

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case No: 46878/21

**In the matter between:**

**CHAIRPERSON OF THE JUDICIAL COMMISSION OF  
INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR  
INCLUDING ORGANS OF STATE**

Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent

**PUBLIC PROTECTOR**

Second Respondent

**ECONOMIC FREEDOM FIGHTERS**

Third Respondent

**UNITED DEMOCRATIC MOVEMENT**

Fourth Respondent

**CONGRESS OF THE PEOPLE**

Fifth Respondent

**DEMOCRATIC ALLIANCE**

Sixth Respondent

**VYTJIE MENTOR**

Seventh Respondent

**CONGRESS FOR THE ADVANCEMENT OF**

**THE SOUTH AFRICAN CONSTITUTION**

Eighth Respondent



---

**NOTICE OF MOTION**

---

TAKE NOTICE THAT the above-named Applicant intends to make application to the above honourable Court on TUESDAY 28 SEPTEMBER 2021 at 10h00 or as soon thereafter as counsel may be heard, for an order in the following terms:

1. Leave is hereby granted for this matter to be heard as one of urgency and, to the extent necessary, the ordinary forms and notices are hereby dispensed with.
2. The term within which the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State, is required to complete its work is hereby extended from 30 September 2021 to 31 December 2021.
3. Insofar as may be necessary, the First Respondent must take such steps as are necessary to give effect to the order referred to in paragraph 2 above, including the amendment of paragraph 6 of Proclamation 3 of 2018 (published in Government Gazette No. 41403 of 25 January 2018), to reflect the extended period referred to therein.
4. Any Respondents who oppose this application shall pay the costs hereof, jointly and severally, the one paying the others to be absolved.
5. Further or alternative relief.

TAKE NOTICE FURTHER that the accompanying affidavit of the Applicant will be used in support hereof.

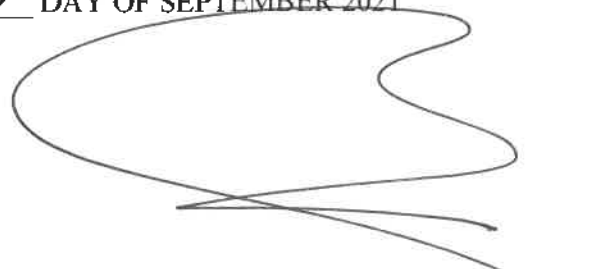
TAKE NOTICE FURTHER that the Applicant has appointed as his attorney of record the State Attorney, with the address set out below, where he will accept notices and service of all processes in these proceedings.

TAKE NOTICE FURTHER that, if you intend to oppose this application, you are required to:

- (a) Deliver to the Registrar of the above honourable Court and serve on the Applicant's attorneys a notice of opposition, on or before TUESDAY 21 SEPTEMBER 2021;
- (b) To appoint in such notice an address at which you will accept notices and service of all documents in these proceedings;
- (c) Deliver to the Registrar of the above honourable Court and serve on the Applicant's attorneys your answering affidavit, if any, on or before TUESDAY 21 SEPTEMBER 2021.

TAKE NOTICE FURTHER that the matter will be set down in the urgent motion court for hearing (whether on an opposed or unopposed basis) on TUESDAY 28 SEPTEMBER 2021 at 10:00 or as soon thereafter as counsel may be heard.

DATED AT JOHANNESBURG THIS 16 DAY OF SEPTEMBER 2021



STATE ATTORNEY, JOHANNESBURG  
Applicant's Attorney  
MR J VAN SCHLAKWYK  
JohVanSchalkwyk@justice.gov.za

Reference 1544/18/P45  
Care of THE STATE ATTORNEY, PRETORIA  
SALU Building  
316 Thabo Schume St,  
Pretoria CBD  
REF: Mr Isaac Chowe

To: THE REGISTRAR  
GAUTENG HIGH COURT, PRETORIA

And to: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

**First Respondent**

Care of The State Attorney

SALU Building

316 Thabo Schume St,

Pretoria CBD

Pretoria ref: Mr L Kopman

And BY EMAIL TO [geofrey@presidency.gov.za](mailto:geofrey@presidency.gov.za)

And to: THE PUBLIC PROTECTOR

**Second Respondent**

Public Protector House

Hillcrest Office Park

175 Lunnon Street

Pretoria

BY EMAIL: [sitholem@pprotect.org.za](mailto:sitholem@pprotect.org.za)

