

COPY

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

CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

First applicant

CATHOLIC ARCHDIOCESE OF DURBAN

Second applicant

and

MINISTER OF HOME AFFAIRS

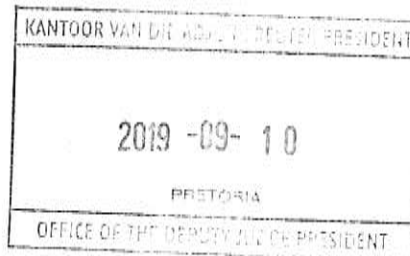
First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE



First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae

WISH ASSOCIATES

Third amicus curiae

NOTICE OF SET DOWN: SPECIAL MOTION

KINDLY TAKE NOTICE that this matter has been set down as a special motion on 14 and 15 November 2019 at 10:00 or as soon thereafter as counsel for the parties can be heard.

KINDLY TAKE NOTICE further that a letter from the Honourable Deputy Judge President dated 30 August 2019, authorising the allocation of the special motion date, is attached hereto.

DATED at PRETORIA on this the 3rd day of SEPTEMBER 2019.



APPLICANT'S ATTORNEY

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR
High Court of South Africa
Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY
Attorney for the Second Applicant
c/o CB center west building
75 Durham Road, Clubview
Centurion, Pretoria (served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY
Attorney for the First and Second Respondents
8th Floor Bothongo Heights
167 Andries Street
Pretoria
REF: 2143/2017/Z74 (served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES
Attorney for the First Amicus Curiae
(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

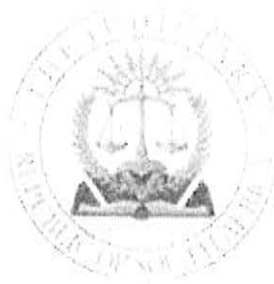
Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)



**OFFICE OF THE DEPUTY JUDGE PRESIDENT A P LEDWABA
HIGH COURT OF SOUTH AFRICA, GAUTENG PROVINCIAL DIVISION, PRETORIA**

Gauteng High Court Building, Cnr. Madiba (Vermeulen) & Paul Kruger Str, Room 7.15, Seventh Floor
Tel. (012) 315 7572 - E-mail: AnNieuwoudt@judiciary.org.za

30 August 2019

TO: **INGRAM ATTORNEYS**
Email: ingramlaw@securitas.co.za
Your Ref: R INGRAM/RV0007
Our Ref: 16402/2017/DJP LEDWABA/AN

TO: **BRUCE BURT ATTORNEYS**
Email: law@moduklaw.co.za ; Sifiso@bjrburt.co.za
Our Ref: 16402/2017/DJP LEDWABA/AN

TO: **THE STATE ATTORNEY**
Email: mmatubatuba@justice.gov.za
Our Ref: 16402/2017/DJP LEDWABA/AN

TO: **CAUSE FOR JUSTICE
AMICUS CURIAE**
Email: Craig@helderlaw.co.za
Our Ref: 16402/2017/DJP LEDWABA/AN

TO: **WOMAN'S LEGAL CENTRE
AMICUS CURIAE**
Email: seeham@lwfce.co.za
Our Ref: 16402/2017/DJP LEDWABA/AN

TO: LEGAL RESOURCES CENTRE
AMICUS CURIAE
Email: mandy@lrc.org.za
Our Ref: 16402/2017/DJP LEDWABA/AN

Dear Madam/Sir

**RE: CONSTITUTIONAL CHALLENGE REGARDING FETAL BURIAL
CASE NUMBER 16402/2017**

1. The above matter as well as the meeting held in chambers 30 August 2019 refers.
2. The matter is hereby set down as a special motion on **14 & 15 NOVEMBER 2019**. You are directed to serve and file the notice of set down together with a copy of this letter attached to it within 7 (seven) days after receipt hereof, failing which the allocated date(s) of hearing will lapse and the date may be allocated to other litigants who applied for a special motion date. The notice of set down must be filed at the office of the Deputy Judge President, 7th Floor, Room 7.15, High Court Building, Pretoria.
3. The parties' legal representatives confirmed that the pleadings have closed.
4. The parties' legal representatives confirmed that heads of argument have been served and filed.
5. For proper administration and allocation of special motions, the applicant should deliver the court file duly indexed and paginated to my office not later than **13 SEPTEMBER 2019**. The parties should also file and send via email (AnNieuwoudt@judiciary.org.za) to my office a Joint Practice Note and Chronology of events by no later than **13 SEPTEMBER 2019** containing the following:
 - Names of the parties and the case number
 - Names and telephone numbers of all counsel in the Motion

