

**IN THE HIGH COURT OF SOUTH AFRICA**

**(GAUTENG DIVISION, PRETORIA)**

**CASE NO: 62470/2015**

**In the matter between:**

<b>CORRUPTION WATCH (RF) NPC</b>	<b>First Applicant</b>
<b>FREEDOM UNDER LAW (RF) NPC</b>	<b>Second Applicant</b>
<b>and</b>	
<b>PRESIDENT OF THE REPUBLIC OF S.A.</b>	<b>First Respondent</b>
<b>MINISTER OF JUSTICE &amp; CORRECTIONAL SERVICES</b>	<b>Second Respondent</b>
<b>MXOLISI SANDILE NXASANA</b>	<b>Third Respondent</b>
<b>SHAUN ABRAHAMS</b>	<b>Fourth Respondent</b>
<b>DIRECTOR GENERAL: DEPARTMENT OF JUSTICE &amp; CONSTITUTIONAL DEVELOPMENT</b>	<b>Fifth Respondent</b>
<b>CHIEF EXECUTIVE OFFICER OF THE NATIONAL PROSECUTING AUTHORITY</b>	<b>Sixth Respondent</b>
<b>NATIONAL PROSECUTING AUTHORITY</b>	<b>Seventh Respondent</b>
<b>DEPUTY PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA</b>	<b>Eighth Respondent</b>

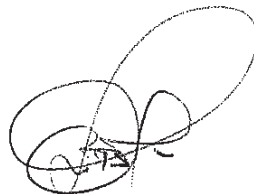
---

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

---

**KINDLY TAKE NOTICE THAT** the 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> 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 <sup>14</sup> day of **SEPTEMBER 2015**.



**1<sup>ST</sup>, 2<sup>ND</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 7<sup>TH</sup> AND 8<sup>TH</sup>  
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](mailto: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](mailto:moray.hathorn@webberwentzel.com)  
**REF: M Hathorn 3001972**  
C/O BERNHARD VAN DER HOVEN ATTORNEYS  
2<sup>ND</sup> FLOOR, PARCK NOUVEAUX BUILDING  
225 VEALE STREET  
BROOKLYN, PRETORIA  
TEL: (012) 346 4243  
FAX: (086) 584 3261  
**REF: Elmari Robbertse**  
E-MAIL: [elmari@bvdh.co.za](mailto:elmari@bvdh.co.za)

**COPY RECEIVED ON:**

**DATE:**

**TIME:**

*Payne 16:20*

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

**IN THE HIGH COURT OF SOUTH AFRICA**

**(GAUTENG DIVISION, PRETORIA)**

**CASE NO: 62470/2015**

**In the matter between:**

<b>CORRUPTION WATCH (RF) NPC</b>	<b>First Applicant</b>
<b>FREEDOM UNDER LAW (RF) NPC</b>	<b>Second Applicant</b>

**and**

<b>PRESIDENT OF THE REPUBLIC OF S.A.</b>	<b>First Respondent</b>
<b>MINISTER OF JUSTICE &amp; CORRECTIONAL SERVICES</b>	<b>Second Respondent</b>
<b>MXOLISI SANDILE NXASANA</b>	<b>Third Respondent</b>
<b>SHAUN ABRAHAMS</b>	<b>Fourth Respondent</b>
<b>DIRECTOR GENERAL: DEPARTMENT OF JUSTICE &amp; CONSTITUTIONAL DEVELOPMENT</b>	<b>Fifth Respondent</b>
<b>CHIEF EXECUTIVE OFFICER OF THE NATIONAL PROSECUTING AUTHORITY</b>	<b>Sixth Respondent</b>
<b>NATIONAL PROSECUTING AUTHORITY</b>	<b>Seventh Respondent</b>
<b>DEPUTY PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA</b>	<b>Eighth Respondent</b>

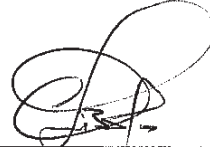
---

**INDEX TO RECORD**

---

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 NDPP (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 14<sup>th</sup> day of SEPTEMBER 2015.