And to: ECONOMIC FREEDOM FIGHTERS

**Third Respondent**

3<sup>rd</sup> floor Mineralis Building

Corner De Korte & De Beer Streets

Braamfontein

Johannesburg

BY EMAIL: [angelike@ianlevitt.co.za](mailto:angelike@ianlevitt.co.za); [julius.sello@gmail.com](mailto:julius.sello@gmail.com);  
[marshalldlamini40@gmail.com](mailto:marshalldlamini40@gmail.com)

And to: UNITED DEMOCRATIC MOVEMENT

**Fourth Respondent**

1<sup>st</sup> floor CPA House

101 Du Toit St

Pretoria

BY EMAIL: [msomi@udm.org.za](mailto:msomi@udm.org.za)

And to: CONGRESS OF THE PEOPLE

**Fifth Respondent**

4<sup>th</sup> floor Marks Building

90 Plein St

Cape Town

BY EMAIL: [mlekota@parliament.gov.za](mailto:mlekota@parliament.gov.za)

And to: DEMOCRATIC ALLIANCE

**Sixth Respondent**

2<sup>nd</sup> floor Theba Hosken House

corner Breeda and Mill Streets

Cape Town

BY EMAIL: [fedexchair@da.org.za](mailto:fedexchair@da.org.za); [cos.fedexchair@da.org.za](mailto:cos.fedexchair@da.org.za); [leader@da.org.za](mailto:leader@da.org.za);  
[siviwe@da.org.za](mailto:siviwe@da.org.za)

And to: MS VYTJIE MENTOR

**Seventh Respondent**

149A Murray Street

Vierlanden

Durbanville

Cape Town

c/o Attorney Mr M Hathorn

Webber Wentzel

BY EMAIL: [moray.hathorn@webberwentzel.com](mailto:moray.hathorn@webberwentzel.com)

And to: COUNCIL FOR THE ADVANCEMENT OF  
THE SOUTH AFRICAN CONSTITUTION

**Eighth Respondent**

WERKSMANS ATTORNEYS

The Central, 96 Rivonia Rd, Sandton

Ref Mr D Singo?PROB2019.306

BY EMAIL: [dsingo@werksmans.com](mailto:dsingo@werksmans.com)

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**Case No:**

In the matter between:

**CHAIRPERSON OF THE JUDICIAL COMMISSION OF  
INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR,  
INCLUDING ORGANS OF STATE**

Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA  
PUBLIC PROTECTOR  
ECONOMIC FREEDOM FIGHTERS  
UNITED DEMOCRATIC MOVEMENT  
CONGRESS OF THE PEOPLE  
DEMOCRATIC ALLIANCE  
VYTJIE MENTOR  
CONGRESS FOR THE ADVANCEMENT OF  
THE SOUTH AFRICAN CONSTITUTION**

First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent  
Fifth Respondent  
Sixth Respondent  
Seventh Respondent  
Eighth Respondent

---

**FOUNDING AFFIDAVIT**

---

  
R.L

I, the undersigned,

**RAYMOND MNYAMAZELI MLUNGISI ZONDO**

do hereby make oath and say:

1.

Unless the contrary appears from the context or the contrary is expressly stated, the facts set out in this affidavit fall within my personal knowledge and are, to the best of my knowledge and belief, true and correct.

2.

I am the Deputy Chief Justice of the Republic of South Africa and I currently perform the functions of the Chief Justice as Acting Chief Justice of the Republic. I am also the Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State (Commission).

The parties

3.

In my capacity as the Chairperson of the Commission I am the applicant in this application and institute this application in that capacity.

4.

2

 R L



The first respondent is the President of the Republic of South Africa, Mr Matamela Cyril Ramaphosa, who is cited in his official capacity as such. His address for purposes of these proceedings is The State Attorney, Pretoria, 8<sup>th</sup> Floor, Old Mutual Centre, 167 Andries Street, Pretoria. I annex to this affidavit as Annexure "A" a document which reflects the names of all the respondents including the first respondent. The second to the eighth respondents are the persons, organizations and political parties whose names and addresses are reflected in Annexure "A".

5.

#### Purpose

The purpose of this affidavit is to support an application that will be made to the above Honourable Court for an order extending the Commission's term from the end of September to the end of December 2021. The application is brought as an urgent application. I will deal with the grounds of urgency later in this affidavit.

6.

