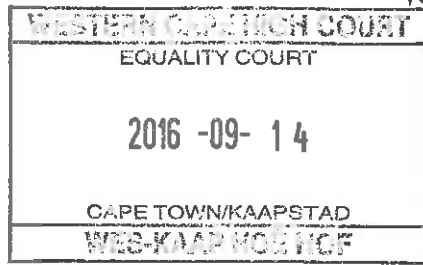


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IN THE EQUALITY COURT
 (HIGH COURT, CAPE TOWN)

Case No: Equality Court 03/2016

In the application for admission as *amicus curiae* by:

NASREEN RAJAB

MICHELLE ANN CRYSTAL HUBER

CAROL KHOLEKA ZAMA

PENELOPE JOY PARENZEE

BASETSANA MOLEBATS

PENELOPE PARENZEE

NICOLE LOUISE FRITZ

SHEREEN MILLS

Acting in their capacity as

**THE TRUSTEES FOR THE TIME BEING OF THE
 WOMEN'S LEGAL CENTRE TRUST**

Applicant

In re

SOCIAL JUSTICE COALITION

First Applicant

EQUAL EDUCATION

Second Applicant

and

MINISTER OF POLICE

First Respondent

NATIONAL COMMISSIONER OF POLICE

Second Respondent

WESTERN CAPE POLICE COMMISSIONER

Third Respondent

MINISTER FOR COMMUNITY SAFETY, WESTERN CAPE

Fourth Respondent

FILING SHEET

DOCUMENTS FILED HERewith: APPLICANT NOTICE OF MOTION AND FOUNDING AFFIDAVIT

DATED AT CAPE TOWN ON THIS 13th DAY OF SEPTEMBER 2016



WOMEN'S LEGAL CENTRE

Applicant's attorney

7th Floor Constitution House

Cape Town

021 4245660

Ref: Adv. Bronwyn Pithey

TO: THE LEGAL RESOURCES CENTRE

First Applicant's Attorneys


3rd Floor, Greenmarket Place

54 Shortmarket Street

Cape Town

8001

Ref: Ms M Mudarikwa

LEGAL RESOURCES CENTRE	
(CAPE TOWN)	
Received copy herewith:	
Date: <u>13.09.16</u>	Time: <u>3, 50 pm</u>
Without Prejudice	

AND

TO: **WEBBER WENTZEL**

Second Applicant's Attorneys
15th Floor, Convention Tower
Heerengracht, Foreshore
Cape Town
Ref: Ms O Geldenhuys

WEBBER WENTZEL
RECEIVED

13 SEP 2016

14:56

AND

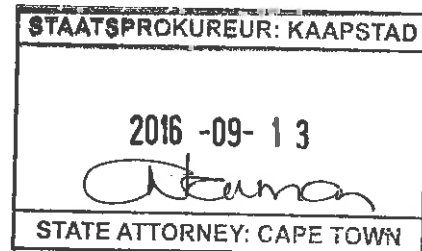
TO: **THE CLERK OF THE EQUALITY COURT**

Western Cape High Court
Cape Town

AND

TO: **THE MINISTER OF POLICE**

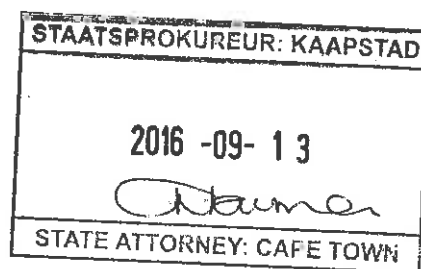
First Respondent
C/o The State Attorney
22 Long Street
Cape Town



AND

TO: **NATIONAL COMMISSIONER OF POLICE**

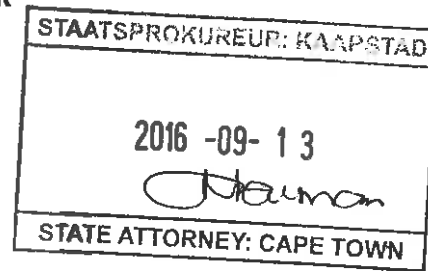
Second Respondent
C/o The State Attorney
22 Long Street
Cape Town



AND

TO: **WESTERN CAPE POLICE COMMISSIONER**

Third Respondent
C/o The State Attorney
22 Long Street
Cape Town



AND

TO: **MINISTER OF COMMUNITY SAFETY, WESTERN CAPE**

Fourth Respondent
35 Wale Street
Cape Town

Ministry of Community Safety
PO Box 5346 CAPE TOWN 8000
Tel: 021 483 3871 | Fax: 021 483 3870

Baker

10:16

14/09/2016

**IN THE EQUALITY COURT
(HIGH COURT, CAPE TOWN)**

Case No: Equality Court 03/2016

In the application for admission as *amicus curiae* by:

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WOMEN'S LEGAL CENTRE TRUST**

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Third Respondent

MINISTER FOR COMMUNITY SAFETY, WESTERN CAPE

Fourth Respondent

NOTICE OF MOTION

TAKE NOTICE that an application will be made on behalf of the above-mentioned applicants on the 20th day of September 2016 at 10:00am or so soon as the applicant may be heard for an order in the following terms:

1. That this application be treated as an urgent application and that the non-compliance with the Rules of the above Honourable Court relating to forms, time periods and service be condoned and that leave be granted to the Applicant to move this application as a matter of urgency in terms of the provisions of Rule 6(12);
2. That the Applicant be admitted by agreement of all parties in the legal proceedings under case number: Equality Court 03/2016 as *amicus curiae* in terms of sub-regulation 10(5)(c)(vi) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
3. Directing the holding of a directions hearing in respect of the admission as *amicus curiae* as provided for in terms of sub-regulation 10(5) for the applicant to be admitted as *amicus curiae*

TO: THE LEGAL RESOURCES CENTRE

First Applicant's Attorneys
3rd Floor, Greenmarket Place
54 Shortmarket Street
Cape Town
8001
Ref: Ms M Mudarikwa

AND

TO: WEBBER WENTZEL

Second Applicant's Attorneys
15th Floor, Convention Tower
Heerengracht, Foreshore
Cape Town
Ref: Ms O Geldenhuys

AND

TO: THE CLERK OF THE EQUALITY COURT

Western Cape High Court
Cape Town

AND

TO: THE MINISTER OF POLICE

First Respondent
C/o The State Attorney
22 Long Street
Cape Town

AND

TO: **NATIONAL COMMISSIONER OF POLICE**

Second Respondent

C/o The State Attorney

22 Long Street

Cape Town

AND

TO: **WESTERN CAPE POLICE COMMISSIONER**

Third Respondent

C/o The State Attorney

22 Long Street

Cape Town

AND

TO: **MINISTER OF COMMUNITY SAFETY, WESTERN CAPE**

Fourth Respondent

35 Wale Street

Cape Town

TAKE NOTICE FUTHER THAT the affidavit of SEEHAAM SAMAAI annexed hereto will be used in support thereof.

TAKE FURTHER NOTICE THAT if you intend opposing this application, you are required to file an answering affidavit, clearly and succinctly setting out the grounds for opposition, within 2 days of receipt hereof.

TAKE NOTICE FURTHER that the Trust has appointed the address below as the address at which it will accept notices and service of all process, documents and notices in these proceedings.

Kindly place the matter on the roll for hearing accordingly

DATED AT CAPE TOWN ON THIS 13th DAY OF SEPTEMBER 2016



WOMEN'S LEGAL CENTRE

Applicant's attorney

7th Floor Constitution House

Cape Town

021 4245660

Ref: Adv. Bronwyn Pithey

**IN THE EQUALITY COURT
(HIGH COURT, CAPE TOWN)**

Case No: Equality Court 03/2016

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WESTERN CAPE POLICE COMMISSIONER

Third Respondent

MINISTER FOR COMMUNITY SAFETY, WESTERN CAPE

Fourth Respondent

AFFIDAVIT

I, the undersigned,

SEEHAAM SAMAAI

make oath and state as follows:

1. I am the Director of the Women's Legal Centre based at 7th Floor, Constitution House, 124 Adderley Street, Cape Town.
2. The facts contained in this affidavit are true and correct and, save where the context indicates to the contrary, are within my personal knowledge.

Introduction

3. The Women's Legal Centre Trust ("the Trust") seeks leave to be admitted as an *amicus curiae* in the Equality Court ("the court") in the above matter.

4. Briefly, the matter which has been brought by the first and second applicants ("the applicants") seeks to remedy the manner in which the South African Police Service ("SAPS") allocates police officers to police stations. Drawing on the findings from the Commission of Inquiry into Allegations of Police Inefficiency and a Breakdown in Relations between SAPS and the Community of Khayelitsha ("the Khayelitsha Commission") the applicants allege that the current arrangement is irrational and discriminatory insofar as it provides more police officers to stations servicing rich, white populations with low contact crime rate, and fewer police officers to stations serving poor, Black communities with high contact crimes rates.

The interest of the Trust in the proceedings

5. The Trust is a juristic person created in terms of a trust instrument dated 3 August 1998. The Trust Deed, as amended, is attached as Annexure "SS1". A copy of the Master's Certificate authorising the present Trustees to act on behalf of the Trust is annexed as "SS2".
6. The Trustees have duly resolved to institute these proceedings in furtherance of the objectives of the Trust and have authorised me to make this affidavit and to bring this application on their behalf. A copy of the resolution is annexed marked "SS3".

A handwritten signature in black ink, appearing to be 'J. van der Merwe', located in the bottom right corner of the page.

7. The detailed objectives of the Trust are set out in clause 4 of the Trust Deed. A core objective of the Trust is to advance and protect the human rights of all women and girls in South Africa, particularly women who suffer many intersecting forms of disadvantage. In so doing the Trust seeks to contribute to redressing the systemic discrimination and disadvantage that women face.
8. The Trust fulfils its main object by giving legal assistance to women litigants free of charge, and by making *amicus curiae* submissions in order to assist Courts in constitutional and public interest matters that concern women's rights and gender equality. To this end the Trust established the Women's Legal Centre ("WLC") in order to conduct public interest litigation including constitutional litigation to advance the human rights of women. Since its inception, the WLC has participated in numerous cases concerning the rights of women. The WLC's litigation over the years has covered issues such as sexual and domestic violence, child abuse, vicarious liability of police officers in relation to sexual and domestic violence; as well as women's property rights on divorce or death of their partners and the rights of farm women to occupy housing in their own right. I attach a list of the cases litigated by the WLC as Annexure "SS4".

9. The Trust will not repeat the issues raised by the other parties but rather intends to raise new contentions relevant to the issues before the Court. To that end, the underlying purpose of the submissions is to assist the Court by making submissions that will not be canvassed by any of the parties to the proceedings.

10. The Trust will make submissions on the gendered impact of the inadequate allocation of human resources and the resultant inefficient policing in Khayelitsha on this group in particular. Inadequate resourcing extends beyond human resources, and includes necessary skills and understanding of gender based crimes. The submissions will therefore be relevant to the issues before the court, that of the allocation of police resources in Khayelitsha, they will be useful to the court and will be different from those of other parties, that of discrimination on the basis of gender, in addition to race and class.

11. I submit that in light of the Trust and WLC's history of assisting, advising and representing women and children in cases concerning discrimination based on their race, sex and gender or the intersection thereof, the WLC is well placed to assist the court in this matter.

