

BE PLEASED TO TAKE NOTICE that the 1st, 2nd, 4th, 5th, 6th, 7th, and 8th Respondents hereby give notice of their intention to oppose the application.

KINDLY TAKE NOTICE FURTHER that the 1st, 2nd, 4th, 5th, 6th, 7th, and 8th Respondents have appointed the undersigned as their attorney of record and will accept service of all documents in these proceedings at the address set out below.

DATED and SIGNED at PRETORIA on this 10th day of SEPTEMBER 2015.



1ST, 2ND, 4TH, 5TH, 6TH, 7TH & 8TH
RESPONDENTS' ATTORNEY
THE STATE ATTORNEY
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME STREET
PRIVATE BAG X91
PRETORIA
TEL: 012 309 1672
FAX: 012 309 1649/50
E-FAX: 086 644 5436
REF: 5076/2015/Z14/PM
ENQ: MR M O LETSOKO
E-MAIL: mletsoko@justice.gov.za

TO: THE REGISTRAR OF THE
HIGH COURT
PRETORIA

AND
TO:

APPLICANT'S ATTORNEYS

WEBBER WENTZEL

10 FRICKER ROAD, ILLOVO BOULEVARD

JOHANNESBURG, 2196

P.O. BOX 61771

MARSHALLTOWN

JOHANNESBURG, 2107

TEL: (011) 530 5539

FAX: (011) 530 6539

E-MAIL: moray.hathorn@webberwentzel.com

REF: M Hathorn 3001972

C/O BERNHARD VAN DER HOVEN ATTORNEYS

2ND FLOOR, PARCK NOUVEAUX BUILDING

225 VEALE STREET

BROOKLYN, PRETORIA

TEL: (012) 346 4243

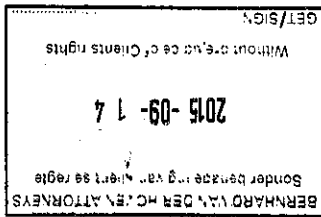
FAX: (086) 584 3261

REF: Elmari Robertse

E-MAIL: elmari@bvdh.co.za

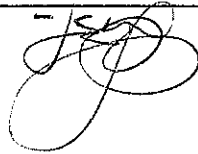
COPY RECEIVED ON:
DATE:
TIME:

Byrne 16:20



BE PLEASED TO TAKE NOTICE that the Office State Attorney hereby withdraws its Notice to Oppose on behalf of the Third Respondent served on you on the 24th August 2015.

DATED and SIGNED at **PRETORIA** on this ^{18th} day of **SEPTEMBER 2015**.



RESPONDENTS' ATTORNEY
THE STATE ATTORNEY
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BROOKLYN, PRETORIA

TEL: (012) 346 4243

FAX: (086) 584 3261

REF: Elmar! Robertse

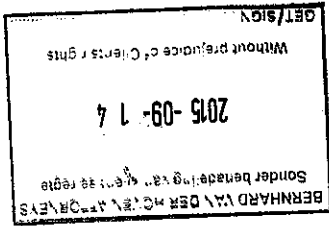
E-MAIL: elmar!@bvvdh.co.za

COPY RECEIVED ON:

DATE:

TIME:

Elmar! 16:20



IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO: 62470/2015

In the matter between:

CORRUPTION WATCH (RF) NPC **First Applicant**
FREEDOM UNDER LAW (RF) NPC **Second Applicant**

and

PRESIDENT OF THE REPUBLIC OF S.A. **First Respondent**

MINISTER OF JUSTICE & CORRECTIONAL SERVICES **Second Respondent**

MXOLISI SANDILE NXASANA **Third Respondent**

SHAUN ABRAHAMS **Fourth Respondent**

DIRECTOR GENERAL: DEPARTMENT OF JUSTICE & CONSTITUTIONAL DEVELOPMENT **Fifth Respondent**

CHIEF EXECUTIVE OFFICER OF THE NATIONAL PROSECUTING AUTHORITY **Sixth Respondent**

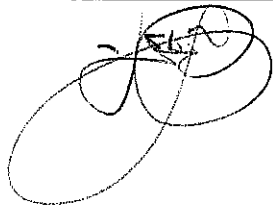
NATIONAL PROSECUTING AUTHORITY **Seventh Respondent**

DEPUTY PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA **Eighth Respondent**

NOTICE OF COMPLIANCE IN TERMS OF RULE 53 (1) (b)

KINDLY TAKE NOTICE THAT the 2nd, 4th, 5th, 6th and 7th Respondents have dispatched to the Registrar the record of proceedings sought to be reviewed and or set aside as well as their reasons for their decision.

