

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

FROM: The Registrar, Supreme Court of Appeal

DATE: 8 NOVEMBER 2007

STATUS: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

The Supreme Court of Appeal today upheld the appeal brought by the National Director of Public Prosecutions, the Investigating Directors of three of the directorates established under the National Prosecuting Authority Act and the Durban Director of Public Prosecutions against an order made by Mr Justice Hurt in the Durban High Court setting aside five search warrants issued by the Judge President of the Transvaal Provincial Division Mr Justice Ngoepe, authorising the search of premises occupied or formerly occupied by Mr Jacob Zuma and his attorney Mr Michael Hulley.

In his judgment which was concurred in by Appeal Judges Ponnann and Mlambo, Appeal Judge Nugent held that the warrants under consideration expressed ‘intelligibly and with certainty the scope of the authority that they confer’ and that the statute under which they were issued required no more.

In a minority judgment concurred in by Appeal Judge Cloete, Appeal Judge Farlam stated he agreed with Mr Justice Hurt in the Durban High Court that the warrants were invalid because they did not intelligibly convey the ambit of the search.