Procedural aspects of admission as *amicus curiae* in Equality Courts in terms of the Act



12. In terms section 30 (1) (a) of the Promotion of Equality and Prevention of Unfair Discrimination Act ("the Equality Act") provision is made for regulations which relate to applicable procedures to be followed at or in connection to an inquiry instituted under the Act.
13. Sub-regulation 10 (5) provides for a directions hearing to be held by the presiding officer. Furthermore sub-regulation 10 (5) (c) (vi) makes provision for the presiding officer to make an order in respect of the admission of an *amicus curiae*.
14. On 11 and 12 May 2016 the WLC addressed letters to the attorneys for the applicants and to second, third and fourth respondents seeking their consent for its admission as *amicus curiae* in this matter. I attach copies of these letters marked "SS5", "SS6", "SS7", "SS8" and "SS9". On 17 May 2016 WLC addressed a letter to the attorneys for the first respondent seeking their consent for its admission as *amicus curiae* in this matter. I attach a copy of this letter "SS10".
15. On 12 May 2016 the second applicant's attorneys of record indicated that the second applicant had acceded to the request by the WLC. I attach a copy of the email reflecting this marked "SS11".

16. On 12 May 2016 the forth respondent's attorneys of record indicated that the forth respondent had acceded to the request by the WLC. I attach a copy of the letter reflecting this marked "**SS12**".
17. On 18 May 2016 the first, second and third respondent's attorneys of record indicated that the first, second and thirds respondent had acceded to the request by the WLC. I attach a copy of the letter reflecting this marked "**SS13**".
18. On 23 May 2016 the WLC received a letter from the first applicant's attorneys consenting to the admission of the WLC as *amicus curiae*. I attach a copy thereof marked "**SS14**".
19. WLC brings this application for leave to be admitted as an *amicus curiae*. It is submitted that on the basis that the First and Second Applicants, and the First, Second, Third and Forth Respondents have no objection to the WLC being admitted as *amicus curiae*, there is no prejudice on the parties for WLC to be admitted on this day.
20. WLC seeks leave to make submissions to the court.
21. The submissions that will be made by the WLC are set out briefly hereunder

Link between allocation of human resources and gender based violence

22. The inefficiencies of policing in Khayelitsha are as a direct result of inadequate allocation of human resources to the Khayelitsha Family Violence Child Protection and Sexual Offences (FCS) Unit and the three Khayelitsha police stations who deal with domestic violence. This inadequate allocation amounts to discrimination on the basis of gender as it affects women disproportionately in that they are more vulnerable to violence. That vulnerability is informed by a number of factors, inter alia, structural barriers, socio-economic factors, access to resources, access to the criminal justice system, and patriarchal attitudes to women. In addition to the violence experienced by the Khayelitsha community in general, women are also subject to high levels of sexual and domestic violence.
23. The Trust will argue that women's right to be free from all forms of violence and the corresponding positive duty upon the state to respect, promote and fulfil that right must be taken into account in the determining the allocation of human resources to police stations.
24. South Africa has amongst the highest levels of gender based violence in the world. This is no different in Khayelitsha. The number of reported sexual offences to the three Khayelitsha police stations are as follows: Khayelitsha police station for 2013/2014 was 233, for 2014/2015 was 229, and for 2015/2016 was 223; the number of reported sexual offences to

Lingeletu West police station for 2013/2014 was 74, for 2014/2015 was 79, and for 2015/2016 was 62; the number of reported sexual offences to Harare police station for 2013/2014 was 236, for 2014/2015 was 235, and for 2015/2016 was 211.¹

The state's obligations to protect, promote and respect women's rights

25. Section 7(2) of the Constitution imposes a duty on the state to "*respect, protect, promote and fulfil*" the rights in the Bill of Rights, including equality, dignity and freedom from violence. It imposes three distinct duties on the state. The duty to "*respect*" is negative. It requires the state to refrain from infringing these rights. The duty to "*protect*" is positive. It obliges the state to protect these rights from infringement by third parties. The duty to "*promote and fulfil*" is also positive. It requires the state to use its power to advance these rights and assist individual right holders to realise them.
26. Section 7(2), read with sections 10, 11, 12(1)(c) and 12(2)(b) of the Constitution, impose a positive duty on the state to protect everyone against violent crime.² There are several specific aspects of this duty that are now well-entrenched in the jurisprudence of the Supreme Court of Appeal ("SCA") and the Constitutional Court("CC"):

¹ Crime Stats SA <http://www.crimestatssa.com>

² *Baloyi* para [11]; *Christian Education SA v Minister of Education* 2000 (4) SA 757 (CC) para 47; *Carmichele v Minister of Safety and Security* 2001(4) SA 938 (CC) paras [44] to [45]; *Minister of Safety and Security v Van Duivenboden* 2002 (6) SA 431 (SCA) para [20].

26.1. The state is obliged "directly to protect the right of everyone to be free from private or domestic violence";³

26.2. The state is obliged to "take appropriate steps to reduce violence in public and private life";⁴

26.3. The state is obliged in certain circumstances "to provide appropriate protection to everyone through laws and structures designed to afford such protection" which may imply "a positive obligation on the authorities to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual";⁵

26.4. Governments have a duty to protect their citizens, not only through appropriate legislation and effective enforcement but also by protecting them from damaging acts that may be perpetrated by private parties.⁶

³ *Baloyi* 2000 para [11].

⁴ *Christian Education SA v Minister of Education* 2000 (4) SA 757 (CC) para [47].

⁵ *Carnichele v Minister of Safety and Security* 2001(4) SA 938 (CC) paras [44] to [45], citing with approval, *Osman v United Kingdom* 29 EHHR 245 at 305, para 115.

⁶ *Modderfontein Squatters, Greater Benoni City Council v Modderklip Boerdery (Pty) Ltd (Agri SA and Legal Resources Centre, Amici Curiae) President of the Republic of South Africa and Others v Modderklip Boerdery (Pty) Ltd (Agri SA and Legal Resources Centre, Amici Curiae)* 2004 (6) SA 40 (SCA) para [27].

'Towards a Safer Khayelitsha Report of the Commission of Inquiry into Allegations of Police Inefficiency and a Breakdown of Relations between SAPS and the Community of Khayelitsha ('the Khayelitsha Commission')'⁷

27. The Khayelitsha Commission found that there were certain inefficiencies in policing in Khayelitsha. These were identified in relation to five core areas; visible policing, detective work, crime intelligence, crime scene management, and the arrest detention and release of suspects.
28. The Khayelitsha Commission identified specific inefficiencies in relation to the Family Violence Child Protection and Sexual Offences Unit ("FCS"), the Unit tasked with the investigation of sexual offences, child abuse and serious cases of domestic violence. The Commission also identified inefficiencies in the policing (at station level and general detectives) of domestic violence at the three Khayelitsha police stations. The key reasons for the inefficiencies identified were the inadequate human resources allocated to the three police stations and the FCS Unit.⁸
29. Chapter 13 of the Commission Report deals with the 'Inefficiencies in Policing in Khayelitsha and the Reasons for them'⁹. Colonel Harri, the

⁷ Hereinafter footnoted as 'KC'

⁸ KC p 391 para [153].

⁹ KC p353

Provincial Commander of the FCS Unit testified that the FCS Unit was significantly understaffed; she said that even if its fixed establishment (posts) of 25 members were filled (which it was not), the Unit would still be understaffed¹⁰. The FCS inspection report submitted to the Commission¹¹ concluded that the "Khayelitsha FCS was the worst performing unit and is bringing the whole FCS component down, that the unit is not performing well.....and that management of the unit continues to be in a pathetic state"¹². Among the challenges identified by Colonel Harri was the poor quality of investigations¹³, indicating a lack of skills. Dr Josias, the principle medical officer at the Khayelitsha Thuthuzela Care Centre working for the Department of Health, confirmed the problems with the Khayelitsha FCS Unit, indicating they were "poorly managed" and "understaffed"¹⁴. She testified that they had been forced to write to Major General Molo (provincial head of detectives) pointing out that the FCS Unit was the "weakest link" in the group of stakeholders that deal with rape survivors in Khayelitsha and that this was undermining the response to rape. Dr Josias testified that there was no marked improvement following this letter. She further testified that the FCS members were

¹⁰ KC p381 para [111], [112]

¹¹ KC p212 para [66]

¹² ibid

¹³ KC p382 para [115]

¹⁴ KC p382 para [117]



'burnt out' because they are overworked and carrying too many dockets¹⁵, and she also complained about their poor response time¹⁶.

30. The Senior Public Prosecutor at Khayelitsha Magistrates' court confirmed the negative impact of the inefficient FCS Unit on prosecutions, with many cases withdrawn or struck off the roll¹⁷.

31. Lieutenant General Lamoer¹⁸ admitted that the Khayelitsha FCS Unit was the worst performing unit in the province, with severe staff shortages, low morale and poor quality of investigations.¹⁹

32. The Khayelitsha Commission found that all three police stations fail to comply with the provisions of the Domestic Violence Act ("DVA").²⁰

33. The Khayelitsha Commission made specific findings in relation to domestic violence, which, in addition to the recommendations regarding the allocation of human resources, would specifically improve the safety of women in the community (Recommendation Fourteen):

¹⁵ KC p170 para [72]

¹⁶ KC p171 para [75]

¹⁷ KC p382 para [118]

¹⁸ Provincial Commissioner of the Western Cape at the time of testimony

¹⁹ KC p 275 para [222].

²⁰ KC p458 para [64]

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- 33.1. All SAPS members at the three police stations engaged in Visible Policing or detective work attend a Domestic Violence Training course which should include training on the Domestic Violence Act, the National Instruction, investigation skills in relation to offences involving domestic violence, the service of protection orders and the treatment of vulnerable complainants;
- 33.2. That Community Police Forum members should also be provided with basic training on domestic violence legislation and procedures;
- 33.3. That management at both the three Khayelitsha police stations, and the Cluster, take steps to ensure that there is full compliance with the recording requirements of National Instruction 7/1999 at three police stations;
- 33.4. That all criminal dockets contain information about any Domestic Violence Act of Child Care Act interventions, including copies of any 5089a) forms, as well as any previous history of domestic violence incidents, which should be taken in the initial A1 statement or by a supplementary statement if necessary;
- 33.5. That SAPS, in consultation with the Department of Community Safety ("DOCS") and the provincial secretariat, develop a policy

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around the victim-friendly rooms at police stations that will identify the skills and experience necessary for those who work in the rooms, as well as criteria for selection and training, and possible reimbursement; and

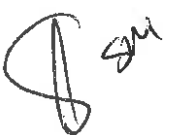
33.6. That SAPS introduce procedures to remove service firearms from its members who have been served with protection orders or have been involved in domestic violence.

33.7. That an avenue for complaints by members of the public be opened, and that DOCS advertise a Domestic Violence Act complaints mechanism at provincial level.

34. The response of the National Commissioner of Police to the Khayelitsha Commission's Recommendation Fourteen was:

"Noncompliance with the Domestic Violence Act is one of the major challenges in this regard. One of the observations is the skewed focus on implementation as opposed to satisfying the victims. The focus is not per se on the victim but on the prescribed burdensome administrative procedures and processes. There is a case for the Departments of Women and Children and Social Development to consider reviewing the Act as SAPS is not the primary custodian of the Act." ²¹

²¹ Annexure "PM23" to Founding Affidavit para 2.14



35. In stark contrast to this response the evidence of Ms Lisa Vetten²² at the Khayelitsha Commission was that there are stations that are fully compliant with the DVA (despite the burdensome administrative procedures referred to by the National Commissioner) and that in her experience what made the difference was "*station culture and who is in charge*".²³
36. The shocking abdication of responsibility and characterisation of crimes against women as social issues rather than crimes to be properly policed contained in the National Commissioner's response is in violation of the constitutional duties of the police, as interpreted by the Courts.
37. The Constitutional Court in Baloyi recognised the lack of effective legal protection for survivors of domestic violence, and the impact of secondary victimization for those who rely on an ineffectual criminal justice system:

"The ineffectiveness of the criminal justice system in addressing family violence intensifies the subordination and helplessness of the victims. This also sends an unmistakable message to the whole of society that the daily trauma of vast numbers of women counts for little. The terrorisation of the individual victims is thus compounded by a sense that domestic violence is inevitable. Patterns of systemic sexist behaviour are normalised rather than combated. Yet it is

²² Research Associate at the Wits Institute for Social and Economic Research (WISER)

²³ KC p 389 para [144]

precisely the function of constitutional protection to convert misfortune to be endured into injustice to be remedied."²⁴

38. The SCA, in Venter²⁵ emphasised the importance of the role of SAPS in combating domestic violence:²⁶

"[18] It is important to understand the ambit of the legal duty that the police owed to the respondents. The Act and the National Instructions on Domestic Violence (the Instructions) require the police to advise persons of their rights and to assist them in asserting these rights, where necessary.