- Nature of the Motion
 - Issues to be determined in the application
 - Relief sought at the hearing by the party on whose behalf counsel is appearing
 - An estimate of the probable duration of the application
 - Number of pages in the application and whether or not all papers need to be read and if not, which portion need not be read
6. All queries and/or communications concerning the hearing of this matter must be directed to my office in writing. All documents and the court file must be filed at the office of the Deputy Judge President on the 7th Floor, High Court Building.
 7. **It remains the duty of all legal representatives to ensure that the court file has been properly indexed and paginated in time and that all documents have been filed accordingly as directed at the office of the Deputy Judge President, 7th Floor, Room 7.15, High Court Building, Pretoria.**
 8. Should it, for any reason(s), transpire that this matter will not proceed on the given date, you are directed to inform the office of the Deputy Judge President, immediately.
 9. None availability of counsel representing any of the parties shall simply not be allowed as a reason for the matter not to proceed on the date of hearing arranged with my office.
 10. **Should the above directive not be complied with, the matter may not be allocated to a Judge and the allocated date(s) will be utilized for other deserving cases.**

Regards

A handwritten signature in black ink, appearing to be 'A P Ledwaba', is written above a solid horizontal line.

A P LEDWABA

DEPUTY JUDGE PRESIDENT

NORTH GAUTENG HIGH COURT

Our Ref: 16402/2017/DJP LEDWABA/AN

Renaldi Ingram

From: Renaldi Ingram
Sent: 04 September 2019 11:32 AM
To: Sifiso@bjrburt.co.za; Matubatuba Maxwell (DoJ&CD Contact);
Craig@helderlaw.co.za; 'nasreen@wlce.co.za'; mandy@lrc.org.za
Cc: 'Anna-Marie A. Nieuwoudt'
Subject: VOICE OF THE UNBORN BABY AND ANOTHER // MINISTER OF HOME AFFAIRS
AND ANOTHER: CASE NUMBER: 16402/2017
Attachments: doc07985620190904113356.pdf

Good day All

Kindly find attached hereto the Notice of Set down as per the Directive issued by Deputy Judge President on the 30th of August 2019

Kindly confirm receipt of the email and Notice

Regards

Renaldi Ingram
Toegelate Prokureur/Admitted Attorney
INGRAM PROKUREURS/ATTORNEYS
Tel: 012 990 5144
Faks/Fax:086 693 2848
Epos/E-mail: Ingramlaw@securitas.co.za



INGRAM ATTORNEYS

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and other authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the content of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system. Ingram Attorneys are neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt.

COPY.

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA



In the matter between:

THE VOICE OF THE UNBORN BABY NPC

CATHOLIC ARCHDIOCESE OF DURBAN

and

MINISTER OF HOME AFFAIRS

MINISTER OF HEALTH

and

CAUSE FOR JUSTICE

WOMEN'S LEGAL CENTRE TRUST

WISH ASSOCIATES

First applicant

Second applicant

First respondent

Second respondent

First amicus curiae

Second amicus curiae

Third amicus curiae

JOINT PRACTICE NOTE

1 Dates of the hearing

14 and 15 November 2019

2 Contact detail of counsel

Counsel for the first applicant:

- DW Thaldar: 083-306-9099

Counsel for the second applicant:

- AJ d'Oliveira: 072-697-6796
- HV Van Eedtveldt : 082-381-9477

Counsel for the respondents:

- RW Mokhare SC: 082-440-3944
- C Lithole: 083-634-4949
- MV Magagane: 082-326-0712

Counsel for the first amicus curiae:

- Darryl Cooke: 076-570-8713

Counsel for the second and third amici curiae:

- Nikki Stein: 082-528-7232

3 Nature of the motion

The motion is a constitutional challenge to:

- Section 20(1) of the Births and Deaths Registration Act 51 of 1992,
and
- Regulation 1 of the Regulations Relating to the Management of
Human Remains in terms of the National Health Act 61 of 2003.

