

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 05598/16

In the matter between:

THE SOUTH AFRICAN HISTORY ARCHIVE TRUST ("SAHA") Applicant

and

THE SOUTH AFRICAN RESERVE BANK First Respondent

**THE GOVERNOR OF THE SOUTH AFRICAN
RESERVE BANK, L KGANYAGO** Second Respondent

("jointly referred to as **the SARB**")

THE SARB'S CHRONOLOGY TO ITS HEADS OF ARGUMENT

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
1920			
1920	SARB established as the Central Bank of South Africa	APPLICATION VOLUME 2 Paragraph 26 of the SARB's Answering Affirmation	121
1979			
1979	Introduction of the dual currency system (allowing non-residents to exchange foreign currency for a "financial rand" against an exchange rate more favourable than the rate for which South African residents qualify) in South Africa	APPLICATION VOLUME 2 Paragraph 157.4 of the SARB's Answering Affirmation	187
1 JANUARY 1980 TO 1 JANUARY 1995			
01/01/1980 to 01/01/1995	Period that covers SAHA's PAIA request SAH-2014-SRB-0007 for which it requires access to "Copies of any and all records, or parts of records, of any evidence obtained by the bank at any time as part of investigations into any substantial contravention of, or failure to comply with the law in terms of significant fraud (including fraud through manipulation of the financial rand dual currency, foreign exchange or forging Eskom	APPLICATION VOLUME 1 Paragraph 9 of SAHA's founding affidavit	7 – 9

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
	bonds), gold smuggling or smuggling of other precious metals from 1 January 1980 to 1 January 1995" in relation to the following persons: the late Mr Giovanni Guiseppe Mario Ricci, the late Mr Stephanus Petrus (Fanie) Botha, Brigadier Johann Philip Derk (Jan) Blaauw, Mr Paul Ekon, Mr Robert Oliver Hill, Mr Vito Roberto Palazzolo, Mr Craig Michael Williamson and Dr Wouter Basson	Annexure "FA2" APPLICATION VOLUME 1	53
1980			
Late 1980s	SAHA was established by anti-apartheid activists	APPLICATION VOLUME 1 Paragraph 27 of SAHA's founding affidavit	15
1983			
1983	Abolition of the dual currency system in South Africa	APPLICATION VOLUME 2 Paragraph 157.4 of the SARB's Answering Affirmation	187

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
1985			
1985	Re-introduction of the dual currency system in South Africa	APPLICATION VOLUME 2 Paragraph 157.4 of the SARB's Answering Affirmation	187
1988			
1988	Eerste Verslag deur Sy Edele Regter L T C Harms – "Kommissie van Ondersoek na sekere beweerde ongerymdhede oor landsgrense heen – Die sg Palazzolo – De Pontes aangeleentheid"	Annexure "JDJ11" APPLICATION VOLUME 4	238 – 340
	This report was made available by the SARB to SAHA as per paragraph 79 of its answering affirmation (delivered on 31 May 2016) in so far as Mr Vito Palazzolo is concerned	APPLICATION VOLUME 2	149
	Also referred to in paragraph 77.1 of the SARB's answering affirmation	APPLICATION VOLUME 2	146
	Also referred to in paragraph 87 of SAHA's replying affidavit	APPLICATION VOLUME 5	366

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
27/10/1988	Beeld article entitled "NP-LP is deur Vlok ontbied oor Mafia-man", page 167	Annexure "JDJ12" APPLICATION VOLUME 5	341
	Introduced in paragraph 80.2 of the SARB's answering affirmation	APPLICATION VOLUME 2	150
	Also referred to in paragraphs 77.2 and 80 of the SARB's answering affirmation	APPLICATION VOLUME 2	146 150
27/10/1988	The Citizen article entitled "De Pontes denies he kept stolen files", page 166	Annexure "JDJ12" APPLICATION VOLUME 5	342
	Introduced in paragraph 80.2 of the SARB's answering affirmation	APPLICATION VOLUME 2	150
	Also referred to in paragraphs 77.2 and 80 of the SARB's answering affirmation	APPLICATION VOLUME 2	146 150

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
1990			
22/02/1990	Business Day article entitled "Forged documents used in deal – expert", page 2	Annexure "JDJ12" APPLICATION VOLUME 5	343
	Introduced in paragraph 80.2 of the SARB's answering affirmation	APPLICATION VOLUME 2	150
	Also referred to in paragraphs 77.2 and 80 of the SARB's answering affirmation	APPLICATION VOLUME 2	146 150
28/02/1990	Beeld article entitled "Palazzolo sê oor SA band", page 10	Annexure "JDJ12" APPLICATION VOLUME 5	344
	Introduced in paragraph 80.2 of the SARB's answering affirmation	APPLICATION VOLUME 2	150
	Also referred to in paragraphs 77.2 and 80 of the SARB's answering affirmation	APPLICATION VOLUME 2	146 150

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
27/11/1990	The Star article entitled "Ex-MP De Pontes guilty on 6 counts"	Annexure "JDJ12" APPLICATION VOLUME 5	345
	Introduced in paragraph 80.2 of the SARB's answering affirmation	APPLICATION VOLUME 2	150
	Also referred to in paragraphs 77.2 and 80 of the SARB's answering affirmation	APPLICATION VOLUME 2	146 150
1991 TO 2013			
1991 to 2013	Mr Alexander Ellis held positions in the former Investigations Divisions of the SARB's FinSurv Department	APPLICATION VOLUME 2 Paragraph 59 of the SARB's Answering Affirmation	139
1992			
Until February 1992	The SARB, upon the initiation of an investigation, recorded the particulars of person/s being investigated in a red-coloured book (red book)	APPLICATION VOLUME 2 Paragraph 39 of the SARB's Answering Affirmation	127

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
From February 1992	The SARB's FinSurv Department introduced an electronic Administrative Diary ("ADI") system	APPLICATION VOLUME 2 Paragraph 40 of the SARB's Answering Affirmation	128
1995			
1995	Final abolition of the dual currency system in South Africa	APPLICATION VOLUME 2 Paragraph 157.4 of the SARB's Answering Affirmation	187
2001			
2001	SAHA launched its Freedom of Information Programme	APPLICATION VOLUME 1 Paragraph 28 of SAHA's founding affidavit	15
	Since 2001, SAHA has made over 1800 PAIA requests from various government departments and numerous court applications	APPLICATION VOLUME 1 Paragraph 29 of SAHA's founding affidavit	15

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
2005			
2005	Resolution 2005/66 of the United Nations Commission on Human Rights which "recognises the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights."	APPLICATION VOLUME 1 Paragraph 108 of SAHA's founding affidavit	36
2008			
01/02/2008	The SARB's FinSurv Department's ADI system was replaced with the Online Risk Manager ("ORM") system, which incorporated the old ADI records	APPLICATION VOLUME 2 Paragraph 40 of the SARB's Answering Affirmation	128
2012			
24/11/2012	SAHA's Deed of Trust, as per last amendment by resolution of 24 November 2012	Annexure "FA5" APPLICATION VOLUME 1	60 – 77
	Introduced in paragraph 26 of SAHA's founding affidavit	APPLICATION VOLUME 1	15

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
2013			
Since 2013	Mr Alexander Ellis held the position as Specialist Legal Counsel for the SARB	APPLICATION VOLUME 2 Paragraph 59 of the SARB's Answering Affirmation	139
2014			
01/08/2014	SAHA's PAIA request for Access to SARB's records (REF: SAH-2014-SRB-0007) received by the SARB	Annexure "FA2" APPLICATION VOLUME 1	52 – 56
	Introduced in paragraphs 6 and 7 of SAHA's founding affidavit	APPLICATION VOLUME 1	7
	Also referred to in paragraph 60 of the SARB's answering affirmation	APPLICATION VOLUME 2	139
06/08/2014 and 11/08/2014	SAHA's online PAIA Tracker System automatic notifications requesting confirmation of receipt from the SARB of the PAIA request	APPLICATION VOLUME 5 Paragraph 172 of SAHA's replying affidavit	381

