

AG3361 Legal Resources Centre (LRC), Constitutional Litigation Unit, 1954 - 2006

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This collection consists mainly of court records from various trials, which were handled by the LRC Constitutional Litigation Unit.

The arrangement includes the following categories:

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## COLLECTION

### 1 POLITICAL TRIALS / INQUESTS / AMNESTY APPLICATIONS

#### 1.1 Amnesty

##### 1.1.1 Harold Snyman and Others vs The State. Case No: Unknown. 12f

This is an amnesty application by four policemen who admitted before the Truth Reconciliation Commission to the killing of Steve Biko in police custody. The four applicants made an application to the Truth Reconciliation Commission asking to be granted amnesty for the death of Steve Biko.

##### 1.1.1.1 Amnesty Applications of the Applicants

##### 1.1.1.2 Affidavits

##### 1.1.1.3 Heads of Argument

##### 1.1.1.4 Post-mortem Reports

##### 1.1.1.5 Geregtelike Nadoodse Ondersoek na die dood van Stephen Bantu Biko Volume 18-21 (Volumes 1-17 missing)

##### 1.1.1.6 Photocopies of newspaper cuttings.

##### 1.1.1.7 Steve Biko Inquest Documentation

##### 1.1.1.8 Correspondence

##### 1.1.1.9 Miscellaneous Documents

- 1.1.2 Mfanafuthi Kenneth Ngwenya and Others vs Amnesty Committee and Others. Case No: AM/3096/96. 1f 1996
- This is an application for amnesty by the applicants who got arrested for robbery, attempted murder, wrongful and unlawful possession of ammunition.
- 1.1.2.1 Correspondence
- 1.1.3 Transcript of the evidence given by Fr Michael Lapsey, S.S.M together with Michael Worsnip to the Commission for Truth and Reconciliation at the hearings of the Human Rights Violations Committee at Kimberley on Monday 10 June 1996. 2f
- The applicant who was an ANC member made a statement in pursuance of his claim for damages and in opposition to the applications for amnesty. He got injured by a letter bomb in Harare and lost his right eye and his hands.
- 1.1.4 Smuts Phillimon Mathebula and Others vs the State. Case No: AM3756/96. 1f 1996
- The applicants seek amnesty for the kidnapping and/ or abduction of Moses Morudi from Potchefstroom and all other delicts and offences which relate and/or flow directly from such incident such as transporting him and subsequently holding and/or detaining him on a farm at Hammanskraal.
- 1.1.5 Lewis Baker vs The State. Case No: M.1303/1967. 2f 1967
- This is an appeal against the decision of the Regional Magistrate of Johannesburg refusing to allow bail to the applicant. The applicant is an alleged Area Committee member of the Communist Party. He was charged under the Suppression of Communism Act No. 44 of 1950 for being members of the Communist Party, participating in its activities and furthering its aims.
- 1.1.5.1 Notice of Motion
- 1.1.5.2 Judgment
- 1.1.5.3 Order
- 1.1.5.4 Petition
- 1.1.5.5 Plaintiffs' Amended reply to Defendants request for further particulars in terms of Rule 21
- 1.1.5.6 Correspondence
- 1.1.5.7 Act
- 1.1.5.8 Miscellaneous Documents
- 1.2 Inquest
- 1.2.1 Matthew Goniwe and Others vs The South African Defence Force. Case No: CC7/93. 29f 1993
- This is an inquest of Matthew Goniwe's death and those he was travelling with. Goniwe along with three others (Cradock Four as they were known), were travelling from a rally in Cradock to Port Elizabeth when they were abducted from their car and murdered by the security police.
- 1.2.1.1 Heads of Argument.
- 1.2.1.2 Affidavits
- 1.2.1.3 Court Transcripts Volume 1-3
- 1.2.1.4 The main submissions by Hodgen and Henning
- 1.2.1.5 Supplementary submissions by Hodgen and Henning
- 1.2.1.6 Plaintiff's particulars for Trial
- 1.2.1.7 Instructions to Counsel
- 1.2.1.8 Summons
- 1.2.1.9 First Defendant's Special Plea
- 1.2.1.10 Second Defendant's Special Plea
- 1.2.1.11 Second Defendant's Notice of Intention to Amend
- 1.2.1.12 Mirriam Wheeldon 'Amnesty Hearings' Goniwe Record File 1-5

- 1.2.1.13 Handwritten Notes
  - 1.2.1.14 Correspondence
  - 1.2.1.15 Decision
  - 1.2.1.16 Miscellaneous Documents
  - 1.2.1.17 Readings
- 1.2.2 Teselina Cele vs The Minister of Police, Kwazulu Government. Case No: 818/91. 1f 1992  
This is an inquest concerning an enquiry relating to the circumstances surrounding the of Mr Thulani Christopher Cele. It includes special plea, correspondence, closing argument, first draft and request for further particulars and miscellaneous documents.
- 1.3 Espionage
- 1.3.1 The Speaker of the National Assembly vs Patricia de Lille MP and Other. Case No:297/98. 1f 1999  
The respondent was appealing against the resolution of the National Assembly to suspend her.
- 2 LAND AND HOUSING ISSUES
- 2.1 Evictions / By laws / Group Areas Act / Title Deed / Rates
- 2.1.1 Transnet vs Informal Settlers of Good Hope and Others. Case No: 00/14545. 1f 2000  
This is an application for the eviction of first and second respondents from the land owned by the applicant and which falls within the area of jurisdiction of the third respondent.
- 2.2.1 L S De Kock vs Johannes Juggels and Others. Case No: LCC7R/99. 1f 1999  
This is an application by the applicant seeking an order to evict the respondents from his farm.
- 2.3.1 Sik Lee Richard Lau vs Ndebele Frans Lucky and Other. Case No: 16496/2006. 1f 2006  
The applicant was seeking an order to evict respondents from his property.
- 2.3.1.1 Affidavit
  - 2.3.1.2 Notices
  - 2.3.1.3 Order
  - 2.3.1.4 Miscellaneous documents
- 2.4.1 Enoch Toho vs City Council of Diepmeadow and Other. Case No: 33796/91. 3f 1991  
The applicant was seeking a declaratory order that the first respondents' purported cancellation of his right of occupation of the house was unlawful and invalid.
- 2.4.1.1 Affidavits
  - 2.4.2.1 Notices
  - 2.4.3.1 Correspondence
  - 2.4.4.1 Deed of Sale
  - 2.4.5.1 Judgment
  - 2.4.6.1 Order
  - 2.4.7.1 Miscellaneous Documents
- 2.5.1. Florence Ravhutali vs Emmanuel Mbanjwa and Other. Case No: 98/17157. 4f 1998  
The applicant was seeking an order to stop the first respondent from evicting her (the applicant) and her husband from their residential house.
- 2.5.1.1 Affidavits
  - 2.5.1.2 Applicant's Heads of Argument
  - 2.5.1.3 Notices

