

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

In the matters between:

THINT (PTY) LTD	Case No. CCT89/07
and	Applicant
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS AND TWO OTHERS	Respondents

THINT HOLDING (SOUTHERN AFRICA) (PTY) LTD AND ANOTHER	Case No. CCT90/07
and	Applicants
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS	Respondent

JACOB GEDLEYIHLEKISA ZUMA AND ANOTHER	Case No. CCT91/07
and	Applicants
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS AND TWO OTHERS	Respondents

JACOB GEDLEYIHLEKISA ZUMA	Case No. CCT92/07
and	Applicant
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS	Respondent

RESPONDENTS' SUPPLEMENTARY ANSWERING AFFIDAVIT

I, the undersigned:

JOHAN DU PLOOY

do hereby make oath and say:

1. I am a Senior Special Investigator employed at the Directorate of Special Operations, Promat Building, c/o Cresswell & Moreleta Streets, Silverton, Pretoria, Gauteng.
2. I am duly authorized to make this affidavit on behalf of the respondents.
3. The facts deposed to below are true and correct and, unless the context indicates the contrary or I expressly state otherwise, fall within my personal knowledge or appear from documents under my control or from documents or copies of documents I have seen.
4. I made the respondents' answering affidavit in the above-mentioned applications for leave to appeal to this Court ("my earlier affidavit" and "the applications for leave to appeal"). (In this affidavit I use the abbreviations I used in my earlier affidavit.)
5. My earlier affidavit was delivered on Friday 14 December 2007.

6. In paragraph 23 of my earlier affidavit I stated that if, before the applications for leave to appeal or any resulting appeals are determined, the NPA brings a prosecution of Mr Zuma and the Thint companies, the respondents will seek leave to place the indictment before this Court.

7. On Friday 28 December 2007 the NPA brought a prosecution of Mr Zuma and the Thint companies by serving on them the following documents:
 - 7.1. a two-page Warrant to Summon Accused and Serve Notice of Trial in the High Court of South Africa (Form J172), a copy of which is attached marked "**JDP13**";
 - 7.2. an 88-page Indictment, a copy of which is attached marked "**JDP14**";
 - 7.3. a 16-page schedule to the Indictment and Summary of Substantial Facts headed "Schedule to Indictment and Summary of Facts: Payments made by Shaik and Nkobi group to and on behalf of Zuma", a copy of which is attached marked "**JDP15**";
 - 7.4. the one-page annexure to the Indictment and Summary of Substantial Facts headed "Annexure A to the Indictment and Summary of Substantial Facts", a copy of which is attached marked "**JDP16**";

- 7.5. a 46-page Summary of Substantial Facts in terms of Section 144(3)(a) of Act 51 of 1977, a copy of which is attached marked “**JDP17**”; and
 - 7.6. a 17-page List of State Witnesses in terms of Section 144(3)(a) of Act 51 of 1977, a copy of which is attached marked “**JDP18**”.
8. In addition, on Friday 28 December 2007 the NPA telefaxed a letter to the attorneys Mr Zuma and the Thint companies, a copy of which is attached marked “**JPD19**”. The letter stated, amongst other things, that a decision had been taken to indict Mr Zuma and the Thint companies for trial in the Natal Provincial Division of the High Court from 4 August to 12 December 2008 and thereafter on such further dates as may be necessary. The letter added that these dates were determined on the basis that the High Court calendar has already been set up until June 2008 and in order to provide the defence with sufficient time to request further particulars and prepare for trial. The letter further stated that if the accused had any objection to the dates, their attorneys should advise Adv. A L J Steynberg (the signatory of the letter) as soon as possible so that all the parties concerned can agree on another reasonable date, in consultation with the Judge President of that Court.
9. This affidavit and the annexures thereto could not be attached to my earlier affidavit because my earlier affidavit had to be delivered by 12 December 2007 and by the time it was in fact delivered (14 December

(c) considers the oath binding on his conscience,
and uttered the words "*I swear that the contents of this affidavit are true and correct, so help me God*".

Commissioner of Oaths

Ex officio: South African Police Service

Full names:

Rank:

Address: