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IN THE HIGH COURT OF SOUTH AFRICA
(SOUTH GAUTENG HIGH COURT, JOHANNESBURG)

Case No: 09/45915

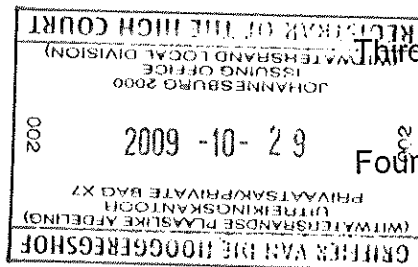
In the matter between:

CENTRAL METHODIST MISSION, JOHANNESBURG First Applicant

LAWYERS FOR HUMAN RIGHTS Second Applicant

NYATHI, BUTHOLEZWE

D.S.



Third Applicant

Fourth Applicant

and

CITY OF JOHANNESBURG First Respondent

CHIEF OF JOHANNESBURG Second Respondent

METROPOLITAN POLICE DEPARTMENT

GAUTENG PROVINCIAL COMMISSIONER Third Respondent

OF THE SOUTH AFRICAN POLICE SERVICE

NATIONAL COMMISSIONER OF Fourth Respondent

THE SOUTH AFRICAN POLICE SERVICE

MEC FOR SAFETY AND SECURITY, GAUTENG Fifth Respondent

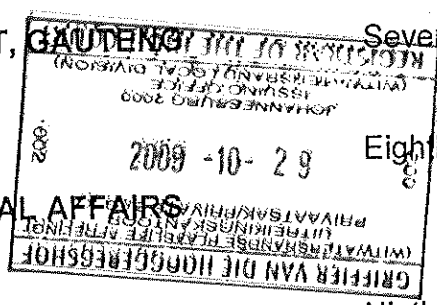
MINISTER OF POLICE Sixth Respondent

MEC FOR LOCAL GOVERNMENT, GAUTENG Seventh Respondent

MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Eighth Respondent

GAUTENG PROVINCIAL GOVERNMENT Ninth Respondent

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA Tenth Respondent



NOTICE OF MOTION

KINDLY TAKE NOTICE THAT on a date and at a time to be arranged with the Registrar, the Applicants intend to apply to the above Honourable Court for an order in the following terms:

- 1 Declaring that the raid and arrests conducted at the Central Methodist Mission, Johannesburg ("the Church") on 3 July 2009 by the South African Police Service ("SAPS") and Johannesburg Metropolitan Police Department ("JMPD") were unlawful and unconstitutional;
- 2 Interdicting and restraining the SAPS and JMPD from:
 - 2.1 conducting any further unlawful raids on the Church and/or in respect of the persons living in and around the Church;
 - 2.2 arresting the persons living in and around the Church for an ulterior purpose not sanctioned by law;

- 2.3 arresting the persons living in and around the Church in terms of in terms of section 40 of the Criminal Procedure Act No. 51 of 1977 for a purpose other than to bring the arrestees before a court of law, there to face due prosecution;
 - 2.4 arresting the persons living in and around the Church in terms of section 40 of the Criminal Procedure Act No. 51 of 1977 while knowing with a high degree of probability that no prosecution will follow such arrests;
 - 2.5 harassing and/or intimidating the persons living in and around the Church;
- 3 Declaring municipal by-law 13(1), headed "Loitering on Public Roads" issued under Notice 832 of 2004 in the Gauteng Provincial Gazette Extraordinary of 21 May 2004, inconsistent with the Constitution and invalid;
 - 4 Directing that:
 - 4.1 the First Respondent and the Seventh to Tenth Respondents are forthwith to engage meaningfully with the Applicants, the persons living at and around Church and other relevant role-players on:
 - 4.1.1 the responsibilities and obligations of the First Respondent and the Seventh to Tenth Respondents to alleviate the plight of the persons living in and around the Church, bearing in mind the history of this matter, the Respondents' constitutional and statutory obligations and the rights of the affected persons;
 - 4.1.2 the steps that will be taken by the First Respondent and the Seventh to Tenth Respondents in order to fulfill such responsibilities and obligations; and
 - 4.1.3 a reasonable timetable for the fulfillment of such responsibilities and obligations;

- 4.2 the First Respondent and the Seventh to Tenth Respondents are to file affidavits within sixty (60) days of the date of this order reporting on the outcome of such engagement;
- 4.3 the Applicants may file an affidavit within ten (10) days of the affidavits referred to in paragraph 4.2 being filed, reporting on the outcome of such engagement;
- 5 Directing that any of the parties to this application may re-enroll this matter for hearing at any stage, if necessary on duly supplemented papers, to deal with any need for further orders arising out of the orders set out in paragraphs 1 - 4 above;
- 6 Directing that the Applicants' costs be paid jointly and severally by any of the Respondents opposing any part of the relief sought;
- 7 Granting the Applicants further and/or alternative relief.

KINDLY TAKE NOTICE FURTHER that the founding affidavit of **PAUL VERRY** and the annexures to that affidavit will be used in support of this application.

KINDLY TAKE NOTICE FURTHER that should any of the respondents intend opposing this application they are required to:

- i. Deliver notice to the applicants that they intend so to oppose within 15 days after receipts by them of the notice of motion;

- ii. In such notice to oppose to appoint an address within 8 kilometres of the office of the registrar at which they will accept services of all process in these proceedings;
- iii. Within 15 days of notifying the applicants of their intention to oppose, deliver any affidavits they may desire in answer to the allegations made by the applicant.

KINDLY TAKE NOTICE FURTHER that the applicants have appointed the address of their attorneys as set out below at which they will accept notice and service of all process in respect of this application.

DATED AT JOHANNESBURG THIS 29th DAY OF OCTOBER 2009.


LEGAL RESOURCES CENTRE
Applicants' Attorneys
9th Floor, Constitutional Litigation Unit
25 Bram Fischer House
Rissik Street
Johannesburg
Tel: (011) 836 9831
Fax: (011) 838 4876
Docex 278
Ref: J Brickhill

**TO: THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG**

- AND TO: CITY OF JOHANNESBURG**
First Respondent
158 Loveday Street Extension
Braamfontein
Johannesburg
- AND TO: CHIEF OF THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT (JMPD)**
Second Respondent
JMPD Headquarters
Phillips Building
195 Main road
Martindale
Newlands
2092
Tel: (011) 758 9100
- AND TO: GAUTENG PROVINCIAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE**
Third Respondent
16 Empire Road
Parktown
Johannesburg
Tel: (011) 274 7300
Fax: (011) 274 7312
- AND TO: NATIONAL COMMISSIONER OF POLICE**
Fourth Respondent
SAPS head office
321 Pretorius Street
Pretoria
001
Tel: (012) 393 1000
Fax: (012) 393 2819
- AND TO: FIFTH TO TENTH RESPONDENTS**
c/o THE STATE ATTORNEY
10th Floor, North State Building
Corner Market and Kruse Street
Johannesburg