

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NUMBER: CCT07/10

In the matter between:-

MINISTER FOR CORRECTIONAL SERVICES First Applicant

COMMISSIONER OF CORRECTIONAL SERVICES Second Applicant

and

PAUL FRANCIOS VAN VUREN First Respondent

**CHAIRPERSON, NATIONAL COUNCIL
FOR CORRECTIONAL SERVICES** Second Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that application will be made on a date to be determined by the Chief Justice for an order in the following terms:

1. That the application be heard as a matter of urgency in terms of Rule 12 of the Rules of the Constitutional Court and that the forms and service provided for in such rules be dispensed with;
2. That it is declared that the First Respondent, or any other

offender who was serving a sentence of life imprisonment before 1 October 2004, shall not be considered by the Minister of Correctional Services (the First Applicant) for placement under day parole or parole unless the National Council for Correctional Services (the Second Respondent) has made a recommendation to the Minister regarding his or her placement on parole;

3. That paragraph [78](g) of the order made in the application under case no. CCT07/10 is varied to read as follows:

"(g) The Case Management Committee, to the extent that it is statutorily authorised to do so, the Correctional Supervision and Parole Board and the Minister for Correctional Services, acting on the recommendation of the National Council for Correctional Services, are ordered to consider the applicant for release and placement under community corrections, with immediate effect".

4. Further and/or alternative relief.

KINDLY TAKE NOTICE FURTHER that the founding affidavit of **Lirette**

Louw, together with the annexures thereto, will be used in support of the application.

KINDLY TAKE NOTICE FURTHER that the Applicants have appointed the State Attorney, Johannesburg, 10th Floor, North State Building, 95 Market Street, Johannesburg, as the address at which they will accept notice and service of all process in these proceedings.

KINDLY TAKE NOTICE FURTHER that in the event of the Respondents intending to oppose this application, they shall:

- (i) within three days after service of the notice of motion notify the Applicants' attorneys in writing that they intend to oppose the application, and shall in such notice appoint an address within 25 kilometres from the office of the Registrar at which they will accept notice and service of all process in the proceedings; and
- (ii) within seven days after having so given notice of intention to oppose the application, file answering affidavits, if any.

KINDLY TAKE NOTICE FURTHER that in the event of no notice of intention to oppose the application being given, the Applicants will request

the Registrar to place the matter before the Chief Justice to be dealt with in terms of Rule 10(4) of the Rules of the Constitutional Court.

SIGNED AT PRETORIA ON THIS

DAY OF JANUARY 2011

THE STATE ATTORNEY, PRETORIA
ATTORNEYS FOR THE APPLICANTS
c/o THE STATE ATTORNEY, JOHANNESBURG
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TO : THE REGISTRAR
THE CONSTITUTIONAL COURT
CONSTITUTIONAL HILL
JOHANNESBURG

AND TO: PAUL FRANCIOS VAN VUREN
THE FIRST RESPONDENT
PRISONER No. 1220873
PRETORIA CENTRAL CORRECTIONAL CENTRE
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AND TO: THE CHAIRPERSON, NATIONAL COUNCIL FOR
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