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
14/08/2014	Letter from the SARB's legal representatives, Messrs Werkmans Attorneys ("Werksmans") to SAHA's legal representatives, Lawyers for Human Rights ("LHR") in which recorded that the SARB in receipt of 14 requests for information from SAHA. Record that numerous requests for various records lodged with SARB and expressed concern that SAHA's approach to the deluge of requests for information is vexatious as it is a designed attempt to intimidate the SARB. In order for SARB to consider properly SAHA's requests requested to be provided with reason/s why and purposes for SAHA seeking the information referred to in the requests should SARB be inclined to grant the various requests received by it to date as such information will be of great assistance to the SARB in the context of the current decision-making process in respect of the requests	Annexure "FA6" APPLICATION VOLUME 1	78 – 79
	Introduced in paragraph 42 of SAHA's founding affidavit	APPLICATION VOLUME 1	20
	Also referred to in paragraph 60 of the SARB's answering affirmation	APPLICATION VOLUME 2	139
	Also referred to in paragraph 171 of SAHA's replying affidavit	APPLICATION VOLUME 5	381
05/09/2014 and 15/09/2014	SAHA's further automated e-mails to the SARB noting the failure to respond within the statutory time frame and requesting that the SARB contact the SAHA in order to resolve the issue	APPLICATION VOLUME 5 Paragraph 172 of SAHA's replying affidavit	381

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
26/09/2014	<p>Letter from the LHR to Werksmans in which the LHR refers to Werksmans' letters of 14 August 2014 (see "FA6") and 26 August 2014 and apologised for the delay in responding thereto</p> <p>LHR states that SAHA not required to provide reasons to the SARB for the requests for information as SARB is a public body but provided the reasons in any event in the spirit of collegiality. The LHR notes that SAHA is a non-profit, non-governmental organisation which seeks to archive and preserve records evidencing past and contemporary struggles for justice. The LHR further states that it is of particular importance to SAHA to ensure the public access to historical records relating to struggles for justices and to prevent loss of such records. The LHR denies that SAHA's requests were vexatious or aimed at intimidating the SARB and expect SARB to endeavour to uncover corrupt practices which may have occurred in the years prior to the current democratic dispensation. SAHA of the view that request falls squarely within the public interest considering the subject matter and the reasons for which it is being sought. SAHA extend offer to send researchers to inspect records held by the SARB relating to these requests in order to enable SAHA to further narrow their requests</p>	<p>Annexure "FA4" APPLICATION VOLUME 1</p> <p>Also as Annexure "FA7" APPLICATION VOLUME 1</p>	<p>58 – 59</p> <p>80 – 81</p>
	<p>Introduced in paragraph 24.2 of SAHA's founding affidavit as Annexure "FA4" and again introduced as new Annexure "FA7" in paragraph 43 of SAHA's founding affidavit</p>	<p>APPLICATION VOLUME 1</p>	<p>14, 20</p>
	<p>Also referred to in paragraphs 61, 141.2 and 141.4 of the SARB's answering affirmation</p>	<p>APPLICATION VOLUME 2</p>	<p>140, 177</p>
	<p>Also referred to in paragraph 173 of SAHA's replying affidavit</p>	<p>APPLICATION VOLUME 5</p>	<p>382</p>

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
30/09/2014	SAHA's PAIA Tracker sent out automated correspondence on two other requests submitted to the SARB in 2014, noting that SAHA intended making an internal appeal against the SARB's failure to provide decisions within the statutory time frame	APPLICATION VOLUME 5 Paragraph 174 of SAHA's replying affidavit	382
30/09/2014	E-mail from Werksmans to the LHR requesting that SAHA direct all future correspondence to Werksmans and confirming that the SARB does not have an internal appeal process	APPLICATION VOLUME 5 Paragraph 174 of SAHA's replying affidavit	382
01/10/2014 (referred to as sent on 30/09/2014 by SAHA)	E-mail from the LHR to Werksmans in which noted SARB's position on internal appeals and apologising for automated correspondence that may have indicated the contrary. SAHA would through its attorneys direct future correspondence on existing requests to the SARB's attorneys and would submit any new requests to the Information Officer and Deputy Information Officers of the SARB in line with PAIA's requirements	APPLICATION VOLUME 5 Paragraph 174 of SAHA's replying affidavit	382
25/11/2014	Letter from the LHR to Werksmans noting that they had received no substantive response to the letter of 26 September 2014	APPLICATION VOLUME 5 Paragraph 175 of SAHA's replying affidavit	382

