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM**

(i) Response to:

(i) Clinical management:

Clinical management is recommended for further evaluation by specialist team.



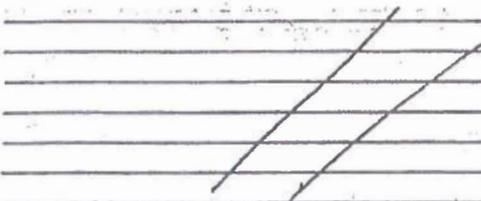
iii. (ii) Non-clinical management: (Attach any additional report e.g. on nursing care, physiotherapy)

To continue full time care to medical team.

6. Medical parole should be considered OR ~~not considered for the following reasons:~~

6.1 Medical, functional or physical incapacity:

Medical incapacity



6.2 Availability of the required health care services for the specific condition within the department:

Patient is under full time medical care of the SAMHS (DOH) with a specialist team assigned for the role

7. If paroled, the offender would require the following clinical and non-clinical health care:

A handwritten signature in the bottom right corner of the page.

Urgent Specialist Evaluation and continue  
full time medical care.

8. Should the offender be paroled, a referral letter for the continuation of treatment will be completed.

Names and Surname :

Dr. S. M. J. J. J.

Signature :



Date :

28/07/2021.





**CONFIRMATION OF ADDRESS AND UNDERTAKING FOR CARE**

*Only use a blue or black ink to complete this document.*

Offender Name And Surname (also include aliases)	JACOB GEDLEYIHLEKISA ZUMA	Registration Number (ID Number if available)	22/673598
Decision By Head: Community Corrections On Suitability Of Undertaking And Address (indicate with an 'X')		SUITABLE	UNSUITABLE

**SECTION A (to be completed by the reintegration officer at the corrections centre.)**

A1. FROM: Name Of Corrections Centre / Court / Community Corrections Office Requesting Confirmation	A2. TO: Community Corrections Office Responsible For Confirmation
Correctional Centre / Court / Community Corrections Office	KRANKOP COMMICORN
Name of official	SAGWENI V.L
Telephone/Cell No	033-4441415
Facsimile No	033-4441421
Email Address	

Reason for Confirmation: Possible Placement / Transfer / Temporary Leave / Change Of Address (Circle the relevant action)

A3. CAREGIVER / NEXT OF KIN OF OFFENDER	A4. PROPERTY OWNER / LANDLORD
SPRAKELE ZUMA	
Name and Surname	
Signature	
Contact Numbers	
Physical Address	

Relation to Caregiver/next of kin: WIFE

Current crime of the offender:

A5. DIRECTION TO THE RESIDENTIAL ADDRESS

KWANXANALALA AREA, MKANDLA

A5. DESCRIPTION OF THE PROPERTY

A7. SIGNATURE OF OFFICIAL WHO REQUESTS CONFIRMATION OF THE ADDRESS

Signature: Date: 2021-08-23

Name and Surname in Print: NAIDOO.K

Address confirmation received:

10  
17

**SECTION B (Must Be Completed By The Official A: Community Corrections Who Confirms The Address)**

Offender Name And Surname (also include aliases) **JACOB GEBLEHLEKISA ZUMA** Registration Number (ID Number if available) **221673598**

**B1. DECLARATION BY CAREGIVER / NEXT OF KIN / RESIDENT**

**Sizokhele Zuma** (Identification no. **380130296084**) hereby declare that the above-mentioned offender / person is known to me and that I am prepared to accommodate him/her at my physical address, care for him/her by providing for his/her basic needs within my means as well as assist him/her to comply with his/her Parole or Correctional Supervision Conditions. I understand that these conditions could include but not limited to the following: house detention, community service, office consultations, attendance of programmes, restriction to magisterial district(s), living at a fixed address, limitation on the use of alcohol and drugs, refraining from committing crime, visiting a particular place, making contact with a particular person(s) and threatening a person(s). I undertake to inform the Community Corrections Office if he/she violates any of his/her conditions, misbehaves in public or otherwise or become involved in any criminal activity. I understand that my home will be visited at scheduled and unscheduled times by officials of the Community Corrections Office to monitor compliance with conditions. I will therefore ensure that the officials will have unhindered access to my premises. My residential address will be clearly numbered. I am familiar with the contents of this undertaking and not coerced into signing it.

Signature of Caregiver / Next of Kin / Resident **ZUMA S.** Surname and Initials Date **21-08-23** Time **09:38**  
 Left thumb print (in the case where the Caregiver / Next of Kin / Resident cannot read/write)

**SECTION C: FINDINGS AND CERTIFICATION BY OFFICIAL WHO CONFIRMED UNDERTAKING FOR CARE AND RESIDENTIAL ADDRESS (Mark relevant block with an "X")**

- C1. Offender may / ~~cannot~~ live at this address ("Delete if not applicable")
- C2. Offender not known at this address
- C3. Address is monitorable on a 24/7 basis
- C4. Any other reason(s) for negative support system: .....

Official's Signature **SINORUBA SZ** Surname and Initials **CS-1** Post Designation Tel no **033-444-445** Date **21/08/23**

**SECTION D: DECLARATION BY: HEAD COMMUNITY CORRECTIONS OR DELEGATE** The delegation to declare an address suitable or unsuitable lies with the Head of Community Corrections (indicate with an "X" where necessary).

D1. I declare that:  
 • The undertaking for care and residential address has been confirmed by the above-mentioned community corrections official  
 • The address has been found to be  SUITABLE  NOT SUITABLE

D2. COMMENTS / REQUEST FOR FURTHER ACTION / INFORMATION (if applicable):

**D3. SIGNATURE OF HEAD COMMUNITY CORRECTIONS**

Signature **SANGWENI VL** Surname and Initials **CS I** Post Designation Tel no **033-444-445** Date **21-08-23**

Note: This declaration is only valid if signed by the appointed Head of Community Corrections or Delegated official.

Please complete this form in PRINT with a BLACK PEN

*[Handwritten signature]*  
JM



21 Mcfarlane Rd. Estcourt 3310- P/Bag X7021, Estcourt, 3310. Telephone - (036) 352 2224/0  
Fax - (036) 352 7772

Enquiries: Ms. Mthonti A.

**SOCIAL WORK SUITABILITY REPORT**

**OFFENDER**

Surname and Names : Zuma Jacob Gedleyihlekisa  
Registration number : 221673598  
Crime : Contempt of Court  
Sentence : 15 months Imprisonment

**REGISTERED SOCIAL WORKER**

Social Worker : Mthonti A.  
SACSSP No. : 10 - 36323  
Signature :

**SOCIAL WORK SUPERVISOR**

Supervisor : S. Naidoo  
SACSSP No. : 10 - 16542  
Signature :



## **SOCIAL WORK SUITABILITY REPORT**

### **1. IDENTIFYING DETAILS**

Surname & Name (s) : Zuma Jacob Gedleyihlekisa  
Registration number : 221673598  
Crime : Contempt of Court  
Sentence : 15 months imprisonment  
Date of birth : 1942 -04-12  
Date of sentence : 2021-06-28  
Home Language : IsiZulu  
Marital status : Married (Polygamy)  
Home Address : Ntembeni, Nkandla Homestead, 3825  
Next of Kin : Zuma Sizakele & Ngema Bongekile (wives)  
Contact number : 072 1833 935 / 079 1810 080

### **2. INTRODUCTION**

The purpose of this report is to provide the Parole Board with the information regarding the offender's medical parole application in terms of Section 79 of the Correctional Services Act 111 of 1998.

The offender was housed at Estcourt Correctional Centre from the 8<sup>th</sup> of July 2021 to the 5<sup>th</sup> of August 2021. He was later transferred to a health care facility for medical attention.

### **3. GENERAL BACKGROUND**

The offender was raised by his biological parents who were married through customary law and resided at Nkandla. He is the first born of the four siblings. Mr Zuma was brought up in a polygamous family unit that was functional and harmonious. He indicated that his father passed on when he was four years of age. According to the offender he could not attend school at his school going age due to him assuming family responsibilities of herding cattle; however, later he arranged night classes for himself and his peers within his neighbourhood. Circumstances at home moulded him to be a responsible individual despite the challenges he experienced whilst growing up. He was compelled to assume a role of a provider from an early age.

The offender shared a marriage with six wives of whom one is deceased, one is separated <sup>20</sup> from and two are divorced. Currently he remains with two wives. Mr Zuma has twenty three children; one is deceased and twenty two are still alive. He shares favourable relations with his family.

In terms of his life journey, the offender was arrested in 1963 whereby he served a term of 10 years imprisonment in Robben Island. He was reintegrated into the community in 1973; two years later he went to exile. After the ban of the ruling party was lifted in 1990, Mr Zuma returned to South Africa. In 1997 he was elected as the African National Congress's Deputy President. He further served as the Deputy President of South Africa from 1999 to 2005 and the Deputy President of the country's ruling party the African National Congress from 2007 to 2017. In the year 2009, he was elected President of South Africa and was re-elected for the second term in the year 2014. Mr Zuma stepped down as the President of South Africa in the year 2018 but continued to fulfil his role within the ruling party.

#### **4. INTERVENTION**

An in-depth assessment was conducted to ascertain the offender's needs and inform the care plan, however, due to the limited period he spent at Estcourt Correctional Centre, the care plan could not be implemented. Family consultation with the support system was conducted at his home in Pretoria. An interview with Mrs Bongekile Zuma (MaNgema) was conducted and she expressed her awareness of the offender's health condition. Mrs Zuma indicated a willingness to take responsibility to accommodate the offender.

#### **5. ACCOMMODATION**

According to the offender, he has two homes at Nkandla Homestead and Pretoria where his family resides. The accommodation is sufficient to cater for the offender's needs when released.

#### **6. SUPPORT SYSTEM**

The offender receives support from his wives and children. They will be able to assist him to enlist health services when the need arises

#### **7. FINANCIAL SUPPORT**

According to the offender his family is financially secured and will be able to adequately provide for his needs.

## 8. EVALUATION

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The offender stems from a well functioning home that was short lived by the early loss of his father. This resulted in the disruption of the harmonious family functioning. The inability to have formal schooling from his childhood motivated him to arrange alternative ways to receive education. In spite of the hardships the offender endured, he was able to develop good qualities such as leadership, courage and diligence. This is supported by Baldwin: 2000 as he states that parents' economic and educational status, family structure, their cultural and ecological profile, values and beliefs are some of the variables that render family environment as an agent of education and influence on a child's academic performance. This is evident in the offender's determination to ensure his education. His leadership qualities are evident in him initiating adult educational classes in his neighbourhood.