- 2.5.1.4 Order
  - 2.5.1.5 Questionnaire
  - 2.5.1.6 Correspondence
  - 2.5.1.7 Deed of Sale
  - 2.5.1.8 Miscellaneous Documents
- 2.6.1 Southern Metropolitan Local Council vs The Unlawful Occupiers of Turbine Hall. Case No: 00/11524. 1f 2000
- The applicants were requesting a rule nisi be issued upon the respondents to why any persons claiming right or interest to occupation of the said Turbine Hall building through them should not be permanently evicted from the building.
- 2.6.1.1 Affidavit
  - 2.6.1.2 Notice of Motion
  - 2.6.1.3 Act
  - 2.6.1.4 Order
- 2.7.1 Josiah Mabaso vs West Rand Administration Board and Other. Case No: 12091/81. 1f 1981
- A rule nisi was called upon the respondents to show cause why they should not restore possession of the premises to the applicant and also not pay the costs of the application.
- 2.8.1 Vanessa Ross vs South Peninsula Municipality. Case No: A741/98. 6f 1998
- The applicant was appealing against the respondent's decision to evict her from the property she occupied.
- 2.8.1.1 Affidavits
  - 2.8.1.2 Heads of Argument
  - 2.8.1.3 Notices
  - 2.8.1.4 Rule
  - 2.8.1.5 Correspondence
  - 2.8.1.6 Miscellaneous Documents
- 2.9.1. Lesley Sithole and Others vs City Council of Alexandra and Other. Case No: 23166/94. 3f 1994
- The three applicants, which are tenants sought certain relief against the two respondents on account of a sale of certain premises in Alexandra Township by the first respondent to the second respondent.
- 2.9.1.1 Affidavits
  - 2.9.1.2 Heads of Argument
  - 2.9.1.3 Notices
  - 2.9.1.4 Order
  - 2.9.1.5 Miscellaneous Documents
- 2.10.1 Leslie McIntyre vs The Municipality of the City of Cape Town. Case No: A 125/83. 1f 1983
- The applicant applied for rescission of the order of summary judgment.
- 2.11.1 City of Johannesburg vs WHM (PTY) LTD and Others. Case No: 2004/17167. 1f 2004
- The applicant was seeking an order, ordering second and further respondents and all persons under them occupying Erven 2253 and 2254 Johannesburg Township, Registration Division IR, Province of Gauteng situated at 75-77 Wolmarans Street, Johannesburg and the building known as "Wimbledon Court" to vacate by midnight 12 September 2004.
- 2.12.1 CA Swartz vs J Malope. Case No: LCC 83R/00. 1f 2000

This is an automatic review under section 19(3) of the Extension of Security of Tenure Act of an eviction order granted by the Magistrate for the eviction of the defendant from the farm Bosmanskrans.

- 2.13.1 Gerrit Lategan vs Lewis Koopman and Others. Case No: LCC1R/98. 1f 1998  
This is a review of the Magistrate's judgment, which was granted by default against the respondents. This review is put in place due to The Security of Tenure Act, which is applicable to all land, excluding land situated in a township or encircled by a township. The judgment against the respondents was set aside and the Magistrate requested in any further proceedings which might follow to pay consideration to orders in terms of the applicable paragraphs of sections 13(1) and 14(3) of the Security of Tenure Act.
- 2.14.1 Johannes Skhosana and Others vs CD Roos T/A Roos Se Oord and Others. Case No: LCC 50/99. 1f 1999  
The applicants are erstwhile workers seeking relief against the respondents. They were dismissed after a labour dispute and evicted from the farm. The first respondent is the owner of the farm, second and third respondents are magistrates at the Magistrate's Court, Brits, who gave orders relating to the eviction.
- 2.15.1 Betta Eiendomme (PTY) LTD vs Ekple-Epoh: Ionas. Case No: 1736/00. 1f 2000  
The applicant was seeking relief again against the respondent as the previous action was fruitless. The applicant is the owner of premises and the respondent took occupation on the 1st of March 1999 in terms of a written lease. He did not pay the required deposit and only paid rental for four months.
- 2.16.1 P.E. Roux vs M.M. Lekekiso. Case No: LCC13R/98. 1f 1998  
This is an automatic review in terms of section 19(3) of the Extension of Security of Tenure Act. It is an application for eviction which was brought in the magistrate's court for Viljoenskroon and was not opposed. The respondent is the resident on the farm owned by the applicant and is no longer wanted on the farm.
- 2.17.1 The City of Johannesburg vs The Unlawful Occupiers of the Mandelaville Informal Settlement. Case No: 2001/25450. 1f 2001  
The applicant was seeking an order to evict respondents from an informal settlement known as the Mandelaville Informal settlement situated in Erf 4638 Diepkloof Zone 3 Soweto.
- 2.17.1.1 Affidavits
- 2.17.1.2 Notice of Motion
- 2.17.1.3 Order
- 2.17.1.4 List of Names
- 2.17.1.5 Sol Plaatjie Housing Dispute
- 2.18.1 Gillie Samuel Ngobeni vs Phillias Khumalo. Case No: Unknown. 1f  
This is an application calling upon the respondent to show cause to the court why he should not be ordered to restore to the applicant forthwith possession of an unnumbered flat on the 2nd floor of Trump Centre Building corner Loveday and Trump Street, Johannesburg.
- 2.18.1.1 Notice
- 2.18.1.2 Correspondence
- 2.18.1.3 Hand written notes
- 2.18.1.4 Facts about the case
- 2.19.1. The Municipality of the City of Cape Town vs Miss A Petersen. Case No: 8443/83. 1f 1983  
The applicant was seeking an order of eviction against the respondent and all who hold rights of occupation under the respondent.

- 2.19.1.1 Affidavits
- 2.19.1.2 Notices
- 2.19.1.3 Correspondence
- 2.19.1.4 Heads of Argument
- 2.19.1.5 Record of Appeal
- 2.19.1.6 Appearance to Defend
- 2.19.1.7 Application for Summary Judgment
- 2.19.1.8 Defendant's Plea
- 2.19.1.9 Memorandum of Agreement of Lease
  
- 2.20.1 Northern Metropolitan Local Council vs Persons Occupying Erven 107 and 108 Kya Sands and Others. Case No: 2000/21976. 1f 2000  
The applicant was seeking an order to evict the respondents occupying Erven 107 and 108 in Kya Sands. And also all the squatters dwellings to be demolished and removed.
- 2.20.1.1 Affidavit
- 2.20.1.2 Notice
- 2.20.1.3 Correspondence
- 2.20.1.4 Heads of Argument
- 2.20.1.5 Respondent's Practice Note
- 2.20.1.6 Deed of Sale
- 2.20.1.7 Court order
  
- 2.21.1 Piet Ndlovu vs Joyce Khumalo and Other. Case No: 50/2000. 1f 2000  
The applicant, an unemployed adult man and also a tenant of the respondent was seeking relief against the respondent.
- 2.21.1.1 Affidavit
- 2.21.1.2 Correspondence
- 2.21.1.3 Notice of Motion
  
- 2.22.1 Gauteng Hawkers Association and Others vs City of Johannesburg and Others. Case No: Unknown. 1f 2001  
The applicants were seeking an order to declare Section 18(2) of the street trading unconstitutional. It includes Affidavits, Notice of Motion, Memos and Correspondence.
  
- 2.23.1 The Gauteng Provincial Government herein represented by the MEC Housing and Land Affairs. Case No: 18032/97. 1f 1997  
This is an application to oppose the removal of the respondents from the Farm Rietspruit by the applicant. It includes Affidavits and Heads of Argument.
  
- 2.24.1 Gladys Govender vs The State. Case No: A1461/82. 1f 1982  
The applicant unlawfully occupied premises in a white group area.
  