1<sup>ST</sup>, 2<sup>ND</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 7<sup>TH</sup> AND 8<sup>TH</sup>  
**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](mailto: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](mailto:moray.hathorn@webberwentzel.com)  
**REF: M Hathorn 3001972**  
C/O BERNHARD VAN DER HOVEN ATTORNEYS  
2<sup>ND</sup> FLOOR, PARCK NOUVEAUX BUILDING

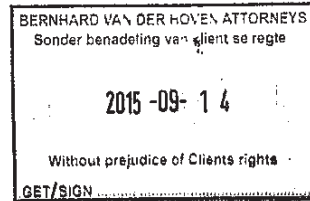
BROOKLYN, PRETORIA  
TEL: (012) 346 4243  
FAX: (086) 584 3261  
REF: **Elmari Robbertse**  
E-MAIL: elmari@bvdh.co.za

**COPY RECEIVED ON:**

**DATE:**

**TIME:**

*Payne 10:20*



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

**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

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

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

Dear Adv. Van Rensburg

**SETTLEMENT AGREEMENT : MR NXASANA**

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 setout therein.

Your assistance in this regard will be greatly appreciated.

Kind regards

**MS T N SINDANE**  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
DATE: 3.06.2015



IN THE NORTH GAUTENG HIGH COURT, PRETORIA

CASE NO 59160/14

In the matter between:

**NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS** Applicant

And

**THE PRESIDENT OF REPUBLIC OF SOUTH AFRICA** First Respondent

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

---

**SETTLEMENT AGREEMENT**

---

**WHEREAS**

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 particularity of the allegations

*T.M. [Signature]*

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

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


**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 NDPP and the NPA

**IT IS AGREED THAT**

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.



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.


TM  


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 UATH-MSA ON 09 MAY 2015

FOR AND ON BEHALF OF THE APPLICANT (NDPP)

  
\_\_\_\_\_

SIGNED AT CAPE TOWN ON 14 MAY 2015

FOR AND ON BEHALF OF THE FIRST AND SECOND RESPONDENTS

  
\_\_\_\_\_



Cancelled FA 1358335 New Sundry payment approved  
 1358335  
 NATIONAL PROSECUTING AUTHORITY  
 Capture by: [Signature]  
 Date capture: 18/06/2015  
 Pre-Authorised by: [Signature]  
 Date authorised: [Signature]  
 Final Authorised by: [Signature]  
 Date authorised: 10 June 2015  
 Finance  
 A/C.D: Fin 19  
 8/6/2015

Office SALARIES

Description	SETTLEMENT
Initials	MSC
Surname/ Supplier	NXASANA 26895102
Address	
Postal code	

<input type="checkbox"/> Receipt cheque <input type="checkbox"/> Invoice <input checked="" type="checkbox"/> Sundry <input type="checkbox"/> Credit note	Purchase order no Source doc No. 003378 Source doc. date 18/05/2015 Ref No.	Settlement details Settlement date Discount % Discount Date
---	--	--

<input type="checkbox"/> System cheque <input type="checkbox"/> Manual cheque <input checked="" type="checkbox"/> EBT	Cheque No. Cheque date	Bank acc No 10011627322 Branch code 580106 Bank acc type INVESTEC
---	---------------------------	---

Line Description	VOTED FUNDS
Fund/Vote	NATIONAL DIRECTOR & SUPP STAFF
Responsibility	PROSECUTION SERVICES
Objective	Specialised Services
Item	H/H : CLAIMS AGAINST STATE
Projects	NO PROJECTS
Assets	NON-ASSETS RELATED
Regional Indicator	NAT FUNCTION:WHOLE COUNTRY DOM
Infrastructure	NON INFRASTRUCTURE
Matching Field 2	
Whatever	
Matching Field 3	

Allocation Amount R 10 240 787.47

Total amount to be paid R 10 240 787.47

MOSES	[Signature]	[Signature]
Completed by	Checked and verified by	Authorised by
[Signature]	[Signature]	[Signature]
FC	SSA	GO
Rank	Rank	Rank
8	8	8
06	06	06
2015	2015	2015

Certified Correct  
 Date 08/06/2015

NAT RATE (dd/mm/yyyy) 18/06/15  
 Name of Issuer: Celine  
 Date Invoice Received: 18/06/15  
 Received By: [Signature]