4 Issues to be determined

- 4.1 Should bereaved parents who suffer pregnancy loss have a legal right to elect to bury the fetal remains? (The 'burial right'.)
- 4.2 Should persons who suffer pregnancy loss by means of a termination of pregnancy in terms of the Choice of Termination of Pregnancy Act 92 of 1996 also have the right to bury the fetal remains if they so wish?

5 Relief sought

- 5.1 The first applicant seeks the relief as set out in its notice of motion. This includes (a) a declaratory order recognising the burial right, (b) an order declaring the impugned provisions unconstitutional, and (c) various interim and final measures to ensure that persons will be able to exercise the burial right. A **draft order** is attached hereto.
- 5.2 The second applicant (intervenor) supports the relief sought by the applicant, and seeks in addition orders declaring the impugned provisions inconsistent with the right to equality and the right to freedom of religion insofar as they prevent parents who on account of their religious or non-religious convictions from burying their deceased unborn children.
- 5.3 The respondents seek the dismissal of the application.
- 5.4 The first amicus curiae supports the relief sought by the applicants, subject to any revisions the Court finds are necessary to protect a woman's rights under the Choice of Termination of Pregnancy Act 92 of 1996.
- 5.5 The second and third amici curiae seek the dismissal of the application.

6 Duration

2 days

7 Reading of the papers

There are 1064 pages in the application. The Court is respectfully requested to read all the papers filed of record in this Court.

The first applicant and the second applicant record the opinion that it is not necessary for the Court to read the annexures to the affidavits of the amici curiae, in view of the fact that there has been no application to adduce evidence by any of the amici curiae. Therefore, it is the view of the applicants that the Court only need to read pages 1-652 and 961-1064.

Donrich Thaldar

Counsel for the first applicant

Adrian d'Oliveira

Henri Van Eedtveldt

Counsel for the second applicant

William Mokhare SC

Connie Lithole

MankakaneViolet Magagane

Counsel for the respondents

Darryl Cooke

Counsel for the first amicus curiae

Nikki Stein

Counsel for the second and third amici curiae

**CHRONOLOGY OF EVENTS : VOICE OF THE UNBORN BABY AND ANOTHER V
MINISTER OF HOME AFFAIRS AND ANOTHER**

Date		Paginated page
2015 28/09/2015	Letter by the first Applicant to the first and second Respondent to request meeting	Volume 5, pp 478-482
2017 March 2017 08/03/2017 14/03/2017	First Applicant issues Notice of Motion <ul style="list-style-type: none"> • Service of Notice of Motion on the Respondents • Service of Rule 16A Notice on the Respondents 	Volume 1 to Volume 5, pp 1-495 Volume 5 pp 488-488(i) Volume 5 pp 495-495(i)
April 2017: 10/04/2017	Notice of intention to oppose by Respondents	Volume 5, pp 496-497
May 2017: 03/05/2017	Service of Rule 30A Notice on Respondents by First Applicant	Volume 9, pp 961-964
June 2017 03/06/2017	First Applicant's Application to strike out	Volume 9, pp 965-

	opposition	974
September 2017		
11/09/2017	<ul style="list-style-type: none"> • Court order dated 11 September 2017 (Application to strike out opposition) 	Volume 9, pp975
18/09/2017	<ul style="list-style-type: none"> • Application by Catholic Archdiocese of Durban for intervention of the Application by the first Applicant • Notice to intervene by Catholic Archdiocese of Durban in terms of Rule 16A 	Volume 9, pp 982-1028 Volume 9, pp 976-981
November 2017		
01/11/2017	<ul style="list-style-type: none"> • Meeting Between Parties and Ledwaba DJP regarding filing of further court documents 	
24/11/2017	<ul style="list-style-type: none"> • First and second Respondents' answering affidavit on the first Applicant's Founding Affidavit 	Volume 6, pp 512-541
December 2017:		
07/12/2017	<ul style="list-style-type: none"> • Notice in terms of Rule 23 by first Applicant 	Volume 6, pp 603 (i) -603 (vi)
08/12/2017	<ul style="list-style-type: none"> • First Applicant's Replying Affidavit 	Volume 6, pp 542-603
March 2018		

