

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case No.: | **16402/2017**

In the matter of:

**THE VOICE OF THE UNBORN BABY NPC
CATHOLIC ARCHDIOCESE OF DURBAN**

**APPLICANT
INTERVENOR**

and

**THE MINISTER OF HOME AFFAIRS
THE MINISTER OF HEALTH**

**FIRST RESPONDENT
SECOND RESPONDENT**

and

CAUSE FOR JUSTICE

AMICUS CURIAE


FILING NOTICE IN TERMS OF RULE 16A(2) & (3)

TAKE NOTICE THAT the *amicus curiae* herewith files the following documents in terms of Rule 16A(2) read with Rule 16A(3):

1. Correspondence by parties confirming consent to admission of Cause for Justice as *amicus curiae*.

DATED AT SOMERSET WEST ON THIS 11TH DAY OF MAY 2018

SNYDERS & ASSOCIATES



PER: N C SNYDERS

Attorneys for the *amicus curiae*

10 Huising Street

SOMERSET WEST

Tel: 021 851 1555

Email: craig@helderlaw.co.za

Reference: MAT12640

c/o **HURTER SPIES INC**

1st Floor, Afriforum Building

Corner of DF Malan & Union Avenue

Kloofsig, Centurion

PRETORIA

Tel: 012 664 0708

AND TO: **THE REGISTRAR OF THE HIGH COURT**
Gauteng Division
PRETORIA

AND TO: **INGRAM ATTORNEYS**
Attorneys for Applicant
Boardwalk Lakeside Office Park
Corner of Solomon Mahlangu and
Haymeadow Crescent

Block C, First Floor
Faerie Glen
PRETORIA
Tel: 012 990 5144
Email: ingramlaw@securitas.co.za
Reference: R Ingram/RV0007
c/o **PAUL DU PLESSIS ATTORNEYS**
568 Norval Street
Moreleta Park
PRETORIA

Paul du Plessis
Prokureurs / Attorneys
2018 -05- 15
ONTVANG / RECEIVED

[Handwritten signature] 10:50 am

AND TO: **BJR BURT ATTORNEYS**

Attorneys Intervenor
30 Grace Road
Observatory
JOHANNESBURG
Tel: 011 487 0123
Email: sifiso@bjrburt.co.za
Reference: B Burt/S Thwala
c/o **MODUKA ATTORNEYS**
Block A4, Deus Exorno
First Floor, Bondev Office Park
Corner of Willem Botha and Wierda Road
Eldoraigne, Centurion
PRETORIA

15/05/18
[Handwritten signature]

MODUKA ATTORNEYS
CB Centre West Building
75 Durham road
Clubview East, Centurion
Tel: 012 753 3282/ 012 323 1137
Fax: 086 552 5426
Email: law@modukalaw.co.za

10/1/16

AND TO: **STATE ATTORNEY**

Attorneys for First and Second Respondents
Salu Building, Ground Floor
316 Thabo Sehume Street
PRETORIA
Tel: 012 309 1635
Email: mmatubatuba@justice.gov.za
Reference: 2144/2017/Z74/PM

BY EMAIL: ingramlaw@securitas.co.za;
mmatubatuba@justice.gov.za
bruce@bjrburt.co.za

Ingram Attorneys
PRETORIA

The State Attorney
PRETORIA

BJR Burt Attorneys
JOHANNESBURG

FOR ATTENTION: MS INGRAM, MR MATUBATUBA & MR BURT

Our reference
Your reference

Date

CS/MAT12640
R INGRAM/RV0007
2144/2017/Z74/PM
10 January 2018

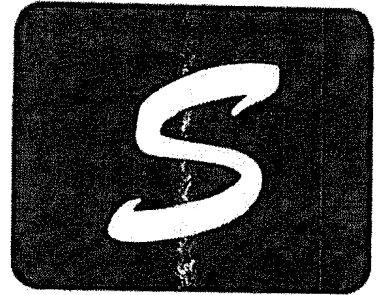
Dear Ms Ingram, Mr Matubatuba and Mr Burt