The offender experienced significant losses in his life which were the death of his father, wife and son, divorces and a separation. This could have deterred him however he displayed resilience and a sense of determination. That was apparent in his upbringing because he took on diverse duties at an early age. Alder (2000:online) says that first borns tend to possess psychological characteristics related to leadership; they have more favourable personality traits including openness to new experiences, attention to detail, extroversion, friendliness and greater emotional stability. This was also evident in the leadership roles at different structures within the organization he belongs to as well as in the government leadership roles.

The assessment of the offender, his family's background and circumstances indicates that they will be able to accommodate him and to take care of his needs.

## 9. RECOMMENDATIONS

In view of the above information, the social worker is of the opinion that the social circumstances of the offender's family are suitable for his placement on medical parole.

*Mthonti A.*  
Mthonti A.  
(Social Worker)  
Date: 2021.08.29

HEAD ESTCOURT  
PRIVATE BAG X7021  
02 SEP 2021  
SOCIAL WORK  
ESTCOURT 3310  
CORRECTIONAL SERVICES

*Naidoo S.*  
Naidoo S.  
(Social Work Supervisor)  
Date: 2021.09.02



Telephone: (012) 671 5354  
Facsimile: (012) 671 5257  
SSN: 812 5354  
Enquiries: Brig Gen (Dr) M.Z. Mduywa

Department of Defence  
Area Military Health Formation  
Private Bag X102  
Lyttelton  
0046  
OS August 2021

The Commissioner  
Department of Correctional Services  
Pretoria  
0001

Dear Sir

**MEDICAL REPORT OF FORMER PRESIDENT MR J.G ZUMA BY THE PRESIDENTIAL MEDICAL TEAM DATED 05 AUGUST 2021**

1. The abovementioned patient has been seen on the 05 August 2021 by a member of presidential medical team. Mr Zuma is a 79 years old male

[REDACTED]

3. The medical team was called in after Mr Zuma complained of chest pains and coughing. This began at noon on the 05 August 2021 while sitting.

[REDACTED]

5. Taking the abovementioned medical conditions into consideration, there is a fear that his condition is deteriorating. As a result of this, it is hereby recommended that Mr Zuma be moved to a specialist medical facility as matter of urgency to be assessed and managed further by specialists under presidential medical team in order to avert a crisis looming if his medical condition is attended to. Proper investigations are urgently required to determine the therapy required for better management and outcome.



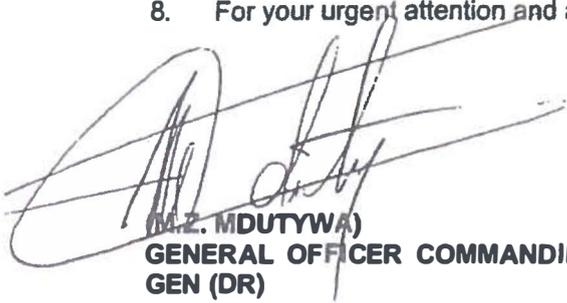
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**MEDICAL REPORT OF FORMER PRESIDENT MR J.G ZUMA BY THE PRESIDENTIAL  
MEDICAL TEAM DATED 05 AUGUST 2021** 23

6. We request that Mr Zuma be moved to a military medical facility the latest on the 06 August 2021. As a contingency we request that a military medic be with him to observe him continuously while awaiting your urgent action.

7. Your cooperation and urgent attention in this matter will be highly appreciated.

8. For your urgent attention and action.



**(M.Z. MDUTYWA)**

**GENERAL OFFICER COMMANDING AREA MILITARY HEALTH FORMATION: BRIG  
GEN (DR)**

*Health Warriors Serving the Brave*  
**MEDICAL CONFIDENTIAL**





ESTCOURT CORRCENT

Admission Detail

Report Number : GO-D-004-D

General

PERSONAL DETAILS

Registration Number	: 221673598	ID Number	:
First Names	: JACOB GEDLEYIHLEKISA	Surname	: ZUMA
Gender	: M	CR Number	:
Ethnic Group	: ZULU	Body Receipt	: 221072215550001
Denomination	: UNITED CONGREGATIONAL CHURCH	Effective Sentence Group	: > 12 - < 24 MONTHS ( 8 )
Nationality	: SOUTH AFRICA	Effective Sentence	: /15/0000/00000
		Next of Kin	: MOLOTSI GEORGE
Place of Birth	: NKANDLA	Relationship	: SON
Marital Status	: MARRIED	Gangs	:
Maintenance	: N	Gang Rank	:
Date of Birth	: 1942/04/12 ( 79 )	Amount Charges	:
BPA Days Served	:	Escapes	: N
		Deport/Rep.	: N Final : N
Warrants	: 1	Grat scl/not	: 0 /

ADDRESS

Street Address	Postal Address	Next of Kin Address
		NKANDLAAREA NKANDLA

RELEASE DATES

Type of Date	Date
MAXIMUM RELEASE DATE	2022/10/07
SENTENCE EXPIRY DATE	2022/10/07
1/2 SENTENCE PERIOD	2022/02/23
NON PAROLE PERIOD	2021/10/30
1/6 SENTENCE PERIOD	2021/09/23
1/4 SENTENCE PERIOD	2021/10/30
1/3 SENTENCE PERIOD	2021/12/07
MINIMUM DETENTION PERIOD	2021/10/30
2/3 SENTENCE PERIOD	2022/05/07
PREPARATION SUBMISSION DATE	2021/07/30
PREPARATION PREPARATION DATE	2021/07/08

STATUS

Date	Time	Description
2021/08/05	23:25:00	TEMP OUT : HOSPITAL
2021/07/22	15:55:00	RETURNED FROM TEMP OUTSIDE
2021/07/22	00:47:00	TEMP OUT : OCCASION
2021/07/08	00:01:00	ADM:SENTENCED

SECURITY CLASS

Date	Security Class	Total	Reason for Override / Reclassification
2021/07/08	1 MINIMUM	27	HIGH PROFILE: INTELLIGENCE AVAILABLE (INTENSE MEDIA COVERAGE, INCREASED SECURITY)

PRIVILEGE GROUP

Date	Group	Monitor
2021/07/08	B	N



Department Correctional Services  
ESTCOURT CORRCENT

Date : 2021/08/26

Page 25

Admission Detail

General

Report Number : GO-D-004-D

CREDITS

IC Date	Days Trans.	Credit Given	1st Date	2nd Date
---------	-------------	--------------	----------	----------

TRAINING HISTORY

Grade Passed	: 1	Trade	:
Year School Completed	:	Date of Trade Test	:
University Exemption	: No	Place of Trade Test	:
Availibility as Teacher	: No	Trade Certificate No.	:
Professional Occupation	: NO OCCUPATION	Type of Qualification	: ILLITERATE
Qualification Achieved	:		
Previous Experience	:		

SENTENCED WARRANTS

Warrant Number	: 1	FP No.	:	Police	: SAPS NKANDLA
Case Number	: 20210708	Court No.	:	Status	: SENTENCED
Q	: CONSTITUTIONAL COURT	CAS No.	:	SAP62/69/Imp. War.	: N / N / N
Date Sentence	: 2021/06/29	Docket	:	Court Department	:
Magistrate District	: JOHANNESBURG			Done Status	: Not Sentenced
Warrant Type	: SECTION 276(1)(b)	DNA Number	:		
Remark	:				
Offence Description	:				

Sentence Number	: 1	Periodical Hours Done	:	Sentence	: / 15/ /
Suspend Ind.	: Normal	Periodical Hours Bal.	:	Suspended	: / / /
Status	: A	Type of Sentence	: 1 - SPECIFIC SENTENCE		
Suspended Period	:				

Offence	: 1ABB - CONTEMPT OF COURT	Offence Category	: CRIMES AGAINST THE GOOD ORDER
Type	: OTHER	Amount	: 1

Signature - Clerk

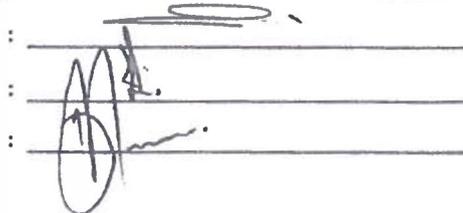
Checker

Supervisor

: \_\_\_\_\_

: \_\_\_\_\_

: \_\_\_\_\_



\*\*\* End of Report \*\*\*



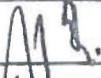


\*\*\* No Record Found \*\*\*

Signature - Production Worker :



Checker :



Controller :



\*\*\* End of Report \*\*\*





PRIVATE BAG 7021  
 08 JUL 2021 27  
 RECEPTION  
 ESTCOURT 3310  
 CORRECTIONAL SERVICES

**CONSTITUTIONAL COURT OF SOUTH AFRICA**

**WARRANT OF COMMITTAL**

Constitutional Court

To: The Head of the Westville Correctional Centre, KwaZulu-Natal:

Mr Jacob Gedleyihlekisa Zuma, an adult male citizen of the Republic of South Africa, was found guilty before me of the crime of contempt of court on Tuesday, 29 June 2021.

This is to command you to receive him into custody and deal with him in accordance with the laws relating to prisons.

Sentence: Mr Jacob Gedleyihlekisa Zuma has been sentenced to undergo 15 months' imprisonment.

Place of issue: the Constitutional Court of South Africa, Braamfontein.

Presiding Judge:

**Sisi Khampepe**  
 Acting Deputy Chief Justice  
 Constitutional Court

Date: 30 June 2021

2021-07-07  
 Maj Gen  
 CN 2414

P/Bag 7021, Constitutional Hill, Braamfontein 2013

2021-07-01

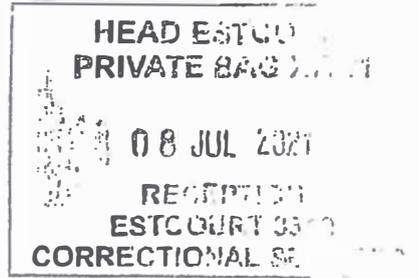
CC-001

Registrar:



**Stephen Cindi  
Registrar  
Constitutional Court**

Date: 30 June 2021



WARRANT OF COMMITTAL

Constitutional Court

To: The Head of the Westville Correctional Centre, KwaZulu-Natal

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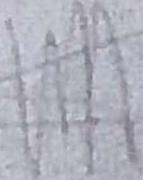
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Sentence: Mr Jacob Gedleyihlekisa Zuma has been sentenced to undergo 15 months' imprisonment.

Date of issue: the Constitutional Court of South Africa, Bramfontein.