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
02/12/2014	Resolution by SAHA's Trustees to launch PAIA applications (dated 27 September 2014 and last signature dated 2 December 2014)	Annexure "FA1" APPLICATION VOLUME 1	50 – 51
	Introduced in paragraph 1 of SAHA's founding affidavit	APPLICATION VOLUME 1	5
2015			
27/07/2015	<p>Letter from Werksmans to LHR in which an update was provided as to the status of each of SAHA's 2014 PAIA requests – with reference to SAH-2014-SRB-003 to SAH-2014-SRB-008</p> <p>In so far as SAH-2014-SRB-007 (the subject of this court application) is concerned it was recorded that this request is identical to SAH-2014-SRB-005 (subject to the third parties referred to in the request) and the request is thus also regarded as vague in so far as it does not identify the specific records being sought but subjectively requires the SARB to ascertain which records SAHA seeks. Request is ambiguous in so far as the time period applicable to the request is concerned. No threshold identified for "substantial" contravention or "significant" fraud. Thus SAHA and the relevant third parties are unable to identify the records requested. Further particulars were requested to enable the SARB properly to consider the request. The SARB has limited information on the parties identified and is considering its relevance and in some instances the SARB's records are voluminous and a great deal of time is required to retrieve and peruse the records. Information concerned also involves third parties who need to be identified and consulted and might no longer even be in existence. Queries made to SAHA as to whether or not Mr R O Hill is still alive as the SARB (at that stage) could not ascertain his status</p> <p>The SARB requests SAHA that the litigation in this matter continues to be stayed until</p>	Annexure "FA8" APPLICATION VOLUME 1	82 - 86

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
	such time as the issues raised in this letter are resolved		
	Introduced in paragraph 45 of SAHA's founding affidavit	APPLICATION VOLUME 1	20
	Also referred to in paragraph 34 of the SARB's answering affirmation	APPLICATION VOLUME 2	125
	Also referred to in paragraph 50 of SAHA's replying affidavit	APPLICATION VOLUME 5	361
19/08/2015	The SAHA made reference to a letter from the LHR in which it replied to Werksmans addressing all of the matters raised by the SARB. The letter pointed out the manner in which PAIA requires third party notification to take place. The letter noted that PAIA only requires, in sections 28 and 46, that <i>reasonable steps</i> be taken to notify a third party, failing which a decision must be made by the Reserve Bank. In relation to SAH-2014-SRB-0007, the letter also provided information on Mr Oliver Hill, which SAHA had found through media reports. In relation to the Reserve Bank's delay in accessing and perusing the records, the letter stated: <i>'if the archival legislation is complied with, retrieval of records should not be very time consuming. Our client repeats its offer to assist in this regard.'</i> LHR also stated that an alternative way in which the SARB could assist the SAHA under section 19 of PAIA is for SAHA to be provided with a copy of the SARB's filing plan or similar archival finding aid, as SAHA could possibly in this way narrow the request	APPLICATION VOLUME 1 Paragraphs 46 to 48 of SAHA's founding affidavit	21
	Also referred to in paragraphs 51 and 178 of SAHA's replying affidavit	APPLICATION VOLUME 5	361, 383

