



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 16/05600

In the matter between:

THE SOUTH AFRICAN HISTORY ARCHIVE TRUST

Applicant

and

**THE MINISTER OF DEFENCE AND
MILITARY VETERANS**



First Respondent

**THE INFORMATION OFFICER:
DEPARTMENT OF DEFENCE AND
MILITARY VETERANS**

Second Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the Applicant intends applying to this Court on a date and time to be determined with the Registrar, for an order in the following terms:

- 1 Declaring that the First and Second Respondent's decisions to refuse access to the information requested by the Applicant in terms of the

Promotion of Access to Information Act 2 of 2000 ("PAIA") and described in the Founding Affidavit ("the records"), is unlawful and in conflict with the provisions of PAIA and the Constitution.

- 2 Reviewing and setting aside the refusals by the First and Second Respondents of the Applicant' request; and
- 3 Directing the Respondents to provide the requested records to the Applicant within 15 (fifteen) days of the granting of this order.
- 4 To the extent necessary, condoning the applicant's non-compliance with the 180-day period within which to bring an application of this nature
Directing the Respondents to pay the costs of this application.
- 5 Further and/or alternative relief.

TAKE NOTICE FURTHER that the accompanying Affidavit of **CATHERINE MOIRA KENNEDY** and the annexures thereto, will be used in support of this application.

BE PLEASED TO TAKE FURTHER NOTICE that the Applicant has appointed, **LAWYERS FOR HUMAN RIGHTS** of the address below as the address at which it will accept notice and service of all further process in these proceedings.

BE PLEASED TO TAKE FUTHER NOTICE that:

- (a) Notice of intention to oppose this application must be given within 15 (fifteen) days after receipt hereof and must contain an address within 8

(eight) kilometres of the Court to which this application is brought, where notice and service of documents will be accepted.

- (b) Answering affidavits, if any, must be filed within 15 (fifteen) days after service of the notice of intention to oppose this application.
- (c) In default of your complying with rule 3(5) of the Rules of Procedure for Application to Court in terms of PAIA, the Applicant may request the clerk of the court or the registrar as the case may be, to place this application before the Court for an order in terms of section 82(b) of PAIA.
- (d) In default of your delivering a notice of intention to oppose, the matter will without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (a) above, on a date fixed by the clerk of the court or the registrar as the case may be, in terms of rule 3(6) of the Rules of Procedure for Application to Court in terms of PAIA.

DATED at Braamfontein on this the 17th day of FEBRUARY 2016



LAWYERS FOR HUMAN RIGHTS

Applicant's Attorneys
4th Floor, Heerengracht
Building
87 De Korte Street
Braamfontein, Johannesburg
2001
Telephone: 011 339 1960
Fax: 011 339 2665
Ref: P Hansraj

**TO:
THE REGISTRAR OF THE HIGH COURT
GAUTENG LOCAL DIVISION, JOHANNESBURG**

BY HAND

**AND TO:
THE MINISTER OF DEFENCE AND
MILITARY VETERANS**

BY SHERIFF

Armscor Building,
Block 5, Level 4,
cnr Delmas Avenue and Nossob Street,
Erasmuskloof,

PRETORIA
c/o The State Attorney
12th Floor, North State Building
95 Market Street
Johannesburg

**AND TO:
THE INFORMATION OFFICER:
DEPARTMENT OF DEFENCE**

BY SHERIFF

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