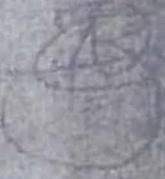
HEAD ESTCOURT  
PRIVATE BAG 7021  
08 JUL 2021  
ESTCOURT 8310  
CORRECTIONAL SERVICES

Residing Judge



Justice Mkhamele Mdluli  
Acting Deputy Chief Justice  
Constitutional Court

Date: 30 June 2021





HEAD ESTCOURT  
 PRIVATE BAG 30 X7821  
 30  
 21  
 09 JUL 2021  
 RECEPTION  
 ESTCOURT 2001  
 CORRECTIONAL

**CONSTITUTIONAL COURT OF SOUTH AFRICA**

Case CCT 52/21

In the matter between:

**SECRETARY OF THE JUDICIAL COMMISSION  
 OF INQUIRY INTO ALLEGATIONS OF STATE  
 CAPTURE, CORRUPTION AND FRAUD IN  
 THE PUBLIC SECTOR INCLUDING  
 ORGANS OF STATE**

Applicant

and

**JACOB GEDLEYIHLEKISA ZUMA**

2021-07-01

CC-001

First Respondent

**MINISTER OF POLICE**

Second Respondent

**NATIONAL COMMISSIONER OF THE  
 SOUTH AFRICAN POLICE SERVICE**

Third Respondent

and

**HELEN SUZMAN FOUNDATION**

Amicus Curiae

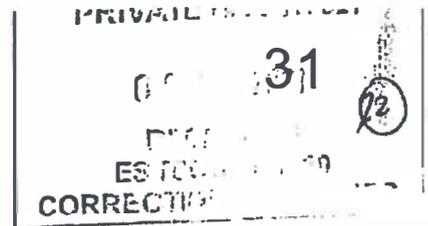
**Neutral citation:** *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others* [2021] ZACC 18

**Coram:** Khampepe ADCJ, Jafta J, Madlanga J, Majiedt J, Mhlantla J, Pillay AJ, Theron J, Tlaletsi AJ and Tshiqi J

**Judgments:** Khampepe ADCJ (majority): [1] to [142]  
 Theron J (minority): [143] to [268]

**Heard on:** 25 March 2021

*Handwritten signatures and date:*  
 Kadebe NP  
 2021/07/07



**Decided on:** 29 June 2021

**Summary:** Rule of law — judicial integrity — vindicating the honour of courts

Contempt of court — urgent application — direct access — duty to comply with court orders — first respondent is in contempt of court

Appropriate sanction for crime of civil contempt — punitive sanction — unsuspended committal — punitive costs

---

### ORDER

---

On application for direct access to this Court:

1. The application for direct access is granted.
2. The Helen Suzman Foundation is admitted as amicus curiae.
3. It is declared that Mr Jacob Gedleyihlekisa Zuma is guilty of the crime of contempt of court for failure to comply with the order made by this Court in *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Jacob Gedleyihlekisa Zuma* [2021] ZACC 2.
4. Mr Jacob Gedleyihlekisa Zuma is sentenced to undergo 15 months' imprisonment.
5. Mr Jacob Gedleyihlekisa Zuma is ordered to submit himself to the South African Police Service, at Nkandla Police Station or Johannesburg Central Police Station, within five calendar days from the date of this order, for the Station Commander or other officer in charge of that police station to ensure that he is immediately delivered to a correctional centre to commence serving the sentence imposed in paragraph 4.

6. In the event that Mr Jacob Gedleyihlekisa Zuma does not submit himself to the South African Police Service as required by paragraph 5, the Minister of Police and the National Commissioner of the South African Police Service must, within three calendar days of the expiry of the period stipulated in paragraph 5, take all steps that are necessary and permissible in law to ensure that Mr Jacob Gedleyihlekisa Zuma is delivered to a correctional centre in order to commence serving the sentence imposed in paragraph 4.
7. Mr Jacob Gedleyihlekisa Zuma is ordered to pay the costs of the Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, including the costs of two counsel, on an attorney and client scale.

	HEAD ESTCOURT PRIVATE BAG X7021
JUDGMENT	09 JUL 2021 RECEPTION ESTCOURT 3310 CORRECTIONAL SERVICES

**KHAMPEPE ADCJ (Madlanga J, Majiedt J, Mhlantla J, Pillay AJ, Tlaletsi AJ and Tshiqi J concurring):**

“We expect you to stand on guard not only against direct assault on the principles of the Constitution, but against insidious corrosion.”<sup>1</sup> (Nelson Mandela, 1995)

### *Introduction*

[1] It is indeed the lofty and lonely work of the Judiciary, impervious to public commentary and political rhetoric, to uphold, protect and apply the Constitution and the law at any and all costs. The corollary duty borne by all members of South African society – lawyers, laypeople and politicians alike – is to respect and abide by the law,

<sup>1</sup> Nelson Mandela (address by former President Nelson Mandela at the inauguration of the Constitutional Court, 14 February 1995).

ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM

(26)  
93 1

C. MEDICAL REPORT [to be completed by the Correctional Medical Practitioner (Regulations 29(A)(3)) REGISTERED IN TERMS OF THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA.

(If the space is insufficient please attach annexure/s)

- 1. Names and Surname: QABA Solomon MORENA M AFA
- 2. Practice number: MPO732788
- 3. I examined the offender on 08 July 2021 at Escort Correctional.

4. I  did not refer the offender for a specialist opinion.  
(if referred to a specialist, attached separate report)

5. Clinical and non-clinical information:

[Redacted area]

(b) What is the concrete clinical evidence?

see attached medical report

(c) Medical history :

see attached medical report

(d) Is the offender suffering from a terminal disease OR condition which

Is chronic :

Is progressive: yes

Has deteriorated permanently or reached and irreversible state: deteriorated significantly

NB: "A terminal disease or condition is a condition or illness which is irreversible with poor prognosis and irremediable by available medical treatment but requires continuous palliative care and will lead to imminent death within a reasonable time."

*[Handwritten signature]*

**ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM**

If yes, please provide clinical, radiological, biochemical and any other relevant information:

See attached medical report.

(e) What is the long term prognosis?  
Better to report

(f) Is the offender able / unable to perform activities of daily living and self care due to the above mentioned?  
(If unable, please attach Occupational Therapist's report)  
Comments: patient is under full time comprehensive medical care of medical team.

(g) If unable, date of onset or period he /she suffered from the condition / diseases / incapacity?  
Progressive deterioration since 2018.

(h) How has the offender been managed?  
i. Clinical management:  
See attached report

ii. Non-clinical management: (Attach any additional report e.g. on nursing care, physiotherapy)  
Patient is under full time comprehensive medical care of medical team.

*[Handwritten signature]*

ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM

If yes, please provide clinical, radiological, biochemical and any other relevant information:

See attached medical report.

(e) What is the long term prognosis?

Refer to report

(f) Is the offender able / unable to perform activities of daily living and self care due to the above mentioned?

(If unable, please attach Occupational Therapist's report)

Comments: patient is under full time comprehensive medical care of medical team.

(g) If unable, date of onset or period he /she suffered from the condition / diseases / incapacity?

Progressive deterioration since 2018.

(h) How has the offender been managed?

i. Clinical management:

See attached report

ii. Non-clinical management: (Attach any additional report e.g. on nursing care, physiotherapy)

patient is under full time comprehensive medical care of medical team.

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ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM

(i) Response to:

(i) Clinical management:

Clinical management is recommended for further evaluation by specialist team.



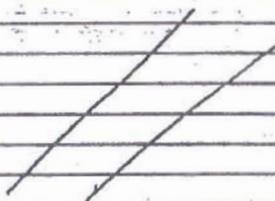
iii. (ii) Non-clinical management: (Attach any additional report e.g. on nursing care, physiotherapy)

To continue full time care by medical team.

6. Medical parole should be considered OR ~~not considered for the following reasons:~~

6.1 Medical, functional or physical incapacity:

Medical incapacity



6.2 Availability of the required health care services for the specific condition within the department:

Patient is under full time medical care of the SAMHS (DOD) with a specialist team assigned for the role

7. If paroled, the offender would require the following clinical and non-clinical health care:

A handwritten signature in the bottom right corner of the page.

ADDENDUM TO THE MEDICAL PAROLE APPLICATION FORM

Urgent Specialist Evaluation and continue  
full time medical care.

8. Should the offender be paroled, a referral letter for the continuation of treatment will be completed.

Names and Surname : Dr. Jim JonaFA

Signature : [Handwritten Signature]

Date : 28/07/2021.

[Handwritten Signature]

ESTCOULT CORRECTIONAL CENTRE : CASE MANAGEMENT COMMITTEE

Enquiries : MCHUNU BC  
Tel.no. : 083 6708450

The Chairperson  
Correctional Supervision and Parole board  
GLENCOE

Attached please find a G326 with regard to the possible consideration for parole / recommendation for placement under correctional supervision for the following offender.

Name of offender : JACOB GEDLEYINKISA ZUMA  
Registration number : 221673598

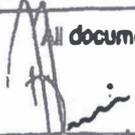
1. The following documents are attached in sequence :-

No.	Document name	No of pages	Date of document
1	G326 - Profile report	1-23 (23)	2021-07-29
2	SAP.69 (c) - Record of previous convictions		
3	SAP 62 - Crime description		
4	Sentence remarks		
5	Sentence plan		
6	Sentence plan progress reports		
7	Report by Unit Manager		
8	Report by work place supervisor		
9	Confirmation of support systems	24-25 (2)	2021.08.25
10	Confirmation of employment offer		
11	Report by Social Worker	26-29 (4)	2021.08.29
12	Report by Psychologist		
13	Report by Educationist		
14	Report by Religious Worker		
15	Medical report	30-31 (2)	2021.01.28
	Add additional reports		
16	APPLICATION FOR PLACEMENT - Medical Referral	32 (1)	2021.07.29
17	16 (1)	33 (1)	2021.07.29
18	16 (1)	34 (1)	2021.07.29
19	Schedule B	35-40 (6)	2021.07.29

2. The case of the offender ~~has~~ / has not previously been considered by the CSPB. See detail of previous considerations :-

Date of previous decision	Decision by CSPB (Attached previous decisions : G326)
N/A	N/A

3. All documentation attached has been classified "Confidential".

  
CHAIRPERSON : CMC

  
SECRETARY : CMC

Date : 2021-07-29

Date : 2021-07-29



**A. TO THE CHAIRPERSON: CORRECTIONAL SUPERVISION AND PAROLE BOARD/ HEAD CORRECTIONAL CENTER**

In terms of the provisions of Section 42(2) / 42(2) (e) / 79 of the Correctional Services Act no. 111 of 1998, the enclosed profile report of the following offender is submitted for your consideration.