#### Background

The Commission was established early in 2018 to investigate and inquire into allegations of state capture, fraud and corruption in the public sector including organs of state. Since about the middle of 2018 the Commission has conducted its investigations and held public hearings in regard to matters falling within the terms of reference of the Commission. It completed the hearing of oral evidence at the end of June subject to about six or so witnesses whose evidence was to be led in July plus the evidence of the President of the Republic, President Cyril Ramaphosa. The evidence of the President was ultimately led on 11 and 12 August 2021. A

Handwritten signature and initials, possibly 'R.L.', in the bottom right corner of the page.

further consideration of the relevant issues and existing evidence led to a decision not to call most of the six or so witnesses who were to have been called during July. Subject to possible implications on one application for leave to cross-examine that I must still decide in the next few days which, if granted, may result in one or at the most, two days of hearings, all planned oral evidence has been completed.

7.

Ahead of the expiry of the extended term of the Commission at the end of June 2021 I applied to this Honourable Court for an order extending the term of the Commission further by a period of three months. That was for the period of July to the end of September. The application for extension to 30 September 2021 was granted by Baqwa J. I attach as Annexure "B" a copy of the judgment of the learned Judge. In my founding affidavit which was filed in the application which came before Baqwa J, I indicated that as the Commission had completed or was about to complete the hearing of oral evidence at that time, the period from July to September would (largely) be used for summarising and analysing the evidence that had been heard and collected by the Commission and the preparation of the report. I said that my assessment was that the period of three months would be adequate for the completion of the report. I also made the point in that affidavit that I had a number of people who would be assisting me with summarising and analysing the evidence although I would be the only one who would make findings and recommendations that would go into the report. The different members of the team would be summarising and analysing the evidence under different workstreams or topics and submitting their drafts to me.

8.

Another point I made in my affidavit in support of the previous application for an extension is that in respect of some of the workstreams of the work of the Commission the work of

A handwritten signature in black ink, appearing to be 'R.L.', written in a cursive style.

summarising and analysing the evidence had begun last year. While this was true, this has not made much difference because, except for two drafts that related to different topics that were completed in December last year, the other two drafts were submitted in March and, unfortunately, the member of the team who was responsible for preparing the first draft of one of those two topics became unavailable to assist with the preparation of the second and further drafts and alternative arrangements had to be made. The draft on the other topic is now at the level of the preparation of the third draft. One of the drafts that were completed in December which related to different topics has reached the level of second draft which has been completed. The first draft relating to the other topic, also completed in December, is at the level of the preparation of the second draft and should be completed at any time from now.

9.

When I made the assessment that my team and I should be able to complete the report by the end of September, I did so on the basis of the time I believed it would take the team to complete the first drafts and the time it would take us to complete the second drafts and the third drafts. I estimated that the third drafts on the various topics or workstreams would be the final drafts.

10.

My assessment was that my team and I would be able to have completed the first drafts on various topics by the end of July and that we would complete the second drafts by the third week of August and the third and final drafts between the 10<sup>th</sup> and 15<sup>th</sup> of September. In reality things have not worked like that. On the whole we have taken longer to complete the first drafts. Although some of the first drafts under different topics were completed by the end of July, most only got completed in the course of August and yet some are being completed now in September. I need to point out that the amount of work involved under the different topics

or workstreams is not the same. The work involves the preparation of summaries and analysis of evidence led over a period of three years in which more than 330 witnesses testified.

11.

There are two or three topics in respect of which I will get first drafts towards the end of September but I believe that those are likely to be as good as second drafts. There is someone whom I had assigned to prepare summaries and analyses of evidence on two topics who fell sick and was not able to work effectively for over a month. For that reason he has not been able to submit his first drafts. However, he is close to full recovery now and I believe that I will receive his first drafts on the two topics by the end of September or in the first week of October. One of his topics is complex and it would have been difficult to shift it to someone else.

12.

The experience of what has happened in July and August as the team was summarising and analysing evidence has revealed that we are not going to complete the report by the end of September. Where I thought we should be able to complete the first drafts under the different topics, in one month, namely in July, this took six to eight weeks in respect of most drafts and a few drafts got into the third month. Based on the experience of the past two months and how much work we have been able to do in two months, I believe that we will have second drafts on the various topics ready by the end of September in most of the topics or workstreams. Those topics in respect of which second drafts might not be completed by the end of September should be completed by the middle of October. Then, between the middle of October and the middle of November we should complete the third and final drafts under most of the topics. If there are delays, at least by the end of November we should have the third and final drafts.