[19] The Act contains panoply of rights and remedies available to victims of domestic violence that is derived from the constitutional duty imposed on the State by s 12(1) of the Constitution to protect the right of everyone to be free from private or domestic violence. The preamble to the Act declares that its objective is to 'afford the victims of domestic violence the maximum protection from domestic abuse that the law can provide' (italics added). To this end Parliament introduced measures to ensure that the relevant organs of State (including the SAPS) give full effect to the provisions of the Act."

39. The SCA further noted:

"The extensive protection available under the Act would be meaningless if those responsible for enforcing it, namely SAPS members, fail to render the assistance required of them under the Act and the Instructions. The legislature clearly identified the need for a bold, new strategy to meet the rampant threat of ever increasing incidences of domestic violence. Its efforts would come to nought if the police, as first point of contact in giving effect to these rights and remedies, remain distant and aloof to them, as the

²⁴ Baloyi Para [12].

²⁵ *The Minister of Safety and Security v Paul Johannes Venter and two others* (570/09) [2011] ZASCA 42 (29 March 2011).

²⁶ para [18] and [19].

facts of this case appear to suggest."²⁷.

The socio-economic context: women in informal settlements

40. The poor in South Africa are predominantly women. More women than men live in informal settlements. In Khayelitsha 51.1% of the population are female, 48.9% are male²⁸.
41. Woman-headed households are generally poorer than those headed by men.
42. Women remain the primary caregivers of the poorest children in society, as illustrated by a 2010 study which indicates that women are "almost always" the recipients of child care grants. The Khayelitsha Commission obtained evidence from South Africa Social Security Agency ("SASSA") that about 87 000 child grants were paid in Khayelitsha.²⁹
43. Women's socioeconomic inequality renders them more vulnerable to be infected by and affected by the HIV/AIDS pandemic in South Africa. The Khayelitsha Commission notes that the prevalence of

²⁷ Para [27].

²⁸ Statistics South Africa Census 2011

²⁹ KC p 36 para [22]

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HIV/AIDS is very high, with 31% of young women and 8% of young men in Khayelitsha being HIV positive.³⁰

44. The Khayelitsha Commission also identified inadequate sanitation and poor street lighting as issues in Khayelitsha.³¹
45. These conditions render women more vulnerable to assault, robbery and sexual violence, often targeted on their way to school and or work, walking to and using toilet facilities or in poorly lit and bushy areas.
46. In the 'Report of the Special Rapporteur on Violence Against Women, its causes and consequences on her mission to South Africa'³² in June 2016, the Rapporteur notes that South African violence inherited from apartheid still resonates in today's society dominated by deeply entrenched patriarchal norms and attitudes towards the role of women, and which makes violence against women and children, especially in rural areas and in informal settlements, a way of life and an accepted social phenomenon³³. This acknowledgment indicates the particular vulnerability of women in informal settlements such as Khayelitsha. South African government officials have pointed out that the roots of many forms of violence against women lie in poverty in

³⁰ KC p 40 [para 40]

³¹ KC p 39 para [33] and [34]

³² UN A/HRC/32/42/Add.2 14 June 2016

³³ *ibid* p3

which the majority of the population lives³⁴. The report further notes that police in Diepsloot, a settlement similar to Khayelitsha, often do not intervene in cases of violence against women and children due to lack of human resources, vehicles and volatile security. Victims are left unprotected and unable to access any service providers in the settlement beyond an NGO³⁵.

Conclusion

47. The WLC submits that the respondents have failed to take any remedial steps to address the inadequate allocation of police officers to the FCS Unit and police stations as reflected by the testimony of witnesses in the Khayelitsha Commission report. Inadequate allocation still continues which results in inefficient policing of gender based crimes.
48. SAPS dismal failure to appreciate the recommendations in relation to policing gender based offences exacerbate the vulnerable position of women living in Khayelitsha both as the majority of residents and in relation to crimes that affect predominantly women
49. I submit that it is in the interests of justice for the WLC to be admitted as *amicus curiae* in order to present the aforementioned submissions. It is

³⁴ Ibid p14 para 54

³⁵ Ibid p9 para 28

my belief that the submissions which the WLC seeks to present to the court is relevant and will assist the court to evaluate the evidence presented by the parties within a specific gendered context.

50. I therefore pray that the Women's Legal Centre be admitted as *amicus curiae* in the above matter.

Urgency

51. We understand that the parties are before court on 20 September 2016 regarding application to admit another party as an applicant.

52. In order to save the parties time and cost, we request the court to consider also hearing this application on 20 September 2016. We submit that that there is no prejudice to the parties based on their consent to admit the applicants as *amicus curiae*.



SEEHAAM SAMAAI

The Deponent has acknowledged that she knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at Cape Town on 13th September²⁰¹⁶ the regulations contained in

Government Notice No. R1258 of 21 July 1972, as amended, and
Government Notice No. R1648 of 19 August 1977, as amended, having been
complied with.



COMMISSIONER OF OATHS

Sandie MacDonald
MACDONALD ATTORNEYS
5th Floor, Constitution House
124 Adderley Street, CAPE TOWN, RSA
Commissioner of Oaths
Practising Attorney

AMENDED DEED OF TRUST

in respect of

THE WOMEN'S LEGAL CENTRE TRUST

entered into by

MARY SUSAN CAESAR

YASMIN TAYOB CARRIM

LEBOGANG TEMPERANCE MALEPE

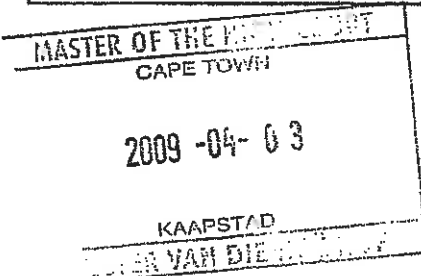
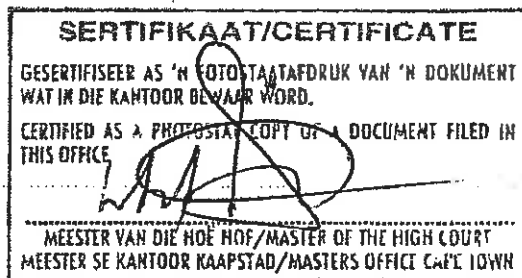
HAPPY MASONDO

ALISON RACHELLE TILLEY

("the Trustees")

I certify this to be a true copy of the original
Commissioner of oaths

Name: JENNIFER WILLIAMS
Practising Attorney
WOMEN'S LEGAL CENTRE
7th Floor, Constitution House
124 Adderly Street
Cape Town 8001



MALLINICKS
ATTORNEYS

Telephone +27 21 410 2200
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3rd Floor Granger Bay Court
Beach Road, V&A Waterfront
Cape Town 8001
PO Box 3667 Cape Town 8000

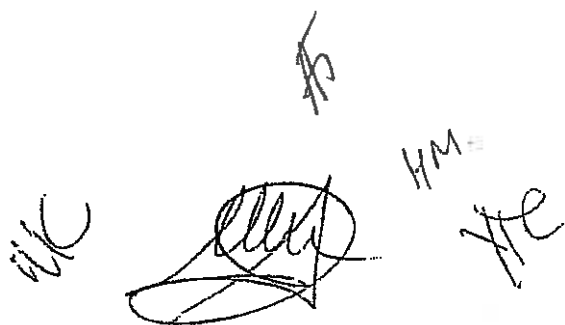
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- A large signature over the certificate stamp.
- Initials "KH" to the right of the certificate.
- Initials "HM" and a signature below the certificate.
- A signature "J" at the bottom right of the page.


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I certify this to be a true copy of the original
Commissioner of oaths

Name: Jennifer Williams
 Practising Attorney
 WOMEN'S LEGAL CENTRE
 7th Floor, Constitution House
 124 Adderly Street
 Cape Town 8001





1. INTERPRETATION

In this trust deed:-

1.1 clause headings are for convenience only and may not be used in its interpretation;

1.2 unless the context clearly indicates a contrary intention:-

1.2.1 words indicating the singular includes the plural and vice versa;

1.2.2 words indicating any one gender includes the other genders;

1.2.3 any reference to a natural person includes a juristic person and vice versa;

1.2.4 the words "capital" and "amount" are given their widest meanings and shall include assets or rights of any kind;

1.2.5 the word "pay" and its derivatives means and includes the words "pay", "deliver", "give possession", "cede" or "transfer" and their respective derivatives.

1.3 the following words and expressions shall bear the meanings assigned to them and cognate words and expressions shall bear corresponding meanings, namely:-

1.3.1 "Act" means the Income Tax Act No. 58 of 1962, as amended from time to time, or any statute replacing it;

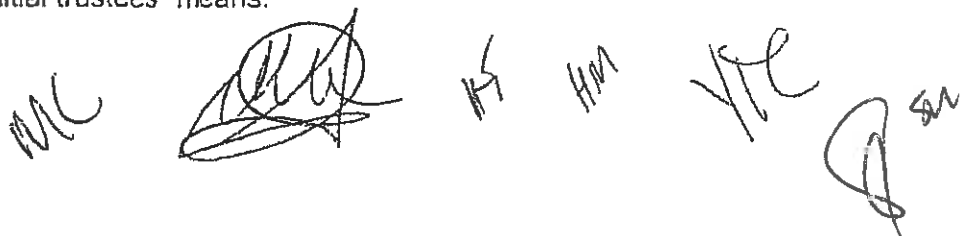
1.3.2 "auditors" means the auditors of the company for the time being;

1.3.3 "beneficiaries" means those who benefit in terms of the purpose and objects of the trust;

1.3.4 "Commissioner" means the Commissioner for the South African Revenue Services;

1.3.5 "the Founder" means Coriaan De Villiers;

1.3.6 "initial trustees" means:

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- 1.3.6.1 Victoria Jane Mayer;
- 1.3.6.2 Coriaan De Villiers;
- 1.3.6.3 Karrisha Pillay;
- 1.3.6.4 Alison Rachelle Tilley;
- 1.3.6.5 Michelle Anne O'Sullivan;
- 1.3.6.6 Happy Masondo; and
- 1.3.6.7 Sandra Liebenberg;
- 1.3.7 "net income" means the gross income of the trust less the costs of its administration;
- 1.3.8 "Trustees" means the Trustees for the time being of the trust;
- 1.3.9 "trust" means the Women's Legal Centre Trust, constituted in terms of this trust deed;
- 1.3.10 "trust assets" means all income and capital of the trust and shall include:-
 - 1.3.10.1 all receipts, accruals, assets and rights of whatsoever nature which the Trustees may acquire in their capacities as such or which may accrue to or in favour of the Trustees in their capacities as such, including without restricting the generality of the foregoing, any right of whatsoever nature in or to immovable property; and
 - 1.3.10.2 all additions, accruals, income, profit or interest arising out of the receipts and accruals referred to in 1.3.10.1 and/or the exercise by the Trustees of their powers in terms hereof;
- 1.3.11 "WLC" means the Women's Legal Centre.