Registration Number

721673598

Surname and First Names

JACOB GEDLEHLEKISA ZUMA

HEAD ESTCOURT  
PRIVATE BAG X7021  
29 JUL 2021  
Date CMC  
ESTCOURT 3310  
CORRECTIONAL SERVICES

Placement Recommendation: Parole

ASD

Title

Chairperson: Case Management

Committee ESTCOURT K. NAIDOO

Surname and Initials:

**B. TO THE CHAIRPERSON: CASE MANAGEMENT COMMITTEE**

In terms of the provisions of section 73 of the Correctional Services Act, No 111 of 1998 the recommendation submitted by the Case Management Committee is approved /disapproved/amended as follows:-

- 1. Placement on Day Parole (category ..... ) on .....
- 2. Placement on Parole on 5 SEPTEMBER 2021 to .....
- 3. Placement on Medical Parole on 5 SEPTEMBER 2021 to 7 OCTOBER 2022
- 4. Placement under Correctional Supervision on .....
- 5. Release after total sentence has expired on .....
- 6. Further profile report requested on ..... for reconsideration

+ MOTIVATED REASONS FOR DECISION IN RESPECT OF 1 TO 6 ABOVE:

SEE REASONS ATTACHED.

Chairperson: Correctional Supervision and Parole Board / Head Correctional Center NATIONAL COMMISSIONER.

Surname and Initials: A. FRASER

Title

5/9/2021

Date

Offender noted decision of CSPB:

Signature

05/09/2021  
Date

- \* Delete if not applicable.
  - + Should space be inadequate use a separate annexure.
- Note : This form must be completed in black ink.

Registration Number 221673598 G326 Number : 01 Completion Date : \_\_\_\_\_  
 Serial Number : \_\_\_\_\_ Distribution : 6313 Name of Correctional Centre : ESTCOURT CORRCENT

**A. PERSONAL PARTICULARS**

1. Name : JACOB GEDLEYIHLKISA ZUMA 2. Identity Number / Date of birth : NOT AVAILABLE

3. Gender : MALE 4. Current Age : 79

5. Marital State : SINGLE, MARRIED 6. Qualification (s) : \_\_\_\_\_

7. Citizenship : SOUTH AFRICA 8. Place of Birth : NKANDLA

9. If place of birth is outside RSA, how and when was citizenship obtained? N/A

10. If deportable, furnish full particulars : N/A

11. Accomplice (s) : Yes/No - If YES complete G326 (e)

12. Representation : Yes/No - If YES, attach previous representations and replies

13. Security Classification : MINIMUM From: 2021.07.08

14. Privilege Group B From: 21/07/08

15. Current workplace : N/A From:  / /

\* Delete if not applicable

**B. CURRENT SENTENCE(S), DESCRIPTION OF CRIME(S) AND RECORD OF ESCAPE(S)  
IN CHRONOLOGICAL SEQUENCE**

41

Case No./ Sent Date/ Warrant No.	Court and Place of sentence	Offence (s) committed and description of offence	Sentence as reflected on warrants(s)
CCT 52/21 2021/06/29 1	CONSTITUTIONAL COURT	- CONTEMPT OF COURT	- FIFTEEN (15) MONTHS IMPRISONMENT

Effective Sentence Period : - FIFTEEN (15) MONTHS IMPRISONMENT

\* = Delete if not applicable

YYYY/MM/DDDD

YYYY/MM/DDDD

YYYY/MM/DDDD

42

C. CALCULATIONS

1. Maximum Release Date	2022	10	07		
2. Special Remission of Sentence (Reference) Reason :	N/A				
3. Amnesty (s)	N/A				
4. Sentence Expiry Date	2022	10	07		
5. 1/2 of Sentence Period	2022	02	23		
6. Non Parole Period	2021	10	30		
7. 1/6 of Sentence Period	2021	07	23		
8. 1/4 of Sentence Period	2021	10	30		
9. 1/3 of Sentence Period	2021	12	07		
10. Minimum Detention Period	2021	10	30		
11. 2/3 of Sentence Period	2022	05	07		
12. Age 65 years, Completed 15 years	N/A				
13. Completed 25 years	N/A				
14. Profile Submission Date (3 months prior to minimum)	2021	07	30		
15. Profile Preparation Date (3 months prior to Profile Submission)	2021	07	08		

D. CERTIFICATION

Sentences / Calculations certified as correct.

Chairperson: Case Management Committee

Surname and Initials: M. NAIDOO

Chairperson: Correctional Supervision and Parole Board/Head Correctional Center

Surname and Initials: FRASER

ASD

Title

NC

Title

HEAD ESTCOURT  
PRIVATE BAG X7021

2021/07/30

CMC  
ESTCOURT 3310  
CORRECTIONAL SERVICES  
Official Date Stamp

E. PREVIOUS CONVICTIONS (SAP 69c attached)

1. \*On/Since \_\_\_\_\_ to \_\_\_\_\_ there were \_\_\_\_\_ previous convictions recorded against the offender.  
Exposition of counts :

- Sexual : /
- Aggression : /
- Escapes : /
- Drugs : /
- Economical : /
- Other : /

No SAP 69c

2. \*Longest / most severe sentence served / imposed : \_\_\_\_\_ sentence

3. Number of previous correctional supervision sentence (s) \_\_\_\_\_

4. Number of previous sentences converted to correctional supervision : \_\_\_\_\_

F. REVIEW

1. \*Time since previous placement / release to date of current crime / conditions violated : \_\_\_\_\_

2. Number of previous placements \_\_\_\_\_ G306 issued : \_\_\_\_\_

3. Occasions neglected to comply with suspension condition: \_\_\_\_\_

\*=Delete if not applicable

*[Handwritten signature]*

**G. DISCIPLINARY OFFENCE(S)**

43

\*Yes / No

N/A

If YES, see attached form G 363 (a)

**H EVALUATION (Report / Progress reports must be attached) - \*Yes/No**

**1. Medical :**

**\*Yes/ No**

a. Problem area(s) :

b. Date(s) and type(s) of intervention(s) :

c. Outcome(s) of Intervention(s) :

**2. Social Worker :**

**\*Yes/No**

a. Problem area(s) :

b. Date(s) and type(s) of intervention(s) :

c. Outcome(s) of intervention(s) :

**3. Psychological :**

**\*Yes/ No**

a. Problem area(s) :

b. Date(s) and type(s) of intervention(s) :

c. Outcome(s) of intervention(s) :

**4. Educational :**

**\*Yes/ No**

a. Attitude towards participation in education  
/training programmes :

b. Training / skills obtained :

c. Qualifications obtained and date :

d. Trade test passed (if applicable) and date :

e. Qualification upon admission and current qualification

**5. Spiritual :**

**\*Yes/ No**

a. Problem area(s) :

b. Date(s) and type(s) of intervention(s) :

c. Outcome(s) of intervention(s) :

6. \* Head of section : General behaviour and adaptation : Report attached / not attached .

7. \* Offender's representation is attached / not attached .

8. \* Input(s) from victim(s) attached / not attached .

9. \* Representations by family, lawyers, etc. attached / not attached .

MEDICAL PAROLE

+ Motivated reasons for recommendation made in relation to the above :

SEE ATTACHED DOCUMENT

ON PAGE 8.

HEAD ESTCOURT PRIVATE BAG X7021
29 JUL 2021
CMC ESTCOURT 3310 CORRECTIONAL SERVICES

1071-01-29

K. NAIDOO

Chairperson : Case Management Committee

Date

05/09/2021

Date

Offender noted recommendation:

Signature

- \* Delete if not applicable.
  - + Should space be inadequate use a separate annexure.
- Note: Paragraph 3 and 4 are not applicable on persons sentenced to life imprisonment.

**Recommendations: Medical Parole**

**Reasons:**

**Basic Information**

Jacob Gedleyihlekisa Zuma is currently (79) seventy-nine years old. Offender's place of birth is in Nkandla, KwaZulu Natal. Offender is married.

**Sentence particulars**

The offender is currently serving a sentence of fifteen (15) months imprisonment. He was sentenced on 2021.06.29. The offender committed the following crime: Contempt of Court. The offender commenced serving his sentence on 2021.07.08

**Security Classification**

The offender is classified as a low-risk.

**Medical Report**

[REDACTED]

**Social worker**

The Social Worker indicated in her report (page 26 to 29), that an in-depth assessment was conducted to ascertain the offender's needs and inform the care plan, however due to limited period he spent at Estcourt Correctional Centre, the care plan could not be implemented.

The Social Worker is also of the opinion that the social circumstances of the offender's family are suitable for his placement on medical parole.

**Support system**

A positive support system was confirmed on 2021.08.23 (page 24 to 25). The offender will reside at Kwanxamalala Area, Nkandla.

**Care**

Gloria Bongekile Ngema has consented (page 34) to take care of the offender, if he is released on Medical Grounds (Annexure G16(k)).

The CMC recommends that the offender should be placed on medical parole based on the reports received and is subject to approval with the delegated authority. This placement of an offender that is suffering from a condition of which the prognosis indicated a condition listed in regulation 29A (5), of the Correctional Services Regulations 2004, Promulgated by the Government Notice No. R914 of July 2004 as amended, subject to the provision of section 79 of the Correctional Services Act.1998

  
\_\_\_\_\_  
Signature of Offender

05/09/2021  
\_\_\_\_\_  
Date



CONDITIONS RELATED TO COMMUNITY CORRECTIONS

It is recommended in terms of the provisions of section 42 (2) (vi) or (vii) of the Act that the offender be subjected to the following conditions in terms of Section 52 of the Act read in conjunction with Section 2 and Section 50 of the Act.

These conditions are subject to the approval/amendment by the Correctional Supervision and Parole Board/Head Correctional Centre

1. MONITORING (Sect. 68)

- 1.1 Low Risk / Medium Risk / High Risk
- 1.2 Conventional Monitoring OR
- 1.3 Electronic Monitoring

Motivation :

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2. HOUSE DETENTION (Sect. 58 AND 59)

Will be determined by Head Comcor

2.1 Exceptions for the absolute minimum period : Employment, Obtaining employment, Programme attendance, Perform community service, visits to the Community Corrections office and other valid reasons as approved by the head of Community Corrections. Strict control must be exercised, e.g. proof of obtaining employment.

