

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



Case No: 31368/16

In the matter between:

**CORRUPTION WATCH**

First Applicant

**RIGHT 2 KNOW CAMPAIGN**

Second Applicant

And

**THE ARMS PROCUREMENT COMMISSION**

First Respondent

**WILLIE SERITI NO**

Second Respondent

**HENDRICK MMOLLI THEKISO MUSI NO**

Third Respondent

**THE MINISTER OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT**

Fourth Respondent

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

Fifth Respondent

**THE MINISTER OF DEFENCE**

Sixth Respondent

**THE MINISTER OF TRADE AND INDUSTRY**

Seventh Respondent

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**NOTICE OF MOTION**

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**BE PLEASED TO TAKE NOTICE THAT** the Applicants intend to make application to this Honourable Court, on a date to be assigned by the Registrar, for an order in the following terms:

1. Reviewing and setting aside the findings of the First Respondent, alternatively the Second and Third Respondents issued and published in a report released to the Fifth Respondent on 30 December 2015 and made available to the public on 21 April 2016.
2. Ordering that any of the Respondents who oppose this application, shall pay the costs thereof, jointly and severally.
3. Granting the Applicants further and / or alternative relief.

**TAKE NOTICE FURTHER THAT** the affidavits of **LEANNE GOVINDSAMY** and **MURRAY HUNTER** annexed hereto, will be used in support of the application, together with such further affidavits as the Applicants may file in terms of Uniform Rule 53(4).

**TAKE NOTICE FURTHER THAT** the Second and Third Respondents are called upon to deliver to the Registrar of the High Court, within thirty (30 days) of service of this notice upon them, the record of the proceedings (including all documents, letters, memoranda, reports, minutes and other materials that were before the First, Second and Third Respondents upon which the findings were based), together with such reasons as the Second and Third Respondents are by law required or desire to give or make, and to notify the Applicants that they have done so (“the Record”). The Second and Third Respondents are further called upon to deliver the Record in electronic form to the Applicants at the same time as delivering the Record.

**TAKE NOTICE FURTHER THAT** the Applicants may, within thirty (30) days after the date on which the Registrar has made the record available to them, by delivery of a notice and

affidavit, amend, add to or vary the terms of the notice of motion and supplement the supporting affidavits.

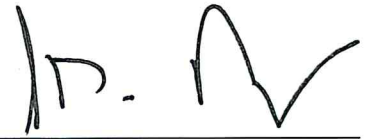
**TAKE NOTICE FURTHER THAT** any Respondent that opposes the relief being sought by the Applicants, is required:

- (a) within **15 days** after receipt of the notice of motion or any amendment thereof, to deliver written notice of his intention to oppose and in such notice to appoint an address (being an address within fifteen kilometres of the office of the Registrar of this Court) at which he will accept notice and service of all documents in these proceedings; and
- (b) within **30 days** after the expiry of the time referred to in Uniform Rule of Court 53(4), to file his answering affidavits, if any.

**TAKE NOTICE FURTHER** that, if the Respondents elect not to oppose the relief sought in Part B of this application, the application will be made on the next available court date allocated by the Registrar.

**TAKE NOTICE FURTHER THAT** the Applicants have appointed the office of their attorneys of record as set out below as the place at which they will receive notice and service of all process in these proceedings.

**DATED** at JOHANNESBURG on this the 17<sup>th</sup> day of October **2016**.



Per: B.Molebatsi

HARRIS NUPEN AND MOLEBATSI INC  
Attorneys for Applicants  
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Johannesburg  
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c/o Lawyers for Human Rights  
Kutlwanong Democracy Centre  
357 Visagie Street  
Pretoria  
0002  
Ref: CET01/2016/E Temperman

**TO: THE REGISTRAR  
GAUTENG DIVISION OF THE HIGH COURT**

**AND TO: THE ARMS PROCUREMENT COMMISSION (the Commission of  
Inquiry into allegations of Fraud, Corruption, Impropriety or  
Irregularity in the Strategic Defence Procurement Packages)  
The First Respondent  
c/o The Minister of Justice and Constitutional Development  
Momentum Centre  
329 Pretorius Street (c/o Pretorius and Sisulu Streets)  
PRETORIA**

**AND TO: WILLIE LEGOABE SERITI NO  
C/O The Chief Registrar of the Supreme Court of Appeal  
The Second Respondent  
Supreme Court of Appeal  
Cnr Elizabeth & President Brand Streets  
BLOEMFONTEIN**

**AND TO: HENDRICK MMOLLI THEKISO MUSI NO  
C/O The Registrar of the Free State High Court  
The Third Respondent**



Free State High Court  
20 President Brand Street  
BLOEMFONTEIN

**AND TO: THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
**C/O The State Attorney, Pretoria**  
**The Fourth Respondent**  
SALU Building  
316 Thabo Sehume Street (c/o Thabo Sehume and Francis Baard Streets)  
PRETORIA



**AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**  
**The Fifth Respondent**  
The Presidency  
Union Building  
Government Avenue  
PRETORIA

**AND TO: MINISTER OF DEFENCE**  
**C/O The State Attorney, Pretoria**  
**The Sixth Respondent**  
SALU Building  
316 Thabo Sehume Street (c/o Thabo Sehume and Francis Baard Streets)  
PRETORIA

**AND TO: MINISTER OF TRADE AND INDUSTRY**  
**C/O The State Attorney, Pretoria**  
**The Seventh Respondent**  
SALU Building  
316 Thabo Sehume Street (c/o Thabo Sehume and Francis Baard Streets)  
PRETORIA