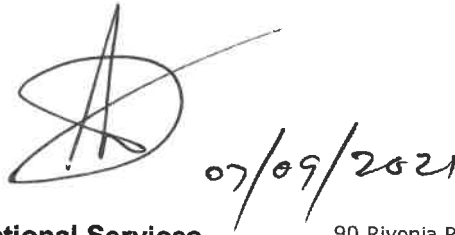


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**The National Commissioner for Correctional Services
Mr A Fraser**

By email: Arthur.Fraser@dcs.gov.za and
singabakho.nxumalo@dcs.gov.za

and

**The Honourable Minister for Correctional Services
Mr Ronald Lamola, MP**

By email: ZaneNdlovu@justice.gov.za

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Your reference

Our reference

Date

V Movshovich / P Dela / D Cron /
D Rafferty / D Qolohle
3041349

06 September 2021

Dear Sirs

The decision to place former president, Mr Jacob Gedleyihlekisa Zuma, on medical parole

1. We represent the Helen Suzman Foundation ("HSF" or "our client").
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. HSF participated in the proceedings before 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 Zuma and Others 2021 (5) SA 1 (CC) ("the initial application") and [2021] ZACC 18 ("the main application"). The HSF is further cited and is participating as a respondent in the matter before the Constitutional Court under case number CCT52/21 which relates to the rescission application brought by Mr Zuma against the judgment and order of the Constitutional Court in the main application.

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 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 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 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 Warrington J Watson AWR Westwood RH Wilson KD Wolmarans DJ Wright M Yudaken

Chief Operating Officer: SA Boyd

4. Our client understands that on 5 September 2021, the Department of Correctional Services issued the media statement attached marked "A" which confirms, *inter alia*, that:
 - 4.1 Mr Zuma has been placed on medical parole;
 - 4.2 the National Commissioner has taken the decision in terms of section 75(7)(a) of the Correctional Services Act, 1998 read with section 52, to place Mr Zuma on medical parole and has prescribed conditions which will apply to such medical parole ("**the decision**");
 - 4.3 the decision was based on a medical report received by the Department of Correctional Services; and
 - 4.4 Mr Zuma shall, in terms of the decision, complete the remainder of his period of incarceration, which was ordered in the main application, in "*the system of community corrections, whereby he must comply with a specific set of conditions*";
5. As you will know, our client is (and has been) concerned that the rule of law is upheld in all spheres, including the essential fight against corruption and organised crime mandated by the Constitution.
6. The decision to place Mr Zuma on medical parole is shrouded in secrecy; it seems to be based on a medical report – the details of which are entirely concealed from the public; and has been made in circumstances where it is reported that Mr Zuma has refused, despite an order by the Honourable Mr Justice Koen in separate proceedings in the KwaZulu-Natal High Court, Pietermaritzburg, to subject himself to an independent medical examination. These circumstances give rise to concerns about the rule of law.
7. In light of the above circumstances, you are requested to provide the following, by no later than 5pm on 13 September 2021:
 - 7.1 full written reasons for the decision;
 - 7.2 a copy of any documents or information which formed the basis of, or which were considered in the taking of, the decision, including but not limited to any application for parole by Mr Zuma and the medical report referred to in the media statement attached as annex A;

- 7.3 the conditions which have been prescribed in terms of section 52 of the Correctional Services Act;
 - 7.4 an indication as to which individuals, in which capacity, took the decision and made recommendations in relation to the decision;
 - 7.5 a copy of the decision and the aforesaid recommendations; and
 - 7.6 any other information or documentation relevant to the decision.
8. Given the urgency of the matter, we submit that the above time periods are reasonable and necessary.
 9. Should you fail to deliver the abovementioned information and documentation timeously or should the information/documentation not negate our client's concerns about the lawfulness or otherwise of the decision, our client will have no option but to assume that there was no lawful basis for the decision and to exercise its legal rights, in its interest and in the public interest, on an urgent basis.
 10. All our client's rights are reserved.

Yours faithfully



pp
WEBBER WENTZEL

Pooja Dela

Partner

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Email: pooja.dela@webberwentzel.com

Letter sent electronically



correctional services

**Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA**

"A"

MEDIA STATEMENT

05 September 2021

MR ZUMA PLACED ON MEDICAL PAROLE

The Department of Correctional Services (DCS) is able to confirm that Mr Jacob Gedleyihlekisa Zuma has been placed on medical parole.

Section 75(7)(a) of the Correctional Services Act 111 of 1998, affords the National Commissioner a responsibility to place under correctional supervision or day parole, or grant parole or medical parole to a sentenced offender serving a sentence of incarceration for 24 months or less. The National Commissioner is also in terms of Section 52, empowered to prescribe conditions of parole.

Medical parole's eligibility for Mr Zuma is impelled by a medical report received by the Department of Correctional Services. Apart from being terminally ill and physically incapacitated, inmates suffering from an illness that severely limits their daily activity or self-care can also be considered for medical parole.

The risk of re-offending of released inmates must also be low and there must be appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released to.

Medical parole placement for Mr Zuma means that he will complete the remainder of the sentence in the system of community corrections, whereby he must comply with specific set of conditions and will be subjected to supervision until his sentence expires.

Medical Parole can only be revoked if an offender does not comply with the placement conditions.

We want to reiterate that placement on medical parole is an option available to all sentenced offenders provided they meet all the requirements. We appeal to all South Africans to afford Mr Zuma dignity as he continues to receive medical treatment.

Ends.

Enquiries, Singabakho Nxumalo on 079 523 5794.

Issued by the Department of Correctional Services.