A series of handwritten signatures and initials are located at the bottom of the page. From left to right, they include: the letters 'WLC' in a stylized font; a large, complex signature that appears to be 'Alison'; a smaller signature that looks like 'K'; the initials 'HM'; another signature that looks like 'M'; and finally, a signature that appears to be 'Sandra' with 'SM' written next to it.

- 1.4 reference to any statutory provision includes a reference to that provision as modified, amended, extended or re-enacted from time to time and to any statutory replacement thereof from time to time.
- 1.5 when a company is referred to it includes a close corporation or any other type of legal entity whether registered or not and any reference to shares in a company shall include interests in a close corporation or other legal entity.
- 1.6 reference to a month means a calendar month reckoned from the first of the month to the end of that month.
- 1.7 reference to days means calendar days, which shall be counted by excluding the first day and including the last day, unless the latter falls on a Saturday, Sunday or public holiday, in which event the last day shall be the first business day thereafter.
- 1.8 if any provision in the definitions is a substantive provision conferring rights or imposing obligations on either party, then notwithstanding that such provision is contained only in the definitions, effect shall be given thereto as if such provision were a substantive provision in the body of this agreement.

2. RECORDAL

- 2.1 The Founder and the initial trustees established a trust called the WLC Trust for the sole purpose of establishing, managing and controlling a Women's Legal Centre or Centres:
 - 2.1.1 where legal assistance will be given free of charge to the public, particularly to women, in cases which involve public interest or constitutional litigation;
 - 2.1.2 where legal research, education and training may also be undertaken; and
 - 2.1.3 for the purpose and objects as set out in clause 4 below.
- 2.2 The trust was registered by the Master of the Cape High Court on 18 September 1998 under trust registration number IT 3486/98.
- 2.3 Since the establishment of this trust, the Founder has resigned and various of the initial trustees have been substituted. The current trustees have decided

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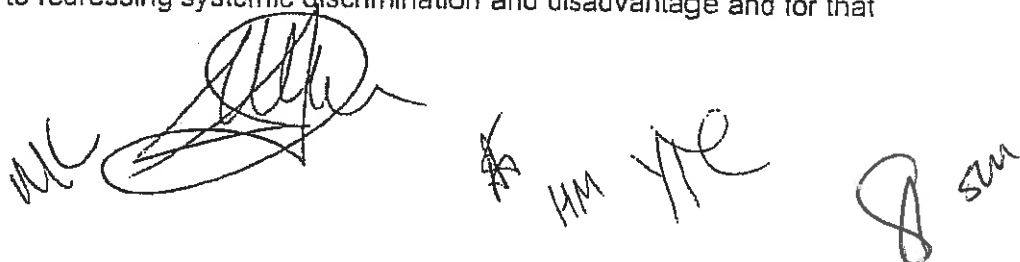
to make various amendments to the WLC Trust and accordingly have executed this amended WLC Trust without altering the philosophy, purpose and objects of the WLC Trust as established by the initial trustees.

3. CREATION OF TRUST

- 3.1 A trust is hereby constituted and shall be known as the "Women's Legal Centre Trust".
- 3.2 The initial capital of the trust consisted of R100.00 (one hundred Rand) which the Founder donated. The Trustees hereby accept such donation, subject to the terms and conditions of this trust deed.
- 3.3 The initial subject matter of the trust shall be capable of being added to and increased from time to time and the trust capital shall consist of all assets, corporeal or incorporeal, which the trust may from time to time acquire pursuant to this trust deed and shall include any part of the net income of the trust which is not distributed.
- 3.4 The payment, delivery, cession or transfer of any asset to the Trustees shall be sufficient to vest the same in trust on the terms and conditions and for the purposes set forth in this trust deed.
- 3.5 The Trustees have agreed to accept office and to administer the trust for the objects set forth in this trust deed, and to enter into this written Deed of Trust to give effect to the said objects, as they hereby do.

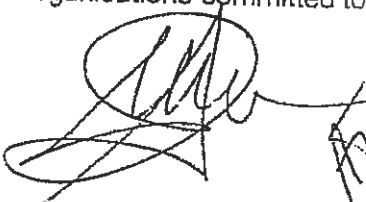
4. PURPOSE AND OBJECTS OF THE TRUST

- 4.1 The trustees recognize the systemic discrimination and disadvantage suffered by women in South Africa.
- 4.2 The trustees therefore wish to manage, control and provide legal assistance to the WLC.
- 4.3 The main objects of the Trust and the WLC are to advance and protect the human rights of all women in South Africa, particularly black women, who suffer many different and intersecting forms of disadvantage and in so doing to contribute to redressing systemic discrimination and disadvantage and for that purpose:



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- 4.3.1 the main activity of the WLC is conducting public interest litigation, including constitutional litigation to advance the human rights of women;
- 4.3.2 the WLC Trust may conduct such litigation in its own name, including intervening in court proceedings as *amicus curiae* ("friend of the court");
- 4.3.3 the WLC provides legal services and representation free of charge, particularly to women, who would not otherwise be able to afford such services in conducting such litigation;
- 4.3.4 the WLC may employ and/or instruct counsel, attorneys, and other persons for the purposes of implementing the objects of the WLC;
- 4.3.5 other activities of the WLC, in furtherance of its objectives; may include:
 - 4.3.5.1 advocacy, policy and legal interventions, other than litigation;
 - 4.3.5.2 engaging in legal research;
 - 4.3.5.3 conducting training, workshops and seminars;
 - 4.3.5.4 publication of legal research and information dissemination;
 - 4.3.5.5 promotion of the development of women lawyers; including but not limited to establishing a scholarship;
 - 4.3.5.6 developing links and networks with groups who promote the objects of the trust;
 - 4.3.5.7 where possible, assisting groups to formulate their policy and legal interventions;
 - 4.3.5.8 developing a database of national and international organisations committed to human rights;

MLC  HM JTE S SM

4.3.5.9 referral of cases which can more appropriately be dealt with by persons other than the WLC; and

4.3.5.10 providing assistance and training to legal clinics, para-legals and advice offices at which services are rendered to the public free of charge.

5. GUIDING PRINCIPLES AND NATURE OF THE TRUST

5.1 The Trustees in making their decisions in terms of this trust deed shall do so in a manner which is non-racial, non-sexist, impartial, democratic, accountable and financially responsible.

5.2 The Trust shall be:

5.2.1 an independent organisation and shall not engage in any activities of a party-political nature;

5.2.2 a non-governmental organisation; and

5.2.3 a not-for-profit organisation.

6. TRUSTEES

6.1 The current Trustees are:

6.1.1 ALISON RACHELLE TILLEY;

6.1.2 MARY SUSAN CAESAR;

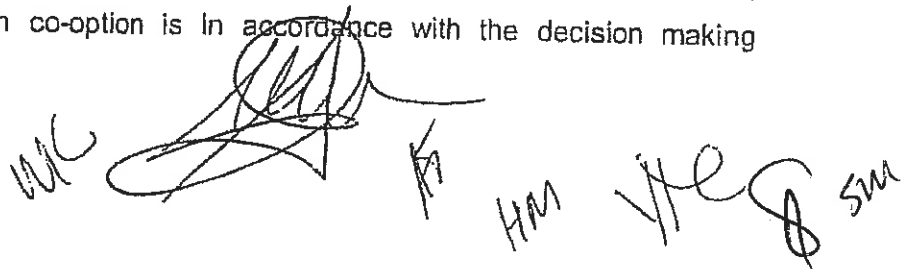
6.1.3 HAPPY MASONDO;

6.1.4 YASMIN TAYOB CARRIM;

6.1.5 LEBOGANG TEMPERANCE MALEPE;

and such Trustees by their signature hereto accept and confirm their appointment as such.

6.2 The Trustees shall at all times have the right to co-opt further Trustees, provided that such co-option is in accordance with the decision making



procedures set out herein, and such further Trustees are authorised to act as such by the Master of the High Court, in terms of the relevant statute.

6.3 There shall at all times be not fewer than 3 Trustees in office for the valid exercise of the powers and discharge of the duties of the Trustees in terms of this trust deed. In the event of the above requirement not being fulfilled at any time, then the Trustees remaining in office shall be empowered to act only to appoint such further Trustees as are required to make up the minimum number of Trustees whereafter they shall again be charged with the duty of administering the trust.

6.4 The following persons shall be disqualified from serving or being appointed as Trustees:-

6.4.1 any person who is disqualified in terms of the company laws for the time being of South Africa from occupying office as a director of a company;

6.4.2 a person whose estate has been sequestrated (provisionally or finally) and has not been rehabilitated;

6.4.3 a person who has been found, by a competent authority, to be of unsound mind or a lunatic or declared incapable of managing his own affairs;

6.4.4 an employee of the WLC;

6.4.5 a person, other than an employee of the WLC, who provides (paid) legal services to the WLC.

6.5 A trustee shall cease to hold office if:-

6.5.1 he or she is disqualified from holding office as such in terms of clause 6.4 above;

6.5.2 if he or she dies;

6.5.3 he or she resigns his office as trustee by notice in writing to the Trustees;

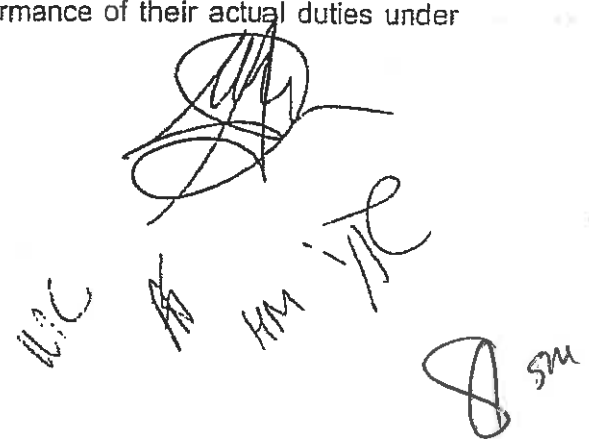
6.5.4 he or she becomes disqualified in law to hold the office of trustee;

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- 6.5.5 he or she is replaced as a trustee in accordance with the provisions of this trust deed
- 6.5.6 he or she is removed as a trustee by a resolution of two-thirds of the Trustees duly passed.
- 6.6 If a trustee wishes to apply for a position of employment at the Centre, she must resign prior to applying for such position.
- 6.7 Notwithstanding 6.4 and 6.6 a trustee may be appointed by a majority of the trustees in an acting capacity in the Centre for a period of 6 months in the event of an emergency.
- 6.8 No portion of the trust assets shall form part of the personal estates of the Trustees nor shall it be paid or transferred directly or indirectly to the Trustees or any member of their families, and all trust assets shall be registered in the name of the trust.
- 6.9 Any of the Trustees may, with the unanimous written consent of all the Trustees, be paid a reasonable remuneration which is not excessive, having regard to what is generally considered reasonable in terms of trustee's remuneration, and is commensurate with and in return for any actual services rendered to the trust.
- 6.10 The Trustees shall be entitled to the reimbursement of actual costs, expenses and commitments reasonably incurred in good faith on behalf of the trust and with its authority.

7. APPLICATION OF TRUST FUNDS

- 7.1 The costs of administration of the trust shall be a first charge on the gross trust income which costs shall include, but not be limited to, all trust expenses, and any levy, duty or tax whatsoever levied on the Trustees in their respective capacities and all costs, charges and disbursements whatsoever incurred by the Trustees in or arising out of the performance of their actual duties under this deed.
- 7.2 The Trustees shall:



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7.2.1 apply so much of the available funds of the trust, whether capital or income, as they deem necessary solely for the attainment of the trust's objects as set out above;

7.2.2 not distribute any of its net income or gains to any person other than in terms of this trust deed.