DATED and SIGNED at PRETORIA on this 14 day of SEPTEMBER 2015.



1ST, 2ND, 4TH, 5TH, 6TH, 7TH AND 8TH RESPONDENTS' ATTORNEY
THE STATE ATTORNEY
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME STREET
PRIVATE BAG X91, PRETORIA
TEL: 012 309 1672
FAX: 012 309 1649/50
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REF: 5076/2015/Z14/PM
ENQ: MR M O LETSOKO
E-MAIL: mletsoko@justice.gov.za

TO: THE REGISTRAR OF THE
HIGH COURT
PRETORIA

AND
TO:

APPLICANT'S ATTORNEYS

WEBBER WENTZEL

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TEL: (012) 346 4243

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REF: Elmari Robertse

E-MAIL: elmari@bvdh.co.za

COPY RECEIVED ON:

DATE:

TIME:

Elmari 16:20

BERNHARD VAN DER HOVEN ATTORNEYS
Sonder benadeeling van klient se regte
2015-09-14
Without prejudice of Clients rights
GET/SIGN

ITEM	DESCRIPTION	PAGE NO.
1.	Letter from the Office of the Director-General: Department of Justice and Constitutional Development dated 03/06/2015.	1
2.	Settlement agreement concluded between or on behalf of the then NDP (Mr. Nxasana) and the President of the Republic of South Africa dated 14 May 2015.	2 – 5
3.	Proof of approval of payment by the Acting Chief Director: Finance: National Prosecuting Authority dated 08 June 2015.	6
4.	Employees' Tax deduction directive by the South African Revenue Services	7
5.	Print-out of the Salary Enquiries: National Prosecuting Authority dated 08 June 2015.	8 – 9
6.	Copy of the Advice of appointment/staff Change: MSO Nxasana dated 05 June 2015.	10 – 11

DATED and SIGNED at PRETORIA on this 14th day of SEPTEMBER 2015.



1ST, 2ND, 4TH, 5TH, 6TH, 7TH AND 8TH

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THE STATE ATTORNEY

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2ND FLOOR, PARCK NOUVEAUX BUILDING

BERNHARD VAN DER HOVEN ATTORNEYS
Sonder benadeling van klient se regte
2015-09-14
Without prejudice of Clients rights
GET/SIGN

COPY RECEIVED ON:
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Byrne 16:20

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REF: Elmar! Robertse
E-MAIL: elmar!@bvvdh.co.za

MS T N SINDANE
DIRECTOR-GENERAL
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DATE: 21/06/2015



Kind regards

Please find herewith the attached document for your urgent attention and processing.
It would be appreciated if you can process same urgently for relevant authorities approval, noting the time lines that are set out therein.
Your assistance in this regard will be greatly appreciated.

SETTLEMENT AGREEMENT : MR NXASANA

Dear Adv. Van Rensburg

Adv. K van Rensburg
Chief Executive Officer
National Prosecuting Authority
Private Bag X 752
PRETORIA
0001

Enquiries: Ms B Musekwa
Telephone: 012 406 4701/18
Email: BMusekwa@justice.gov.za

OFFICE OF THE DIRECTOR-GENERAL
Private Bag X 81, PRETORIA, 0001 • SALU Building, corner of Thabo Sehume and
Frances Baard Streets, PRETORIA
Tel (012) 406 4701/4718

Department
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

the doj & cd



T

T.M. M.

1. On 4 July 2014, the President informed the Applicant (National Director of Public Prosecutions herein after referred to as the NDPP) of his decision to institute an enquiry in terms of section 12 (6) (a)(iv) of the National Prosecuting Authority Act 32 of 1998 (the Act).
2. On 30 July 2014, the President gave Notice of Intention to suspend the NDPP in terms of section 12 (6) (a) of the Act.
3. The NDPP brought an urgent application in the North Gauteng High Court to interdict the President from suspending him until the President has provided the NDPP with the requested particulars of the allegations

WHEREAS

SETTLEMENT AGREEMENT

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
 Respondent
 Second Respondent

THE PRESIDENT OF REPUBLIC OF SOUTH AFRICA
 First Respondent

And

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
 Applicant

In the matter between:

CASE NO 59160/14

IN THE NORTH GAUTENG HIGH COURT, PRETORIA

2

T M S

1. The parties understand that this agreement is to be regarded as a "no-fault" settlement, and, as such, this agreement is not intended and will not be construed to constitute an admission or statement by either party as to the validity or invalidity of any legal or factual contention advanced in this matter.