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
	Introduced by the SARB as an annexure to the application papers as Annexure "JDJ15" in paragraph 17.1 of the SARB's supplementary answering affirmation	Annexure "JDJ15" APPLICATION VOLUME 5	398 – 402
	Also referred to in paragraphs 9 and 17.1 of the SARB's supplementary answering affirmation and introduced by the SARB as an annexure to the papers	APPLICATION VOLUME 5	388, 391
26/08/2015	The SAHA made reference to a letter from Werksmans in which "the SARB refused to provide SAHA with a copy of its filing plan, on the basis that the volume of and unique manner in which records are archived at the SARB mean that, in the SARB's view, its finding aid would not be of assistance in narrowing the request."	APPLICATION VOLUME 5 Paragraph 178 of SAHA's replying affidavit	383
	Introduced by the SARB as an annexure to the application papers as Annexure "JDJ14" in paragraph 9 of the SARB's supplementary answering affirmation	Annexure "JDJ14" APPLICATION VOLUME 5	394 - 397
	This letter was written in response to the statement made on behalf of the SAHA in paragraph 5 of the LHR's letter of 19 August 2015 ("JDJ15") that " <i>It may be that the provision of your client's filing plan or similar archival filing aid, if compliant with archival legislation, will also enable SAHA to further narrow the requests. If your client is in compliance with archival legislation, it should have systems in place though [sic] which records can be identified using descriptions in metadata</i> " It is recorded in paragraph 2.3.2.4 of this letter that "[the SARB's] archival system complies with the relevant archival legislation".	Annexure "JDJ14" APPLICATION VOLUME 5	396
	Also referred to in paragraphs 9, 10 and 17.2 of the SARB's supplementary answering affirmation	APPLICATION VOLUME 5	388, 389. 391 and 392

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
14/10/2015	The SAHA made reference to a letter from the LHR to Werksmans in which it was "noted that the SARB has a duty under section 19 of PAIA to provide SAHA with assistance" and in which the LHR "invited the SARB to make reasonable suggestions as to how assistance can be provided in terms of section 19 of PAIA. No such suggestion was made."	APPLICATION VOLUME 5 Paragraphs 178 and 179 of SAHA's replying affidavit	383
	Introduced by the SARB as an annexure to the application papers as Annexure "JDJ16" in paragraph 17.3 of the SARB's supplementary answering affirmation. This letter is in response to Werksmans' letter of 26 August 2016	APPLICATION VOLUME 5 Annexure "JDJ16" APPLICATION VOLUME 5	392 403 - 405
20/10/2015	Introduced by the SARB as an annexure to the application papers as Annexure "JDJ18" in paragraph 17.4 of the SARB's supplementary answering affirmation	APPLICATION VOLUME 5	392
	Letter from Werksmans to LHR prepared in response to LHR's letter dated 14 October 2015 in which it states that "[SAHA] has failed and/or refused and/or neglected to supplement the requests to include the requisite particulars necessary properly to identify the records contemplated in the requests.	Annexure "JDJ18" APPLICATION VOLUME 5	409 - 411

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
22/10/2015	The SAHA referred to a letter from the LHR to Werksmans in which it was "noted that the SARB has a duty under section 19 of PAIA to provide SAHA with assistance"	APPLICATION VOLUME 5 Paragraph 178 of SAHA's replying affidavit	383
	Introduced by the SARB as an annexure to the application papers as Annexure "JDJ17" in paragraph 17.4 of the SARB's supplementary answering affirmation. This letter is written in response to Werksmans' letter dated 20 October 2015	Annexure "JDJ17" APPLICATION VOLUME 5	406 - 408
28/10/2015	<p>Letter from Werksmans to the LHR in which it dealt with the SAH-2014-SRB-0007 PAIA request and in which it was recorded that –</p> <ul style="list-style-type: none"> - as detailed in previous letters, the relevant request is excessively broad and unduly vague in so far as the request does not provide the SARB sufficient particulars in order, without unreasonably diverting State resources, to enable the SARB properly and specifically to identify the records requested by SAHA; - the SARB has, simply in an effort to assist SAHA in this matter, but without prejudice to its rights, conducted a search of its records in order to ascertain whether or not the SARB may be in possession of the relevant records, the identity of which the SARB has presumed (in light of the unduly vague nature of the requests) have been requested by SAHA; - the SARB approached the request to mean a request for such records as were entered into the register of investigations by the Investigations Division of the formerly known Exchange Control Department of the SARB, now the Financial Surveillance Department ("FSD") and which relate specifically and directly to the relevant individuals and constitute formal investigations conducted by the FSD into allegations of significant fraud in respect of the relevant individuals as contemplated in the "request description" 	Annexure "FA9" APPLICATION VOLUME 1	87 – 91

