

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No: 20427/22

In the matter between:

CAROLINE PETERS

Applicant

THE TRUSTEES FOR THE TIME BEING OF THE First Intervening Applicant
MEDIA MONITORING AFRICA BENEFIT TRUST

CAMPAIGN FOR FREE EXPRESSION NPC Second Intervening Applicant

And

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES First Respondent

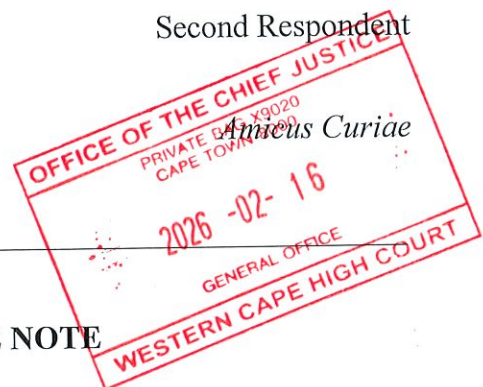
MPUMELELO DERRICK GCAKASI

Second Respondent

THE CLOONEY FOUNDATION FOR JUSTICE

APPLICANT'S PRACTICE NOTE

1. Enrolled for hearing on 3 and 4 March 2026.
2. Early allocation: the record exceeds **1000 pages**.



3. Proposed number of judges: in light of the nature of the relief sought and the volume of the papers, the applicant's legal representatives are of the view that the allocation of at least two judges would be appropriate. The Minister's legal representatives have expressed the same view.
4. This matter concerns two applications for constitutional relief:
 - 4.1. First, the applicant seeks orders declaring ss 154(2)(b) and 335A of the Criminal Procedure Act 51 of 1977 (CPA) unconstitutional and invalid to the extent that:
 - 4.1.1. s 154(2)(b) unjustifiably prohibits the publication of the identity of an accused charged with a sexual offence before such accused has pleaded;
 - 4.1.2. both sections unjustifiably prohibit a complainant in a matter involving a sexual offence from revealing her own identity or authorising another person to do so.
 - 4.2. Second, the intervening applicants challenge s 154(2)(b) insofar as it relates to the crime of extortion and on largely the same basis as described above.
5. The Minister opposes the applicant's challenge in relation to the ground summarised in paragraph 3.1.1 above; and abides the applicant's and intervening parties' challenges in relation to the ground summarised in paragraph 3.1.2 above.
6. The Minister also opposes the just and equitable remedies proposed by the applicant and the intervening applicants.

7. The Minister further proposes temporary relief aimed at permitting complainants, in matters involving sexual offences or extortion, to reveal their own identities or to consent to a third party doing so. The applicant agrees with the proposal subject to the following: that, in relation to s 154(2)(b), it be clear that a complainant is permitted to publish or consent to the publication of *any information relating to the charge concerned*.
8. Notwithstanding the parties' consensus on some of the issues, the Court will be required to consider all the issues in order to satisfy itself as to whether and to what extent the impugned sections are constitutionally invalid. Accordingly, it is necessary for the Court to consider the full record in the main application and the intervening parties' application.
9. It is not strictly necessary for the court to read the documents pertaining to the applicant's application for leave to amend (**Record pp 479 – 526, 568 - 582**), though it may provide useful context to the applicant's challenge in respect of s 335A.
10. The *amicus curiae* has withdrawn from the matter. The Court, therefore, need not read its application (**Record pp 527 - 567**).
11. Estimated duration of hearing: 2 days
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