However, notwithstanding the assessment that we should have completed the third and final drafts and, therefore, the report, about the middle to the end of November, I do not ask for an extension of the term of the Commission to the end of November. I ask that this Honourable Court extend the term of the Commission to the end of December 2021 just in case we need more time than up to the end of November.

13.

I believe that the assessment I have made is likely to be realistic, given that I base it on the experience of how much time the team has taken to produce the first drafts. I need to point out that, to the extent that the pace at which the team has worked has not been in accordance with my assessment, that is probably because I made my previous assessment before most members of the team had provided their first drafts which would have given me an idea of the pace at which they would work. My assessment now is that, given the pace at which we reached the point where we are, and bearing in mind that the second and third drafts should be quicker than the first drafts, we should complete the final drafts about the middle to the end of November. The completion of the third and final drafts would mark the completion of the report. Thereafter, practical arrangements for its binding should be made.

14.

I take this opportunity to make the point that the people who are part of the team that is assisting me work very hard and work for long hours including weekends to try and expedite the remaining work of the Commission as much as possible. These are people who are very dedicated to ensuring that the work of the Commission is done as expeditiously as possible without compromising its quality. I am deeply indebted to them for their hard work and dedication. Accordingly, I am able to say that there is, generally speaking, no delay that is a

result of lack of commitment to the proper and expeditious completion of the work of the Commission.

15.

I also need to point out that, since deposing to the affidavit in support of the application for the previous extension of the term of the Commission, I had to return to Court as Deputy Chief Justice and to the leadership of the Judiciary at the beginning of July 2021 after the Commission had, for all intents and purposes, completed the hearing of oral evidence which had entailed day and evening sessions of hearings. I felt that I had to return to the Court because the Chief Justice had taken his long leave and would not be returning to the Court because on the 11<sup>th</sup> October 2021 his 12 year term of office in the Constitutional Court will come to an end and it would not have been in the interests of the Constitutional Court, as the highest Court in the land, and, the interests of the Judiciary in the country that both the Chief Justice and the Deputy Chief Justice be absent from the Court and the Judiciary at the same time for a long time. However, I returned on the clear understanding that I would have to strike a fair balance between my duties as Deputy Chief Justice and as a Member of the Court, on the one hand, and, as Chairperson of the Commission responsible for ensuring the completion of the work of the Commission as soon as practically possible. I believe I have struck that balance because on the one hand I sit only in a limited number of the cases in Court and see to the administrative and management functions that would be performed by the Chief Justice – which I do as Acting Chief Justice - and, on the other hand, continue with the work of the Commission with the assistance of a sizeable team that is helping me. So, even when I am at the Court, the work of the preparation of the summaries and analysis of the evidence and drafts is continuing.

16.

8



R.L

I submit that it is in the public interest that this Honourable Court grants the extension sought in this application so that the Commission may complete its work properly and submit its report to the President. If the above Honourable Court were to refuse to extend the Commission's term of office, the Commission's work would end without the report that needs to be submitted to the President. That would mean that the Commission would end its work abruptly at the end of September without having made any findings and recommendations about the issues of alleged state capture, fraud and corruption that it has been investigating for over three years. I submit that that result would not be in the public interest. I submit that what is in the public interest is for this Honourable Court to grant the Commission the extension asked for so that the Commission can complete the preparation of its report.

17.

If this Honourable Court extended the Commission's term up to the end of December, it would mean that the Commission's term will have been extended by a further three months. It would also mean that, all in all, the Commission has been given a period of six months (from 1 June 2021 to 31 December 2021) to prepare and complete its report. I submit that that is not at all an unreasonable period for a Commission faced with the enormous work that this Commission has been faced with and for a Commission that heard oral evidence for about three years (from August 2018 to June 2021) and heard over 330 witnesses.

#### Urgency

18.

This application is brought as an urgent application. This is because the term of the Commission that this Honourable Court is asked to extend will expire at the end of September if it is not extended. If the Commission's term were to expire, the Commission would come to

an end without completing its work. I submit that it is not in the public interest that the Commission's term be allowed to expire before the Commission can complete its report to the President. If the application is not dealt with as an urgent application, the term of the Commission will expire before the matter is dealt with by the above Honourable Court in its normal course.

19.

Before instituting this application, I needed to have a clear picture of the number of first drafts of the summaries and analyses of evidence from the members of my team that would be completed by the end of August – whether first drafts or second drafts. This would enable me to make as realistic an assessment as I could of how much time my team and I would need in order to reach a point where all the documents on the various topics or workstreams would have reached second draft level and when I think they would have reached third draft and, therefore, final draft level which could then be put together as a report, in so far as I was happy to adopt as part of the report. I needed to have as clear a picture of this as possible so that I could try and estimate the number of months by which I would ask this Honourable Court to extend the term of the Commission.