RE: TERMS OF ADMISSION OF CAUSE FOR JUSTICE AS *AMICUS CURIAE*
THE VOICE OF THE UNBORN BABY NPC / THE MINISTER OF
HOME AFFAIRS & THE MINISTER OF HEALTH
INTERVENOR: CATHOLIC ARCHDIOCESE OF DURBAN
MY CLIENT: CAUSE FOR JUSTICE

1. I refer to the above matter, the letter to Ingram Attorneys and the State Attorney by Smit & Viljoen Attorneys dated 5 April 2017 and the replies thereto by Mr Matubatuba of 13 April 2017 and Ms Ingram of 2 May 2017, in which your respective clients consented to Cause for Justice being admitted as an *amicus curiae* in the above matter, on the terms and conditions set out in the letter of 5 April 2017.
2. I confirm that we represent Cause for Justice herein and have substituted Smit & Viljoen Attorneys as the attorney of record with regard to this matter.
3. For the sake of this letter I further confirm that we have obtained copies of the intervention application by the Catholic Archdiocese of Durban as well as the answering affidavits delivered by the respective ministers herein.
4. My client has carefully assessed the papers which have been filed since its initial letter of 5 April 2017, and in light thereof has considered what further submissions will be of assistance to the court.



SNYDERS & ASSOCIATES



SNYDERS & GENOTE

Attorneys
Prokureurs

Conveyancers
Aktebesorgers

Notaries
Notarisse

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Postal Address

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Eienaar

Craig Snyders

LLB LLM

Consultants
Konsultante

Jakkie Heunis
Alois Cilliers

B Comm LLB
BA LLB LLM

Assisted by
Bygestaan deur

Dnske Olivier

BA LLB

5. My instructions are that my client now intends to make submissions to the court with regard to the following only:
 - 5.1. The right of bereaved parents to hold and act in accordance with deeply held beliefs and convictions that human life starts at conception, insofar as such submissions are not already made by the intervening party.
 - 5.2. That the legally recognized value of prenatal life, and the value of human dignity, provides a separate basis in law on which to treat the remains of the unborn baby (other than a stillborn for which burial is already mandatory), with the respect and dignity of a burial, regardless of whether viability was reached.
 - 5.3. That an unborn baby is a living "human being" even before it becomes "viable".
 - 5.4. That the 26-week "viability marker" as a ground on which to deny bereaved parents the choice on whether to bury their unborn, is unnecessary, arbitrary and not rationally connected with the value of prenatal life.
 - 5.5. That, should the court be willing to grant the relief requested by the applicant, there is no need to impose a "minimum requirement" with regard to gestation and that this should be left within the private realm of bereaved parents to decide.
 - 5.6. International and foreign law relevant to the determination of this application.
6. My client confirms that it wishes to file an affidavit(s). It is intended that such an affidavit(s) will address the nature and character of prenatal life insofar as this is germane to the issues described above.
7. In consideration of the above, my instructions are accordingly to propose that my client's further involvement as *amicus curiae* be agreed to be limited to the following:
 - 7.1. My client is to file its affidavit(s) by no later than 15 February 2018.
 - 7.2. My client's written heads of argument containing its submissions be filed within 5 days of the filing of heads of argument by the applicant and the intervening party.
 - 7.3. My client is to be permitted to make oral submissions at the hearing of the matter.
8. If agreement is reached on the terms of my client's participation in these proceedings, then my client will lodge the relevant correspondence with the registrar. Insofar as Rule 16A was not strictly complied with, my client will (if necessary) request condonation thereof at the hearing of the matter.
9. Kindly provide me with your instructions to the above proposal by no later than 17 January 2018.

Thanking you in anticipation.

Regards
SNYDERS & ASSOCIATES



CRAIG SNYDERS

BJR Burt Attorneys

Our Ref: B Burt/S Thwala
Your Ref:
E-mail: sifiso@bjrburt.co.za

Date: 11 January 2018.

By Email: Craig@helderlaw.co.za

GRAIG SNYDERS & ASSOCIATES

ATTENTION: GRAIG SNYDERS

Number of Pages: 1

The information contained in this letter is confidential and may be legally privileged. It is ONLY for the use of the recipient named herein. If you have received this letter in error, please immediately notify us by telephone to arrange for the return of the original documents to us. Any disclosure, copying, distribution or taking of any action in reliance of the contents of this information is strictly prohibited.

