

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

Case Number:

In the matter between:

**CENTRE FOR THE STUDY OF VIOLENCE AND
RECONCILIATION** First Applicant

KHULUMANI SUPPORT GROUP Second Applicant

**INTERNATIONAL CENTER FOR TRANSITIONAL
JUSTICE** Third Applicant

INSTITUTE FOR JUSTICE AND RECONCILIATION Fourth Applicant

SOUTH AFRICAN HISTORY ARCHIVES Fifth Applicant

HUMAN RIGHTS MEDIA CENTRE Sixth Applicant

FREEDOM OF EXPRESSION INSTITUTE Seventh Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA First Respondent

THE MINISTER OF JUSTICE Second Respondent

NOTICE OF MOTION

PART A

KINDLY TAKE NOTICE that the applicants intend to make application to this Honourable Court on the **THURSDAY, 2 APRIL 2009** at **10h00** or as soon thereafter as counsel may be heard, for an order in the following terms:

1. The Rules relating to forms and service are dispensed with, and the application is heard as a matter of urgency.
2. The first respondent is interdicted from granting any pardon in terms of the "*Special dispensation for Presidential pardons for political offences*" until such time as the proceedings described in Part B below have been finally determined.
3. The first respondent is ordered to pay the costs of this application.
4. Further or alternative relief.

TAKE NOTICE FURTHER that the affidavit of **HUGO VAN DER MERWE** and the annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER that if you intend to oppose this application you are required:

(a) to give notice thereof to the applicants on or before **12h00** on **MONDAY, 23 MARCH 2009**; and

(b) to file your answering affidavits, if any, on or before **16h00** on **THURSDAY, 26 MARCH 2009**.

The applicants will file their replying affidavits, if any, on or before **16h00** on **MONDAY, 30 MARCH 2009**.

TAKE NOTICE FURTHER that the applicants have appointed, Pretoria, as its attorneys and that address as the address at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend to oppose this application, you are required to appoint in such notice an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

PART B

KINDLY TAKE NOTICE that the applicants will make application, on a date to be determined, for an order in the following terms:

1. The first respondent is interdicted from granting any pardon in terms of the *“Special dispensation for Presidential pardons for political offences”*.
2. (Alternatively to para 1) The first respondent is interdicted from granting any pardon in terms of the *“Special dispensation for Presidential pardons for political*

offences” unless and until the victims of the offence(s) in question, and other persons who were affected by such offence(s):

2.1 have been given access to the relevant application for a pardon and the proceedings and recommendations of the Pardons Reference Group in that regard; and

2.2 have been an opportunity to make representations in that regard to the first respondent.

3. The first respondent is ordered (and the second respondent is ordered, only in the event of his opposing this application, jointly and severally) to pay the costs of this application.

4. Other or alternative relief.

TAKE NOTICE FURTHER that the affidavit of **HUGO VAN DER MERWE** and the annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER that the applicants have appointed,.....Pretoria, as their attorneys and that address at the address at which they will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application, you are required:

(a) to notify applicants’ attorney in writing on or before **6 APRIL 2009**;

(b) within 15 (fifteen) days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any.

TAKE NOTICE FURTHER that you are required to appoint in such notification, an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on the 15TH day of **APRIL 2009** at **10h00** or so soon thereafter as counsel may be heard.

KINDLY PLACE THE MATTER ON THE ROLL TO BE HEARD ACCORDINGLY.

DATED at **PRETORIA** this day of **MARCH 2009**.

LEGAL RESOURCES CENTRE

Applicants' Attorneys

PER:

K PIENAAR

54 Shortmarket street

Green Market Square

CAPE TOWN

(Ref: 10072/08/SK)

C/O

TO: THE REGISTRAR
North Gauteng High Court
PRETORIA

**AND TO: THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA**

C/o **THE STATE ATTORNEY**
PRETORIA

**AND TO: THE MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

C/o **THE STATE ATTORNEY**
PRETORIA