



TO: STATE ATTORNEY JOHANNESBURG

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AND TO: STATE ATTORNEY JOHANNESBURG

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Ref No: **JCC2021/0002-1**

Date : 16 March 2021

RE: URGENT APPLICATION TO BE ADMITTED AS AMICUS CURIAE:-

CCT: 52/21 - Secretary of The Judicial Commission of Inquiry into Allegation of State Capture, Corruption and Fraud in The public Sector Including Organs of State v Jacob Gedleyihlekisa Zuma and Others

Physical Address: 88 Marshall Street, Marshalltown, Johannesburg, 2107

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1. The above matter refers
2. The letter serves to request consent from the parties on the matter
3. The matter is an urgent application with the Constitutional Court
4. Hola Bon Renaissance Foundation “HBRF” seeks consent from both parties in the matter in terms of Rule 10(1) of the Rules of this Court⁵.

HBRF Proposed terms and conditions to be agreed upon:

- a) The application for Amicus Curiae is in terms of Rule 10 (1) , basis that under rule 10(3) the Chief Justice may amend the terms,
- b) Our role as HBRF “amicus curiae”, is to assist the Court by furnishing information or argument regarding questions of law or fact. An amicus is not a party to litigation, but believes that the Court's decision may affect its interest.
- c) HBRF differs from an intervening party, who has a direct interest in the outcome of the litigation and is therefore permitted to participate as a party to the matter.
- d) HBRF request to join proceedings, as its name suggests, as a friend of the Court. It is unlike a party to litigation who is forced into the litigation and thus compelled to incur costs. It seeks to join in the proceedings to assist the Court because of its interest in the matter before the Court. It chooses the side it wishes to join unless requested by the Court to urge a particular position.
- e) HBRF does not intend to engage the merits of the specific matter; and will only concentrate on the legal principles applicable, especially apropos the Honorable Chief Justice’s directives



- f) HBRF is aware that amicus curiae is not a party to the proceedings and does not have the same procedural rights as a person who has a direct and substantial right to intervene.

Minister of Public Works and Others v Kyalami Ridge Environmental Association and Another (Mukhwevho intervening)2001 (3) SA 1151 (CC) at para 30.

6. The interest of the HBRF:

- a) The main objective of the HBRF is to contribute within its means to establish and promote the Equal justice in South African community and within the Judiciary, more particularly to use the law as an instrument to advance such interests
- b) It is in the public interest and
- c) In the interest of Justice that the constitutional court should preserve the integrity of judiciary including of any implicated and/or alleged Judge who is official reported at the JCC
- d) The **rule of law** be applicable
- e) Uphold the Constitution of the Republic of South Africa

7. THE BACKGROUND

- a) That on the 24 February 2021, Hola Bon Renaissance Foundation lodge a formal complaint with the Judiciary Conduct Committee “JCC”
- b) HBRF complaint is against Deputy Chief Justice Raymond Zondo, in his capacity as the presiding judge of the Judiciary commission of inquiry into allegations of State capture, corruption and fraud in the public organs of State in terms Proclamation NO 3 of 2018 published in Gazatte 41403 “referred to as Zondo Commission”

c) On the 13 March 2021,HBRF wrote a letter to notify the Constitutional Court however the Constitutional Court response was that it does not engage in correspondence of such nature

8. Relief sought by HBRF

a) The matter be dismissed from the Roll and/or

b) The matter be set-aside pending the outcome of the Judiciary Conduct Committee

6. May your consent be in writing within 24 hours of receipt of this letter.

7. Failure and/or ignorance of this letter, HBRF shall approach directly constitutional court and seek permission to approach the court as amicus Curiae in the matter in terms of Rule 10(4)

8. Kindly acknowledge receipt of this letter



Regards

Boutshitswe P Mothopeng Msieleng

Representative of Hola Bon Renaissance (HBR) Foundation

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_____ day of _____ 21

