

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 38670/2022

In the matter between:

PRINCE SIMAKADE KA-ZWELITHINI ZULU

Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

First Respondent

PRINCE MISUZULU KA-ZWELITHINI ZULU

Second Respondent

THE MINISTER, COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS

Third Respondent

PREMIER: KWAZULU-NATAL PROVINCE

Fourth Respondent

NATIONAL HOUSE OF TRADITIONAL LEADERS

Fifth Respondent

KWAZULU-NATAL HOUSE OF TRADITIONAL LEADERS

Sixth Respondent

MEMBERS OF THE ZULU ROYAL FAMILY
IDENTIFIED IN ANNEXURE "A"

Seventh Respondent

PRINCE MANGOSOTHU BUTHELEZI

Eighth Respondent



NOTICE IN TERMS OF RULE 16A OF THE UNIFORM RULES OF COURT

TAKE NOTICE that the following constitutional issues are raised in the above application:

- 1 Whether the identification of the Second Respondent as *Isilo* of the Zulu Nation by the persons attending a meeting on 14 May 2021, convened by the Ninth Respondent, and purporting to be the AmaZulu Royal family ("*the identification decision*"), was unlawful and invalid with reference to section 8(1)(a) of the Traditional and Khoi-San Leadership Act 3 of 2019 ("*Leadership Act*"), which is legislation as envisaged in section 211(2) and (3) and 212(1) of the Constitution;
- 2 Whether the recognition by the First Respondent of the Second Respondent as *Isilo* of the Zulu Nation in General Notice No. 1895 contained in Government Gazette No. 46057 of 17 March 2022 ("*the President's decision*"), is unlawful and invalid with reference to section 8(3), 8(4) and 8(5) of the Leadership Act;
- 3 Whether the following decisions fall to be reviewed and set aside –
 - 3.1 the President's decision and the publication of it in the Government Gazette;
 - 3.2 the identification decision;

- 3.3 the coronation or recognition ceremony of the Second Respondent which took place on 28 August 2022, and which purported to formally recognise the Second Respondent as *Isilo*;
- 4 Whether the Applicant was lawfully identified as *Isilo* by AmaZulu Royal Family at meetings held on 5 May 2021, 23 May 2021 and 5 September 2021.

TAKE NOTICE that the application further concerns:

- 5 The proper constitution of the AmaZulu Royal Family as defined in section 1 of the Leadership Act;
- 6 The principles of succession under Zulu customary law, including the custom of *ukufakwa esiswini*;
- 7 The process required to be followed under section 8(3), 8(4) and 8(5) of the Leadership Act;
- 8 To the extent that any of the impugned decisions are found to have been unlawful, the question of just and equitable relief.

TAKE NOTICE FURTHER that any interested party may, with the written consent of all parties to the proceedings, given not later than 20 days after the filing of this notice in which the constitutional issues are raised, be admitted

therein as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

TAKE NOTICE FURTHER that the written consent referred to above shall, within five days of its having been obtained, be lodged with the registrar and the *amicus curiae* shall, in addition to any other provision, comply with the times agreed upon for the lodging of the written argument.

TAKE NOTICE FURTHER that the terms and conditions agreed upon may be amended by the Court.

TAKE NOTICE FURTHER that if the interested party is unable to obtain the written consent as contemplated herein, he or she may, within five days of the expiry of the 20-day period prescribed above, apply to the court to be admitted as *amicus curiae* in the proceedings. Such application shall –

- (a) Briefly describe the interest of the *amicus curiae* in the proceedings;
- (b) Clearly and succinctly set out the submissions which shall be advanced by the *amicus curiae*, the relevance thereof to the proceedings and his or her reasons for believing that the submissions will assist the court and are different from those of other parties; and
- (c) Be served upon all parties.

TAKE NOTICE FURTHER that any party to the proceedings who wishes to oppose an application to be admitted as amicus curiae, shall file an answering affidavit within five days of the service of such application upon such party. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.

SIGNED at LOUIS TRICHARDT on this 28TH day of September 2022.



HAMMANN MOOSA INCORPORATED

Attorneys for Applicant

131 Krogh Street

Cnr Krogh & Ruh Street

P O Box 1052

Louis Trichardt, 0920

Tel: 015 516 1427

Fax: 086 260 0615

Email: law11@hmlegal.co.za

REF: JH/cs/GE23634

c/o HANNES SMITH ATTORNEYS

17 Dely Road, Hazelwood

Pretoria, 0081

Tel: 072 331 5049

Email: hannes@smith-attorneys.co.za

To: The Registrar of the High Court
Pretoria