26/05/2018	<ul style="list-style-type: none"> • Court order dated 26/05/2018 (leave for Catholic archdiocese of Durban to intervene with first Applicant's application) 	Volume 10, pp1028-1029
May 2018: 11/05/2018 22/05/2018	<ul style="list-style-type: none"> • Notice in terms of Rule 16A(2) and (3) by first Amicus Curiae (Cause for justice) • Notice in terms and Application in terms of Rule 16A by second and third Amici Curiae (Woman's Legal Centre and Women in sexual and reproductive rights and health) 	Volume 7, pp 613-631 Volume 7, pp 632-708 and Volume 8, pp709-915 and Volume 9, pp 916-960
June 2018 04/06/2018	Respondents' answering affidavit to second Applicant	Volume 10, pp 1030- 1043
August 2018	Second Applicant's replying affidavit to Respondents' answering affidavit	Volume 10, pp1044-1064
December 2018 03/12/2018	First Applicant's Heads of arguments	Heads of argument bundle, pp 1-102
February 2019 22/02/2019	Second Applicant's Heads of arguments	Heads of argument

		bundle, pp 103-118
May 2019 23/05/2019	Respondents' Heads of arguments	Heads of arguments bundle, pp119-144,
June 2019 07/06/2019	Second and third Amici curiae Heads of arguments	Heads of arguments bundle, pp166-199
21/06/2019	First Amicus Curiae Heads of arguments	Heads of arguments bundle, pp 145-165

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

In the matter between:

THE VOICE OF THE UNBORN BABY NPC
CATHOLIC ARCHDIOCESE OF DURBAN



CASE NO: 16402/17

First applicant

Second applicant

and

MINISTER OF HOME AFFAIRS

First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE

First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae


WISH ASSOCIATES

Third amicus curiae

INDEX: HEADS OF ARGUMENTS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1.	1 st Applicant's Heads of arguments	1-29
2.	1 st Applicant's table of authority and authorities	30-102
3.	2 nd Applicant's Heads of arguments	103-118
4.	1 st and 2 nd Respondent's Heads of arguments	119-142
5.	1 st and 2 nd Respondent's table of authorities	143-144
6.	Heads of arguments: 1 st Amicus Curia	145-163
7.	Table of authority: 1 st Amicus Curia	164-165
8.	Heads of argument: 2 nd and 3 rd Amicus Curia	166-195
9.	Table of authority: 2 nd and 3 rd Amicus Curia	196-199

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@birburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

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



In the matter between:

THE VOICE OF THE UNBORN BABY NPC

First applicant

CATHOLIC ARCHDIOCESE OF DURBAN

Second applicant

and

MINISTER OF HOME AFFAIRS

First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE

First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae

WISH ASSOCIATES

Third amicus curiae

INDEX: VOLUME 1 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
-------------	--------------------	-------------

VOLUME 1 OF 10

MAIN APPLICATION

1.	Notice of Motion	1 – 10
2.	Founding Affidavit	11- 50
3.	Annexure "SMITH 1" of Founding Affidavit - Confirming Affidavit: Renaldi Ingram	51- 52
4.	Annexure "SMITH 2" of Founding Affidavit: - Expert opinion: Dr. Daniël Johannes Botha	53- 72
5.	Annexure "DB 1" of Annexure "SMITH 2"	73- 79
6.	Annexure "DB 2" of Annexure "SMITH 2"	80 -82
7.	Annexure "DB 3" of Annexure "SMITH 2"	83- 98
8.	Annexure "DB 4" of Annexure "SMITH 2"	99 – 109

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS
Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