20.

By the end of August/first week of September I had received enough drafts to enable me to make the estimate of how much time my team and I needed to complete the report. Unfortunately, I could not have this application instituted earlier than now because of the urgent application that was brought by the Electoral Commission in the Constitutional Court in which I had to sit because of the national importance of the matter. That is the application in which the Electoral Commission sought in effect the postponement of the forthcoming local government elections. I say elsewhere in this affidavit that I sit in a limited number of cases at



the Court because I need to strike a fair balance between the work of the Court and the work of the Commission. The application of the Electoral Commission was one of those matters in which, if the Chief Justice did not sit, as he could not because he is on leave, at least the Deputy Chief Justice should sit.

21.

To the extent that it may be said that this application should have been brought earlier, what I have provided above is the explanation why it was not brought earlier. To the extent that this may cause this Honourable Court and the other parties any inconvenience, I profusely apologise for this and ask this Honourable Court to condone any delay in bringing the application.

22.

I submit, therefore, that, in these circumstances, there are adequate grounds for this Honourable Court to deal with this application on an urgent basis and to condone any non-compliance with the Rules of this Honourable Court.

23.

In the circumstances I submit that it would be appropriate for this Honourable Court to grant the extension as reflected in the Notice of Motion.



**DEPONENT**

I certify that the foregoing was signed and sworn to before me at JOHANNESBURG on the 15<sup>th</sup> day of SEPTEMBER 2021, by the Deponent who has acknowledged that he knows and understands the contents of this affidavit and the provisions of the Regulations contained in the Government Gazette No. R1258 dated 21<sup>st</sup> July 1972 have been complied with.



---

COMMISSONER OF OATHS

PUSHAAN LEWIS  
ADMITTED ATTORNEY  
35 OLGA KIRSH  
ROADWAY  
JOHANNESBURG

## **Annexure “A”**

### **President of The Republic of South Africa.**

#### **First Respondent**

c/o The State Attorney

SALU Building

316 Thabo Sehume St,

Pretoria CBD

Pretoria ref: Mr L Kopman

### **The Public Protector**

#### **Second Respondent**

Public Protector House

Hillcrest Office Park

175 Lunnon Street

Pretoria

### **Economic Freedom Fighters**

#### **Third Respondent**

3<sup>rd</sup> floor Mineralis Building

Corner De Korte & De Beer Streets

Braamfontein

Johannesburg

### **United Democratic Movement**

#### **Fourth Respondent**

1<sup>st</sup> floor CPA House

101 Du Toit St

Pretoria

**Congress of the People**

**Fifth Respondent**

4<sup>th</sup> floor Marks Building

90 Plein St

Cape Town

**Democratic Alliance**

**Sixth Respondent**

2<sup>nd</sup> floor Theba Hosken House

Corner Breeda and Mill Streets

Cape Town

**Vytjie Mentor**

**Seventh Respondent**

149A Murray Street

Vierlanden

Durbanville

Cape Town

**Council for the Advancement of the South African Constitution**

**Eighth Respondent**

7 Olympia Court

85 Durban Road

Mowbray, Cape Town



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

Case No: 31005/2021

(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED.
<hr/>	
01/07/21	
DATE	SIGNATURE

In the matter between:

**CHAIRPERSON OF THE JUDICIAL COMMISSION OF  
INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR  
INCLUDING ORGANS OF STATE**

Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent

**PUBLIC PROTECTOR**

Second Respondent

**ECONOMIC FREEDOM FIGHTERS**

Third Respondent

**UNITED DEMOCRATIC MOVEMENT**

Fourth Respondent

**CONGRESS OF THE PEOPLE**

Fifth Respondent

**DEMOCRATIC ALLIANCE**

Sixth Respondent

R.L

VYTJIE MENTOR

Seventh Respondent

CONGRESS FOR THE ADVANCEMENT OF  
THE SOUTH AFRICAN CONSTITUTION

Eighth Respondent

---

**JUDGMENT**

---

**BAQWA J**

[1] The applicant brings an application on an urgent basis for an order in the following terms:

1.1 Leave is hereby granted for this matter to be heard as one of urgency and, to the extent necessary, the ordinary forms and notices be dispensed with;

1.2 the term within which the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State, is required to complete its work is hereby extended from 30 June 2021 to 30 September 2021;

1.3 Insofar as may be necessary, the First Respondent must take such steps as are necessary to give effect to the order referred to in 1.2 above, including the amendment of paragraph 6 of Proclamation 3 of 2018 (published in Government Gazette No. 41403 of 25 January 2018), to reflect the extended period referred to therein;

1.4 Costs, if opposed.



**Urgency**

[2] The term of the Commission is due to expire on 30 June 2021 and according to the applicant it will not have completed its work by that date. One of the witnesses who have testified before the Commission who must still complete his evidence as current President and former Deputy President of the ANC and give his evidence as current President and former Deputy President of the Country.