IT IS AGREED THAT

RECOGNISING the important and pivotal role which the National Prosecuting Authority occupies in our constitutional democracy and the functioning of the rule of law and the desire to bring certainty and preserve the dignity of both the NDP and the NPA

7. The parties are fully cognizant of the costs implications for litigating and/or conducting the enquiry which resources may be better applied given the challenges our country faces.

6. The parties are also mindful that the public glare brought on by the holding of an enquiry, whilst necessary for transparency in our democracy, has unintended consequences.

5. The parties recognize that a protracted litigation process will not be in the interests of the office of the National Director of Public Prosecutions, the functioning of the National Prosecuting Authority nor the Republic of South Africa.

4. These proceedings now stand adjourned and the parties subsequently entered into discussions and negotiations in an attempt to resolve the matter.

levelled against him, and which allegations were to constitute the subject matter of the enquiry.

Handwritten initials/signature

2. The President recognizes that the NDPP is professionally competent, sufficiently experienced and conscientious and has the requisite integrity to hold a senior public position both in the public and private sector.
3. The NDPP shall relinquish his post as National Director of Public Prosecutions as from 1 June 2015.
4. In lieu of this, the NDPP shall receive the sum of R 17 357 233,00 within 60(sixty) days of signature of this agreement in full and final settlement of all claims of whatsoever nature arising out of his employment as National Director of Public Prosecutions.
5. The settlement amount shall be subject to taxation, pension benefits, leave benefits, medical aid benefits and resettlement benefits, where ordinarily applicable to the NDPP in terms of his conditions of employment under the legislation and regulations.
6. The NDPP will withdraw his application in the North Gauteng High Court under case number 59160/14 upon signature of this settlement agreement.
7. The President will cease the holding of an enquiry into the fitness of the NDPP to hold such office.
8. The government has paid and will continue to pay the NDPP's legal costs including the cost of this application as well as the holding of the enquiry.
9. In the event that any disputes arises with respect to the Agreement, the party who believes there may be a breach shall contact the other party in writing setting forth the reason(s) for said belief and shall give the party five (5) business days to remedy the matter.

10. By signing this Agreement, the parties acknowledge that they have read the Agreement in its entirety and are possessed with the full knowledge and understanding of the Agreement's contents.

11. This agreement shall become effective and enforceable upon signature by both parties.

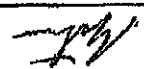
SIGNED AT Washington ON 09 MAY 2015

FOR AND ON BEHALF OF THE APPLICANT (NDPP)



SIGNED AT LAKE TOSCO ON 14 MAY 2015

FOR AND ON BEHALF OF THE FIRST AND SECOND RESPONDENTS



FA 1358335 rejected by National Treasury (Safety Net) Banking details different (if June 2015)

FA 1358335
 18/06/15
 Received by: ...
 Date Invoiced: ...
 Terms of Sale: ...

8	8	2015	06	8	2015
FC	SS19	GD			
M. J. ...	M. J. ...	M. J. ...			
MOSES					

Corrected
 08/06/2015
 Certificate

Total amount to be paid		R	10 240 787.47
Allocation Amount		R	10 240 787.47
Line Description	Fund/Vote	Responsibility	Objective
VOTED FUNDS	NATIONAL DIRECTOR & SUPP STAFF	PROSECUTION-SERVICES	Specialised Services
			BUDGET
			2015-06-08
			NAT. FUNCTION: WHOLE COUNTRY DOM
			NON-ASSETS RELATED
			NO PROJECTS
			H/H: CLAIMS AGAINST STATE
			PROJECTS
			ASSETS
			REGIONAL INDICATOR
			INFRASTRUCTURE
			MATCHING FIELD 2
			WHATEVER
			MATCHING FIELD 3

System cheque	<input type="checkbox"/>	Manual cheque	<input checked="" type="checkbox"/>	EFT	<input checked="" type="checkbox"/>
Purchase order no.	003378	Source doc. date	18/06/2015	Source doc. No.	
Receipt cheque	<input type="checkbox"/>	Invoice	<input checked="" type="checkbox"/>	Credit note	<input type="checkbox"/>
Settlement details		Settlement date		Discount %	
Bank acc No	100011627322	Branch code	580105	Bank acc type	INVESTEC