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
	<p>The SARB has been unable to locate any entry in its records that relate to any investigations by the FSD into allegations of significant fraud relating to the late Mr Giovanni G M Ricci, the late Mr Stephanus Petrus Botha, Mr Paul Ekon, Mr Craig Michael Williamson and Dr Wouter Basson. The SARB is unable to furnish SAHA with the records presumably referred to in the relevant request which relate to these individuals. Section 23 statement to be provided in this regard by the SARB.</p> <p>In so far as records relating to Brigadier Johann Phillip Derk Blaauw, Mr Robert Oliver Hill and Mr Vito Palazzolo are concerned, the SARB has refused the request on the basis of section 33 (secrecy) of the South African Reserve Bank Act No. 90 of 1989, section 37 of PAIA (breach of confidence of third party), section 39 of PAIA (protection of law enforcement), section 45 of PAIA (diversion of resources) and section 34 of PAIA (personal information)</p>		
	Introduced in paragraph 49 of SAHA's founding affidavit	APPLICATION VOLUME 1	21
	Also referred to in paragraphs 35, 65, 152 and 153 of the SARB's answering affirmation	APPLICATION VOLUME 2	125 141 182
29/10/2015	Section 23 PAIA statement made by Dr Johann de Jager of the SARB in which it stated that it was unable to locate the records requested in so far as Ricci, Botha, Ekon, Williamson and Basson were concerned	Annexure "FA10" APPLICATION VOLUME 1	92 – 103
	Introduced in paragraph 51 of SAHA's founding affidavit	APPLICATION VOLUME 1	22
	Also referred to in paragraphs 149 and 150 of the SARB's answering affirmation	APPLICATION VOLUME 2	180, 181

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
29/10/2015	Supporting affidavit by Mr Alexander Ellis of the SARB to Section 23 PAIA statement	Annexure "FA11" APPLICATION VOLUME 1	104 – 105
	Introduced in paragraph 55 of SAHA's founding affidavit	APPLICATION VOLUME 1	23
2016			
09/02/2016	Confirmatory affidavit delivered on behalf of SAHA as deposed to by Mr Hendrik van Vuuren, Senior Research Associate at the Institute for Justice and Reconciliation – involved in Open Secrets Project	Annexure "FA12" APPLICATION VOLUME 1	106 – 108
	Introduced in paragraph 113 of SAHA's founding affidavit	APPLICATION VOLUME 1	39
17/02/2016	SAHA launches its PAIA application out of the Gauteng Local Division of the High Court, Johannesburg against the SARB	APPLICATION VOLUME 1	1 – 108
	Notice of motion and founding affidavit deposed to by Catherine Moira Kennedy of SAHA		
	Sheriff's returns of service following service of SAHA's PAIA application in Johannesburg on the office of the State Attorney (instead on offices of the SARB)	NOTICES VOLUME 1	1 – 2

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
08/03/2016	Notice in terms of Rule 3(5) of the PAIA Rules from Mr Alexander Ellis of the SARB to Ms Wynanda Coetzee at Geyser and Coetzee Attorneys, representing Dr Wouter Basson	Annexure "JDJ4" APPLICATION VOLUME 3	211
	Introduced in paragraph 22.1 of the SARB's answering affirmation	APPLICATION VOLUME 2	118 – 119
30/03/2016	The SARB enters notice of intention to oppose SAHA's PAIA application	NOTICES VOLUME 1	ADB3 – ADB4
30/03/2016	The SARB's Notice in terms of Rule 3(5) of the PAIA Rules in which it delivered copies of SAHA's PAIA request dated 1 August 2014 and the SARB's decision thereto dated 28 October 2015	NOTICES VOLUME 1	ADB5 – ADB62
15/04/2016	Letter from Werksmans to LHR in which extension for the delivery of the SARB's answering affidavit was requested until 31 May 2016 and in which it also delivered a Rule 35(12) notice. Werksmans also advised the LHR that the SARB intends to raise a point of non-joinder on account thereof that the eight individuals to which the request for information relates and referred to in paragraphs 4 and 5 of SAHA's notice of motion, have not been joined in the proceedings. SAHA was invited to join these individuals failing which the SARB shall proceed to raise the non-joinder point in its answering affidavit	Annexure "JDJ1" APPLICATION VOLUME 3	193 – 202
	Introduced in paragraph 16 of the SARB's answering affirmation	APPLICATION VOLUME 2	117