[3] Having considered the evidence of work that has been done by the Commission thusfar, tendered in the applicant's founding affidavit and especially the 30 June 2021 expiration date and the work that still needs to be done to enable the Commission to deliver a proper report to the first respondent, I am satisfied that the application is urgent.

**Background**

[4] The term of the Commission has previously been extended by order of this Court from the end of March 2021 to the end of June 2021 on the premise that the Commission would complete and submit its report to the President by the end of June.

[5] As matters turned out, at the end of June 2021 there was still further evidence to be led regarding key State institutions such as Eskom, Transnet, Denel and State Security Agency. The Commission also still had to hear evidence regarding Parliamentary oversight, flow of funds and the evidence of former Public Enterprises Minister, Malusi Gigaba.

[6] The context within which the estimate of the duration of taking of evidence has to be considered in order to assess whether the relief sought in this application is justified is relevant. The applicant concedes that his March 2021 estimate was less

than accurate and that it was too optimistic. The estimation in my view can best be categorised as a 'guesstimate' due to the factors involved.

[7] There are unpredictable factors involved in conducting the Commission's work. These include accommodating lawyers who represent witnesses in terms of availability, and applications for postponements which have to accorded proper consideration. Some witnesses became unavailable due to having contracted Covid-19. The list is endless.

[8] The applicant has provided sufficient detail in his founding affidavit to convince this court that there are sound reasons for the Commission not to stop its work at end of June 2021.

[9] I do not consider it necessary to traverse the detailed evidence tendered by the Chairman of the Commission save to say the following. The work of the Commission is tremendously important not only with a view to exposing and possibly correcting the misdemeanours and wrongs committed against the State, not only ensuring that the rule of law is upheld but also that the values enshrined in the Constitution and good governance are re-infused into the manner government and state institutions are managed in the future. There is a cynical view held in some quarters that Commissions are the best way to commit matters that embarrass governments into file thirteen or into oblivion. There is a huge expectation that this will not be the case with this Commission as it grapples with issues that concern the very survival of this nascent democracy.

Even though tremendous resources have already been expended in its work thusfar, it will not be expedient to save a few rand and end up with an inchoate or less than satisfactory report because the Commission was ended abruptly and thus putting its



credibility and integrity under a serious threat. Such an abrupt end might also raise the risk of a serious legal challenge. It is therefore critical that the work of the Commission be handled in a responsible manner until its proper completion.

[10] In the circumstances I am satisfied that the Commission has acted diligently to try and complete its work and that due to circumstances beyond its control it has been compelled to apply for a further extension. I accept that it is in the public interest to extend the Commission's term from the end of June 2021 to the end of September 2021.


[11] In the result, I make the following order:

*11.1 Leave is hereby granted for this matter to be heard as one of urgency and, to the extent necessary, the ordinary forms and notices are hereby dispensed with;*

*11.2 the term within which the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State, is required to complete its work is hereby extended from 30 June 2021 to 30 September 2021;*

*11.3 Insofar as may be necessary, the First Respondent must take such steps as are necessary to give effect to the order referred to in paragraph 2 above, including the amendment of paragraph 6 of Proclamation 3 of 2018 (published in Government Gazette No. 41403 of 25 January 2018), to reflect the extended period referred to therein;*

*11.4 there is no order as to costs.*



**SAM BAQWA**  
**JUDGE OF THE HIGH COURT**  
**GAUTENG DIVISION HIGH COURT,**  
**PRETORIA**

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date for hand-down is deemed to be 29 June 2021.

**Appearances:**

**Counsel for the Applicants**  
**Instructed by**

Adv. P Kennedy SC  
**STATE ATTORNEY,**  
**JOHANNESBURG**

**Counsel for the eight Respondent**  
**Instructed by**

Mr. D Singo  
**WERKSMANS ATTORNEYS**

  
R.L