- 2.25.1 Cape Killarney Property Investments (Proprietary) Limited vs Fuzile Mahamba and Others. Case No: 7318/99. 1f 1999  
This is an application of rule nisi calling upon the respondents to show cause why an order must not be made to evict them. It includes Heads of Argument, Correspondence and Instructions to Counsel.
  
- 2.26.1 Johanna Elizabeth Du Preeze vs Sesi Alminah Maphosa. Case No: 010407/2000. 2f 2000  
The applicant was seeking an order to evict the respondent from the premises, Plot 65 Linkholm, Vanderbijlpark. It includes Affidavits, Notice in Terms of Rule 51 (1), Correspondence and Miscellaneous Documents.

- 2.27.1 John Hendricks and Other vs The Chairperson, Development Board and Others. Case No: 11904/92. 2f 1992
- The applicants were seeking an order restraining the respondents from continuing with registration of transfer of the title deed in respect of erf 82055 Cape Town. It includes Affidavit, Notice of Motion, Memorandum, Deed of Transfer and Miscellaneous Readings.
- 2.28.1 Michael James Hart vs Mr G van Niekerk NO. Case No: 90/24790. 1f 1990
- This is an application to show cause why the decision of the Council taken on 31 July 1990 that the Cassedale and Selection Park swimming baths be permanently closed and that the City Engineer be instructed to investigate the possible alternative use of the swimming baths and the privatisation thereof should not be reviewed and set aside.
- 2.29.1 Thandekile Julia Hadebe vs Vusimuzi Johannes Hadebe. Case No: Unknown 1f
- The applicant seeks an order, ordering the respondent to sign the necessary documents to effect the transfer of the property into the name of the applicant.
- 2.30.1 Kyalami Ridge Environmental Association and Other vs Minister of Public Works and Others. Case No: 16503/2000. 5f 2000
- The applicants were seeking an order directing the respondents to establish an informal residential settlement on the land which Leeukop prison is situated, be reviewed and set aside. It includes Affidavits, Correspondence, Notices.
- 2.31.1 Greater Durban Rates Co-ordinating Committee vs Central Transitional Metropolitan Substructure Council of Durban and Others. Case No: Unknown. 1f
- The applicant was seeking an order compelling the respondent to grant a rebate on rates. It includes Notice of Motion, Affidavit, Correspondence.
- 2.32.1 The Executive Council of the Province of the Western Cape vs The Minister for Provincial Affairs and Constitutional Development of the Republic of South Africa. Case No: CCT 15/99. 1f 1999
- The dispute concerns the constitutionality of certain provisions of the Local Government.
- 2.33.1 Cape Metropolitan Council vs Minister of Provincial Affairs and Constitutional Development and Other. Case No: CCT 34/99. 1f 1999
- The applicant was seeking an order to declare the urgency of the application.
- 2.34.1 Xolisile Zondi vs Member of the Executive Council for Traditional and Local Government Affairs. Case No: CCT73/03. 1f 2003
- The applicant seeks direct access to challenge the constitutionality of the whole of the Pound Ordinance 32 of 1947 (KwaZulu-Natal), alternatively sections 23, 27, 28, 32(1)(c), 32(3). It includes Affidavits and Notices.
- 2.35.1 Diepsloot Residents' and Landowners' Association and Other vs Administrator, Transvaal. Case No: 321/93. 1f 1994
- This case is about designation of the land for establishment of less formal settlement.
- 2.36.1 Government of the Republic of South Africa and Others vs Irene Grootboom and Others. Case No: CCT 11/00. 1f 2000
- The applicants seek an order directing that the hearing of the appeal be postponed to a date to be determined by the President.

- 3 RIGHTS
- 3.1 Education
  - 3.1.1 Janine Marcelle Joseph vs Head of the Western Cape Education Department. Case No: 2276/00. 1f 2000

The applicant was applying for an order to review and set aside the decision in which the respondent decided that the nomination process followed by the Governing Body of Vergenoegd Primary School in respect of vacant Post No. 1566 to be repeated at that school.
  - 3.1.1.1 Affidavits
  - 3.1.1.2 Notice of Motion
  - 3.1.1.3 Instructions to counsel
  - 3.1.1.4 Correspondence
  - 3.1.1.5 Memorandum
  - 3.1.1.6 Employment Equity Act of 1998
  - 3.1.1.7 Miscellaneous Documents
  - 3.1.2 Bathabile Olive Dhlamini vs The Minister of Education and Training and Others. Case No: M428/84. 1f 1984

This is the return day of a rule nisi which was granted as a matter of urgency. The applicant is an adult scholar and the respondents are The Minister of Education and Training and The Director-General of the Department of Education and Training respectively.
  - 3.1.3 Aka Nhleko vs S'nethemba Learning Centre and Others. Case No: 2006/7508. 1f 2006

The applicant was seeking an order declaring that the respondents have unfairly discriminated against the partially blind and blind learners by depriving them of their right to a basic education.
  - 3.1.3.1 Affidavit
  - 3.1.3.2 Heads of Argument
  - 3.1.3.3 Notice of Motion
  - 3.1.3.4 Order
  - 3.1.3.5 Memorandum
  - 3.1.3.6 Correspondence
  - 3.1.3.7 Hand written Notes
- 3.2 Children
  - 3.2.1 J and Other vs Director General, Department of Home Affairs and Other. Case No: CCT 46/02. 2f 2002

The applicants were seeking relief, arguing that Section 5 of the Status Act was unconstitutional because it unfairly discriminates on the basis of sexual orientation by legitimating children born as a result of artificial insemination to heterosexual married couples but not those born to same-sex permanent life partners.
  - 3.2.1.1 Applicants' Written Argument.
  - 3.2.1.2 Applicants' Supplementary Written Argument.
  - 3.2.1.3 Record
  - 3.2.1.4 Judgment
  - 3.2.1.5 Media Summary
  - 3.2.1.6 Respondents' Written Submissions
  - 3.2.2 Lawrie John Fraser vs The Children's Court, Pretoria North and Others. Case No: 5385/96. 5f 1997



The applicant was seeking special leave against the whole judgment given and order made by the Supreme Court of Appeal in Case 150/97 on 26 June 1998. The applicant is the natural father of the child and he was not married the mother of his child. The mother of his child decided to give up their child for adoption as she thought it was for the best interest of the child.