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
18/04/2016	The SARB delivers Rule 35(12) notice to SAHA	NOTICES VOLUME 1	ADB63 – ADB69
	E-mail correspondence between LHR and Werksmans in which the LHR consented to the extension for the delivery of the SARB's answering affidavit by 31 May 2016	Included in Annexure "JDJ2" APPLICATION VOLUME 3	203 – 204
22/04/2016	Letter from LHR to Werksmans in which it refers to the extension granted until 31 May 2016 for the delivery of the SARB's answering affidavit and to the delivery of the Rule 35(12) documents. On the question of joinder the LHR advised that the SARB was obliged, in terms of section 47 of PAIA, to take all reasonable steps to inform a third party to whom or which the record relates of the request, within 21 days of receipt of the request. This notice triggers rights of the third parties and the section prescribes the procedure which is to be followed. The LHR stated that it appears that the SARB has not given any such notice to those third parties who are still alive and if that is the case and the SARB has not taken all reasonable steps in that regard, the SARB is in breach of its PAIA duties. SAHA accepted that the giving of such notices where reasonably possible is a necessary precursor to obtaining relief in respect of records which relate to a person who has an entitlement to notice in terms of section 47. To this end SAHA intends to amend its notice of motion to seek an order directing that the SARB comply with its obligations under section 47 of the PAIA if it has not done so	Annexure "JDJ2" APPLICATION VOLUME 3	203 – 206
	Introduced in paragraph 17 of the SARB's answering affirmation	APPLICATION VOLUME 2	117

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
28/04/2016	Letter from Werksmans to LHR in which it dealt with the delivery of the SARB's answering affidavit and SAHA's Rule 35(12) response. In so far as the non-joinder is concerned, Rule 10 of the Uniform Rules of Court provides that if a party has a direct and substantial interest in any order the court might make in proceedings, the party is a necessary party and should be joined in the proceedings. The SAHA is required in terms of Rule 10 to join the eight individuals to which the request for information referred to in this application relates. Compliance by the SARB with the provisions of the PAIA cannot and does not obviate the obligations placed on SAHA in terms of the Uniform Rules. Confirmed that the SARB have consistently complied and continue to comply with the provisions of PAIA in so far as the provision relate to the SARB. SAHA remains responsible for joining the relevant individuals in terms of Rule 10 and should SAHA ultimately fail and/or refuse and/or neglect to join the relevant individuals, the SARB will proceed to raise the non-joinder point in its answering affidavit	Annexure "JDJ3" APPLICATION VOLUME 3	207 – 210
	Introduced in paragraph 18 of the SARB's answering affirmation	APPLICATION VOLUME 2	117
29/04/2016	Notice in terms of Rule 3(5) of the PAIA Rules from Werksmans to Mr Robert Hill	Annexure "JDJ5" APPLICATION VOLUME 3	212 – 214
	Introduced in paragraph 22.2.1 of the SARB's answering affirmation	APPLICATION VOLUME 2	119
29/04/2016	Notice in terms of Rule 3(5) of the PAIA Rules from Werksmans to Mr Paul Ekon	Annexure "JDJ6" APPLICATION VOLUME 3	215 – 217
	Introduced in paragraph 22.2.2 of the SARB's answering affirmation	APPLICATION VOLUME 2	119