2.2 Hours of house detention: \_\_\_\_\_

2.2.1 To be stipulated by Supervision Committee

2.3 Overhaul duration of house detention: \_\_\_\_\_

2.3.1 Until expiration of sentence: \_\_\_\_\_

3. COMMUNITY SERVICE (Sect. 60)

3.1 \_\_\_\_\_ hours per month (Total number of hours \_\_\_\_\_ )

3.2 Institution: \_\_\_\_\_

4. SEEKS EMPLOYMENT (Sect. 52(1) (c) and Sect. 61)

Motivation/Remarks:

N/A

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5. ACCEPTS EMPLOYMENT AND REMAINS EMPLOYED (Sect. 52(1)(d) and Sect. 62)

Employer (if available) :

N/A

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Motivation/Remarks:

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Handwritten signature/initials

6. COMPENSATION (As determined by the court) (Sect. 52(1)(e), (2)(a) and (c) and Sect. 63)

6.1 Pays R \_\_\_\_\_ per month/once off compensation or damage to victim(s).

6.1.1 Victim(s): N/A

Motivation/Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. TREATMENT, DEVELOPMENT AND SUPPORT PROGRAMMES (Sect. 52(1)(f), Sect. 52(1)(q) and Sect. 64). IN CASE OF A CHILD SEE Sect. 69(1) and (2)

7.1 Treatment Programmes: N/A

Motivation/Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.2 Development Programmes: N/A

Motivation/Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.3 Support Programmes: N/A

Motivation/Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.4 The Supervision Committee may specify additional programmes according to need. (sect. 64/2)

8. MEDIATION WITH VICTIM(S) (Sect.52(1)(g): N/A

Motivation/Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. FAMILY GROUP COUNSELLING (Sect. 52(1)(g) :

N/A

Motivation/Remarks:

10. FINANCIAL CONTRIBUTION TO THE COST OF COMMUNITY CORRECTIONS ( Sect. 52(1) (h)

Sect. 54 (1) (b), Sect. 65)

N/A

Motivation :

11. RESTRICTED TO MAGISTERIAL DISTRICT(S) OR PART THEREOF (Sect. 52(1) (i) :

Motivation/Remarks :

Must not leave his Magisterial District without prior arrangements.

12. FIXED RESIDENTIAL ADDRESS (Sect. 52(1) (j) and Sect. 66) :

Motivation/Remarks :

Must remain from changing his Residential Address without prior approval.

13. PROHIBITION ON THE USE OF ALCOHOL AND ILLEGAL DRUGS NOT PRESCRIBED BY A MEDICAL PRACTITIONER

Sect. 52(1) (k), Sect. 57(5) and Sect. 67) :

Motivation/Remarks :

Must remain from using alcohol or drugs.

14. PROHIBITION ON COMMITTING ANY CRIMINAL OFFENCE (Sect. 52(1) (l)) :

Motivation/Remarks :

Must remain from committing any criminal offense while on Medical Parole.

15. PROHIBITION ON VISITING SPECIFIC PLACES (Sect. 52(1) (m)) :

N/A

Motivation/Remarks :

16. PROHIBITION ON CONTACT WITH SPECIFIC PERSONS (Sect. 52(1) (n)) :

N/A

Motivation/Remarks :

17. PROHIBITION ON THREATENING / INTIMIDATING PEOPLE BY WORD OR ACTIONS (Sect. 52(1) (o)) :

Motivation/Remarks :

Must remain from threatening or intimidating people.

18. THE PARENT(S) / GUARDIAN(S) HAS/HAVE NOT BEEN INFORMED OF THE CHILD'S PROPOSED PLACEMENT IN TERMS OF SECTION 51(3).

N/A

Reasons:

Remarks by Parent(s) / Guardian(s) :

19. MEDICAL PAROLE:

- 1. Periodically submit to medical examination by DCS medical practitioner as determined by the Medical Advisory Board.
- 2. On improved medical conditions, supervisory conditions may be supplemented.

20. ADDITIONAL CONDITIONS:

21. SUPERVISION (Sec. 57)

- 19.1 In accordance to Section 57.3 , I am subjected to being searched by a correctional official.
- 19.2 In accordance to Section 57.4 , I am aware of the fact that I may not threaten , abuse, obstruct or deliberately avoid a correctional official
- 19.3 In accordance to Section 57.6 , I am aware of the fact that I may be required to attend and participate in meetings regarding my behaviour with supervision officials or a Supervision Committee.  
In accordance to Section 117(e) , I am aware of the fact that should I abscond and thereby avoid
- 19.4 being monitored , I make myself guilty of an offence and I am liable of a conviction to a fine or imprisonment for a period not exceeding ten years or to imprisonment without the option of a fine or both.

22. RECOMMENDED CONDITIONS BY CASE MANAGEMENT COMMITTEE :

ESTCOURT

In accordance with Section 42 of the Act, I concur with my recommended conditions under community corrections and understand and accept the recommended conditions applicable and undertake to give my full cooperation pending the Correctional Supervisk and Parole Board's/Head Correctional Centre's final approval / disapproval.

Remarks

Conditions accepted

Signature of offender :



Date :

ASD

CHAIRPERSON: CASE MANAGEMENT COMMITTEE

TITLE

SURNAME AND INITIALS:

NANBO-K

HEAD ESTCOURT  
PRIVATE BAG X7021

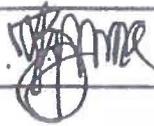
OFFICIAL DATE STAMP  
29 JUL 2021

CMC  
ESTCOURT 3310  
CORRECTIONAL SERVICES

In accordance with Section 52(1) and (2) of the Act, I concur with and understand and accept the amended/approved conditions applicable and undertake to give my full cooperation and further understand that should I violate any condition I may be returned to a Correctional Centre to serve the remainder of my sentence.

Remarks :

Signature of offender



Date :

05/09/2021

Date :

05/09/2021

\* CHAIRPERSON: CORRECTIONAL SUPERVISION AND PAROLE BOARD.

\* HEAD CORRECTIONAL CENTRE NATIONAL COMMISSIONER

SURNAME AND INITIALS

FRASER A



**K. COMMUNICATION PLAN**

- 1. + \_\_\_\_\_ Communication plan attached - well-known newsworthy case.
- 2. + \_\_\_\_\_ Communication plan not attached- unknown case.
- 3. + \_\_\_\_\_ Communication plan attached - newsworthy case. The fact that \*his/her conversion of sentence to \*correctional supervision / reference to court a quo / placement / release considered and not approved by you, should be disclosed .

\* Delete if not applicable  
+ Indicate which is applicable





DEPARTMENT OF CORRECTIONAL SERVICES

REPUBLIC OF SOUTH AFRICA

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CONFIRMATION OF ADDRESS AND UNDERTAKING FOR CARE

Only use a pen or black ink to complete this document

Offender Name And Surname (also include aliases)	JACOB GEDLEYIHLEKISA ZUMA	Registration Number (ID Number if available)	22/673598
Decision By Head: Community Corrections On Suitability Of Undertaking And Address (Indicate with an 'X')		SUITABLE	UNSUITABLE

SECTION A (to be completed by the reintegration official at the correctional centre.)

A1. FROM: Name Of Corrections Centre / Court / Community Corrections Office Requesting Confirmation	Correctional Centre / Court / Community Corrections Office	A2. TO: Community Corrections Office Responsible For Confirmation
	KRANKOP COMMUNION	
	Name of official	SAGWENI V.L
	Telephone/Cell No	033-4441415
	Facsimile No	033-4441421
	Email Address	
Reason for Confirmation	Possible Placement / Transfer / Temporary Leave / Change Of Address (Circle the relevant option)	
A3. CAREGIVER / NEXT OF KIN OF OFFENDER	Name and Surname	A4. PROPERTY OWNER / LANDLORD
SIZAKELE ZUMA		
	Signature	
	Contact Numbers	
	Physical Address	
WIFE	Relation to Caregiver/next of kin	
Current crime of the offender:		
A5. DIRECTION TO THE RESIDENTIAL ADDRESS		
KWANXANALALA AREA, MKANDLA		
A6. DESCRIPTION OF THE PROPERTY		
A7. SIGNATURE OF OFFICIAL WHO REQUESTS CONFIRMATION OF THE ADDRESS		
Signature:	Date: 2021-08-23	
Name and Surname in Print: NAIDOO.K		

Address confirmation received:

**SECTION B (Must Be Completed By The Official At Community Corrections Who Confirms The Address)**

Offender Name And Surname (also include aliases) **JACOB GEBLEHLEKISA ZUMA** Registration Number (ID Number if available) **221 673598**

**B1. DECLARATION BY CAREGIVER / NEXT OF KIN / RESIDENT**

I **Sizokhele Zuma** (Identification no: **380130296 084**) hereby declare that the abovementioned offender / person is known to me and that I am prepared to accommodate him/her at my physical address, care for him/her by providing for his/her basic needs within my means as well as assist him/her to comply with his/her Parole or Correctional Supervision Conditions. I understand that these conditions could include but not limited to the following: house detention, community service, office consultations, attendance of programmes, restriction to magisterial districts, living at a fixed address, limitation on the use of alcohol and drugs, refraining from committing crime, visiting a particular place, making contact with a particular person(s) and threatening a person(s). I undertake to inform the Community Corrections Office if he/she violates any of his/her conditions, misbehaves in public or otherwise or become involved in any criminal activity. I understand that my home will be visited at scheduled and unscheduled times by officials of the Community Corrections Office to monitor compliance with conditions. I will therefore ensure that the officials will have unhindered access to my premises. My residential address will be clearly numbered. I am familiar with the contents of this undertaking and not coerced into signing it.

Signature of Caregiver / Next of Kin / Resident: **[Signature]** Surname and Initials: **ZUMA J.** Date: **21-08-23** Time: **09H38**  
 Left thumb print (in the case where the Caregiver / Next of Kin / Resident cannot read/write): **[Box]**

**SECTION C: FINDINGS AND CERTIFICATION BY OFFICIAL WHO CONFIRMED UNDERTAKING FOR CARE AND RESIDENTIAL ADDRESS (Mark relevant block with an "X")**

C1. Offender may / ~~cannot~~ live at this address (*Delete if not applicable*):   
 C2. Offender not known at this address:   
 C3. Address is monitorable on a 24/7 basis:   
 C4. Any other reason(s) for negative support system: **[Blank]**  
 Official's signature: **[Signature]** Surname and initials: **SINGWANI SZ** Post Designation: **CS-1** Tel no: **033 444 445** Date: **21/08/23**

**SECTION D: DECLARATION BY: HEAD COMMUNITY CORRECTIONS OR DELEGATE** The delegation to declare an address suitable or unsuitable lies with the Head of Community Corrections (*Indicate with an "X" where necessary*).

D1. I declare that:  
 • The undertaking for care and residential address has been confirmed by the above-mentioned community corrections official.  
 The address has been found to be  -SUITABLE  -NOT SUITABLE

D2. COMMENTS / REQUEST FOR FURTHER ACTION / INFORMATION (if applicable): **[Blank]**

**D3. SIGNATURE OF HEAD COMMUNITY CORRECTIONS**

Signature: **[Signature]** Surname and initials: **SINGWANI VL** Post Designation: **CS I** Tel no: **033 444 445** Date: **21-08-23**

Note: This declaration is only valid if signed by the appointed Head of Community Corrections or Delegate's official.

