

**IN THE HIGH COURT OF SOUTH AFRICAN
(WESTERN CAPE HIGH COURT, CAPE TOWN)
Before the Honourable Mr Justice Desai
Cape Town: 15 May 2020**

CASE NO. 5633/2020

In the matter between:

CITY OF CAPE TOWN

Applicant

and

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

First Respondent

**CHIEF EXECUTIVE OFFICER OF THE
SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

Second Respondent

TAURIQ JENKINS

Third Respondent

ANNIE KIRKE

Fourth Respondent

ANNELIZE VAN WYK

Fifth Respondent

LYSANDRA FLOWERS

Sixth Respondent

LORENZO DAVIDS

Seventh Respondent

CATHERINE WILLIAMS

Eighth Respondent

GILLES VAN CUTSEM

Ninth Respondent

JARED SACKS

Tenth Respondent

ZELDA HOLTZMAN

Eleventh Respondent

DRAFT ORDER

IT IS ORDERED THAT:

1. The application is postponed to the third division for hearing at 10h00 on Wednesday, 20 May 2020;
2. The Centre for Applied Legal Studies is admitted as amicus curiae.
3. The Women's Legal Centre is admitted as amicus curiae.
4. The applicant and the respondents shall cross file heads of argument by 20h00 on Tuesday, 19 May 2020.
5. Pending the hearing on Wednesday, 20 May 2020:
 - 5.1. Only the Rev. Chris Nissen or Mr André Gaum (*“the Commissioners”*), no more than four members of staff of the South African Human Rights Commission (*“SAHRC”*) and no more than five additional monitors duly appointed and accredited by the SAHRC who are more fully described below, may access the temporary emergency shelter in Strandfontein (*“the site”*) after giving Mr Richard Bosman of the City written notice thereof and in this regard, a schedule of visits will be provided to Mr Bosman by 09h00 on Friday 15 May 2020;
 - 5.2. The first and second respondents will provide details of the five additional SAHRC monitors to the City by 10h00 on Friday 15 May 2020, together with all issued permits required in terms of the COVID-19 regulations issued on 29 April 2020 and published in Government Gazette No. 43258 and any amendments thereto (*“the regulations”*);

- 5.3. All Commission staff and monitors shall comply with all regulations that apply to the site;
 - 5.4. The Commissioners, the Commission staff and the five additional Commission monitors shall comply with all screening and/or testing protocols, and shall only be allowed access to any of the facilities at the site with the appropriate personal protective equipment;
 - 5.5. The Commissioner, the four Commission staff members and the five additional Commission monitors shall conduct themselves lawfully while on monitoring duty at the site.
6. All issues of costs are reserved for later determination.

BY ORDER OF COURT

COURT REGISTRAR