- 3.2.2.1 Affidavits
  - 3.2.2.2 Notices
  - 3.2.2.3 Applicant's Submissions
  - 3.2.2.4 Second Respondent's Submissions
  - 3.2.2.5 Third Respondent's Submissions
  - 3.2.2.6 The Submissions of the Department of Welfare and Population Development
  - 3.2.2.7 Lawyers for Human Rights
  - 3.2.2.8 Heads of Argument on behalf of The Centre for Applied Legal Studies and Others
  - 3.2.2.9 Judgment
  - 3.2.2.10 Order
  - 3.2.2.11 Correspondence
  - 3.2.2.12 Handwritten Notes
  - 3.2.2.13 Miscellaneous Readings
- 3.2.3 Emily Jemina van der Linde vs Karel Lodewyk van der Linde. Case No: 3071/94. 3f 1995  
Applicants seek an order to allow them to apply for the amendment of the act of custody concluded between the parties. It includes judgment and miscellaneous documents.
- 3.3 Correctional Services Voting (Prisoners)
- 3.3.1 Arnold Keith August and Other vs The Electoral Commission and Others. Case CCT 8/99. 10f 1999  
This case concerns the voting rights of prisoners which rose out of an appeal against the judgment of Els J in the Transvaal High Court which in effect held that the Electoral Commission had no obligation to ensure that awaiting trial and sentenced prisoners may register and vote in the general elections which has been announced for 2 June 1999.
- 3.3.1.1 Affidavits
  - 3.3.1.2 Heads of Argument
  - 3.3.1.3 Notices
  - 3.3.1.4 Hand written notes
  - 3.3.1.5 Memorandum
  - 3.3.1.6 Judgment
  - 3.3.1.7 A summary of the judgment of Judge Els of the Transvaal Provincial Division
  - 3.3.1.8 Order
  - 3.3.1.9 Correspondence
  - 3.3.1.10 Appeals Vol 1-4
  - 3.3.1.11 Electoral Act
  - 3.3.1.12 Government Gazette
  - 3.3.1.13 Application for leave to appeal directly to the Constitutional Court
  - 3.3.1.14 Application for a Certificate in terms of Rule 18(2) and (6) of the Rules of the Constitutional Court
  - 3.3.1.15 First and Second Respondents' response to Applicants' application for a certificate in terms of Rule 18(2) and (6) of the Rules of the Constitutional Court
  - 3.3.1.16 First and Second Respondents' Submissions
  - 3.3.1.17 First and Second Respondents' Practice Note
  - 3.3.1.18 Miscellaneous Documents
- 3.3.2.1 Frans Nicolaas Johannes Strydom vs Minister of Correctional Services and Others. Case No: 98/21067. 1f 1998

The applicant was seeking an order to interdict and restrain the respondents from removing any electrical apparatus in possession of any prisoner in the Johannesburg Maximum prison.

3.3.3 Pheello Lawrence Khanye and Other vs Minister of Correctional Services and Others. Case No:177/39. 1f 2000

The applicant was seeking an order for compensation of property which was stolen from him at the respondent's custody. The applicant is an adult male currently serving ten years imprisonment at Johannesburg Medium B Prison.

3.3.3.1 Affidavits

3.3.3.2 Notices

3.3.3.3 Correspondence

3.3.3.4 Handwritten Notes

3.3.3.5 Order

3.4 Labour

3.4.1 Gareth Anver Prince vs The President of the Law Society of The Cape of Good Hope and Others. Case CCT 36/00. 2f 2000

This appeal concerns the constitutional validity of the prohibition on the use or possession of cannabis when its use or possession is inspired by religion. The applicant wishes to become an attorney and has satisfied all the academic requirements for admission.

3.4.1.1 Appellant's Submission

3.4.1.2 Appellant's Practice Note

3.4.1.3 Notice of Motion

3.4.1.4 Correspondence

3.4.1.5 Judgment

3.4.1.6 Act

3.4.2 Steven Baker vs Law Society of Northern Provinces and Other. Case No: 25358/2005. 1f 2005

This is an application for reinstatement of Lewis Baker on the Roll of Attorneys in terms of the Reinstatement of Enrolment of Certain Deceased Legal Practitioners Act 32 of 2002.

3.4.2.1 Affidavit

3.4.2.2 Notices

3.4.2.3 Applicant's Practice Note

3.4.2.4 Correspondence

3.4.3 The Minister of Justice vs Nico Ntuli. Case No: CCT 17/95. 1f 1995

The applicant was seeking to extend the period of suspension in the original order to allow parliament additional time to remedy the constitutional defects in s 309(4)(a). It includes Affidavits, Heads of Argument, Notice of motion, Correspondence and Handwritten notes.

3.4.4 Marilyn Nadesan vs The Minister of Education and Other. Case No: Unknown. 1f

The applicant was seeking an order to declare the regulation 55(1)(e) of the regulations regarding the terms and conditions of employment of education promulgated by Government Notice R1743 in Government Gazette 16814 on 13 November was unconstitutional and invalid. It includes Affidavit, Notices, Correspondence and Handwritten Notes.

3.5 Military

3.5.1 Johannes Jacobus Steyn vs The Minister of Defence. Case No: A643/2003. 1f 2004

This is an application for a declaration of rights as to whether a decision of the Court of Military Appeals is appealable to the High court.

- 3.5.2 The State vs Toms. Case No: 802/1990. 2f 1990  
The respondent was appealing against his conviction and sentence for contravening Section 126A(1)(a) of the Defence Act 44 of 1957 by refusing to render military service.
- 3.5.2.1 Miscellaneous documents
- 3.6 Repossessions
- 3.6.1 Maggie Jaftha versus Stephanus Schoeman and Others. Case No: CCT 74/03. 1f 2004  
This case concerns the constitutional validity of sections 66(1)(a) and 67 of the Magistrates' Courts Act 32 of 1944 which deal with the sale in execution of property in order to satisfy a debt.
- 3.6.1.1 Index
- 3.6.1.2 Judgment
- 3.6.1.3 Order
- 3.6.1.4 Correspondence
- 3.6.1.5 Media Summary
- 3.6.2 Jones and Others vs Trust Bank of Africa Ltd and Others. Case No: 415/1993. 1f 1993  
This case is about setting aside an attachment of the respondent's interest in a close corporation and the sale of execution.
- 3.6.3 Frans Barnard Potgieter vs The Member of the Executive Committee: Health, Provincial Government Gauteng and Other. Case No: 29987/2000. 2f 2000  
The applicant submits an application for obtaining documents in possession of the second respondent. It includes Affidavit, Heads of Argument and Notices.
- 3.7 Education
- 3.7.1 Lucky Nakasa and Others vs The Minister of Education and Training (RSA) and Others. Case No: 6353/82. 1f 1983  
  
The applicants were seeking relief against the respondents who claim there had been some irregularities attaching to the examination which affect the applicants to be not issued certificates.
- 4 CRIMINAL CASES
- 4.1 Rape
- 4.1.1 The State vs James Madondo. Case No: CC22/99. 1f 1999  
The respondent, a forty three year old man was charged with the offence of rape and found guilty.
- 4.1.2 The State vs Mkhululi Cimoni. Case No: CC11/99. 1f 1999  
The accused was brought before the Regional court, Port Alfred on two charges of rape.
- 4.1.3 The State vs Jonathan Joe Ngubane. Case No: CC31/99. 1f 1999  
The respondent pleaded guilty on the charge of raping a 5 year old girl.
- 4.1.4 The State vs Marumo Mofokeng and Other. Case No: 99/37. 1f 1999  
The respondents were convicted of the crimes of kidnapping and two counts of rape.
- 4.2 Murder