Please complete this form in PRINT with a BLACK PEN

**[Handwritten Signature]**



## SOCIAL WORK SUITABILITY REPORT

### 1. IDENTIFYING DETAILS

Surname & Name (s) : Zuma Jacob Gedleyihlekisa  
Registration number : 221673598  
Crime : Contempt of Court  
Sentence : 15 months imprisonment  
Date of birth : 1942 -04-12  
Date of sentence : 2021-06-28  
Home Language : IsiZulu  
Marital status : Married (Polygamy)  
Home Address : Ntembeni, Nkandla Homestead, 3825  
Next of Kin : Zuma Sizakele & Ngema Bongekile (wives)  
Contact number : 072 1833 935 / 079 1810 080

### 2. INTRODUCTION

The purpose of this report is to provide the Parole Board with the information regarding the offender's medical parole application in terms of Section 79 of the Correctional Services Act 111 of 1998.

The offender was housed at Estcourt Correctional Centre from the 8<sup>th</sup> of July 2021 to the 5<sup>th</sup> of August 2021. He was later transferred to a health care facility for medical attention.

### 3. GENERAL BACKGROUND

The offender was raised by his biological parents who were married through customary law and resided at Nkandla. He is the first born of the four siblings. Mr Zuma was brought up in a polygamous family unit that was functional and harmonious. He indicated that his father passed on when he was four years of age. According to the offender he could not attend school at his school going age due to him assuming family responsibilities of herding cattle; however, later he arranged night classes for himself and his peers within his neighbourhood. Circumstances at home moulded him to be a responsible individual despite the challenges he experienced whilst growing up. He was compelled to assume a role of a provider from an early age.

55

The offender shared a marriage with six wives of whom one is deceased, one is separated from and two are divorced. Currently he remains with two wives. Mr Zuma has twenty three children; one is deceased and twenty two are still alive. He shares favourable relations with his family.

In terms of his life journey, the offender was arrested in 1963 whereby he served a term of 10 years imprisonment in Robben Island. He was reintegrated into the community in 1973; two years later he went to exile. After the ban of the ruling party was lifted in 1990, Mr Zuma returned to South Africa. In 1997 he was elected as the African National Congress's Deputy President. He further served as the Deputy President of South Africa from 1999 to 2005 and the Deputy President of the country's ruling party the African National Congress from 2007 to 2017. In the year 2009, he was elected President of South Africa and was re-elected for the second term in the year 2014. Mr Zuma stepped down as the President of South Africa in the year 2018 but continued to fulfil his role within the ruling party.

#### **4. INTERVENTION**

An in-depth assessment was conducted to ascertain the offender's needs and inform the care plan, however, due to the limited period he spent at Estcourt Correctional Centre, the care plan could not be implemented. Family consultation with the support system was conducted at his home in Pretoria. An interview with Mrs Bongekile Zuma (MaNgema) was conducted and she expressed her awareness of the offender's health condition. Mrs Zuma indicated a willingness to take responsibility to accommodate the offender.

#### **5. ACCOMMODATION**

According to the offender, he has two homes at Nkandla Homestead and Pretoria where his family resides. The accommodation is sufficient to cater for the offender's needs when released.

#### **6. SUPPORT SYSTEM**

The offender receives support from his wives and children. They will be able to assist him to enlist health services when the need arises

#### **7. FINANCIAL SUPPORT**

According to the offender his family is financially secured and will be able to adequately provide for his needs.

## 8. EVALUATION

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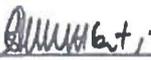
The offender stems from a well functioning home that was short lived by the early loss of his father. This resulted in the disruption of the harmonious family functioning. The inability to have formal schooling from his childhood motivated him to arrange alternative ways to receive education. In spite of the hardships the offender endured, he was able to develop good qualities such as leadership, courage and diligence. This is supported by Baldwin: 2000 as he states that parents' economic and educational status, family structure, their cultural and ecological profile, values and beliefs are some of the variables that render family environment as an agent of education and influence on a child's academic performance. This is evident in the offender's determination to ensure his education. His leadership qualities are evident in him initiating adult educational classes in his neighbourhood.

The offender experienced significant losses in his life which were the death of his father, wife and son, divorces and a separation. This could have deterred him however he displayed resilience and a sense of determination. That was apparent in his upbringing because he took on diverse duties at an early age. Alder (2000:online) says that first borns tend to possess psychological characteristics related to leadership; they have more favourable personality traits including openness to new experiences, attention to detail, extroversion, friendliness and greater emotional stability. This was also evident in the leadership roles at different structures within the organization he belongs to as well as in the government leadership roles.

The assessment of the offender, his family's background and circumstances indicates that they will be able to accommodate him and to take care of his needs.

## 9. RECOMMENDATIONS

In view of the above information, the social worker is of the opinion that the social circumstances of the offender's family are suitable for his placement on medical parole.

 <b>Mthonti A.</b> (Social Worker) Date: 2021.08.29	<b>HEAD ESTCOURT PRIVATE BAG X7021</b>	 <b>Naidoo S.</b> (Social Work Supervisor) Date: 2021.09.02
<b>02 SEP 2021</b> <b>SOCIAL WORK ESTCOURT 3310 CORRECTIONAL SERVICES</b>		



**correctional services**

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

<b>Patient Name</b>	Mr. Jacob Gedleyihlekisa Zuma
<b>Registration Number</b>	221 673 598
<b>Date of Birth</b>	1942/04/12
<b>Date of Initial Examination</b>	13 August 2021
<b>Date of Re-Assessment</b>	17 August 2021
<b>Correctional Centre</b>	Estcourt (Pretoria Heart Hospital).
<b>Region</b>	KZN
<b>MPAB Member</b>	Dr. LJ Mphatswe

**SUMMARY**

The Applicant in the matter is 79 years old Mr. JG Zuma the former President of the Republic of South Africa. His medical and Specialist team has submitted a detailed specialists report with supporting documents from the treating Specialists'. I wish to request MPAB Members to read the Specialists reports in detail and familiarize themselves with the contents. My approach with regards to the Specialists reports is to provide salient points, but the Board must be directed by the details in the Specialists reports. In the event I have experienced typographical error. I request that the Board consider remedial work on this report as with progress through the reading to avoid unnecessary and unintended contradictions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On the first day of the assessment the following were present who constitute the treating team from the military health services.

- 1).George Moloisi (OECF) Paramedic



**correctional services**

Department:  
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- 2).Dr Z.K Motene Medical Officer
- 3).Dr M.Z Mduywa Medical Officer

On the second visit the Head of Surgery, representative of the treating Physician, the Paramedic and Dr Motene the Medical Officer

In the main the applicant is a high-profile figure, a former President of the Republic. He is of old age

[REDACTED]

**Salient points from Specialists Reports:**

[REDACTED]

A second assessment was conducted on the 17/08/2021

[REDACTED]



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**MEDICAL CONDITION APPLIED FOR UNDER SECTION 79 OF ACT 111 OF 1998 AS AMENDED**

[REDACTED]

**MEDICAL/CLINICAL HISTORY**

[REDACTED]



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[REDACTED]

**Current Admission:**

[REDACTED]

[REDACTED]

The facility does not cope with the nature of the demand not withstanding his position in society. His treatment currently is taken through the support services of his security detail and medical personnel. Further to the latter there is general concern about the correctional facility's ability to assist with easy access to other health services in the event of an unexpected sudden health incident.

**CLINICAL ASSESSMENT**

<b>Weight:</b>	[REDACTED]
<b>HGT:</b>	[REDACTED]
<b>Length:</b>	
<b>Urine:</b>	

*[Handwritten signature]*  
FM



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<b>BP:</b>	
<b>HB:</b>	

<b>General Condition</b>	[REDACTED]
<b>CVS</b>	[REDACTED]
<b>Respiratory</b>	[REDACTED]
<b>Abdomen</b>	[REDACTED]
<b>CNS</b>	[REDACTED]
<b>Musculoskeletal</b>	[REDACTED]
<b>Genital-Urinal</b>	[REDACTED]
<b>Medication</b>	[REDACTED]



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**SPECIAL INVESTIGATIONS**

Pathology	[REDACTED]
Radiology	[REDACTED]

**REPORTS**

Specialist Reports	[REDACTED]
Occupational Reports	[REDACTED]
Physiotherapy Reports	[REDACTED]
Nursing Report	[REDACTED]
Photos (With patients signed consent)	[REDACTED]
Other	[REDACTED]

**CONCLUSIONS**

Mr JG Zuma is 79 years of age [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]



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[REDACTED]

**RECOMMENDATION / REVIEW DATE**

The Applicant being Mr JG Zuma, 79 years of age present as stated herein above a complex medical condition which predispose him to unpredictable medical fallouts or events of high-risk clinical picture. He is of old age and generally looks unwell and lethargic. The total outlook of his complex medical conditions and associated factors in an environment limited to support his optimum care is of extreme concern. More worrisome is the unpredictability of his plausible life threatening cardiac and neurological events. The risk for potential surgery has become in my assessment a personal one albeit a potentially development of a malignant condition arising from a high grade ileocecal and colon lesion exists. In the main and primarily in summation of the total clinical assessment motivated by high risk factors. I wish to recommend that the applicant be released on Medical Parole with immediate effect, because his clinical picture presents unpredictable health conditions constituting a continuum of clinical conditions. Sufficient evidence has also arisen from the detailed clinical reports submitted by the treating Specialists to support the above stated recommendation.

Report Prepared: Dr L.J Mphatswe



**correctional services**

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REPUBLIC OF SOUTH AFRICA

MPAB MEMBER

23/08/2021.



## correctional services

Department:  
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REPUBLIC OF SOUTH AFRICA

### MPAB REPORT

### APPLICATION FOR MEDICAL PAROLE

REG. NR.: 221 673 598

#### A. DETAILS OF OFFENDER

Registration Number: 221 673 598

Date of Birth: 1942/04/12

Gender: Male

Region: KZN

Correctional Centre at which offender is detained: Glencoe Management Area

#### B. OFFENDER'S MEDICAL CONDITION

[REDACTED]

#### C. SUBMITTED EVIDENCE AND DOCUMENTATION

	Indicate if YES / NO
Medical Parole Application Form	Yes
Specialist Reports where applicable	Yes
Occupational Therapist's Report In case of incapacity	No
Any Clinical, Radiological, Biochemical and any other relevant information	Yes
If yes specify: Chest X-Rays	
Has the offender been consulted by any member of the MPAB?	Yes
If yes, is the Report attached	Yes



## correctional services

Department:  
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### MPAB REPORT

#### APPLICATION FOR MEDICAL PAROLE

REG. NR.: 221 673 598

**D. NEED BY MPAB FOR FURTHER SPECIALIST'S CONSULTATION. IF YES SPECIFY:**

Yes. Independent cardiologist / surgeon / physician.

