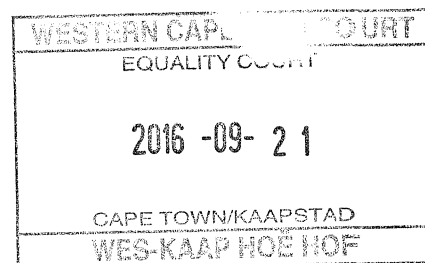


**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN
SITTING AS AN EQUALITY COURT**



Case No. EC09/2016

In the matter between:

SOCIAL JUSTICE COALITION	First Applicant
THOBEKA EUNICE BOBOTYANA	Second Applicant
LINDELA BEBI	Third Applicant
NOSIPHELELE MSESIWE	Fourth Applicant
NOBATHEMBU SEPLANI	Fifth Applicant
NOLIZWE MANELI	Sixth Applicant

and

CITY OF CAPE TOWN	Respondent
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NOTICE IN TERMS OF RULE 16A

BE PLEASE TO TAKE NOTICE THAT the Applicants in the above application raise a constitutional issue.

The Applicants contend that the City of Cape Town (“the City”) is in breach of its constitutional and statutory obligations in terms of section 9 of the Constitution and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

("Equality Act"). In summary, the constitutional issues raised are:

1. Whether the City unfairly discriminates against the Second to Sixth Applicants, the residents of CT Section and Enkanini informal settlements in Khayelitsha ("the persons concerned"), and the residents of informal settlements in Cape Town in the following respects:

1.1. By providing inferior sanitation services to the persons concerned and to residents of informal settlements in Cape Town, who are overwhelmingly black persons, compared with those of other racial groups;

1.2. By denying access to equitable, decent, adequate and safe sanitation services to the persons concerned and to residents of informal settlements in Cape Town on the grounds of race, and fails to take steps to reasonably and equitably accommodate the needs of the persons concerned for decent, adequate and safe sanitation; and

1.3. By providing inferior sanitation services to the persons concerned and to residents of informal settlements in Cape Town on the basis of their socio-economic status and location, which causes and perpetuates systemic disadvantage, undermines their human dignity and adversely affects their equal enjoyment of rights in a serious manner; and

2. Whether the City unfairly discriminates against the persons concerned and against the residents of informal settlements in Cape Town through not having taken reasonable steps to plan and implement the provision of permanent sanitation facilities where this is reasonably practicable.

TAKE NOTICE FURTHER that any party interested in the aforementioned constitutional issues may, with the written consent of all parties to the proceedings, given by no later than 20 (twenty) days after the posting of this notice, be admitted as *amicus curiae*, upon such terms and conditions as may be agreed upon in writing by the parties.

TO THE REGISTRAR: KINDLY place this notice on a board designated for the purpose recorded in Rule16A(1)(c), and place your date stamp upon the notice to indicate the date upon which it is placed on the notice board in accordance with Rule16(1)(d).

DATED AT CAPE TOWN ON THIS THE 20th DAY OF SEPTEMBER 2016.

**NDIFUNA UKWAZI LAW CENTRE
PER:**



MANDISA SHANDU
Applicants' Attorneys
Office 302
47 On Strand
Strand Street
CAPE TOWN

TO: THE REGISTRAR
Western Cape Division, Cape Town
Keerom Street
CAPE TOWN

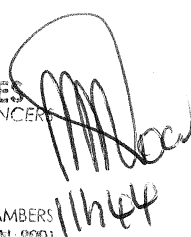
COPY TO: RILEY INCOPORATED
Respondent's Attorney
212 Rosemead Avenue
WYNBERG

c/o: **ROBERT CHARLES ATTORNEYS**
33 Wale Street Chambers
3rd Floor
Church Street
CAPE TOWN

ROBERT CHARLES
ATTORNEYS AND CONVEYANCERS

2016 -09- 21

3 RD FLOOR, WALE STREET CHAMBERS
33 CHURCH STREET, CAPE TOWN, 8001

Handwritten signature and initials in black ink, appearing to be 'M. J. ...' and '1/1/14'.