

THE CONSTITUTION COURT OF SOUTH AFRICA

Case CCT 143/15

In the matter between:

THE ECONOMIC FREEDOM FIGHTERS

Applicant

and

THE SPEAKER OF THE NATIONAL ASSEMBLY

First Respondent

PRESIDENT JACOB GEDLEYIHLEKISA ZUMA

Second Respondent

THE PUBLIC PROTECTOR

Third Respondent

EFF'S PROPOSED ORDER

1. The Public Protector's constitutional power "*to take appropriate remedial action*" includes the power to issue directions binding on organs of state.
2. The Public Protector's directions in paragraph 11.1 of her report "*Secure in Comfort*", were and remain binding on the President.

3. The President failed to implement the directions in breach of his oath of office and his duties under ss 83, 96 and 181 (3) of the Constitution.

4. The President must implement the directions as follows:
 - 4.1. The Auditor-General and an official from the National Treasury designated by the Minister of Finance must determine the reasonable cost of the visitors' centre, the "*amphitheatre*", the cattle kraal, the chicken run, the swimming pool and such other measures implemented by the Department of Public Works at the President's Nkandla homestead as were not required for his security.

 - 4.2. The Auditor-General and the Treasury official must determine the reasonable percentage of the cost of those measures that ought to be paid by the President personally, taking into account the Department of Public Works Apportionment Document at page 248 of the Public Protector's report.

 - 4.3. The Auditor-General and the Treasury official must make their determinations within 60 days of the date of this order.

 - 4.4. The President must pay the amount determined by the Auditor-General and the Treasury official within 30 days of its determination.

 - 4.5. The Auditor-General and the Treasury official must report back to this court on the outcome of their determination within 90 days of the date of this order.

5. The Speaker and the President must jointly and severally pay the EFF's costs including the costs of three counsel.

6. This matter is postponed to a date determined by the Registrar upon receipt of the report of the Auditor-General and Treasury official.