Also need histopathology.

**E. DECISION**

~~Recommended~~ / **Not recommended** based on the following:

The MPAB did not have sufficient information to reach a decision. It was not clear to the MPAB whether the report written by the cardiologist on the 22/07/2021 was based on a recent consultation or from previous consultations. For the MPAB to be able to discuss the case further, we require the following reports:

- i. A recent cardiologist's report - independent
- ii. A histopathology report from the previous colonoscopy done in Cuba
- iii. A report from an surgeon
- iv. A report from an independent physician

DR. NB MGUDLWA

**CHAIRPERSON: MEDICAL PAROLE ADVISORY BOARD**

Date: 26 August 2021

Page 2 of 2





## correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

### MPAB REPORT

#### ***APPLICATION FOR MEDICAL PAROLE***

**REG. NR.: 221 673 598**

#### A. DETAILS OF OFFENDER

Registration Number: 221 673 598

Date of Birth: 1942/04/12

Gender: Male

Region: KZN

Correctional Centre at which offender is detained: Glencoe Management Area

#### B. OFFENDER'S MEDICAL CONDITION

[REDACTED]

#### C. SUBMITTED EVIDENCE AND DOCUMENTATION

	Indicate if YES / NO
Medical Parole Application Form	Yes
Specialist Reports where applicable	Yes
Occupational Therapist's Report In case of incapacity	No
Any Clinical, Radiological, Biochemical and any other relevant information	Yes
If yes specify: Chest X-Rays	
Has the offender been consulted by any member of the MPAB?	Yes
If yes, is the Report attached	Yes



## correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

### MPAB REPORT

### ***APPLICATION FOR MEDICAL PAROLE***

**REG. NR.: 221 673 598**

**D. NEED BY MPAB FOR FURTHER SPECIALIST'S CONSULTATION. IF YES SPECIFY:**

Yes. Recent cardiologist / surgeon / physician's reports with prognoses

**E. DECISION**

***Recommended / Not recommended*** based on the following:

The MPAB did not have sufficient information to reach a decision. It was not clear to the MPAB whether the report written by the cardiologist on the 22/07/2021 was based on a recent consultation or from previous consultations. For the MPAB to be able to discuss the case further, we require the following reports:

- i. A recent SAHMS cardiologist's report with prognosis
- ii. A recent report from a SAHMS physician with prognosis
- iii. A report from the SAHMS surgical team with prognosis (if there have been further interventions).

**DR. NB MGUDLWA**  
**CHAIRPERSON: MEDICAL PAROLE ADVISORY BOARD**  
Date: 28 August 2021

Copy

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# correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

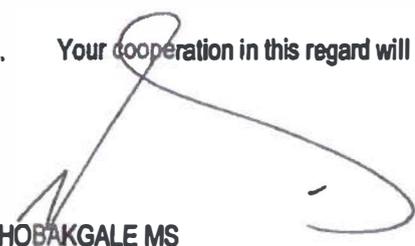
Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA,  
Tel (012) 307 2063, Fax (012) 324 5255

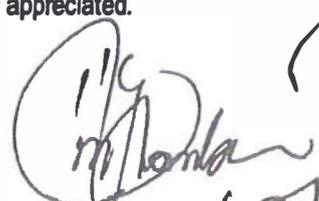
## FAX COVER SHEET

	REF NO.:	14/3/1R-16/1/1/3/4
TO:	AC: Glencoe Management Area (Estcourt CC)	
ORGANISATION:	Department of Correctional Services	
FAX.:		
FROM:	Health Care Services	
ENQUIRIES:	Mohuba SM	
TEL.:	012-307 2310	
FAX:	012-324 5255	
NO. PAGES:	03	

**FEEDBACK: REVIEWED APPLICATION FOR MEDICAL PAROLE: 26 AUGUST 2021:  
REGISTRATION NR. 221 673 598: GLENCOE MANAGEMENT AREA: KZN**

1. The Medical Parole Advisory Board held a meeting on 26 August 2021 to review medical parole application of the above-mentioned patient received from your office.
2. The above mentioned applicant was not recommended for release on medical parole based on the available information. In order to enable the Medical Advisory Board to finalise the matter, the following reports are required as outlined in the attached MPAB report:
  - A recent SAHMS cardiologist's report with prognosis
  - A recent report from a SAHMS physician with prognosis
  - A report from the SAHMS surgical team with prognosis (if there have been further interventions)
3. It will be highly appreciated if the outcome of the MPAB decision can be made known to the patient.
4. Your cooperation in this regard will be highly appreciated.

  
**THOBAKGALE MS**  
**CDC INCARCERATION & CORRECTIONS**  
 Date: 31/08/2021

  
 2021/08/31  
 16 H 09.





# correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA.  
Tel (012) 307 2063, Fax (012) 324 5255

## FAX COVER SHEET

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NO. PAGES:	03	

**FEEDBACK: REVIEWED APPLICATION FOR MEDICAL PAROLE: 26 AUGUST 2021:  
REGISTRATION NR. 221 673 598: GLENCOE MANAGEMENT AREA: KZN**

- The Medical Parole Advisory Board held a meeting on 26 August 2021 to review medical parole application of the above-mentioned patient received from your office.
- The above mentioned applicant was not recommended for release on medical parole based on the available information. In order to enable the Medical Advisory Board to finalise the matter, the following reports are required as outlined in the attached MPAB report:
  - A recent SAHMS cardiologist's report with prognosis
  - A recent report from a SAHMS physician with prognosis
  - A report from the SAHMS surgical team with prognosis (if there have been further interventions)
- It will be highly appreciated if the outcome of the MPAB decision can be made known to the patient. Should the offenders' health condition warrant for submission of another application, new medical parole application should be initiated.
- Your cooperation in this regard will be highly appreciated.

THOBAKGALE MS  
CDC INCARCERATION & CORRECTIONS  
Date: 31/08/2021

2021/08/31  
201136  
12437  
Page 1 of 1

*(Handwritten signatures and initials)*

Received by:  
Date:  
Signature:  
Time:



**correctional services**

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

**MPAB REPORT**

**APPLICATION FOR MEDICAL PAROLE**

**REG. NR.: 221 673 598**

**D. NEED BY MPAB FOR FURTHER SPECIALIST'S CONSULTATION. IF YES SPECIFY:**

Reports were received as requested (Cardiologist/Surgeon/Physician/Neurologist/Oncologist)

**E. DECISION**

**Recommended / Not recommended based on the following:**

The MPAB appreciates the assistance from all specialists with provision of the requested reports. The board also notes and appreciates the use of aliases and has treated all submitted reports as those pertaining to the applicant. From the information received, the applicant suffers from multiple comorbidities. His treatment has been optimised and all conditions have been brought under control. From the available information in the reports, the conclusion reached by the MPAB is that the applicant is stable and does not qualify for medical parole according to the Act. The MPAB is open to consider other information, should it become available. The MPAB can only make its recommendations based on the Act.

DR. NB MGUDLWA  
CHAIRPERSON: MEDICAL PAROLE ADVISORY BOARD  
Date: 2 September 2021



## correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

### Decision: Application to be Released on Medical Parole: Mr JG Zuma: 221673598

1. In terms of section 75(7)(a) of the Correctional Services Act 111 of 1998, (CSA) as amended, read together with sections 79 and regulation 29A of the CSA, I, Arthur Fraser, National Commissioner: Department of Correctional Services must make a decision whether or not to approve an application for medical parole of a sentenced offender.
2. I must first hasten to indicate that as the National Commissioner, I delegated the empowering authority in terms of section 75(7)(a) to Heads of Correctional Centres as promulgated in government gazette no. 43834 dated 23 October 2020 in terms of section 97(3) of the Act. However, in the introduction of the delegation it indicates that *"any delegation does not prohibit the National Commissioner from exercising the power or duty assigned:..."*
3. Taking into consideration the events that occurred during the month of July 2021 (public unrests and destruction of property) following the incarceration of Mr JG Zuma (Mr Zuma), as well as the ongoing heightened public interest in any matter that relates to Mr Zuma, I instructed that all matters surrounding the incarceration and care of Mr Zuma where decisions are required, that such be done in consultation with myself (as the National Commissioner).
4. Prior to 06 August 2021, I was briefed by both the acting Regional Commissioner for the KwaZulu-Natal Region and the Estcourt Head of Correctional Centre on their concerns with regard to the deteriorating health and wellbeing of Mr Zuma. They informed me that his physical appearance (discolouration of his face) was a matter of concern and further thereto that he had a sudden and visible loss of weight within a short period. Such a report was of great concern to me.

5. On 4 September 2021, the KZN Regional Commissioner and Estcourt Head of Correctional Centre requested an audience indicating that they were concerned that the Medical Parole Advisory Board (MPAB) had not recommended for the placement of Mr Zuma on medical parole as he had been hospitalised for an extended period of time. A legitimate concern for the Estcourt Head of Correctional Centre was that the facility (although new), would not be able provide the type of tertiary health care required for Mr Zuma.
6. The Estcourt Correctional Centre could not risk the life of an inmate being fully aware that it has no capacity to render the required tertiary health care and such will amount to major consequences should Mr Zuma perish within our facility.
7. As a result of this engagement, I requested that relevant documents be availed for my consideration.
8. The following documents were presented to me for consideration:
  - 8.1 Three medical reports by the South African Military Health Service (SAMHS) dated 08 July 2021, 28 July 2021 and 5 August 2021.
  - 8.2 Report by Dr LJ Mphatswe, a member of the MPAB commissioned to do a physical examination of Mr Zuma and gathered evidence in support thereof.
  - 8.3 Recommendation by the MPAB on the condition of Mr Zuma.
9. I am advised by the Acting Chief Director Legal Services that the MPAB makes recommendations to the authority that must make a decision.
10. In my view, this situation occasioned a unique moment within the history of Correctional Services, where a former Head of State of the Republic of South Africa is incarcerated whilst still entitled to privileges as bestowed by the Constitution.



11. Having regard for the aforementioned and knowing that the Estcourt Head of Correctional Centre is at the level of an Assistant Director, it is within this context that I decided to rescind the delegation as confirmed in section 75(7)(a) of the Correctional Services Act 111 of 1998, as amended.