FA 1358335 rejected by National Treasury (Security Net) Banking details differ.  
 11 June 2015

Printed in accordance with SARS recommended format



INCOME TAX

IRP3e

**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 : 18354440

Application number : 000000020963095

**A: Particulars of Employee / Member of Fund**Surname : nxasana  
Initials : mso  
First names : mxolisi  
Address : 54 bonne view  
midrand  
pretoria

Date of Birth : 1967/11/23

Identity number / Other : 6711235284086

Office where registered for income Tax : DURBAN

Employee, Policy, Pension or Provident fund number : Employee Number - 26895102

**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 11 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 7116465.53 to be deducted from the gratuity / lump sum payment of R  
17357233.

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.

10240 767. 47

08:47:34, Mon Jun 08, 2015

8

PF12=ACCOUNT HOLDER DETAILS

PERSAL BETP  
5.06.04 (02)

SALARY ENQUIRIES:NAT PROSECUTING AUTH  
HISTORY - BASIC INFORMATION

2015-06-08  
08:50:27.8  
C80581

PERSALNO...: 26895102 01 MSO NXASANA NAS DIREC NDPP  
PAY DATE....: 20150529 NORMAL  
SAL-EFF-DAT..: 20150531 SEC. ORGANISATION:  
ORGANISATION.: NAT PROSECUTING AUTH REG SERV COUNCIL.: 23  
STATUS.....: CURRENT RACE.....: AFRICAN  
STATUS REASON: CURRENT GENDER.....: MALE  
STATUS DATE...: MARITAL STATUS...: NEVER MARRIED  
PAY GROUP....: TEMPORARIES P. SERV. NOTCH DATE.....: 20140401  
NOTCH/TARIFF.: 2081868.00 221 IDENTITY NUMBER...: 6711235284086  
PAY METHOD....: DEPOSIT - CURRENT NATURE OF APPT...: CONTRACT  
INSTITUTION..: INVESTEC BANK LTD APPOINTMENT ACT...: NAT PROSECUTING ACT  
MAIN BRANCH..: 580105 INVESTEC BANK GRAYST F/P.: FULLT  
ACCOUNT NO...: 10011627922 SALARY LEVEL.....: 17  
DATE OF BIRTH: 19671123 APPOINTMENT DATE.: 20131001  
DAYS/HOURS...: REGION/PAY POINT.: 0001 / 580000  
DEDUCTIONS...: 64658.80 PROBATION PERIOD.:  
NET SALARY...: 87922.51 RANK TYPE.....: 9 SMS PROF.(70.00%)  
SCALE.....: 81868 - 81868

CHOICE: \_ (2=ALLOW.; 3=IRP5; 4=OBJECTIVE; 5=ADDITIONAL; 6=TAX; 7=DEPEND.; 8=MEDICAL)

08:47:47 Mon Jun 08, 2015

9

PERSAL BMTF  
5.06.04 (06)

SALARY ENQUIRIES:NAT PROSECUTING AUTH  
HISTORY - OBJECTIVE INFORMATION

2015-06-08  
08:50:40.2  
C80581

PERSALNO...: 26895102 01 MSO NYASANA NAS DIREC NDPF  
PAY DATE.....: 20150529 NORMAL  
SAL-EFF-DAT.....: 20150531  
ORGANISATION....: C8 NAT PROSECUTING AUTH  
COMPONENT.....: 580000 OFFICE OF THE NDPF  
SUBCOMPONENT....: 000001 NATIONAL PROSECUTING  
RESPONSIBILITY..: 4209 NAT DIR SUPP STAFF  
PROVINCE/DEPT...: 99C8 NATIONAL DEPARTMENTS / NPA  
OBJECTIVE 1.....: 012097  
OBJECTIVE 1 %...: 100.00  
OBJECTIVE 2.....:  
OBJECTIVE 2 %...:  
OBJECTIVE 3.....:  
OBJECTIVE 3 %...:  
OBJECTIVE 4.....:  
OBJECTIVE 4 %...:  
OBJECTIVE 5.....:  
OBJECTIVE 5 %...:

CHOICE: \_ (1=BASIC;2=ALLOWANCE;3=IRP5;5=ADDITIONAL;6=TAX;7=DEPEND.;8=MEDICAL)