7.3 Subject to 7.2 above, the Trustees shall have the power, in their sole discretion:-

7.3.1 to determine the manner in which the trust capital and the net income shall be applied or dealt with from time to time;

7.3.2 to determine the terms and conditions, if any, to be attached to the payment, application or expenditure of the net income or trust capital or any portion thereof;

7.3.3 to determine when the trust capital or net income or any portion thereof shall be applied, expended, paid or used in any manner whatsoever towards the furtherance of the purposes and object of the trust;

7.3.4 to accumulate, at any time and from time to time, any portion of the trust capital or net income for any capital project or projects or for any other purpose or reason whatsoever which they, in their discretion, deem to be in the interests of the trust and the beneficiaries in the furtherance of the purposes and object of the trust in terms hereof, provided that, in the event that the trust has been tax exempt, the prior consent of the Commissioner is first obtained;

7.3.5 to invest responsibly any portion of the trust capital or net income:-

7.3.5.1 with a financial institution as defined in Section 1 of the Financial Institutions (Investment of Funds) Act No. 39 of 1984;

7.3.5.2 in securities listed on a licensed stock exchange as defined in Section 1 of the Stock Exchanges Control Act No. 1 of 1985;

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7.3.5.3 In such other prudent investments in financial instruments and assets as the Commissioner may determine after consultation with the Executive Officer of the Financial Services Board and the Director of Non-Profit Organisations, provided that the provisions of this sub-clause shall not prohibit the Trust from retaining any investment in the form that it was acquired by way of donation, bequest or inheritance.

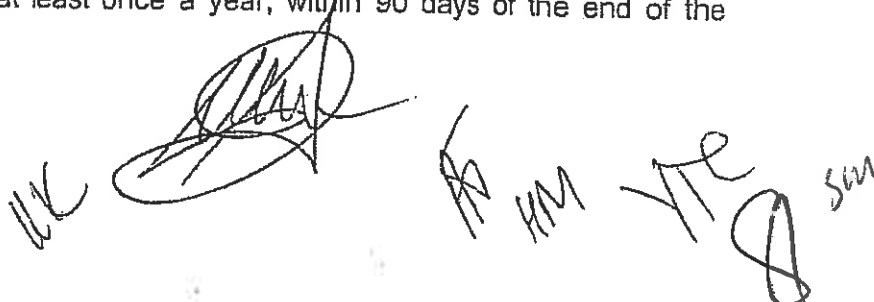
7.4 Subject to clause 6.9 and 6.10, the trust is to be administered in such a manner as to preclude any donor, trustee and/or their families from deriving any monetary advantage from moneys paid to, by or for the benefit of the trust.

8. SECURITY DISPENSED WITH

No trustee, whether appointed or co-opted in terms of this trust deed, or appointed as a successor to a trustee, shall be required by the Master of the High Court, or any other competent authority, to furnish any security of any nature, nor shall any security be required for the due performance of any duty under the Trust Property Control Act No. 57 of 1988, as amended, or under any other statutory provision which may now be or may hereafter become of force or effect, the intent and purpose being that no trustee shall be required to give any security in respect of or in connection with or arising out of such appointment.

9. DECISIONS OF THE TRUSTEES AND PERFORMANCE OF THEIR DUTIES

9.1 The business of the trust shall be managed by the Trustees. Subject to the Trustees giving effect to the terms and conditions of this deed, they shall, in administering the trust and its affairs, generally adopt such procedures and take such administrative steps as they may from time to time deem necessary and advisable. They shall meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit, provided that the Trustees shall meet at least once a year, within 90 days of the end of the financial year.



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- 9.2 The director of the WLC shall be entitled to be present at all meetings of the trustees, save where a conflict of interest may arise.
- 9.3 Any trustee shall at any time be entitled to summon a meeting of the Trustees provided that any trustee calling a meeting shall endeavour to give at least 15 (fifteen) days written notice to the Trustees thereof, save in respect of urgent matters requiring a meeting at less than 15 (fifteen) days notice.
- 9.4 The majority of the Trustees in office shall be required to form a quorum of Trustees for the purposes of meetings of the Trustees.
- 9.5 The Trustees shall appoint a chairperson and such other officers of the trust as they may decide.
- 9.6 Decisions and questions arising at any quorate meeting of Trustees shall be decided by a simple majority, save where otherwise provided herein.
- 9.7 A resolution in writing signed in favour thereof by a majority of Trustees shall be as valid and effectual as if it had been passed at a meeting of the Trustees duly called and constituted. Any trustee may indicate his or her agreement, in the context of this clause, by way of a signed letter or facsimile transmission or by electronic mail transmission. A resolution as contemplated in this clause may consist of several documents each signed by one or more of the Trustees (provided that in all, the requisite number of Trustees have signed) and shall be deemed to have been passed on the date on which it was signed by the last trustee who signed it (unless provided to the contrary in such resolution).
- 9.8 Subject to any provision to the contrary contained herein, all contracts, deeds, cheques or documents required to be signed on behalf of the Trust shall be signed in such manner as the Trustees from time to time determine.
- 9.9 All resolutions taken by the Trustees will be recorded and copies thereof kept by the Director.
- 9.10 A trustee may, if unable to attend any meeting of the Trustees, appoint another trustee in writing to act and vote on his behalf at any specified meeting of Trustees.
- 9.11 The Trustees may appoint any committee from among the Trustees, and may grant or delegate any of their powers to such committees. Any such

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delegation or grant of powers shall not preclude the Trustees from themselves exercising such powers. The Trustees may withdraw any such delegation or grant of powers at any time. The Trustees may authorise such committees to seek the advice of further persons, who are not Trustees.

9.12 The Trustees may co-opt people, whether Trustees or not, to attend meetings of the Trustees or their committees and to undertake any of the duties that the Trustees may from time to time delegate to them. Such persons who are not Trustees shall act in an advisory capacity only and shall not have a vote at any meeting of the Trustees.

10. POWERS OF TRUSTEES

10.1 Subject to the express limitations on Trustees' powers set out in this trust deed, the Trustees shall have all such powers and capacity in relation to the trust and the trust assets as:-

10.1.1 are legally required and/or permitted;

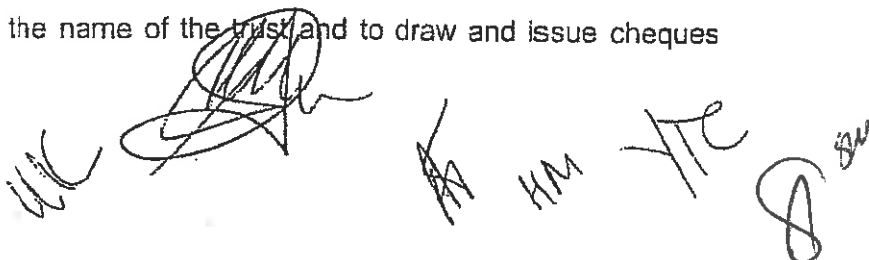
10.1.2 any natural person with full legal capacity may have in relation to his own affairs,

and the discretionary powers vested in the Trustees in terms of this trust deed shall be complete and absolute, and any decision made by them pursuant to any such discretionary powers shall be unchallengeable by any person affected thereby.

10.2 The Trustees shall, subject to the provisions of clause 10.4, deal with the trust assets in order to achieve the objects of the trust and shall, subject to the provisions of this trust deed, possess and enjoy all ancillary and/or incidental rights and powers necessary for and incidental to such objects.

10.3 Without limitation of the general powers and discretion conferred on the Trustees, but subject to the limitations contained in clause 7 above they shall have, inter alia, the following rights and powers which they may exercise for the purposes of the trust in their discretion:-

10.3.1 to open and operate any banking account and/or building society account in the name of the trust and to draw and issue cheques



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and to receive cheques, promissory notes and/or bills of exchange, and to endorse any of the same for collection by the bank and/or building society at which the said account was opened. Withdrawals shall be made on the signature of at least two persons, one of whom must be a Trustee. The other signatories may be such persons as the Trustees may determine from time to time by written resolution, provided that withdrawals of a stipulated amount or less shall be made on the signature of such two persons as the Trustees may determine from time to time by written resolution;

- 10.3.2 to enter into any contracts and execute any documents by or on behalf of the trust, for the purpose of giving effect to the objectives of the trust;
- 10.3.3 to buy or sell (by public auction, private treaty or otherwise) movable, immovable or incorporeal property of whatever nature, and to sign and execute any agreement or deed of sale in relation thereto, and to sign and execute all requisite documents and do all such things necessary for the purpose of effecting and registering, if needs be, transfers according to law of any such property, whether movable, immovable or incorporeal, bought or sold by the Trustees, provided the powers in this sub-clause are exercised for the sole benefit of the beneficiaries;
- 10.3.4 to receive, accept or acquire, or donate, cede, assign or otherwise dispose of, any other right to or over immovable property not constituting full ownership, whether registerable or not;
- 10.3.5 to buy, sell and/or exchange shares, interest, debenture, stocks, units, promissory notes, bills of exchange and any other negotiable instruments and documents of any kind, and to do all things requisite and sign all documents requisite to acquire or, as the case may be, to give transfer and title thereto;
- 10.3.6 make loans for the benefit of beneficiaries (but not to a trustee, donor and/or any of their relatives or to any private company) on such terms and conditions and at such interest rate, if any, as the

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Trustees may determine, and to sign and execute all requisite documents and to do all things necessary for the effecting and registration of any such security;

- 10.3.7 to vary any investment made in terms hereof by realising the same and/or by substituting therefor any other investment which the Trustees are empowered in terms hereof to make;
- 10.3.8 to borrow money on such terms and conditions and at such interest and from such persons as the Trustees may determine, and either without security or upon such security over movable or immovable property as the Trustees may determine, and to sign and execute all requisite documents and to do all things necessary for the effecting and registration of any requisite instrument of debt and of any such security;
- 10.3.9 to mortgage, pledge and/or hypothecate any movable, immovable or incorporeal property forming part of the assets of the trust, and enter into suretyships and, for the purpose of any such mortgage, pledge, hypothecation or suretyship, to sign and execute all requisite documents and do all things necessary for effecting and registering the same, provided that such power shall only be exercised for the benefit of the beneficiaries;
- 10.3.10 subject to clauses 6.4.1 and 10.4.5, to let, either by written agreement of lease or otherwise, improve, alter or maintain any immovable property belonging to the trust or any improvements thereon;
- 10.3.11 any asset acquired by way of donation, inheritance or bequest, may be retained or continued, in the form so acquired;
- 10.3.12 to sue for, recover and receive all debts or sums of money, goods, effects and things whatever, which may become due, owing, payable or belonging to the trust, and to take action in a court of law on behalf of the trust and/or defend any proceedings which may be instituted against the trust;

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- 10.3.13 to defend, oppose, adjust, settle, compromise and/or submit to arbitration all accounts, debts, claims, demands, disputes, legal proceedings and matters which may subsist or arise between the trust and any person, company, corporation or body whatever, and for the purposes aforesaid, to do and execute all necessary acts and documents;
- 10.3.14 to attend all meetings of creditors of any person, company, corporation or body whatever indebted to the trust, whether in insolvency, liquidation, judicial management or otherwise, and to vote for the election of a trustee or Trustees and/or liquidator/s and/or judicial manager/s and also to vote on all questions submitted to any such meeting of creditors and generally to exercise all rights accruing to a creditor;
- 10.3.15 subject to clause 10.4.5 to exercise and take up or to sell and realise any rights of conversion or subscription attaching, accruing or appertaining to any share, debentures or units forming part of the assets of the trust;
- 10.3.16 to cause, in the case of any company or unit trust scheme which is precluded by its articles of association or trust deed or which refuses to transfer any shares, debentures or units forming part of the assets of the trust into the name of the Trustees as such, the transfer of the said shares, debentures or units into their own names or into the name of a bank, trust company or other suitable nominee;
- 10.3.17 to give receipts, releases or other effectual discharges for any sum of money or things recovered;
- 10.3.18 to pay out of the funds of the trust all debts incurred on behalf of the trust by the Trustees in the exercise of their powers in terms hereof;
- 10.3.19 subject to clause 10.4.2, to accept on behalf of the trust all or any donations of whatsoever nature, whether in the form of funds or movable or immovable property or any right therein, or otherwise, from the donor or from any other person whatever;

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- 10.3.20 to determine whether any surplus on the sale of any assets of whatever description of the trust, and whether movable or immovable property, and the receipt of any bonus, shares or units by the trust be regarded as income or capital of the trust and to revise any such decision taken by them;
- 10.3.21 to employ professional practitioners, agents and employees, including a Director, to administer the trust assets, to carry out the objectives of the trust and to pay their fees, commissions, remuneration and any other charges out of the funds of the trust, and to confer, if necessary, upon such agents or employees so appointed the right to exercise any discretion which may be vested in the Trustees;
- 10.3.22 to terminate the employment of any such professional practitioners, agents or employees;
- 10.3.23 to improve and develop immovable property acquired by the trust and to expend the capital and/or net income of the trust upon the preservation, maintenance and upkeep of any such property.