CATHOLIC ARCHDIOCESE OF DURBAN

and

MINISTER OF HOME AFFAIRS

MINISTER OF HEALTH

and

CAUSE FOR JUSTICE

WOMEN'S LEGAL CENTRE TRUST

WISH ASSOCIATES



First applicant

Second applicant

First respondent

Second respondent

First amicus curiae

Second amicus curiae

Third amicus curiae

INDEX: VOLUME 2 OF 10

ITEM

DESCRIPTION

PAGE

VOLUME 2 OF 10

9.	Annexure "SMITH 3" of Founding Affidavit - Affidavit and expert opinion of Dr. Louise Olivier	110- 134
10.	Annexure "LO 1" of Annexure "SMITH 3"	135- 141
11.	Annexure "LO 2" of Annexure "SMITH 3"	142- 150
12.	Annexure "LO 3" of Annexure "SMITH 3"	151 -157
13.	Annexure "LO 4" of Annexure "SMITH 3"	158- 171
14.	Annexure "LO 5" of Annexure "SMITH 3"	172-186
15.	Annexure "LO 6" of Annexure 'SMITH 3"	187
16.	Annexure "LO 7" of Annexure "SMITH 3"	188-206

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

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

KANTOOR VAN DIE ADJUNK REGTER PRESIDENT
2019 -09- 13
PRETORIA
OFFICE OF THE DEPUTY JUDGE PRESIDENT

CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

First applicant

CATHOLIC ARCHDIOCESE OF DURBAN

Second applicant

and

MINISTER OF HOME AFFAIRS

First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE

First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae

WISH ASSOCIATES

Third amicus curiae

INDEX: VOLUME 3 OF 10

VOLUME 3 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
17.	Annexure "LO 8" of Annexure "SMITH 3"	207- 209
18.	Annexure "LO 9" of Annexure "SMITH 3"	210- 239
19.	Annexure "LO 10" of Annexure "SMITH 3"	240 -250
20.	Annexure "LO 11" of Annexure "SMITH 3"	251- 278
21.	Annexure "LO 12" of Annexure "SMITH 3"	279- 281
22.	Annexure "LO 13" of Annexure "SMITH 3"	282- 312

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS
Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

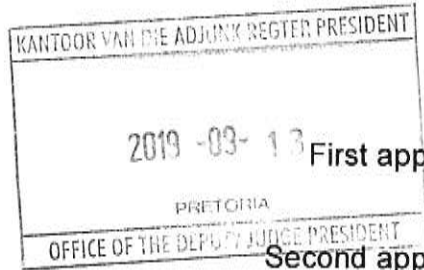
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

CATHOLIC ARCHDIOCESE OF DURBAN



First applicant

Second applicant

and

MINISTER OF HOME AFFAIRS

First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE

First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae

WISH ASSOCIATES

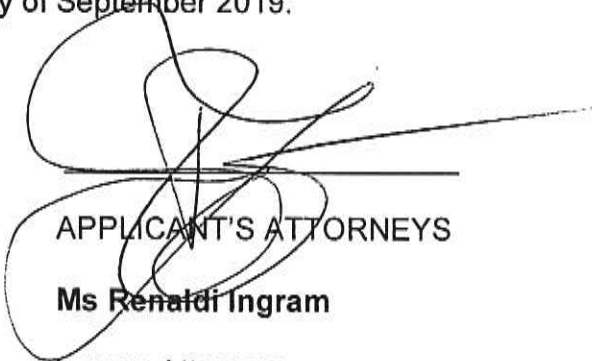
Third amicus curiae

INDEX: VOLUME 4 OF 10

VOLUME 4 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
23.	Annexure "LO 14" of Annexure "SMITH "	313- 322
24.	Annexure "LO 15" of Annexure "SMITH 3"	323- 344
25.	Annexure "LO 16" of Annexure "SMITH 3"	345- 355
26.	Annexure "LO 17" of Annexure "SMITH 3"	356- 390
27.	Annexure "SMITH 4" of Founding Affidavit - Expert opinion Abraham Lodewick Klopper"	391- 411

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakeside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74 (served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA



CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

First applicant

CATHOLIC ARCHDIOCESE OF DURBAN

Second applicant

and

MINISTER OF HOME AFFAIRS

First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE

First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae

WISH ASSOCIATES

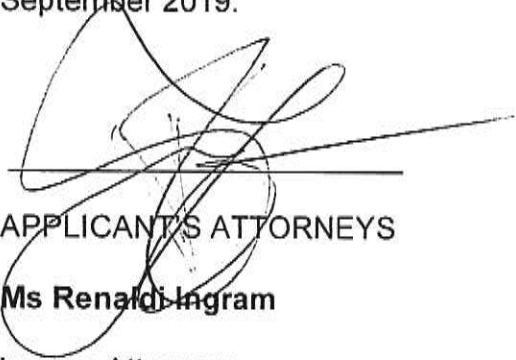
Third amicus curiae

VOLUME 5 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
28.	Annexure "BK 1" of Annexure "SMITH 4"	412- 422
29.	Annexure "BK 2" of Annexure "SMITH 4"	423- 438
30.	Annexure "BK 3" of Annexure "SMITH 4"	439- 444
31.	Annexure "BK 4" of Annexure "SMITH 4"	445- 447
32.	Annexure "BK 5" of Annexure "SMITH 4"	448- 460
33.	Annexure "BK 6" of Annexure "SMITH 4"	461- 467
34.	Annexure "BK 7" of Annexure "SMITH 4"	468- 477
35.	Annexure "SMITH 5" of Founding Affidavit - Letter to Minister of Home Affairs, Minister of Health and Minister of environmental affairs	478- 482

36.	Annexure 'SMITH 6" of Founding Affidavit - Letter from the Minister of Health	483
37.	Annexure "SMITH 7" of Founding Affidavit - Draft Policy on the management of Births Under 26 weeks of gestation from the Minister of Health	484- 487
38.	Return of Service of Notice of Motion: Minster of Home affairs	488
38.1	Return of Service of Notice of Motion: Minister of Health	488(i)
39.	Notice in terms of Rule 16A	489- 494
40.	Return of Service of Rule 16A Minister of Home Affairs	495
401.1	Return of service of Rule 16A Minister of Health	495(i)
41.	Notice of intention to oppose from the Minister of Home Affairs and the Minister Of Health	496-497

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakeside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

CATHOLIC ARCHDIOCESE OF DURBAN

and

MINISTER OF HOME AFFAIRS

MINISTER OF HEALTH

and

CAUSE FOR JUSTICE

WOMEN'S LEGAL CENTRE TRUST

WISH ASSOCIATES



CASE NO: 16402/17

First applicant

Second applicant

First respondent

Second respondent

First amicus curiae

Second amicus curiae

Third amicus curiae

INDEX: VOLUME 6 OF 10

VOLUME 6 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
43.	First and second respondent Answering Affidavit on 1 st Applicant's founding affidavit: Dr. Y.G Pillay	512- 541
44.	First Applicant's replying affidavit	542- 603
44.1.	Notice in terms of Rule 23	603(i)-603(vi)

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS
Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

