

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

CASE NO.:48656/22

In the matter between:

THE EMBRACE PROJECT NPC

First Applicant

INGE HOLZTRÄGER

Second Applicant

and

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

First Respondent

**MINISTER IN THE PRESIDENCY FOR WOMEN,
YOUTH AND PERSONS WITH DISABILITIES**

Second Respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Third Respondent

NOTICE IN TERMS OF RULE 16A

KINDLY TAKE NOTICE THAT that this application raises the following constitutional issue:

- 1 Whether sections 3, 4, 5, 6, 7, 8, 9 and 11A read with section 1(2) of the Criminal Law (Sexual Offences and Related Matters) Act 32 of 2007 are unconstitutional, invalid and inconsistent with the Constitution on the ground that these provisions do not criminalise sexual violence where the perpetrator wrongly and unreasonably believed that the complainant was consenting to the conduct in question alternatively, to the extent that the provisions permit a defence against a charge of sexual violence where there is no reasonable objective belief in consent.

TAKE NOTICE FURTHER that any interested party may, with the written consent of all the parties to the proceedings, given not later than 20 days after this notice has been filed, be admitted therein as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

TAKE NOTICE FURTHER that the written consent referred to above shall, within five (5) days of its having been obtained, be lodged with the Registrar and the *amicus curiae* shall, in addition to any other provision of the Rules, comply with the times agreed upon for the lodging of the written argument.

TAKE NOTICE FURTHER that if the interested party is unable to obtain written consent they may, within five days of the expiry of the 20-day period prescribed above, apply to the Court in the manner contemplated by Rule 16A(6) to be admitted as an *amicus curiae* in the proceedings.

DATED at JOHANNESBURG on the 16th day NOVEMBER of 2022.



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Ref: COR/LOU/W48

TO: THE REGISTRAR
High Court of South Africa
Gauteng Division
PRETORIA

AND TO: MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
First Respondent
SALU Building, 28th Floor
316 Thabo Sehume Street, (c/o Thabo Sehume and Francis Beard
Streets),
PRETORIA, 0001

**AND TO: MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND
PERSONS WITH DISABILITIES**
Second Respondent
36 Hamilton Street Arcadia
PRETORIA, 0007

AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
Third Respondent
Union Buildings
Government Avenue
PRETORIA, 0002