12. I therefore requested that all relevant and available information be at my disposal for consideration as the legal authority to arrive at a decision. I inter alia considered the following in coming to a decision:

12.1 Mr Zuma is 79 years old and undeniably a frail old person.

12.2 That the various reports from the SAMHS all indicated that Mr Zuma has multiple <sup>comorbidities</sup> ~~comorbidities~~ which required him to secure specialised treatment outside the Department of Correctional Services (DCS).

12.3 That Dr LJ Mphatswe (member of MPAB) in his report dated 23 August 2021 recommended that the applicant, Mr JG Zuma be released on medical parole because his "clinical health present unpredictable health conditions" and that sufficient evidence has also arisen from the detailed clinical reports submitted by the treating specialists to support the above read recommendation.

12.4 The Medical Parole Advisory Board recommendation agreed that Mr Zuma suffers from multiple comorbidities. The MPAB further stated that his treatment had been optimised and his conditions have been brought under control because of the care that he is receiving from a specialised hospital, therefore they did not recommend medical parole. It is the type of specialised care that cannot be provided by the Department of Correctional Services in any of its facilities.

12.5 As a result, there is no guarantee that when returned back to Estcourt Correctional Centre Mr Zuma's "conditions" would remain under control. It is not disputed that DCS does not have medical facilities that provide the same standard of care as that of a specialised hospital or general hospital.

12.6 Mr Zuma's wife, Mrs Ngema, has undertaken to take care for him if released, as Mr Zuma will be aided by SAMHS as a former Head of State, providing the necessary health care and closely monitoring his condition.

13. Having considered all the relevant information, I am satisfied that Mr Zuma meets the criteria in section 79(1) to be placed on medical parole. I hereby approve his release on medical parole immediately (5 September 2021) on the following conditions:

13.1 Mr Zuma must undergo medical evaluations as required by his medical team and medical reports must be provided to the DCS monthly until expiry of his sentence.

13.2 Mr Zuma must be monitored by the Community Corrections office nearest to his residence (address as provided in the application) according to his monitoring classification.

13.3 Mr Zuma must adhere to these and any other conditions that may be set by the Community Corrections Monitoring Committee.

Fraser

National Commissioner  
Department of Correctional Services

Date: 2021/09/05

DEPARTMENT OF CORRECTIONAL SERVICES  
NOTICE 592 OF 2020**DELEGATIONS: CORRECTIONAL SERVICES ACT AND REGULATIONS: DEPARTMENT OF CORRECTIONAL SERVICES**

UNDER THE POWERS VESTED IN ME IN TERMS OF SECTION 97(2) OF THE CORRECTIONAL SERVICES ACT, 1988 (ACT 111 OF 1988), I, ARTHUR FRASER, NATIONAL COMMISSIONER OF THE DEPARTMENT OF CORRECTIONAL SERVICES HEREBY DELEGATE THE UNDER MENTIONED COMPETENCIES TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY WITH EFFECT FROM THE DATE OF PUBLICATION IN THE GOVERNMENT GAZETTE.

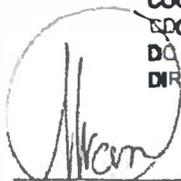
WITH REFERENCE TO THE FOLLOWING LEGISLATION AND PRESCRIPTS:-

- 1) Correctional Services Act, 1988 (Act no 111 of 1988). (The Act)
- 2) Correctional Services Regulations, 2004 as amended. (The regulations)
- 3) Collective Agreement DBC Resolution 1/2006. (Rea 1 of 2006)

**PROVIDED THAT:**

- a) The level of delegation indicated hereunder against each competency, is the lowest level on which the competency may be exercised;
- b) Any ~~line~~ functionary with an equal or higher rank is also authorized to exercise the same power.
- c) Regions all report to the National Head Office and therefore does not have jurisdiction over each other. Any delegated power that cannot be exercised for whatever reason in a region must be referred to National Head Office for a decision;
- d) The delegation indicated hereunder, remains in force should a section of the Act, including any Amendments to the competency itself, and the number of the new section is considered to be the number of the relevant provision of the Act;
- e) Any delegation does not prohibit the National Commissioner from exercising the power concerned or performing the duty concerned himself or herself (*Qui custodit originalem potestatem delegat*) who also may withdraw any delegation to any post (and therefore the incumbent in that post) at any time;
- f) A person who have been delegated an authority cannot delegate such authority. (*Delegatus delegare non potest*)
- g) The exercise of a delegated authority is at all times subject to the provisions of the Act and Regulations, Departmental Policies, the Departmental Orders and any directives issued in this regard; and;
- h) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.
- i) The following abbreviations may be applicable:
 

NC	=	National Commissioner
COC	=	Chief Operations Commissioner (Reference in any other delegated authority to COO implies the COC)
SDC	=	Chief Deputy Commissioner
DC	=	Deputy Commissioner
DIR	=	Director



A Fraser  
National Commissioner, Correctional Services  
Date: 2020/10/05

**DELEGATIONS: CORRECTIONAL SERVICES ACT AND REGULATIONS: DEPARTMENT OF CORRECTIONAL SERVICES**

Section	Topic Description	PRINCIPAL FUNCTIONARY	DELEGATION POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS
			Head Office	Region	Management Area	
Procedure Act, 1977 (Act No. 51 of 1977).	corrective in a particular case if it is the opinion that a change of circumstances calls for a change in the conditions.					
75. Section 71 (3)	issues a warrant in terms of section 70 (1)(c) for arrest if a person fails to appear when instructed to do so before a court, Conditional Supervision and Parole Board or other body in terms of subsection (2).	NC	No delegation	No delegation	Head of Community Corrections	
76. Section 72(4)	If a person is not satisfied with the responses on his or her complaint or request from the Head Community Corrections, he or she may refer the matter to the National Commissioner whose response must be communicated to the person concerned	NC	No delegation	No delegation	Area Commissioner	
77. Section 73(1)(b)	A person sentenced to incarceration for a period not exceeding five years as an alternative to a fine under section 28(4)(a) of the Criminal Procedure Act, may be considered for placement under conditional supervision by the National Commissioner or the Conditional Supervision and Parole Board as soon as possible after admission to a correctional centre subject to the confirmation of a suitable support system, unless the court has directed otherwise	NC	No delegation	No delegation	Up to 24 months Incarceration; Head of Correctional Centre; Longer than 24 months Incarceration; Conditional Supervision and Parole Board	
78. Section 74 (2) (e)	The National Commissioner must nominate one official of the Department to form part of the Conditional Supervision and Parole Board appointed by the Minister.	NC	No delegation	Regional Commissioner only with regard to section 74(2) (e).	No delegation	The vice chairperson and 2 community member are not nominated by the National Commissioner and therefore not delegated
79. Section 74 (3)	The National Commissioner must designate the conditional official to act as secretary to the Parole Board	NC	No delegation	DFC	No delegation	
80. Section 74 (8)	Determine on recommendation of the Department of Public Service and Administration the remuneration and allowances of a member of a Board who is not in the full-time service of the State may receive.	NC	DC: Human Resource Management	No delegation	No delegation	
81. Section 75 (1)(b) (e)	Identify offences for purposes of subsection (1A) with the concurrence of the National Commissioner	NC	CDC Incarceration and Corrections	No delegation	No delegation	

A. Ndlovu  
National Commissioner, Correctional Services  
Date: 5 October 2020



**DELEGATIONS: CORRECTIONAL SERVICES ACT AND REGULATIONS: DEPARTMENT OF CORRECTIONAL SERVICES**

POWER OR DUTY BEING DELEGATED		PRINCIPAL FUNCTIONARY	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS
Section	Topic Description		Head Office	Region	Management Area	
82. Section 75(2)(a) read together with 75(2) (c)	of the South African Police Service, the Director-General of the Department of Justice and the National Director of Public Prosecutions.  Referral by the National Commissioner of recommendations for cancellation for conditional supervision or day parole in the cases of sentenced inmates serving sentences of 24 months or more except life imprisonment.	NC	No delegation	No delegation	Area Commissioner	
83. Section 75 (7) (e) and (f)	Despite subsections (1) to (6), authorizes: (a) Placement under conditional supervision or day parole or grant parole to an offender serving a sentence of up to 24 months imprisonment and prescribe conditions in terms of sections 52; (b) Cancellation of conditional supervision or day parole or parole and alter the conditions for community corrections applicable to such person.	NC	No delegation	No delegation	Head of Correctional Centre	
84. Section 78 (8)	Refer a decision to the Conditional Supervision and Parole Review Board in so far as it relates to the National Commissioner for reconsideration.	NC	CDC Intervention and Corrections	No delegation	No delegation	
85. Section 78 read with regulation 28A(7)	Consideration for placement on medical parole by the National Commissioner, the Conditional Supervision and Parole Board or the Minister in so far as it relates to the National Commissioner	NC	No delegation	No delegation	Up to 24 months imprisonment: Head of the Correctional Centre after receiving a report from the medical advisory board as referred to in section 78(3)(e)	
86. Section 80(1)	Referred to the Conditional Supervision and Parole Board but an offender to permit special conditions of sentence not exceeding two years either consecutively or added to such conditions as the Board may determine when such an offender has not fully voluntarily entering	NC	No delegation	No delegation	Head of Correctional Centre Head Community Corrections for offenders under Community Corrections	

  
A. Kriber  
National Commissioner: Correctional Services  
Date: 5 October 2020

Telephone: (012) 367 9001  
Facsimile: (012) 367 9002  
Enquiries: Lt Gen (Dr) Z.W.S. Dabula  
Email: [zola.dabula@dod.mil.za](mailto:zola.dabula@dod.mil.za)



SG/C/104/7/2

Headquarters  
South African Military Health Service  
Private Bag X102  
Centurion  
0046

30 August 2021

To whom it may concern.

Sir / Madam.

**MEDICAL REPORT: FORMER PRESIDENT MR J.G. ZUMA**

**REFERANCES:**

- APPENDIX A: Physicians Report
- APPENDIX B: Cardiologists Report
- APPENDIX C: Surgeons Report
- APPENDIX D: Neurologists Report
- APPENDIX E: Nephrologists Report
- APPENDIX F: Histology Report from Cuba (English Translation)
- APPENDIX G: Radiologists Report (Diagnostic Radiologists)



2. It is the view of the Surgeon General that these reports taken individually may paint a picture of a patient whose condition is under control but all together reflect a precarious medical situation especially for optimization of each one of them.

3. We will remember that the patient was fairly optimized prior to his incarceration and it took only four weeks for his condition to deteriorate such that his glucose, blood pressure and kidney function went completely out of kilter. The Surgeon General believes that the patient will be better managed and optimized under different circumstances than presently prevailing.

4. Hope that all this will be of assistance.

**(Z.W.S. DABULA)**  
**SURGEON GENERAL: LT GEN**