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
03/05/2016	Notice in terms of Rule 3(5) of the PAIA Rules from Werksmans to the executor of the deceased estate of the late Mr Giovanni Ricci, Mr Niel van der Merwe Attorneys	Annexure "JDJ7" APPLICATION VOLUME 3	218 – 220
	Introduced in paragraph 22.2.3 of the SARB's answering affirmation	APPLICATION VOLUME 2	119
04/05/2016	Notice in terms of Rule 3(5) of the PAIA Rules from Werksmans to Mr Craig Michael Williamson	Annexure "JDJ8" APPLICATION VOLUME 3	221 – 223
	Introduced in paragraph 22.2.4 of the SARB's answering affirmation	APPLICATION VOLUME 2	119
04/05/2016	SAHA's reply to the SARB's Rule 35(12) notice	NOTICES VOLUMES 1 - 5	ADB70 – ADB426
16/05/2016	Notice in terms of Rule 3(5) of the PAIA Rules from Werksmans to Mr Vito Palazzolo (to Spoleto Prison in Italy and care of his legal representative in Sicily, Mr Baldassare Lauria	Annexure "JDJ9" APPLICATION VOLUME 3	224 – 235
	Introduced in paragraph 22.2.5 of the SARB's answering affirmation	APPLICATION VOLUME 2	119
30/05/2016	Confirmatory affidavit of Ms Elsie du Plessis to the SARB's answering affirmation (unsigned and signed)	Annexure "JDJ13" APPLICATION VOLUME 5	346 – 347A
	Introduced in paragraph 119 of the SARB's answering affirmation	APPLICATION VOLUME 2	168

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
30/05/2016	SARB's answering affirmation attested to by Dr Johannes Jurgens de Jager (filing sheet)	APPLICATION VOLUMES 2 – 5	109 – 347A
31/05/2016	The SARB delivers its answering affirmation to SAHA's founding affidavit	NOTICES VOLUME 5	ADB427 – ADB428
		APPLICATION VOLUMES 2 – 5	109 – 347A
24/06/2016	Confirmatory affidavit of Alexander Ellis to the SARB's answering affirmation (unsigned and signed)	Annexure "JDJ10" APPLICATION VOLUMES 3, 5	236 - 237 348 - 349
	Introduced in paragraph 67 of the SARB's answering affirmation	APPLICATION VOLUME 2	142
29/06/2016	The SARB delivers the signed confirmatory affidavit of Alexander Ellis	NOTICES VOLUME 5	ADB429 – ADB430
08/08/2016	SAHA delivers its replying affidavit, deposed to by Catherine Moira Kennedy, to the SARB's answering affirmation	NOTICES VOLUME 5	ADB431 – ADB432
		APPLICATION VOLUME 5	350 - 384
22/08/2016	SAHA's Rule 28 Notice to amend paragraph 2 of its Notice of Motion to refer to PAIA instead of to the Promotion of Administrative Justice Act No. 3 of 2000	NOTICES VOLUME 5	ADB433 – ADB434

DATE	DESCRIPTION	ANNEXURE NO., BUNDLE, VOLUME, PARAGRAPH	PAGINATED PAGE NO.
26/08/2016	SAHA effects amendments to its Notice of Motion and delivers amended Notice of Motion	APPLICATION VOLUME 1	4A – 4D
05/09/2016	SAHA delivers consolidated indices to the application papers		
10/10/2016	SAHA delivers its heads of argument and practice note		
14/10/2016	SAHA delivers its chronology and bundle of authorities to its heads of argument		
09/11/2016	SARB's supplementary answering affirmation attested to by Dr Johannes Jurgens de Jager (filing sheet) (e-mail service date)	NOTICES VOLUME 5	ADB435 – ADB436
10/11/2016	The SARB delivers its supplementary answering affirmation to SAHA's founding affidavit following SAHA's replying affidavit and heads of argument	APPLICATION VOLUME 5	385 - 411
10/11/2016	SARB delivers updated consolidated indices to the application papers		
14/11/2016	The SARB delivers its practice note, heads of argument, bundle of authorities and chronology		