- 4.2.1 Boy Titi Ndweni and Others vs The State. Case No: 390/94. 1f 1999  
This is an application for leave to adduce further evidence against three applicants who were convicted on counts of murder and various other charges.
- 4.2.2 The State vs JM Twala and Other. Case No: CCT 27/99. 1f 1999  
This is an application for leave to appeal against conviction or sentence of J M Twala who was convicted for murder on 25 February 1998.
- 4.2.3 Maria Magdalena Scholtz vs The State. Case No: Unknown. 1f 2000  
This is a murder case in which the applicant seeks an order to condone failure to comply with the time periods set out in section 316(1) of the Criminal Procedure Act 51 of 1977.
- 4.2.4 Buzani Dodo vs The State. Case No: CCT 1/01. 1f 2001  
This case concerns the constitutional validity of the provisions of section 51(1) of the Criminal Law Amendment Act, 105 of 1997.
- 4.3 Prostitution
- 4.3.1 Ellen Jordan and Other vs The State and Others. Case No: CCT 31/01. 44f 2001  
The applicants were convicted of contravening of the Sexual Offence Act 23 of 1957.
- 4.3.1.1 Affidavits
- 4.3.1.2 Heads of Argument
- 4.3.1.3 Notices
- 4.3.1.4 Judgment
- 4.3.1.5 Correspondence
- 4.3.1.6 Record of Appeal Vol 1 - 10
- 4.3.1.7 On behalf of the Minister of Justice and Constitutional Development Volumes 2 - 3. (Vol 1 missing)
- 4.3.1.8 ACTA Criminologica Vol 4 No 2 1991
- 4.3.1.9 Index Vol 6 - 11
- 4.3.1.10 Miscellaneous Readings
- 4.4 Assault
- 4.4.1 Petrus Buti Mofokeng vs L A Becker and Others. Case No: I.4919/79. 1f 1980  
This case is not about the evidence of the assault upon the applicant, which is the cause of action in this case, but of assaults upon the witness and others on an occasion different from the one upon which the applicant was allegedly assaulted.
- 4.4.2 Suzan Nosamkele Honono. Case No: Unknown. 1f 1991  
The applicant was seeking relief against the respondent for being attacked by the respondent's vicious dogs.
- 4.4.3 Henry John Petersen vs The Minister of Police. Case No: 81/20631. 1f 1981  
The applicant was seeking relief against the respondent for being assaulted verbally and physically by different members of the South African Police Force.
- 4.4.3.1 Notice of Intention to Amend
- 4.4.3.2 Defendant's request for further particulars
- 4.4.3.3 Defendant's Plea
- 4.4.3.4 Application in terms of Rule 11
- 4.4.3.5 Summons
- 4.4.3.6 Plaintiff's further particulars

- 4.4.4 Ahmed Raffik Omar vs The Government of the Republic of South Africa and Others. Case No: CCT 47/04. 1f 2005
- The applicant was seeking leave to appeal against the judgment and order of the High Court that prohibited the applicant from threatening, assaulting, harassing, intimidating, stalking or abusing the third respondent or their children.
- 4.4.4.1 Notice of Motion
- 4.4.4.2 Judgment
- 4.4.4.3 Directions dated 25 February 2005
- 4.4.5 Wynand Petrus Swanepoel vs Schalk Janse van Rensburg. Case No: 98/4571. 6f 1998
- The applicant alleges that the respondent defamed him by calling him a fraudster. It includes Correspondence, Notices and Affidavits.
- 4.5 Theft / Stolen Goods / Robbery / Housebreaking / Fraud
- 4.5.1 Samuel Manamela and Other vs The State and Other. Case No: A659/98. 3f 1998
- The applicants were on appeal against their convictions and sentences for theft and not found guilty on that charge but convicted on a competent verdict of a contravention of Section 37 of the General Law Amendment Act, No 62 of 1955.
- 4.5.1.1 Affidavit
- 4.5.1.2 Notices
- 4.5.1.3 Heads of Argument
- 4.5.1.4 Judgment
- 4.5.1.5 Appellants' Submissions
- 4.5.1.6 Index: Intervening Party's Submissions
- 4.5.1.7 Index to Heads of Argument on behalf of Intervening Party
- 4.5.1.8 State Heads
- 4.5.1.9 Correspondence
- 4.5.1.10 Directions in terms of Rule 15
- 4.5.1.11 Internal Office Memo
- 4.5.1.12 Miscellaneous Readings
- 4.5.1.13 Handwritten Notes
- 4.5.1.14 Index
- 4.5.1.15 Lexis transcripts
- 4.5.1.16 General Law Amendment Act 62 of 1955
- 4.5.1.17 Reasons for judgment and sentence
- 4.5.1.18 Charge Sheet
- 4.5.1.19 Suid-Afrikaanse Polisie diens Kriminele Rekord en Identifikasiesetel SAP 69c (Kriminele Rekord)
- 4.5.2 Chrispen Zhangasia vs The State. Case No: A.591/95. 1f 1997
- The applicant was seeking relief against his conviction for contravening section 37 of Act 62 of 1955 and sentenced to R100 000 or 2 years imprisonment plus a further 2 years imprisonment suspended for 5 years on certain conditions.
- 4.5.2.1 Criminal Procedure Act 56 of 1955
- 4.5.2.2 Criminal Procedure Act 51 of 1977
- 4.5.3 The State vs Abraham Liebrecht Coetzee and Others. Case CCT 50/95. 1f 1997
- This case challenges the constitutionality of provisions of the Criminal Procedure Act 51 of 1977. The applicants were standing trial on counts of fraud and were requesting the suspension of the trial and the referral to this Court of the constitutionality of two provisions of the Act, sections 245 and 332(5).

- 4.5.4 Kutete Hlantlalala and Others vs N Y Dyantyi NO and Others. Case No: 1876/96. 1f 1996  
The applicants were seeking an order reviewing and setting aside the convictions and sentences imposed by the magistrate at Cofimvaba.
- 4.5.4.1 Applicant's Heads of Argument
- 4.5.4.2 Judgment
- 4.5.5 Moosa Osman and Other vs The Attorney-General for the Transvaal. Case No: CCT 37/97. 1f 1998  
This is an appeal from the judgment and an order dismissing the applicants application challenging the constitutionality of Section 36 of the General Law Amendment Act 62 of 1955.
- 4.5.6 Walter Bequinot vs The State. Case No: CCT 24/96. 1f 1996  
The applicant was convicted of a competent verdict on the first count of robbery and charged with seven co-accused on fourteen charges. It includes Heads of Argument.
- 4.5.7 The State vs Coetzee and Others. Case No: CC 527. 1f 1997  
The respondents were seeking an order to declare Sections 245 and 332(5) of the Criminal Procedure Act 51 of 1977 inconsistent with the Republic of South Africa Constitution Act 200 of 1993. They were standing trial in a Local Division on charges of fraud.
- 4.5.8 Wilson, Timothy / Unicorn Antiques. Case No: 103576/01. 1f 2004  
Relating to an antique teapot from Unicorn Antiques who purchased the pot from the person who had stolen it from client. Includes Correspondence, Pleadings and Affidavits.
- 4.5.9 The State vs Desmond Hansen. Case No: 27/ 176/ 93. 4f 1993  
The State is charging the respondent with house - breaking with intent to steal and theft.
- 4.6 Illegal Arms and Ammunition
- 4.6.1 State vs Wellington Mbatha. Case No: Unknown. 1f 1996  
This case deals with the validity of the presumption contained in Section 40(1) of the Arms and Ammunition Act 75 of 1969 (the Act) in the light of the provisions of Section 25(3) and (d) of the Constitution Act 200 of 1993.
- 4.7 Drugs / Alcohol
- 4.7.1 The State vs Mello and Others. Case No: Unknown. 1f 1998  
The respondents were seeking an order that declared Section 20 of the Drugs and Drug Trafficking Act 140 of 1992 to be declared inconsistent with Section 25(3)(c) of the Constitution of the Republic of South Africa.
- 4.7.2 Rebecca Lawrence and Others vs The State and Other. Case No: CCT 38/96. 1f 1997  
The applicants were charged and convicted of contraventions of the Liquor Act 27 of 1989.
- 4.7.3 The State vs Siphon Zakele Ntsele. Case No: CCT 25/97. 1f 1997  
The respondent was convicted of having dealt in dagga in contravention of the provisions of the Drugs and Drug Trafficking Act 140 of 1992.
- 5 LABOUR
- 5.1 Retrenchments