Office	SALARIES
Payment No.	1358335
Final Authorised by:	[Signature]
Date authorised:	18/06/2015
Pre-Authorised by:	[Signature]
Date authorised:	18/06/2015
Capture by:	[Signature]
Date capture:	18/06/2015

Approved
 Sundry payment
 Approved
 8/6/2015
 National Prosecuting Authority



10240767.47

Printed in accordance with SARS recommended format

INCOME TAX **SARS**

RP38

Employees' tax deduction directive

Enquiries should be addressed to:
Receiver of Revenue DURBAN

P.O. BOX 921
DURBAN
4000

Tel: (031) 328 6000 Fax: (031) 332 2210

Always quote this reference number in correspondence with this office or during interviews

Reference number : 0076080142
Date : 2015/06/05
Tax Year : 2016
Directive Number : 18364440
Application number : 000000020963095

A: Particulars of Employee / Member of Fund

Surname : nxasana
Initials : mso
First names : mxolisi
Address : 64 bonne view
midrand
pretoria

Date of Birth : 1967/11/23
Identity number / Other : 6711235284086
Office where registered for income Tax : DURBAN
Employee, Pension or Provident fund number : Employee Number - 26896102

B: Directive Information

Employees' Tax reference number (PAYE) : 7530738296
Name of fund/employer : national prosecuting authority
Reason for directive : settlement
Date of accrual : 2015/05/31

Under the provisions of paragraphs 2 and 1 of the Fourth Schedule to the Income Tax act, you are required to comply with the directive as set out below, regarding the remuneration paid to the above-named employee or member of fund.

Tax amounting to R 7116466.53 to be deducted from the gratuity / lump sum payment of R 17367233.

This directive is valid for the period 2015/03/01 - 2016/02/29

Please note:

1. This directive is invalid if any alterations have been made thereto.
2. Please file this on the employee's file in your office.
3. This form must be retained for inspection purposes.
4. You may only act on an original directive issued to your business or institution. You may, therefore, not act upon a photocopy of this form.

08:47:34 Mon Jun 08, 2015

PRT2=ACCOUNT HOLDER DETAILS

PERSAL BPPF

5.06.04(02)

SALARY ENQUIRIES: NAT PROSECUTING AUTH

HISTORY - BASIC INFORMATION

2015-06-08

08:50:27.8

C80581

PERSALNO.: 26995102 01 MSO NKASANA NAS DIRIG NDPF

PAY DATE: 20150529 NORMAL

SAL-ETF-DAT.: 20150531

ORGANISATION: NAT PROSECUTING AUTH

STATUS: CURRENT

STATUS REASON: CURRENT

STATUS DATE:

PAY GROUP: TEMPORARIES P. SERV.

NOTCH/FARIFF: 2081868.00 221

PAY METHOD: DEPOSIT - CURRENT

INSTITUTION: INVESTEC BANK LTD

MAIN BRANCH: 580105 INVESTEC BANK GRAYSE

ACCOUNT NO.: 1001627322

DATE OF BIRTH: 19671123

DAYS/HOURS: 64658.80

DEDUCTIONS: 87922.51

NET SALARY: 81868 - 81868

SCALE: 81868 - 81868

BANK TYPE: 9 SMS PROF. (70.00%)

BANK TYPE: 9 SMS PROF. (70.00%)

PROBATION PERIOD: 0001 / 580000

REGION/PAY POINT: 20131001

APPOINTMENT DATE: 20131001

SALARY LEVEL: 17

E/P: FULLT

APPOINTMENT ACT: NAT PROSECUTING ACT

NATURE OF APPL: CONTRACT

IDENTITY NUMBER: 6711235284086

NOTCH DATE: 20140401

MARITAL STATUS: NEVER MARRIED

GENDER: MALE

RACE: AFRICAN

REG SERV COUNCIL: 23

SEC. ORGANISATION:

CHOICE: (2=ALLOW, 3=TRPS, 4=OBJECTIVE, 5=ADDITIONAL, 6=TAX, 7=DEPEND, 8=MEDICAL)

SALARY ENQUIRY: NAF PROSECUTING AUTH HISTORY - OBJECTIVE INFORMATION
2015-06-08 08:50:40.2
C80581

PERFAL BHPF 5.06.04 (06)
PERFALNO....: 26995102 01 MSO NKASANA
PAY DATE.....: 20150529 NORMAL
SAL-ETF-DAT.....: 20150531

ORGANISATION.....: 08
COMPONENT.....: 580000 NAF PROSECUTING AUTH
SUBCOMPONENT.....: 000001 OFFICE OF THE NDPP
RESPONSIBILITY...: 4209 NAF DIR SUPP STAFF
PROVINCE/DEPT...: 99C8 NATIONAL DEPARTMENTS / NPA
OBJECTIVE 1 &...: 012097
OBJECTIVE 2.....: 100.00
OBJECTIVE 3.....: 100.00
OBJECTIVE 4.....: 100.00
OBJECTIVE 5.....: 100.00
OBJECTIVE 6.....: 100.00
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OBJECTIVE 100.....: 100.00