CATHOLIC ARCHDIOCESE OF DURBAN

and

MINISTER OF HOME AFFAIRS

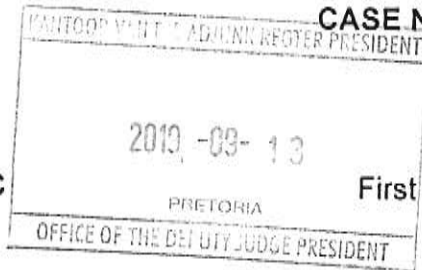
MINISTER OF HEALTH

and

CAUSE FOR JUSTICE

WOMEN'S LEGAL CENTRE TRUST

WISH ASSOCIATES



First applicant

Second applicant

First respondent

Second respondent

First amicus curiae

Second amicus curiae

Third amicus curiae

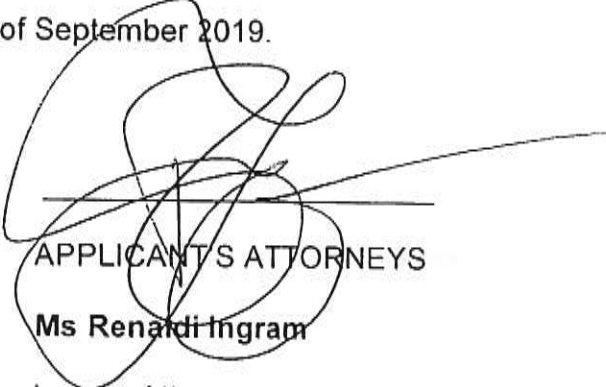
VOLUME 7 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
45.	Filing Notice in terms of Rule 16A(2) & 3 Amicus Curiae: Cause for Justice	604-606
46.	Letter from Snyder and Genote to Ingram Attorneys Dated 10 January 2018	607-608
47.	Letter from Snyder and Genote to BJR attorneys Dated 11 January 2018	609-610
48.	Letter from Ingram Attorneys to Snyder and Genote Dated 2 February 2018	611
49.	Email from first and second Respondent's attorney To Snyders and Genote Dated 5 February 2018	612
50.	Filing Notice: Amicus Curiae Affidavit: Dr. J. la Grange	613-615

51.	Affidavit of Dr. J. la Grange	616- 626
52.	Annexure "JLG 1" to the affidavit of Dr. J. la Grange	627-631
53.	Application by Woman's Justice Centre trust and Women in Sexual and Reproductive rights and Health to be admitted as amicus curiae in terms of rule 16A	632-635
54.	Founding Affidavit to application by Women in Sexual and Reproductive rights and Health: S Semaai	636-652
55.	Annexure "SS 1" to founding affidavit of S. Semaai	653-654
56.	Annexure "SS 2" to founding affidavit of S. Semaai	655-678
57.	Annexure "SS 3" to founding affidavit of S. Semaai	679-682
58.	Annexure "SS 4" to founding affidavit of S. Semaai	683-685
59.	Annexure "SS 5" to founding affidavit of S. Semaai	686-688

60. Annexure "SS 6" to founding affidavit of S. Semaai 689-690
61. Annexure "SS 7" to founding affidavit of S. Semaai 691-698
62. Annexure "SS 8" to founding affidavit of S. Semaai 699-708

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR
High Court of South Africa
Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY
Attorney for the Second Applicant
c/o CB center west building
75 Durham Road, Clubview
Centurion, Pretoria (served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY
Attorney for the First and Second Respondents
8th Floor Bothongo Heights
167 Andries Street
Pretoria
REF: 2143/2017/Z74 (served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES
Attorney for the First Amicus Curiae
(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

CATHOLIC ARCHDIOCESE OF DURBAN

and

MINISTER OF HOME AFFAIRS

MINISTER OF HEALTH

and

CAUSE FOR JUSTICE

WOMEN'S LEGAL CENTRE TRUST

WISH ASSOCIATES



First applicant

Second applicant

First respondent

Second respondent

First amicus curiae

Second amicus curiae

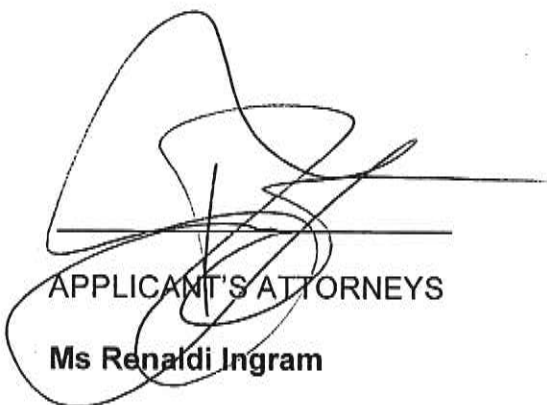
Third amicus curiae

INDEX: VOLUME 8 OF 10

INDEX 8 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
63.	Annexure "SS 9" to founding affidavit of S. Semaai	709
64.	Annexure "SS 10" to founding affidavit of S. Semaai	710-711
65	Founding Affidavit: M. Stevens	712-725
66.	Annexure "MS 1" to affidavit of M. Stevens	726
67.	Annexure "MS 2" to affidavit of M. Stevens	727-739
68.	Annexure "MS 3" to affidavit of M. Stevens	740-755
69.	Annexure "MS 4" to affidavit of M. Stevens	756-915

