

**IN THE HIGH COURT OF SOUTH AFRICA  
NATAL PROVINCIAL DIVISION**

Case CC273/07

In the matter between:

**THE STATE**

and

**JACOB GEDLEYIHLEKISA ZUMA**

Accused No. 1

**THINT HOLDING (SOUTHERN AFRICA)  
(PTY) LIMITED**

Accused No. 2

**THINT (PTY) LIMITED**

Accused No. 3

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**AGREEMENT**

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**WHEREAS**, in a judgment delivered on 12 January 2009, the Supreme Court of Appeal overturned the judgment of this Court (*per* Mr Justice Nicholson) of 12 September 2008 and thereby reinstated the decision to charge **JACOB GEDLEYIHLEKISA ZUMA** ("**ZUMA**") and the indictment of 27 December 2007;

**AND WHEREAS ZUMA** has decided to apply to the Constitutional Court for leave to appeal against the SCA's judgment of 12 January 2009;

**AND WHEREAS** on 13 January 2009 the **NATIONAL PROSECUTING AUTHORITY** ("**NPA**") reissued a summons against **THINT HOLDING (SOUTHERN AFRICA)**

**(PTY) LIMITED** and **THINT (PTY) LIMITED** (“**THE THINT COMPANIES**”) to appear in the High Court, Pietermaritzburg at 10h00 on 5 February 2009;

**AND WHEREAS** both **ZUMA** and **THE THINT COMPANIES** have agreed to appear in the High Court, Pietermaritzburg at 10h00 on 4 February 2009;

**AND WHEREAS** both **ZUMA** and **THE THINT COMPANIES** have decided to bring applications for a permanent stay of prosecution (“the permanent stay proceedings”);

**AND WHEREAS** it was considered necessary to reach agreement as to the timetable for the further conduct of the permanent stay proceedings and the criminal proceedings against **ZUMA** and **THE THINT COMPANIES**, and such agreement has been reached,

**NOW THEREFORE ZUMA, THE THINT COMPANIES** and **THE STATE** (“the parties”) record the terms of the said agreement, which are the following:

1. **AN ORDER OF COURT:**

On 4 February 2009 the parties shall request the Court to make this settlement agreement an order of court.

2. **THE CRIMINAL PROCEEDINGS:**

The criminal proceedings will be adjourned to a provisional date of 25 August 2009.

3. **THE THINT COMPANIES’ APPLICATION FOR A PERMANENT STAY:**

3.1. On 16 March 2009 **THE THINT COMPANIES** shall deliver their application for permanent stay of prosecution.

- 3.2. On 4 May 2009 the **NPA** shall deliver its answering papers.
- 3.3. On 18 May 2009 **THE THINT COMPANIES** shall deliver their replying papers.
- 3.4. On 3 June 2009 **THE THINT COMPANIES** shall deliver their heads of argument.
- 3.5. On 15 June 2009 the **NPA** shall deliver its heads of argument.
- 3.6. The oral argument on this application will be delivered at a hearing on 24 and 25 June 2009.

4. **ZUMA'S APPLICATION FOR A PERMANENT STAY:**

- 4.1. On 18 May 2009 **ZUMA** shall deliver his application for permanent stay of prosecution.
- 4.2. On 3 July 2009 the **NPA** shall deliver its answering papers.
- 4.3. On 24 July 2009 **ZUMA** shall deliver his replying papers.
- 4.4. On 11 August 2009 **ZUMA** shall deliver his heads of argument.
- 4.5. On 19 August 2009 the **NPA** shall deliver its heads of argument.
- 4.6. The oral argument on this application will be delivered at a hearing starting on 25 August 2009.