CHOICE: - (1=BASIC; 2=ALLOWANCE; 3=IRPS; 5=ADDITIONAL; 6=TA; 7=DEPEND.; 8=MEDICAL)

9

ADVISE OF APPOINTMENT/STAFF CHANGE
 KENNISGEWIG VAN AANSTELLING/PERSONNEL VERANDERING

Dept/Adm. N/A	Reference number 26895102
Tel No. Ext. 5182	Date 05/06/2015

THE DIRECTOR-GENERAL, OFFICE OF THE PUBLIC SERVICE COMMISSION
 DIE DIREKTUR-GENERAAL, KANTOOR VAN DIE STAATSDIENSKOMMISSIE

THE/DIE FINANCE

Kindly note the following appointment/staff change/ Gelieve van die volgende aanstelling/ personeelverandering kennis te neem:

Suriname N XASAVIA	Date of birth	Marital status
Van	Gebortedatum	Huwelikestatus

First names MSO

Highest educational qualification

Nature of change SETTLEMENT PAYMENT

Date of effect 31 MAY 2015

Date of effect 31 MAY 2015

Before change/Voor verandering

Subsequent to change/Na verandering

Rank

Salary scale

Salary

Allowance

Toeloes

Increment date

Verhogingsdatum

Dept

Adm

Establishment

Dienststat

Seniority date - Actual

Seniority date - Verific

Seniority date - Normal

Seniority date - Nominal

Appropriate experience

Toepasselike ondervinding

PENSION DEDUCTIONS:

From Vanaf

To Vanaf

Government Service Pension Fund

Regeringsdienspensioenfonds

Temporary Employees Pension Fund

Pensioenfonds vir Tydelike Werknemers

Arrears/Agterbetaling

Remarks/Opmerkings

PLEASE PAY THE SETTLEMENT OF (17 357 233.00 AS

MR. MSO N XASAVIA'S LAST WORKING DAY WAS 31 MAY 2015 (SEE THE ATTACHED)

FOR USE BY ACCOUNTANT/GEBRUIK DEUR REKENMEESTER

Noted/Aangeteek

Signature/Handtekening

Date/Datum

Remarks/Opmerkings

FOR HEAD OF DEPARTMENT / vir Hoof van Departement

Signature/Handtekening

Date/Datum

Remarks/Opmerkings

FOR USE BY ACCOUNTANT/GEBRUIK DEUR REKENMEESTER

Noted/Aangeteek

Signature/Handtekening

Date/Datum

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Signature/Handtekening

Date/Datum

Remarks/Opmerkings

FOR HEAD OF DEPARTMENT / vir Hoof van Departement

Signature/Handtekening

Date/Datum

Remarks/Opmerkings

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How
2015/06/08



Done

SEARCH PROGRAM
Find

Department: ACTIVE

Outstanding Amount: 0.00

Outstanding Interest: 0.00

No data was found that met the specified search criteria.

OK Help

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BAS DATE: PROSECUTING AUTHORITY DISBURSEMENTS PER PAYEE

DISBURSMENT NUMBER	ACTION	PAYMENT NICH/RBF	BENEFICIARY	AUTHORISED BY	STATUS	TYPE/NO	AMOUNT
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0000641599	11/06/2015 CT	693	NKASANA MSO	NGAKONAT	CANCEL	AP	10,240,767.47
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SOURCE DOC NUMBER : 01350335

TOTAL AMOUNT FOR DEMO: 000641599							
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0000641593	15/06/2015 CT	698	NKASANA MSO	NDIVHOB	PAID	AP	10,240,767.47
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SOURCE DOC NUMBER : NOT APPLIC

SOURCE DOC NUMBER : 003376

01350374

TOTAL AMOUNT FOR DEMO: 000641593							
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TOTAL AMOUNT ISSUED EXCLUDING CANCELLED AND REVENED PAYMENTS:							
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10,240,767.47

* = REVENED CREDIT TRANSFERS

**** END OF REPORT REP0026BS ****

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