10.4 Notwithstanding anything to the contrary herein contained:-

- 10.4.1 no benefits may be allocated by the trust during its existence for any purpose other than those envisaged in clause 7 above;
- 10.4.2 all donations made by or to the trust must be irrevocable and unconditional and must be subject to the terms and conditions of the trust deed;
- 10.4.3 no trustee shall have a direct or indirect interest in or benefit from any contract which the Trustees may conclude with any company (unless previously disclosed and agreed to unanimously by all the remaining Trustees);
- 10.4.4 paid officials of the trust, other than Trustees, may only serve on the management committee or board of Trustees in an advisory capacity, and will have no voting rights;

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- 10.4.5 the Trustees may not cause the trust to acquire immovable property solely for letting purposes nor may the Trustees engage in any trading operations or speculative transactions, including inter alia, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as letting property on a systematic or regular basis. Notwithstanding the foregoing it is expressly provided that if immovable property is donated or bequeathed to the trust and such property is rent producing then the Trustees shall be permitted to continue letting the property without jeopardising the tax status of the trust, in the event that the trust has obtained a tax exemption;
- 10.4.6 the Trustees may not allow immovable property owned by the trust to be occupied free of charge by any person except beneficiaries, or officers or employees of the trust.
- 10.4.7 no competition, contest, game, scheme, arrangement or system in connection with which any prize may be won shall be conducted or caused to be conducted by the trust unless an authority in terms of the relevant Act has been obtained beforehand;
- 10.4.8 should the services of a fund raiser be made use of for collection contributions, the expenses (remuneration and/or commission included) may not exceed 40% (forty percent) of the total turnover of such collection.

11. PATRONS

The trustees shall be further empowered to institute and award an honorific title of "Patrons", which may be accorded at their discretion from time to time to such one or more persons as they may deem appropriate, with a view to giving recognition to special relationships of value and significance to the Trust. Patrons shall have neither legal rights nor responsibilities, but may be consulted by the trustees and shall be entitled to give advice as they may consider relevant and appropriate.

12. DISPUTE RESOLUTION

12.1 In the event of a dispute arising between the Trustees relating to:-

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- 12.1.1 the interpretation or application of this agreement;
- 12.1.2 the proper attainment of the purpose and objects of the trust;
- 12.1.3 any other matter whatsoever pertaining to the carrying out of their duties as Trustees,

and the Trustees being unable to reach resolution of the dispute amongst themselves, the Trustees commit themselves to mediation, or, failing that, arbitration on the terms set out more fully below.

- 12.2 Within 15 (fifteen) days of the dispute arising, the dispute shall be referred to a mediator agreed upon between the Trustees.
- 12.3 In the event that the Trustees are unable to agree on a mediator within the said 15-day period, the mediator will be appointed by the Alternative Dispute Resolution Association of South Africa, or in the event that they are no longer in existence at the time, by the Arbitration Foundation of South Africa, which shall nominate a person or persons with expertise appropriate to the nature of the matter in dispute.
- 12.4 In the event of the mediator failing to resolve the dispute within a further period of 15 (fifteen) days from his or her appointment, the dispute shall be referred to an arbitrator agreed upon between the Trustees whose decision in regard to the dispute shall be final and binding. In the event that the Trustees are unable to agree upon an arbitrator, he or she or they shall be appointed by the Arbitration Foundation of South Africa, and either party may approach the said Foundation for such appointment.
- 12.5 The procedure for such arbitration shall be governed by the rules of the Arbitration Foundation of South Africa, provided that the arbitrator shall have due regard to the need for the dispute to be resolved expeditiously and shall endeavour to ensure that his or her decision thereon is made available to the Trustees within 21 (twenty-one) days of his or her appointment as arbitrator.
- 12.6 The mediator and the arbitrator in making their decisions shall have due regard to and shall be guided by the principles set out in clause 5 above.

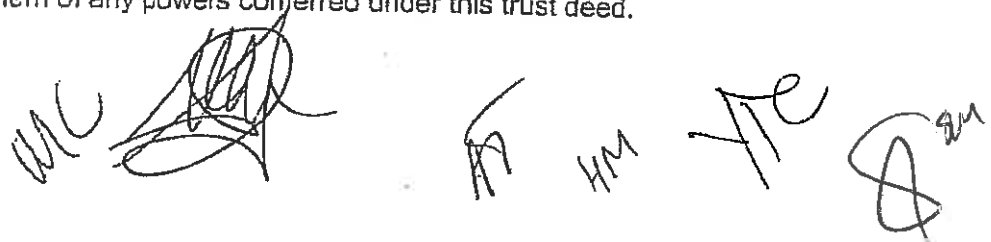
13. BOOKS OF ACCOUNT

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- 13.1 The Trustees shall keep true and correct records and books of account of their administration of the trust, in such manner and form as is necessary to reflect fairly the position of the trust at all times. There shall be recorded in such books and records, *inter alia*, any change of the trust assets from time to time, the income and all outgoings applicable to the administration of the trust.
- 13.2 The Trustees shall cause the trust's books of account to be audited by the auditors and an annual income statement and balance sheet drawn within 6 (six) months after the year end reflecting the affairs of the trust for the year end and its assets and liabilities at the last day of the month of December of each year. The income statements and balance sheets shall be certified by the Trustees and the auditors and a copy thereof sent to the official designated for this purpose in terms of the Non-Profit Organisations Act, No 71 of 1997 in the event of the trust being a registered non-profit-organisation in terms of the said Act, and to the Commissioner, in the event that the trust has been granted tax exempt status.
- 13.3 The audit of the trust's books of account shall be carried out by auditors to be appointed from time to time by the Trustees, who shall have the right to terminate any such appointment and to appoint any other auditors. The Trustees shall take all necessary steps to procure the appointment of auditors of the trust as soon as is reasonably possible after the date of execution hereof and there shall at all times thereafter be auditors of the trust.
- 13.4 The Trustees shall not be bound to file any liquidation, distribution or administration accounts with any officer, official or person except insofar as they may be obliged to do so in terms hereof or under the provisions of any law.

14. **LOSSES**

None of the Trustees shall be answerable for or liable to make good any loss occasioned to or sustained by the trust from any cause whatever, save for any loss as shall arise from a wilful act of dishonesty of the trustee involved. No trustee shall be liable for any act of dishonesty committed by any trustee unless he or she was a party thereto. The Trustees shall at all times be deemed to have been indemnified out of the assets of the trust against all claims and demands of whatever nature arising out of the exercise or purported exercise by them of any powers conferred under this trust deed.

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15. LEGAL PROCEEDINGS

All legal proceedings by or against the trust, including proceedings in the interest of the public, shall be instituted in the name of the trust. However, when the trust acts on behalf of a client, it shall institute legal proceedings in the name of such client.

16. TERMINATION OF TRUST

16.1 The trust may be terminated by a resolution passed by at least a 75% (seventy five percent) majority of all Trustees in office at a special meeting convened for a purpose of considering such matter. Not less than 21 (twenty one) days notice shall be given of such meeting and the notice convening the meeting shall clearly state that the dissolution of the trust and disposal of its assets will be considered.

16.2 Any resolution to terminate the trust shall provide for the payment of all costs involved in the dissolution of the trust and the application of the trust assets.

16.3 On dissolution of the trust, the remaining trust assets, if any, will be transferred to a similar public benefit organisation which has been approved in terms of section 30 of the Act.

17. NOTICES AND GENERAL

17.1 Any notice required to be given in terms of this trust shall be given in writing and may be given by telex, cablegram, telegraph, email or facsimile, provided that, in the case of a telex, facsimile or email it is acknowledged as having been received.

17.2 Each trustee for the time being shall, upon assuming office, nominate in writing a street address and a facsimile number, if any, at which any notice required to be given in terms hereof may be given to him or her and may, from time to time by notice in writing, vary the address to another such address.



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17.3 Any notice to a trustee at the address for the time being nominated by him or her in terms of 17.2 or at any other address at which the trustee shall have acknowledged receipt shall be regarded as sufficient notice to that trustee.

18. AMENDMENT OF TRUST DEED


The provisions of this trust deed may from time to time be amended, altered, varied, added to and/or deleted at a meeting of the Trustees, by resolution signed in favour thereof by 75% (seventy five percent) of the Trustees then in office, and provided that 21 (twenty one) days notice of such meeting is given in writing to the Trustees, which notice contains substantially the terms of the amendments so contemplated. In the event of such an amendment, variation, alteration, addition and/or deletion being effected, a copy of all such amendments, alterations, variations, additions and/or deletions shall be submitted to the Commissioner if the trust has been approved by the Commissioner as tax exempt before the date of such resolution, and to the official designated for this purpose in terms of the Non-Profit Organisation Act in the event the trust is registered as a Nonprofit Organisation in terms of the Non-Profit Organisation Act 71 of 1997. The provisions of this trust deed have been formulated on the basis that the commissioner will grant the trust tax exempt status, and the Trustees' powers have accordingly been limited. The Trustees may amend the trust at any time to comply with any requirements of the commissioner or other relevant authority.

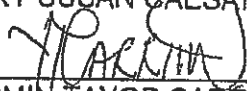
19. ACCEPTANCE

The first Trustees, by their signature hereto, undertake to discharge their duties in terms of this trust deed and to carry out the terms and conditions herein contained.

SIGNED BY THE PARTIES ON THE DATE AND AT THE PLACE AS INDICATED ALONGSIDE THEIR RESPECTIVE SIGNATURES, THE SIGNATORY WARRANTING HIS/HER AUTHORITY TO DO SO.