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR

High Court of South Africa

Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

COPY

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA



CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC **First applicant**

CATHOLIC ARCHDIOCESE OF DURBAN **Second applicant**

and

MINISTER OF HOME AFFAIRS **First respondent**

MINISTER OF HEALTH **Second respondent**

and

CAUSE FOR JUSTICE **First amicus curiae**

WOMEN'S LEGAL CENTRE TRUST **Second amicus curiae**

WISH ASSOCIATES **Third amicus curiae**

INDEX 9 OF 10

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
70.	Annexure "MS 5" to founding affidavit of M.Stevens	916-919
71.	Annexure "MS 6" to founding affidavit of M. Stevens	920-924
72.	Annexure "MS 7" to founding affidavit of M. Stevens	925
73.	Annexure "MS 8" to founding affidavit of M. Stevens	926-960


INTERLOCUTARY APPLICATIONS

74.	Notice in terms of Rule 30A	961- 964
75.	Application to Strike out Opposition	965- 968
76.	Affidavit in support of Application to Strike out Opposition: Renaldi Ingram	969- 974
77.	Order dated 11 September 2017	975

78. Intervenor's Notice in terms of Rule 16A

976-981

SIGNED at PRETORIA on the 11th day of September 2019.



APPLICANT'S ATTORNEYS

Ms Renaldi Ingram

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

C/O PAUL DU PLESSIS ATTORNEYS

568 NORVAL STREET

MORELETA PARK, PRETORIA

Email: ingramlaw@securitas.co.za

Tel: 012 990 5144

REF: R INGRAM/RV0007

TO: THE REGISTRAR
High Court of South Africa
Gauteng Division, Pretoria

AND TO: BRUCE BURT ATTORNEY
Attorney for the Second Applicant
c/o CB center west building
75 Durham Road, Clubview
Centurion, Pretoria (served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY
Attorney for the First and Second Respondents
8th Floor Bothongo Heights
167 Andries Street
Pretoria
REF: 2143/2017/Z74 (served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES
Attorney for the First Amicus Curiae
(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

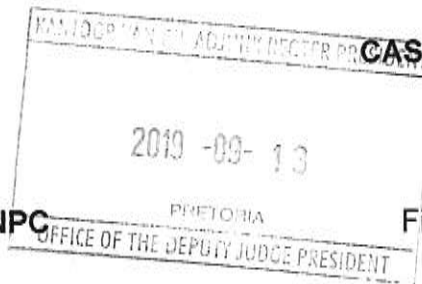
(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA



CASE NO: 16402/17

In the matter between:

THE VOICE OF THE UNBORN BABY NPC

First applicant

CATHOLIC ARCHDIOCESE OF DURBAN

Second applicant

and

MINISTER OF HOME AFFAIRS

First respondent

MINISTER OF HEALTH

Second respondent

and

CAUSE FOR JUSTICE

First amicus curiae

WOMEN'S LEGAL CENTRE TRUST

Second amicus curiae

WISH ASSOCIATES

Third amicus curiae

AND TO: BRUCE BURT ATTORNEY

Attorney for the Second Applicant

c/o CB center west building

75 Durham Road, Clubview

Centurion, Pretoria

(served via email: Sifiso@bjrburt.co.za)

AND TO: THE STATE ATTORNEY

Attorney for the First and Second Respondents

8th Floor Bothongo Heights

167 Andries Street

Pretoria

REF: 2143/2017/Z74

(served via email: MMatubatuba@justice.gov.za)

AND TO: CRAIG SNYDERS & ASSOCIATES

Attorney for the First Amicus Curiae

(served via email: Graig@helderlaw.co.za)

AND TO: ATTORNEY FOR THE WOMAN'S LEGAL CENTRE

Attorney for the Second Amicus Curiae

(served via email: nasreen@wlce.co.za)

AND TO: LEGAL RESOURCES CENTRE

Attorney for the Third Amicus Curiae

(served via email: mandy@lrc.org.za)