- 5.1.1 Coin Security Group (PTY) LTD vs G Shakoane and Others. Case No: J3036/98. 1f 1998  
The respondent was accused of theft of firearms by the applicant and summarily discharged.
- 5.1.1.1 Affidavit
- 5.1.1.2 Brief to counsel
- 5.1.1.3 Correspondence
- 5.1.1.4 Heads of Argument
- 5.1.1.5 Memorandum
- 5.1.1.6 Notices
- 5.1.1.7 Reasons for Judgement
- 5.1.1.8 Arbitration Award
- 5.1.1.9 Applicant's Legal Submissions
- 5.2 Compensation
- 5.2.1 S M Mandelstam and Others vs MEC: Health and Social Services and Others. Case No:14503/95. 1f 1997  
The applicants who were employed as Registrars at the Groote Schuur Hospital have sued the respondents for payment of remuneration due in respect of overtime worked by them at the hospital.
- 5.2.1.1 Correspondence
- 5.2.1.2 Notice
- 5.2.1.3 Statement of Defence
- 5.2.1.4 Summons Commencing Action (Ordinary)
- 5.2.1.5 Judgment
- 5.2.1.6 Miscellaneous Readings
- 5.2.2 Suzan N Honono vs B du Plessis. Case No: 26528/91. 1f 1991  
The applicant was seeking relief from the respondent for injuries sustained at the respondent's place.
- 5.2.2.1 Affidavit
- 5.2.2.2 Defendant's reply to plaintiff's request for particulars for trial
- 5.2.2.3 Defendant's Plea
- 5.2.2.4 Appearance to Defend
- 5.2.2.5 Deed of Settlement
- 5.2.2.6 Notices
- 5.2.2.7 Request for particulars for trial
- 5.2.2.8 Medico Legal Report on Suzan Honono
- 5.2.2.9 Psychological Report: Suzan Honono
- 5.2.2.10 Notes from the interview with Counsel at the Legal Resources Centre offices
- 5.2.2.11 Buitengewone Provisional Koerant, 3 Desember 1994
- 5.2.2.12 File Note
- 5.2.3 Hafiza Ismail Amod (born Peer) and Other vs Multilateral Motor Vehicle Accidents Fund. Case No: 444/98. 1f 1999  
The applicant was seeking a relief against the respondent for her sufferings as a result of the death of the deceased in a motor car.
- 5.2.4 N S Bacela vs the Member of the Executive Council for Welfare Eastern Cape Provincial Government. Case No: 1762/97. 1f 1997  
The applicant seeks an order directing this matter to be heard as a matter of urgency and that the failure of the applicant to comply with the provisions of Rule 6(12) of the rules of Court be condoned.

- 5.2.5 James Simathry Nair vs Minister of Finance and Others. Case No: Unknown. 1f  
The applicant seeks relief against the respondents for not paying him monies that the pension fund owes him. It includes Affidavit, Act and Correspondence.
- 5.2.6 Rangoata Ramphela vs Minister of Finance. Case No: 3627/99. 1f 1999  
The applicant was seeking relief against the respondent for unpaid pension money. It includes Affidavit, Correspondence and Miscellaneous documents.
- 5.2.7 Harold Matsididi vs The Chairperson: Special Pension Board and Other. Case No: 26140/2000. 1f 2000  
This is an application to order the respondent to consider and determine the applicant's application for a special pension.
- 5.2.8 Roderick James Alexander Callum and Others vs The Minister of Defence. Case No: Unknown. 1f  
The applicants were seeking compensation for the trauma, psychological shock and injuries caused by the respondent.
- 5.3 Dismissals / Reinstatement
- 5.3.1 Cornelius Lekalakala vs Jupiter Steel & Machinery Co (PTY) LTD and Other. Case No. 10911/82. 2f 1982  
  
The applicant was seeking relief against the respondent for dismissing him without notice and also for being wrongfully and unlawfully assaulted at the factory premises in the presence of certain witnesses.
- 5.3.1.1 Affidavits
- 5.3.1.2 Notice
- 5.3.1.3 Defendants' Pleas and Counterclaims
- 5.3.1.4 Correspondence
- 5.3.1.5 Subpoena
- 5.3.1.6 Newspaper cuttings
- 5.3.1.7 Further Particulars to Plaintiff's Pleas to Counterclaims
- 5.3.1.8 Request for Further Particulars to Plaintiff's Pleas to Counterclaims
- 5.3.1.9 Payslips (envelopes)
- 5.3.1.10 Miscellaneous Readings
- 5.3.2 Zanomzi Peter Zantsi vs The Chairman of the Council of State and Others. Case No. 470/93. 1f 1993  
The applicant seeks relief against the respondent on the basis that section 71 of the Act conflicts with schedule 6 of the Republic of Ciskei Constitution Decree 45 of 1990 which states that all persons shall be equal before the law.
- 5.3.2.1 Applicant's Heads of Argument
- 5.3.2.2 Notice of Motion
- 5.3.2.3 Instructions to Counsel
- 5.3.2.4 Index
- 5.3.2.5 Defence Act
- 5.3.2.6 Miscellaneous readings
- 5.3.3 Lindile Qokose vs The Chairman of the Council of State. Case No: 401/93. 1f 1993  
The applicant was seeking an order against the respondents to declare Section 48(1) of the Police Act No. 32 of 1983 be declared unlawful and of no force and effect.
- 5.3.4 Muriel Dowling vs Du Toit Holborn Boshoff. Case No: NHN 11/2/5314. 1f 1993  
The applicant seeks relief from the respondent for being unfairly dismissed at her workplace.



- 5.3.5 Ruth Rice and Other vs Society of Advocates of South Africa (Witwatersrand Division). Case No: 03/24201. 1f 2003  
The applicants were seeking an order to reinstate Abram Fischer on the roll of advocates.
- 5.4 Prohibitions
- 5.4.1 Zenzele Sydney Dlomo vs The Minister for Safety and Security and Others. Case No: Unknown. 1f  
The applicant seeks an order reviewing and setting aside the Special Order, the National Instruction and the decision insofar as they do not permit Rastafarians in general and the applicant to wear their hair and beards according to the prescription of the Rastafarian religion.
- 5.4.1.1 Affidavits
- 5.4.1.2 Notice of Motion
- 5.4.1.3 Correspondence
- 5.4.1.4 Miscellaneous documents
- 5.4.2 Jonathan Kwesi Tettey and Other vs Minister of Home Affairs and Other. Case No: 3101/98. 1f 1998  
The applicant seeks an order to stop the respondents from depriving him of his liberty of staying in South Africa.
- 5.5 Marriage / Divorce / Maintenance
- 5.5.1 Suchitra Singh vs Jailal Ramparsad and Others. Case No: 564/2002. 1f 2002  
The applicant seeks an order declaring the first respondent to have forfeited the patrimonial benefits of the marriage in community of property with the applicant.
- 5.5.1.1 Opening Address/ Heads of Argument
- 5.5.1.2 Memorandum
- 5.5.1.3 Correspondence
- 5.5.1.4 Report
- 5.5.1.5 Act
- 5.5.1.6 Chapter XXXIX "When marriage is not a marriage"
- 5.5.2 Anne Prior vs Donald Battle and Others. Case No: 1954/95. 1f 1995  
This is an application for an order declaring that the Section 37 of the Transkei Marriage Act, No.21 of 1978; Section 39 (2)(ii) of the Transkei Marriage Act, No.21 of 1978 and the common law rule that, upon a marriage without an ante nuptial contract which provides to the contrary, the husband acquires the marital power over his wife, are inconsistent with the Constitution of the Republic of South Africa, Act 200 of 1993.
- 5.5.3 Caroline van Rooyen vs Nicolaas Louis van Rooyen. Case No: 20311/2000. 4f 2000  
The applicant was seeking an order to direct the respondent to pay maintenance for their child an amount of R2000-00 per month. It includes Affidavits, Order and Notices.
- 5.5.4 Faatieg Stenekamp vs Taahira Sayed. Case No: 2003/21093. 1f 2003  
This case is about a dispute between a divorced couple for custody, guardianship and access to a child.
- 5.5.5 Mrs Priti Manoj Naran vs Mr Manoj Chiboo Naran. Case No: F-305/2003. 1f 2003  
This is a petition for divorce and special power of attorney.
- 5.5.6 Nadine Bannatyne vs Laurie Bannatyne. Case No: CCT 18/02. 2f 2002