Date 1 MARCH 2003 Place CAPE TOWN Signature



 MARY SUSAN CAESAR


 YASMIN TAYOB CARRIM

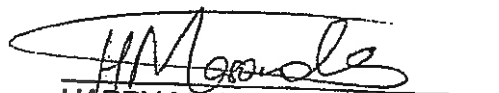





LDM





LEBOGANG TEMPERANCE
MALEPE


HAPPY MASONDO


ALISON RACHELLE TILLEY

MC 

 Sam



REPUBLIC OF SOUTH AFRICA
MAGTIGINGSBRIEF
LETTERS OF AUTHORITY

Ingevolge Artikel 6(1) van die Wet op Beheer oor Trustgoed, 1988 (Wet 57 van 1988)
 In terms of Section 6(1) of the Trust Property Control Act, 1988 (Act 57 of 1988)

No: IT 3486/98

Hiermee word gesertifiseer dat /

This is to certify that

NASREEN RAJAB

(Identiteitsnommer / Identity Number: 761209 0199 08 9),

MICHELLE ANN CRYSTAL

(Identiteitsnommer / Identity Number: 661211 0214 08 3),

CAROL KHOLEKA ZAMA

(Identiteitsnommer / Identity Number: 771217 0284 08 0),

PENELOPE JOY PARENZEE

(Identiteitsnommer / Identity Number: 711221 0345 08 4),

NICOLE LOUISE FRITZ

(Identiteitsnommer / Identity Number: 750111 0036 08 4),

TEBOHO BASETSANA MOLEBATS

(Identiteitsnommer / Identity Number: 760111 0404 08 2) en / and

SHEREEN MILLS

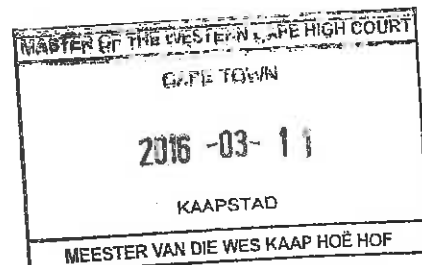
(Identiteitsnommer / Identity Number: 620305 0154 08 7)

gemagtig word om op te tree as trustee(s) van /
 is/are hereby authorized to act as trustee(s) of

WOMEN'S LEGAL CENTRE TRUST

GEGEE onder my hand te KAAPSTAD op hede die
 GIVEN under my hand at CAPE TOWN this

dag van
 day of



Signature

ASSISTENT MEESTER
ASSISTANT MASTER

T/E

SM

RESOLUTION OF THE WOMEN'S LEGAL CENTRE TRUST

The Trustees of the Women's Legal Centre ("Trust") resolve that:

1. The Trustees on behalf of the Trust will bring an application to intervene as *amicus curiae* in the Equality Court (High Court, Cape Town), in the case of **Social Justice Coalition & 1 Other / Minister of Police & 3 Others (Case No EC03/2016)** in order to make submissions on the manner in which the allocation of human resources to police stations impacts women in particular.
2. The Trustees hereby delegate authority to **SEEHAAM SAMAAI** an admitted attorney employed as such at the Women's Legal Centre, Cape Town:
 - a. To take all necessary steps to sign all papers in order to bring the application on behalf of the Trust;
 - b. Brief Counsel to argue the matter; and
 - c. To take all necessary steps on behalf of the Trust to advance arguments in the application.

Dated at **JOHANNESBURG** this 9 day of **SEPTEMBER** 2016.



Nasreen Rajab-Budlender

(Chairperson of the Women's Legal Centre Trust)



LIST OF WOMEN'S LEGAL CENTRE CASES

1. Ngewu and Another v Post Office Retirement Fund and Others [2013] ZACC 4,
2. Mayelane v Ngwenyama and Another (CCT 57/12) [2013] ZACC 14 (30 May 2013)
3. Teddy Bear Clinic for the Abused Children and Another v Minister of Justice and Constitutional Development and Another (73300/10) [2013] ZAGPPHC 1 (4 January 2013)
4. Kylie v Commission for Conciliation Mediation and Arbitration and Others (CA10/08) [2010] ZALAC 8 (26 May 2010)
5. Women's Legal Centre Trust v President, Republic of South Africa & others (United Ulama Council of SA & others as *amici curiae*) [2009] JOL 23910 (CC)
6. Gumede (Born Shange) v President of the RSA & others [2008] JOL 22879 (CC)
7. Govender v Ragavayah NO & others (Women's Legal Centre Trust as *amicus curiae*) [2008] JOL 22653 (D)
8. "Kylie" v CCMA & others [2008] JOL 22261 (LC)
9. Hassam v Jacobs N.O. & others [2008] JOL 22098 (C)
10. Gasa v The Road Accident Fund SCA Case No. 579/2006 (as *amicus curiae*);



11. Van Der Merwe v Road Accident Fund and another (Women's Legal Centre Trust as amicus curiae) 2006 (4) SA 230 (CC);
12. NK v Minister of Safety & Security [2005] JOL 14864 (CC)
13. Omar v Government, RSA & others [2005] JOL 15972 (CC)
14. Bhe and others v Magistrate, Khayelitsha, and others (Commission for Gender Equality as amicus curiae) 2005 (1) SA 580 (CC);
15. Van Zijl v Hoogenhout 2005 (2) SA 93 (SCA);
16. Volks v Robinson 2005(5) BCLR 446(CC)
17. Dudley v City of Cape Town & another [2004] JOL 12499 (LC)
18. Daniels v Campbell NO and others 2004 (5) SA 331 (CC);
19. Van Eeden v Minister of Safety and Security 2003 (1) SA 389 (SCA) (amicus);
20. S v Jordan and others (Sex workers Education and Advocacy Task Force and Others as amicus curiae) 2002 (6) SA 642 (CC):
21. Moise v Greater Germiston Transitional Local Council : Minister of Justice and Constitutional Development Intervening (Women's Legal Centre as amicus curiae) 2001 (4) SA 491 (CC);
22. Woolworths (Pty) Ltd v Whitehead (2000) 21 ILJ (LAC).



23. CTP Ltd and Others v Independent Newspapers Holdings Ltd 1999 (1) SA 452 (W);
24. Amod v Multilateral Motor vehicle Accidents Fund (Commission for Gender Equality Intervening) 1999 (4) SA 1319 (SCA);
25. Christian Lawyers Association of SA and others v Minister of Health and others 1998 (4) SA 1113 (T);
26. Ferreira and Others v The State SCA Case Number 245/03

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WOMEN'S LEGAL CENTRE

CAPE TOWN: 7th Floor, Constitution House, 124 Adderley Street, Cape Town, 8001, P O Box 5356, Cape Town, 8000

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JOHANNESBURG: 9th Floor, OPH, 112 Main Street, Johannesburg, 2000

Tel: +27 (0) 11 339 1099

www.wlce.co.za

Attn: **Ms M Mudarikwa**
 Legal Resources Centre
 First Applicant's Attorneys
 3rd Floor, Greenmarket Place
 54 Shortmarket Street
 Cape Town, 8001
 By Email: mandy@lhr.org.za

11 May 2016

Dear Sir / Madam,

RE: **ADMISSION OF WOMEN'S LEGAL CENTRE AS AMICUS CURIAE IN THE MATTER OF SOCIAL JUSTICE COALITION & ONE OTHER / MINISTER OF POLICE & 3 OTHERS, CASE NO EC03/2016**

1. The above matter refers.
2. We act on behalf of the Women's Legal Centre Trust ("the Trust") who seeks leave to intervene as an *amicus curiae*, in terms of sub-regulation 10(5)(c)(vi) of the regulations to the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000), in the above matter.
3. The Trust is a juristic person created in terms of a Trust instrument dated 3 August 1998. The core objective of the Trust is to advance and protect the human rights of women and girls in South Africa. To this end the Trust established the the Women's Legal Centre ("WLC") in 1999 in order to conduct public interest litigation that advances the rights of women.

Trustees: Basetsana Molebatsi (Chairperson), Penelope Parenzee, Kholeka Zama, Shereen Mills, Nicole Fritz, Nasreen Rajab, Michelle Crystal

Patrons: Yasmin Carrim, Lebogang Malepe

Acting Director: Hoodah Abrahams-Fayker

Attorneys: Stacey-Leigh Manoeck, Jody-Lee Fredericks, Mosima Kekana, Anjuli Maistry

Candidate Attorney: Mamello Matthews

Paralegals: Busiwe Nkoloza, Sheila Matroos

Administrative Staff: Aretha Louw, Nwabisa Ntshibelo, Estelle Malgas

Paralegal Staff: Veronicca Mookane, Teboho Mashota, Lisa Gladlie, Eunice April, Noxolo Katikati

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[Handwritten initials]

4. One of the WLC's chief areas of interest and work is violence against women. In this respect the WLC has taken up a variety of cases which give women and girls State protection against violence, including sexual violence, and it attempts to shape the law to ensure that women are adequately protected from violence.
5. The Trust's interest in this matter is premised on its concern for the rights of women and children who are the victims of gender based violence. The Trust participated in the Khayelitsha Commission of Inquiry where it made submissions in relation to the failure of the police in Khayelitsha to enforce the Domestic Violence Act. In this matter we wish to make submissions to the court on how the allocation of human resources to police stations impacts women in particular. As sexual and domestic violence predominantly affects women, the poor policing of these forms of violence constitutes discrimination on the grounds of gender in addition to the grounds alleged by the applicants. The Trust will argue that women's right to be free from all forms of violence and the corresponding positive duty upon the state to respect, protect promote and fulfill that right must be taken into account in determining the allocation of human resources to police stations, both in practice and at a systemic level.
6. We believe we are able to provide insight and assistance to the Equality Court, and do not intend to repeat the arguments advanced by the other parties.
7. The Trust will seek to make submissions and lead evidence limited to its narrow focus of intervention.
8. We accordingly seek your consent to our admission as *amicas curiae* and seek your confirmation in writing by Friday, 13 May 2016 by close of business.


Yours faithfully,

Women's Legal Centre

Per



Anjuli Maistry



SS6.



WOMEN'S LEGAL CENTRE

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JOHANNESBURG: 9th Floor, OPH, 112 Main Street, Johannesburg, 2000
Tel: +27 (0) 11 339 1099
www.wlce.co.za

Attn: **Ms O Geldenhuys**
Webber Wentzel
Second Applicant's Attorneys
15th Floor, Convention Tower
Heerengracht, Foreshore
Cape Town, 8001
By Email: odette.geldenhuys@webberwentzel.com

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Women's Legal Centre
Per



Anjuli Maistry





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Attn: Lt Gen Arno Helnrich A.H Lamoer
Western Cape Provincial Commissioner
25 Alfred Street
Cape Town, 8000
By email: wpcstaffofficer@saps.gov.za

12 May 2016

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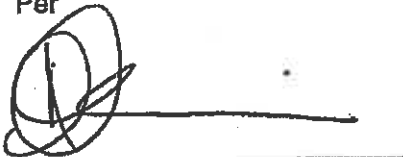
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6. We believe we are able to provide insight and assistance to the Equality Court, and do not intend to repeat the arguments advanced by the other parties.
7. The Trust will seek to make submissions and lead evidence limited to its narrow focus of intervention.
8. We accordingly seek your consent to our admission as *amicas curiae* and seek your confirmation in writing by Friday, 13 May 2016 by close of business.

Yours faithfully,

Women's Legal Centre

Per



Anjuli Maistry



SS9.