Dear Sir

**RE: VOICE OF THE UNBORN PLC v MINISTER OF JUSTICE AND ANOTHER:
INTERVENTION BY THE CATHOLIC CHURCH**

1. We refer to your letter dated 10 January 2018.
2. We confirm our client's consent to your client's admission as an amicus curiae in the matter.
3. We confirm further that:
 - 3.1. our client consents to your client's proposals contained in paragraphs 7.1 to 7.3 of your letter; and
 - 3.2. insofar as may be necessary, our client will not oppose any application or request for condonation that may be made by your client as contemplated in paragraph 8 of your letter.

Bruce John Roscoe Burt

Telephone (27 11) 487 0123

Fax (27 11) 487 0126

30 Grace Road, Observatory, 2198

P O Box 2317 Houghton 2041 Johannesburg

law@bjrburt.co.za

BJR Burt Attorneys

Yours faithfully
Sifiso Thwala
BJR BURT ATTORNEYS

Bruce John Roscoe Burt

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INGRAM ATTORNEYS

The Boardwalk Office Park, Ground Floor
c/o Solomon Mahlangu and Haymeadow Street
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Moreleta Ridge
0044

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Email: Ingramlaw@securitas.co.za

U VERW/ YOUR REF

ONS VERW/ OUR REF
R INGRAM/RV0007

DATE/DATUM
02/02/2018

CAUSE FOR JUSTICE
CRAIG SNYDERS ATTORNEYS
Via email: craig@helderlaw.co.za

Dear Sir,

RE: VOICE OF THE UNBORN BABY // MINISTER OF HOME AFFAIRS & ANOTHER

1. Our client welcomes your client's involvement as amicus curiae, and agrees to the terms of your client's admission as amicus curiae, as per your letter dated 10 January 2018.
2. Please note that it is important to our client that this matter not be delayed in any way, and therefore requests your client to take care to keep to the timeframe as per your letter dated 10 January 2018.

YOURS FAITHFULLY

RENALDI INGRAM
INGRAM ATTORNEYS
(electronically send, therefor not signed)

Craig Snyders

From: Matubatuba Maxwell <MMatubatuba@justice.gov.za>
Sent: Monday, 05 February 2018 4:43 PM
To: Craig Snyders
Subject: RE: THE VOICE OF THE UNBORN BABY NPC / MINISTER OF HOME AFFAIRS AND MINISTER OF HEALTH; INTERVENOR: CATHOLIC ARCHDIOCESE OF DURBAN

Afternoon

We consented to your client intervening as an amicus in these proceedings some time ago

Regards

M T MATUBATUBA
ACTING DEPUTY STATE ATTORNEY
STATE ATTORNEYS OFFICE – PRETORIA
20TH FLOOR, ROOM 2018
SALU BUILDING
CNR THABO SEHUME & FRANCIS BAARD
PRETORIA
TEL: 012 309 1635

From: Craig Snyders [mailto:Craig@helderlaw.co.za]
Sent: 05 February 2018 11:56 AM
To: Matubatuba Maxwell
Subject: RE: THE VOICE OF THE UNBORN BABY NPC / MINISTER OF HOME AFFAIRS AND MINISTER OF HEALTH; INTERVENOR: CATHOLIC ARCHDIOCESE OF DURBAN
Importance: High

Dear Mr Matubatuba

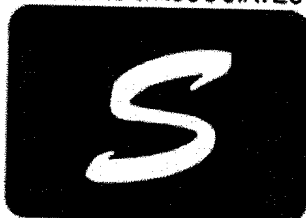
The correspondence below refers.

We have received the attached letter from the applicant's attorney herein, in addition to the letter already received from the intervenor's attorney.

In the circumstances I respectfully request your urgent feedback on whether your clients consent to my client's admission as amicus curiae as requested in my letter of 10 January 2018.

Thanks & regards

SNYDERS & ASSOCIATES



CRAIG SNYDERS
PROKUREUR & AKTEBESORGER | ATTORNEY & CONVEYANCER

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