

GRIFPIER VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA  
 GAUTENG PLAASLIKE AFDELING, JOHANNESBURG  
 PRIVAATSAK/PRIVATE BAG X7  
 JOHANNESBURG 2000  
 2016 -02- 17  
 ISSUING  
 REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
 GAUTENG LOCAL DIVISIONS, JOHANNESBURG

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

CASE NO: 16/05598

In the matter between:

**THE SOUTH AFRICAN HISTORY ARCHIVE TRUST**

**Applicant**

and

GRIFPIER VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA  
 GAUTENG PLAASLIKE AFDELING, JOHANNESBURG  
 PRIVAATSAK/PRIVATE BAG X7  
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**THE SOUTH AFRICAN RESERVE BANK**

**First Respondent**

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

**Second Respondent**

**NOTICE OF MOTION**

STATISPROKUR  
 PRIVAATSAK/PRIVATE BAG X9  
 REGISTRASIE AFDELING  
 2016 -02- 17  
 REGISTRATION DEPARTMENT  
 JOHANNESBURG 2000  
 STATE ATTORNEY

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 To the extent necessary, condoning the applicant's non-compliance with the 180-day period within which to bring an application of this nature;
- 2 Declaring that the decision of the First and Second Respondents to refuse access to the records requested by SAHA in its request for information in terms of the Promotion of Administrative Justice Act, 2 of 2000 ("PAIA") dated 1 August 2014 ("the request") is unlawful and in conflict with the provisions of PAIA and the Constitution;

- 3 Reviewing and setting aside the refusal by the First and Second Respondents of SAHA's request;
- 4 Directing the Respondents to provide the requested records in respect of Brigadier Blaauw, Mr Ricci, Mr Botha and Mr Hill to the Applicant within 15 (fifteen) days of the granting of this order.
- 5 Directing the Respondents to notify Mr Ekon, Mr Palazzolo, Mr Williamson and Dr Basson within 5 days of the date of this order, of the request, in accordance with section 47 of PAIA and thereafter to comply with the time periods and provisions in Chapter 5 of PAIA.
- 6 Directing the First and Second Respondents to pay the costs of this application, including the costs of two counsel.
- 7 further and/or alternative relief.

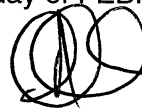
**TAKE NOTICE FURTHER** that the accompanying affidavit of **CATHERINE MOIRA KENNEDY** and the annexures thereto, will be used in support of this application.

**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 FURTHER 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 Johannesburg on this the 16<sup>th</sup> day of FEBRUARY 2016.

**LAWYERS FOR HUMAN RIGHTS**

Applicant's Attorneys  
4<sup>th</sup> 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 SOUTH AFRICAN RESERVE BANK**  
First Respondent

**BY SHERIFF**

370 Helen Joseph Street  
Pretoria  
0002

c/o The State Attorney

95 Market St,  
Johannesburg,  
2094,  
South Africa

**AND TO:**  
**THE GOVERNOR OF THE SOUTH AFRICAN RESERVE BANK,**  
**MR L KGANYAGO**

**BY SHERIFF**

Second Respondent  
  
370 Helen Joseph Street  
Pretoria  
0002

c/o The State Attorney

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