The applicant was seeking relief against the respondent for maintenance, retaining the applicant and their child on his medical aid and bearing medical costs. It includes Affidavits, Notices, Correspondence and Miscellaneous Documents.

## 6 MEDIA

### 6.1 Media

#### 6.1.1 National Media Limited and Others vs Nthedi Morole Bogoshi. Case No: 579/96. 1f 1998

This appeal is against the judgment in which Judge Eloff JP refused an application to amend the plea in an action for damages arising from the publication of a series of allegedly defamatory articles published in a newspaper, the City Press, during the period 17 November 1991 to 29 May 1994.

#### 6.1.2 Boy Jerry Tshabalala and Other vs Times Media Limited and Others. Case No: 7590/01. 1f 2002

The applicants were seeking relief against the respondents for publishing an article about their daughter without their consent or authority.

##### 6.1.2.1 Affidavits

##### 6.1.2.2 Notice

##### 6.1.2.3 Plaintiffs' reply to defendants request for further particulars in terms of Rule 21

##### 6.1.2.4 Plaintiffs' Amended particulars of claim

##### 6.1.2.5 Defendants' request for further particulars in terms of Rule 21

##### 6.1.2.6 Defendants' Plea

##### 6.1.2.7 Replication

##### 6.1.2.8 Summons

##### 6.1.2.9 Miscellaneous documents

## 7 ESTATES

### 7.1 Estates

#### 7.1.1 Elliot Mabena vs Nelly Prunella Letsoalo. Case No: A226/96. 1f 1997

The applicant who is the father of the deceased was appealing against the findings of the magistrate.

##### 7.1.1.1 Affidavit (Handwritten)

##### 7.1.1.2 Magistrate's Appeal

##### 7.1.1.3 Absence of a Relationship

##### 7.1.1.4 Notice of Appeal

##### 7.1.1.5 Nature of the Dispute

##### 7.1.1.6 Correspondence

##### 7.1.1.7 Memorandum

##### 7.1.1.8 Judgment

##### 7.1.1.9 Black Administration Act No.38 of 1927

##### 7.1.1.10 The Kwazulu Act on the Code of Zulu Law, 6 of 1981 - a guide to intending spouses and some comments on the custom of lobolo

##### 7.1.1.11 Heads of Argument

#### 7.1.2 Anna Rapolai vs Joseph Mashego and Other. Case No: Unknown. 1f

The applicant intends making an application in reviewing and setting aside the orders of the Second Respondent in which the First Respondent was appointed to be the executor of the estate of the late Selampoyi Joas Mashego.

- 7.1.2.1 Notice of Motion
- 7.1.2.2 Correspondence
- 7.1.2.3 Last Will and Testament
- 7.1.2.4 Miscellaneous Documents
  
- 7.1.3 Mildred Hleziphe Mtembu vs Henry K Letsela and Other. Case No: 8630/95. 1f 1995  
The applicant was seeking relief from the respondent by disputing that her daughter is entitled to inherit her father's estate.

  - 7.1.3.1 Affidavit
  - 7.1.3.2 Notices
  - 7.1.3.3 Correspondence
  - 7.1.3.4 Applicant's Submission
  - 7.1.3.5 Applicant's Reply
  - 7.1.3.6 Expert opinion by Professor JC Bekker
  - 7.1.3.7 Deed of Transfer
  - 7.1.3.8 Certificate of Appoinment

  
- 8 DETENTIONS
  
- 8.1 Debt

  - 8.1.1 Farieda Coetzee vs The Government of the Republic of South Africa and Others. Case No: CCT/19/94. 1f 1994  
  
The applicant was seeking relief against the Sections 65A to 65M of the Magistrates' Courts Act, No 32 of 1944. for being arrested by the Sheriff and taken to Pollsmoor prison for detention.

    - 8.1.1.1 Affidavits
    - 8.1.1.2 Notices
    - 8.1.1.3 Instructions to Counsel
    - 8.1.1.4 Return in accordance with the Provisions of Rule 4(6)(a)
    - 8.1.1.5 Order
    - 8.1.1.6 Civil Imprisonment: The impactof the New Constitution

  
  - 8.1.2 NJ Matiso and Others vs The commanding officer, Port Elizabeth Prison and Others. Case No: 1683/94. 1f 1994  
  
The applicant seeks an order for the immediate release of her and all other judgment debtors under the custody and control of the first respondent.

    - 8.1.2.1 Affidavits
    - 8.1.2.2 Correspondence
    - 8.1.2.3 Judgment

  
- 8.2 Unlawful Detentions

  - 8.2.1 Johanna Mmaphefo Seemela vs The Minister of Safety and Security. Case No: A1743/96. 1f 1997  
The applicant was seeking relief against the Minister of Safety and Security for her unlawful arrest by members of the South African Police.
  
  - 8.2.2 Fanie Fanyana Mtshweni and Other vs The Ndzundza (Mabhoko) Tribal Authority and Others. Case No: 11084/88. 1f 1988  
The applicants seek relief against the respondents for unlawful detentions.

