

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. 18052/2019

In the matter between:

SOUTHERN AFRICA LITIGATION CENTRE

Applicant

and

THE MINISTER OF HOME AFFAIRS

First Respondent

**THE DIRECTOR-GENERAL OF THE
DEPARTMENT OF HOME AFFAIRS**

Second Respondent

AUGUSTINUS PETRUS MARIA KOUWENHOVEN

Third Respondent

THE APPLICANT'S SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

KAAJAL RAMJATHAN-KEOGH,

do hereby make oath and say:

1. I am the Executive Director of the Southern Africa Litigation Centre ("SALC"), the Applicant in this matter.
2. The facts contained in this affidavit fall within my personal knowledge, unless stated to the contrary, and are both true and correct.

3. This affidavit is filed in support of an application for leave to place SALC's certificate of registration as a non-profit organisation in terms of the Non-Profit Organisations Act, No. 71 of 1997, before the Court.
4. Argument will be made at the hearing of this matter that SALC is authorised in terms of its deed of trust to litigate as an applicant. Furthermore in terms of section 16(c) of the Non-Profit Organisations Act, it is a body corporate and is therefore entitled to sue and be sued. A copy of the certificate is attached hereto marked "**A**".
5. Although SALC has litigated in a number of courts in its own name, where it has been cited in its abbreviated form, and on the basis of identical procedures, this is the first time that a challenge of this nature has been made. In preparing for argument SALC's counsel read the judgment of Desai J dated 16 September 2016 dealing with a point *in limine* identical to the point raised by the Third Respondent regarding the status of the Womens' Legal Centre Trust as a legal entity, as well as the manner in which it was cited. A copy of Desai J's judgment is attached hereto marked "**B**". Unfortunatel, as is noted from lines 6 to 15 on page 2, the Judge states that while he has read the authorities referred to him by both counsel, he does not deal with them at all in his judgment but merely states his conclusion that the standing of the Womens' Legal Centre Trust is unassailable.
6. Our counsel therefore obtained a copy of the transcript of the argument, which will be made available to counsel for the Third Respondent and to the Court should it so wish. The authorities cited by both counsel in the matter before Desai J will be dealt

with in our supplementary supplementary heads of argument should the Third Respondent not be inclined to concede this point.

KAAJAL RAMJATHAN-KEOGH

Signed and sworn before me at _____ on this ____ day of MARCH 2020, the deponent having acknowledged that he/she knows and understands the contents of this affidavit, has no objection to taking the prescribed oath and considers the oath to be binding on his/her conscience.

COMMISSIONER OF OATHS