

# 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 dismissed an appeal brought by the National Director of Public Prosecutions against an order granted in the Johannesburg High Court by Mr Justice Hussain in favour of Mr Jacob Zuma's former attorney, Ms Juleka Mahomed, setting aside two search warrants issued by the Judge President of the Transvaal Provincial Division, Mr Justice Ngoepe.

It, however, varied the order granted by Mr Justice Hussain by ordering that copies of material seized under the warrants which were set aside should be preserved by the registrar of the Johannesburg High Court for the purpose of establishing the identity of the material seized if in subsequent criminal proceedings before the court the identity of that material was in issue.

The preservation order made by the court was contained in a judgment prepared by Appeal Judge Nugent, with whom Appeal Judge Mlambo concurred. Appeal Judge Ponnan dissented, holding that in order to restore the parties to the position they would have occupied if the unconstitutional search had not occurred it was necessary that the seized items be restored to the possession of Ms Mahomed.

Appeal Judges Farlam and Cloete agreed with the order proposed by Appeal Judge Nugent but said they would not have limited the purpose of preservation to establishing the identity of the material seized.