- 8.3 HIV/AIDS - **Restricted Access**  
**Please note: Permission to use these records has to be obtained from the Director of the Legal Resources Centre.**
- 8.3.1 C D v B and Others vs The Minister of Correctional Services and Others. Case No: 11778/96. 1997  
 The applicants seek declaratory orders to declare that the applicants and any other HIV positive prisoners while in custody have a right to proper and adequate medical attention, care and treatment on the grounds of their HIV status, amongst other orders.
- 8.3.2 H N N vs Minister of Defence. Case No: LC 24/98. 1f 2000  
 The applicant was seeking an order directing the respondent to discontinue discriminating against the applicant on the grounds of his being HIV positive.
- 8.3.3 J C H vs South African Airways. Case No: CCT17/00. 6f 2000  
 The applicant was seeking an order declaring the decision by the respondent unconstitutional and invalid. It includes Affidavits,
- 9 DEATH SENTENCE / LIFE IMPRISONMENT
- 9.1 Death sentence / Life imprisonment
- 9.1.1 The State vs T Makwanyane and Other. Case No: CCT/3/94. 4f 1995  
 The respondents were seeking relief against the provisions of paragraphs (a), (c), (d), (e) and (f) of section 277(1) of the Criminal Procedure Act. They were convicted on four counts of murder, one count of attempted murder and one count of robbery with aggravating circumstances, sentenced to death on each of the counts of murder and to long terms of imprisonment on the other counts.
- 9.1.1.1 Respondent's Heads of Argument
- 9.1.1.2 Judgment
- 9.1.1.3 Additional documents sought to be filed on behalf of the Minister of Justice representing the Government of the Republic of South Africa
- 9.1.1.4 Newspaper photocopies
- 9.1.1.5 Miscellaneous readings
- 9.1.2 Aaron Willy Sibiyi and Others vs The Director of Public Prosecutions (Witwatersrand Local Division) and Other. Case No: 2002/3675. 1f 2002  
 The applicants convicted and sentenced to death in the High Court were appealing against their sentences.
- 9.1.2.1 Affidavits
- 9.1.2.2 Respondent's Heads of Argument
- 9.1.2.3 Notices
- 9.1.2.4 Application to struck off
- 9.1.2.5 Options
- 9.1.2.6 Order
- 9.1.2.7 Report on South African Human Rights
- 9.1.2.8 Promotion of Administrative Justice Act No, 2000
- 9.1.2.9 Criminal Law Amendment Act, No.105 of 1997
- 9.1.3 Khalfan Khamis Mohamed and Other vs President of the Republic of South Africa and Others. Case No: CCT 17/01. 1f 2001

The applicant was seeking an order directing the respondent to submit a written request through diplomatic channels to the Government of the United States of America, that the death penalty not be sought, imposed nor carried upon the applicant should he be convicted.

10 HOME AFFAIRS

10.1 Home Affairs

10.1.1 Dos Santos Gil and Other vs The Honorable Minister, Department of Home Affairs. Case No: 00/8042. 1f 2000

The applicant was seeking an order to declare that the application be heard as a matter of urgency and to declare that the applicant's wife was entitled to be in possession of a temporary residence permit under section 26(1) of the Alien's Control Act 96 of 1991 amongst other requests of the applicant.

10.1.1.1 Affidavit

10.1.1.2 Heads of Argument

10.1.1.3 Notice of Motion

10.1.1.4 Correspondence

10.1.1.5 Miscellaneous Documents

10.1.2 Rahim Dawood and Others vs The Minister of Home Affairs and Others. Case No: CCT 35/99. 1f 2000

The applicants were seeking an order to declare Section 25(9)(b), 26(3) and (6) of the Aliens control Act 96 of 1991 to be inconsistent with the Constitution and therefore invalid.

10.1.2.1 Judgment

10.1.2.2 Notice in terms of Rule 15(4) and 15(2) of the Constitutional Court Rules

10.1.2.3 Correspondence

10.1.2.4 Applicants' Supplementary Note

10.1.2.5 Applicants' Supplementary Submissions

10.1.3 Pauline Sheila Stanford vs Minister of Home Affairs. Case No: Unknown. 1f

This is an application for reissue of the identity document. It includes Miscellaneous documents.

10.1.4 The National Coalition for Gay and Lesbian Equality and Others vs The Minister of Home Affairs and Others. Case No: CCT 10/99. 1f 1999

This case questions whether it is unconstitutional for immigration law to facilitate the immigration into South Africa of the spouses of permanent South African residents but not to afford the same benefits to gays and lesbians in permanent same-sex life partnerships with permanent South African residents.

11 TAX / INSURANCE

11.1 Tax / Insurance

11.1.1 Fanie Fanyana Mtshweni and Other vs The Ndzundza (Mabhoko) Tribal Authority and Others. Case No: Unknown. 1f

The applicants were seeking an order to declare that the first respondent was not authorised to collect taxes and all taxes collected in terms thereof were not due and payable and are refundable to the payees.

11.2.1 Pienaar vs Southern Insurance Association Ltd. Case No: SA 917/1983. 1f 1983

The applicant was seeking a compensation for the loss sustained when his premises were damaged by a fire.

- 11.3.1 Ledingham vs Commercial Union Insurance Co of SA Ltd. Case No: SA 760/1993. 1f 1993  
The applicant instituted action against the respondent in a magistrate's court, alleging that the respondent was liable to pay him a certain amount in terms of a householder's insurance policy.
- 11.4.1 Adriatic Insurance Company vs O'Mant. Case No: 292/1964. 1f 1964  
The applicant issued summons against the respondent to recover damages in respect of damage to his motor car in an accident.
- 11.5.1 Barnard vs Protea Assurance Co Ltd t/a Protea Assurance. Case No: 1063/1998. 1f 1998  
The applicant who was the deceased widow instituted action against the respondent in order to obtain the benefit under the insurance policy which had been in force at the time of the deceased's death.
- 11.6.1 Southern Insurance Association Ltd vs Cooper. Case No: 354/1954. 1f 1954  
The respondent committed a breach of the policy which rendered the policy void and the applicants became aware of the breach before the conclusion of the six months.
- 11.7.1 Steyn's Estate vs South African Mutual Life Assurance Society. Case No: 359/1948. 1f 1948  
The applicant was seeking relief against the respondent for the unpaid final instalment.
- 11.8.1 Commercial Union Insurance Co of SA Ltd vs Lotter. Case No:146/97. 1f 1998  
This case is about failure to disclose facts to insurer's right of subrogation.

## 12 ENVIRONMENT

### 12.1 Environment

- 12.1.1 Willem M Prinsloo vs Gerhadus Stephanus van der Linde and Other. Case No: CCT 4/96. 1f 1996  
The applicant was seeking relief against the respondent for the damage caused to his farmlands by the spread of fire from the respondents neighbouring land.

## 13 SOCIAL ASSISTANCE / DEVELOPMENT

### 13.1 Social Assistance / Development

- 13.1.1 The Trustees of the Black Sash Trust vs The Minister for Social Development. Case No: 30368/2000. 1f 2000  
The applicant was seeking an order to declare Regulation 11 of the Regulations promulgated by the respondent on 31 March 1998 in Government Notice R418 to be declared invalid. It includes Affidavit, Notice of motion, Correspondence and Miscellaneous Documents.
- 13.2.1 Coco Bishogo and Others vs Minister of Social Development. Case No: 9841/2005. 3f 2005  
This case deals with the failure of various organs of State to comply with their obligation to provide appropriate social security for refugees and refugee children. It includes Notice of Motion, Correspondence and Miscellaneous documents.

- 13.3.1 Hekpoort Environmental Preservation Society and Other vs The Minister of Land Affairs and Others. Case No: CCT 21/97. 1f 1997  
The applicant launched the application seeking various forms of relief aimed at preventing Hekpoort Foods from continuing its activities.
- 13.4.1 The Director: Mineral Development Gauteng Region and Other vs Save The Vaal Environment and Others. Case No: 133/98. 1f 1999  
This case is about raising environmental objections by parties opposing this application.
- 14 PARLIAMENT
- 14.1 Parliament
- 14.1.1 Democratic Party vs The Constitutional Assembly. Case No: CCT 23/96. 5f 1996  
The applicant intends to present oral argument by objecting to the certification of the constitutional text adopted by the Constitutional Assembly on 8 May 1996.