WOMEN'S LEGAL CENTRE

CAPE TOWN: 7th Floor, Constitution House, 124 Adderley Street, Cape Town, 8001, P O Box 5356, Cape Town, 8000
Tel: +27 (0) 21 424 5660 Fax: +27 (0) 21 424 5206
JOHANNESBURG: 9th Floor, OPH, 112 Main Street, Johannesburg, 2000
Tel: +27 (0) 11 339 1099
www.wlce.co.za

Attn: **Minister of Community Safety, Western Cape**
5th Floor, 35 Wale Street
Cape Town, 8000
By email: Jennifer.Logan@westerncape.gov.za

12 May 2016

Dear Sir,

RE: **ADMISSION OF WOMEN'S LEGAL CENTRE AS AMICUS CURIAE IN THE MATTER OF SOCIAL JUSTICE COALITION & ONE OTHER / MINISTER OF POLICE & 3 OTHERS, CASE NO EC03/2016**

1. The above matter refers.
2. We act on behalf of the Women's Legal Centre Trust ("the Trust") who seeks leave to intervene as an *amicus curiae*, in terms of sub-regulation 10(5)(c)(vi) of the regulations to the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000), in the above matter.
3. The Trust is a juristic person created in terms of a Trust instrument dated 3 August 1998. The core objective of the Trust is to advance and protect the human rights of women and girls in South Africa. To this end the Trust established the the Women's Legal Centre ("WLC") in 1999 in order to conduct public interest litigation that advances the rights of women.
4. One of the WLC's chief areas of interest and work is violence against women. In this respect the WLC has taken up a variety of cases which give women and girls State

Trustees: Basetsana Molebatsi (Chairperson), Penelope Parenzee, Kholeka Zama, Shereen Mills, Nicole Fritz, Nasreen Rajab, Michelle Crystal
 Patrons: Yasmin Carrim, Lebogang Malepe
 Acting Director: Hoodah Abrahams-Fayker
 Attorneys: Stacey-Leigh Manoek, Jody-Lee Fredericks, Mosima Kekana, Anjuli Maistry
 Candidate Attorney: Mamello Matthews
 Paralegals: Busiwe Nkoloza, Sheila Matroos
 Administrative Staff: Aretha Louw, Nwabisa Ntshibelo, Estelle Malgas
 Paralegal Staff: Veronica Mookane, Teboho Mashota, Lisa Giadile, Eunice April, Noxolo Katikati

protection against violence, including sexual violence, and it attempts to shape the law to ensure that women are adequately protected from violence.

5. The Trust's interest in this matter is premised on its concern for the rights of women and children who are the victims of gender based violence. The Trust participated in the Khayelitsha Commission of Inquiry where it made submissions in relation to the failure of the police in Khayelitsha to enforce the Domestic Violence Act. In this matter we wish to make submissions to the court on how the allocation of human resources to police stations impacts women in particular. As sexual and domestic violence predominantly affects women, the poor policing of these forms of violence constitutes discrimination on the grounds of gender in addition to the grounds alleged by the applicants. The Trust will argue that women's right to be free from all forms of violence and the corresponding positive duty upon the state to respect, protect promote and fulfill that right must be taken into account in determining the allocation of human resources to police stations, both in practice and at a systemic level.
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7. The Trust will seek to make submissions and lead evidence limited to its narrow focus of intervention.
8. We accordingly seek your consent to our admission as *amicus curiae* and seek your confirmation in writing by **Friday, 13 May 2016** by close of business.

Yours faithfully,

Women's Legal Centre

Per



Anjuli Maistry



WLC Copy

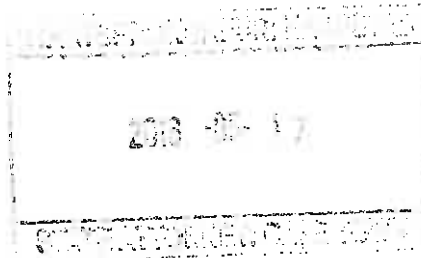
SSIO



WOMEN'S LEGAL CENTRE

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Tel: +27 (0) 11 339 1099
www.wlce.co.za

Attn: Mr Nkosinathi Nhleko
Minister of Police
First Respondent
C/o The State Attorney
22 Long Street
Cape Town, 8001



By Hand and Email to Ms Amelia Monaheng (MonahengAmelia@saps.gov.za)

17 May 2016

Dear Sir,

RE: ADMISSION OF WOMEN'S LEGAL CENTRE AS AMICUS CURIAE IN THE MATTER OF SOCIAL JUSTICE COALITION & ONE OTHER / MINISTER OF POLICE & 3 OTHERS, CASE NO EC03/2016

1. The above matter refers.
2. We act on behalf of the Women's Legal Centre Trust ("the Trust") who seeks leave to intervene as an *amicus curiae*, in terms of sub-regulation 10(5)(c)(vi) of the regulations to the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000), in the above matter.
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Trustees: Basetsana Molebatsi (Chairperson), Penelope Parenzee, Kholeka Zama, Shereen Mills, Nicole Fritz, Nasreen Rajab, Michellé Crystal
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4. One of the WLC's chief areas of interest and work is violence against women. In this respect the WLC has taken up a variety of cases which give women and girls State protection against violence, including sexual violence, and it attempts to shape the law to ensure that women are adequately protected from violence.
5. The Trust's interest in this matter is premised on its concern for the rights of women and children who are the victims of gender based violence. The Trust participated in the Khayelitsha Commission of Inquiry where it made submissions in relation to the failure of the police in Khayelitsha to enforce the Domestic Violence Act. In this matter we wish to make submissions to the court on how the allocation of human resources to police stations impacts women in particular. As sexual and domestic violence predominantly affects women, the poor policing of these forms of violence constitutes discrimination on the grounds of gender in addition to the grounds alleged by the applicants. The Trust will argue that women's right to be free from all forms of violence and the corresponding positive duty upon the state to respect, protect promote and fulfill that right must be taken into account in determining the allocation of human resources to police stations, both in practice and at a systemic level.
6. We believe we are able to provide insight and assistance to the Equality Court, and do not intend to repeat the arguments advanced by the other parties.
7. The Trust will seek to make submissions and lead evidence limited to its narrow focus of intervention.
8. We accordingly seek your consent to our admission as *amicas curiae* and seek your confirmation in writing by **Wednesday, 18 May 2016** by close of business.

Yours faithfully,

Women's Legal Centre

Per



Anjali Maistry



SS1

Anjuli Maistry

From: Odette Geldenhuys <Odette.Geldenhuys@webberwentzel.com>
Sent: 12 May 2016 12:26 PM
To: Anjuli Maistry
Cc: Hoodah Abrahams-Fayker; Mandy Mudarikwa
Subject: RE: Request for consent to enter SJC & 1 Other / Minister of Police & 3 Others (Case No EC03/2016) as amicus curiae [WWA-ws_cpt.FID522643]

Dear Anjul,

We have put your request to our client, Equal Education; and they accede to it.

Best,
Odette

From: Anjuli Maistry [<mailto:Anjuli@wlce.co.za>]
Sent: 11 May 2016 16:39
To: Odette Geldenhuys
Cc: Hoodah Abrahams-Fayker
Subject: Request for consent to enter SJC & 1 Other / Minister of Police & 3 Others (Case No EC03/2016) as amicus curiae

Dear Ms Geldenhuys,

I hope this email finds you well.

Please find attached a letter requesting consent to intervene as *amicus curiae* in the abovementioned matter.

We seek a response by Friday, 13 May 2016.

Thank you for your time.

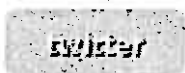
Kind regards,

Anjuli Maistry: Attorney
7th Floor Constitution House
124 Adderley Street
Cape Town
8001
Tel: 021 424 5660
Fax: 021 424 5206

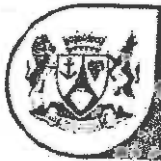


WOMEN'S LEGAL CENTRE

Website: www.wlce.co.za



sm



Western Cape
Government

MINISTRY OF COMMUNITY SAFETY

REF: MCS 2016/2939
12 May 2016

Women's Legal Centre
Anjuli Maistry: Attorney
7th Floor Constitution House
124 Adderley Street
Cape Town
8001

Dear Me Maistry

RE: Request by Women's Legal Centre as *Amicus Curiae* in Case No EC03/2016

Further to your letter of 12 May regarding the above matter, I confirm we have no objection to your client (the trust) being admitted as an amicus curia in this matter as requested.

We point out that no relief is sought by the Applicant against the Western Cape Minister of Community Safety in this matter, and confirm that your client will obviously need to obtain similar consent from all the other respondents in the matter, and against whom relief is being sought.

Yours Sincerely

Mr. Dan Plato
MEC for Community Safety
Western Cape Government

SSIE

**The State Attorney
Die Staatsprokureur
iGqweta likaRhulumente**

4th FLOOR / 4^{de} VLOER
LIBERTY LIFE CENTRE / SENTRUM
22 LONG STREET / LANGSTRAAT 22
CAPE TOWN / KAAPSTAD / KAPA
8001

DOCEX 156

Private Bag 9001
Privaatsak 9001
CAPE TOWN
KAAPSTAD
KAPA
8000

☐ (021) 441-9200

☐ (021) 421-9364

My Ref./My Verw./ Isalathiso
sam:

Your Ref./ U Verw./ Isalathiso sakho:

18 May 2016

THE WOMAN'S LEGAL CENTRE

Attention: Ms Anjuli Maistry

Telefax: (021) 424-5206

**RE: SOCIAL JUSTICE COALITION & ANOTHER / THE MINISTER OF
POLICE & 2 OTHERS
WESTERN CAPE HIGH COURT EQUALITY COURT CASE NO. EC
03/2016**

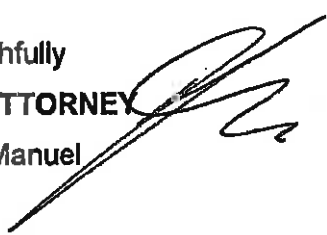
The aforesaid matter refers, more specifically your letters dated 12 & 17 May 2016.

1. We act on behalf of our clients, the First, Second and Third Respondents.
2. We are instructed that our clients agree to the Woman's Legal Centre be admitted as amicus curiae in the above matter.

Yours faithfully

STATE ATTORNEY

Per: L Manuel



SSIL

Cape Town Office

3rd Floor Greenmarket Place • 54 Shortmarket Street • Cape Town 8001 • South Africa
PO Box 5227 • Cape Town 8000 • South Africa
Tel: (021) 481 3000 • Fax: (021) 423 0935 • Website • www.lrc.org.za
PBO No. 930003292
NPO No. 023-004



Your Ref:
Our Ref: MM/SJCvsMinisterifPolice

23 May 2016.

Anjuli Maistry: Attorney
7th Floor Constitution House
124 Adderley Street
Cape Town
8001
Tel: 021 424 5660
Fax: 021 424 5206

BYEMAIL:Anjuli@wlce.co.za

SJC and Another vs Minister of Police and Others – EC 3 OF 2016

1. We write on behalf of the Social Justice Coalition, (our client).
2. We refer to your letter dated 11 May 2016 seeking consent for the Women Legal Centre Trust to intervene in the above matter as *amicus curiae* in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 regulations.
3. Please note that our client has no objection to the Women's Legal Centre Trust intervening as *amicus curiae* in the matter above.
4. Please do not hesitate to contact the writer at mandy@lrc.org.za or 021 481 3000 should you have any queries regarding this matter.

Yours faithfully
LEGAL RESOURCES CENTRE
PER


M MUDARIKWA

National Office:
Cape Town:
Durban:
Grahamstown:
Johannesburg:
Constitutional Litigation Unit:

J Love (National Director), T Wegerif (Deputy National Director), K Reinecke (Director: Finance), EJ Broster
SG Magardie (Director), A Andrews, S Kahanovitz, WR Kerfoot, C May, M Mudarikwa, HJ Smith
FB Mahomed (Acting Director), T Mbhense, A Turpin
S Sephton (Director), C McConnachie
N Fakir (Director), SP Mkhize, C van der Linde, MJ Power
JR Brickhill (Head of CLU), MJ Bishop, G Bizos SC, SV Nindi, A Singh, UK Sityo, ER Webber, M Wheelton, WC Wicomb