**ADVICE OF APPOINTMENT/STAFF CHANGE  
KENNISGEWIG VAN AANSTELLING/PERSONEEL VERANDERING**

Dept/Adm. <b>NPA</b>	Tel No.	Ext. <b>6182</b> Bylyn
Reference number Verwysingsnommer <b>2689610Z</b>	Date Datum <b>05/06/2015</b>	

THE DIRECTOR-GENERAL, OFFICE OF THE PUBLIC SERVICE COMMISSION  
DIE DIREKTEUR-GENEERAL, KANTOOR VAN DIE STAATSDIENKOMMISSIE

THE/DIE **FINANCE**

THE/DIE

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

Surname Van <b>NXASANA</b>	Date of birth Geboortedatum	Conjugal state Huwelkstaat
First names Voornamie <b>MSO</b>		
Highest educational qualification Hoogste opvoekondige kwalifikasie		
Nature of change Aard van verandering <b>SETTLEMENT PAYMENT</b>		
Date of effect Datum van inwerkingtreding <b>31 MAY 2015</b>	PSC Ref. No. SDK Verw. No.	
Rank Rang	Before change/Voor verandering	Subsequent to change/Na verandering
Salary scale Salarisskaal		
Salary Salaris		
Allowance Toelags		
Increment date Verhogingsdatum		
Dept Adm		
Establishment Diensstaat		
Seniority date - Actual Senioriteitsdatum - Werklik		
Seniority date - Normal Senioriteitsdatum - Nominaal		
Appropriate experience Toespaaike ondervinding	Year(s) Jaar	month(s) maand(e)
<b>PENSION DEDUCTIONS:</b> <b>PENSIOENAFREKINGS:</b>		
Government Service Pension Fund.....%	From Vanaf	From Vanaf
Regeringsdienspensioenfonds	Temporary Employees Pension Fund.....%	Pensioenfonds vir Tydelike Werknemers
Arrears/Agterstalling.....%	From/Vanaf.....	
Remarks/Opmerkings <b>PLEASE PAY THE SETTLEMENT OF R17 357 233,00 AS MR MSO NXASANA'S LAST WORK DAY WAS 31 MAY 2015. SEE THE ATTACHED.</b>		
for Head of Department / vir Hoof van Departement		

**FOR USE BY ACCOUNTANT/GEBRUIK DEUR REKENMEESTER**

Noted/Aangeteken	Remarks/Opmerkings
Signature/Handtekening	Date/Datum

DebtSummaryAllDebtors

Debt Number: 88888 Find

Name: MURRAY MURRAY

Debt Number: Find Outstanding Capital: 0.00

Outstanding Amount: 0 Outstanding Interest: 0.00

Outstanding Balance: 0.00

Debt Status: ACTIVE

No debts were found that met the specified search criteria.

OK Help

Go Control Help

Done



How  
2013/06/08

12

SYSCON  
RP0026BS

BAS  
NAT: PROSECUTING AUTHORITY  
DISBURSEMENTS PER PAYEE

DATE: 31/08/2015  
TIME: 15:49:47  
PAGE: 2

DISBURSMNT NUMBER	ACTION DATE	PAYMENT METHOD	NICH/RBF NUMBER	BENEFICIARY	AUTHORISED BY	STATUS	PAYMENT TYPE/NO	AMOUNT
0000641599	11/06/2015	CT	693	NYASANA MSO	NGAKOANAT	CANCEL	AP 01350335	10,240,767.47
SOURCE DOC NUMBER :								
TOTAL AMOUNT FOR DBNO: 000641599								10,240,767.47
0000641593	15/06/2015	CT	698	NYASANA MSO	NDIVHUHOP	PAID	AP	10,240,767.47
SOURCE DOC NUMBER : NCT APLIC								
SOURCE DOC NUMBER : 003376								01358374
TOTAL AMOUNT FOR DBNO: 000641593								10,240,767.47
TOTAL AMOUNT ISSUED EXCLUDING CANCELLED AND REVENUED PAYMENTS:								10,240,767.47

\* = REROUTED CREDIT TRANSFERS

\*\*\*\* END OF REPORT RP0026BS \*\*\*\*