

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

CASE NO: EC04/2020

PH NO 154

In the matter between:

SASHA-LEE HEEKES

MEGAN MARION WATLING

and



First Applicant

Second Applicant

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

First Respondent

BELOFTEBOS WEDDING VENUE

Second Respondent

COIA DE VILLIERS

Third Respondent

ANDRIES DE VILLIERS

Fourth Respondent

COMMISSION FOR GENDER EQUALITY

Fifth Respondent

PIERRE DE VOS

Sixth Respondent

WESLEY WHITEBOY

Seventh Respondent

FAIEZ JACOBS

Eighth Respondent

CATHERINE WILLIAMS

Ninth Respondent

ALEXANDRA THORNE

Tenth Respondent

ALEX LU

Eleventh Respondent

In re:

BELOFTEBOS WEDDING VENUE

First Applicant

COIA DE VILLIERS

Second Applicant

ANDRIES DE VILLIERS

Third Applicant

and

SOUTH AFRICAN HUMAN RIGHTS COMMISSION	First Respondent
COMMISSION FOR GENDER EQUALITY	Second Respondent
PIERRE DE VOS	Third Respondent
WESLEY WHITEBOY	Fourth Respondent
FAIEZ JACOBS	Fifth Respondent
CATHERINE WILLIAMS	Sixth Respondent
ALEXANDRA THORNE	Seventh Respondent
ALEX LU	Eighth Respondent
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	Nineth Respondent

In re:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION	First Applicant
and	

BELOFTEBOS WEDDING VENUE	First Respondent
COIA DE VILLIERS	Second Respondent
ANDRIES DE VILLIERS	Third Respondent
COMMISSION FOR GENDER EQUALITY	Fourth Respondent
PIERRE DE VOS	Fifth Respondent
WESLEY WHITEBOY	Sixth Respondent
FAIEZ JACOBS	Seventh Respondent
CATHERINE WILLIAMS	Eighth Respondent
ALEXANDRA THORNE	Ninth Respondent
ALEX LU	Tenth Respondent

FILING SHEET

Documents filed herewith:

1. Notice of Motion;
2. Founding Affidavit of Sasha-Lee Heekes;
3. Confirmatory Affidavit of Megan Watling;
4. Confirmatory Affidavit of Monica Joy Dart; and
5. Confirmatory Affidavit of Kayla Daniel.

Dated at Cape Town on 2 September 2020



TRACEY LOMAX ATTORNEYS

First and second applicants' attorneys

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Cnr Galanthus

Kyalami

C/O WEBBER WENTZEL

15th Floor, Convention Tower Heerengracht,

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Email: tracey@traceylomax.co.za /

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odette.geldenhuys@webberwentzel.com

To:

The Registrar

High Court of South Africa

Western Cape Division, Cape Town

And to:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

First Respondent

7th Floor, Absa Building

132 Adderley Street

CAPE TOWN

Email: BSterris@sahrc.org.za; SSalie@sahrc.org.za

By hand



Storris
SA HUMAN RIGHTS COMMISSION
WESTERN CAPE PROVINCE
P.O. BOX 3563 CAPE TOWN 8000
TEL: +27 21 426 2277

And to:
SOUTH AFRICAN HUMAN RIGHTS COMMISSION
First Respondent
Chairperson: Professor Bongani Christopher Majola
Braampark Forum 3
33 Hoofd Street
BRAAMFONTEIN
Per e-mail: hmkhize@sahrc.org.za

And to:
BLIDEN CAMPBELL ATTORNEYS
Second, Third and Fourth Respondents' Attorneys
Unit 1A Oude Westhof Village Square
Van Riebeeckshof Road
Oude Westhof
Bellville
c/o **GCK Attorneys**
Per: E Goliath
10th Floor Valuta Trust Building
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Cape Town
Tel: 0861111752
Email: madelein@bcattorneys.co.za
Ref: BELOFTEBOS

AC SCHROEDER
10H32 2/9/20

HA | **Hildebrand**
Attorneys
The Penthouse Suite, 10th Floor Valuta Trust Building
74 Shortmarket Street, Cape Town 8001

And to:
COMMISSION FOR GENDER EQUALITY
Fifth Respondent
2 Kotze Street
Women's Jail
East Wing
Constitutional Hill
BRAAMFONTEIN
Per e-mail: marissa@cge.org.za

And to:
PIERRE DE VOS

And to:
WESLEY WHITEBOY
Seventh Respondent

And to:
FAIEZ JACOBS
Eighth Respondent

And to:
CATHERINE WILLIAMS
Ninth Respondent

And to:
ALEXANDRA THORNE
Tenth Respondent

And to:
ALEX LU
Eleventh Respondent

And to:
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
Ninth Respondent in the counter-application
Per e-mail: Ministry@justice.gov.za ; ZaneNdlovu@justice.gov.za

And to:
STATE ATTORNEY
Ninth Respondent in the counter-application's Attorney
4th Floor
22 Long Street
CAPE TOWN
Email: MBiko@justice.gov.za ; ECapes@justice.gov.za ;
CNewman@justice.gov.za

By hand



IN THE EQUALITY COURT OF SOUTH AFRICA
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CASE NO: EC04/2020

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In the matter between:

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Tenth Respondent

ALEX LU

Eleventh Respondent

In re:

BELOFTEBOS WEDDING VENUE

First Applicant

COIA DE VILLIERS

Second Applicant

ANDRIES DE VILLIERS

Third Applicant

and

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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ALEXANDRA THORNE

Seventh Respondent

ALEX LU

Eighth Respondent

MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT

Ninth Respondent

In re:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Applicant

and

BELOFTEBOS WEDDING VENUE	First Respondent
COIA DE VILLIERS	Second Respondent
ANDRIES DE VILLIERS	Third Respondent
COMMISSION FOR GENDER EQUALITY	Fourth Respondent
PIERRE DE VOS	Fifth Respondent
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ALEX LU	Tenth Respondent

NOTICE OF MOTION: APPLICATION TO INTERVENE

KINDLY TAKE NOTICE THAT on a date to be arranged by the registrar at 10h00 or so soon thereafter as counsel may be heard, the Applicants intend to apply to the above Honourable Court for an order in the following terms:

1. Granting the First and Second Applicants ("**Intervening Applicants**") leave to intervene in the main application brought by the South African Human Rights

Commission under case no. EC04/2020 ("**main application**") and leave to intervene in the counter-application brought by Beloftebos Wedding Venue, Coia De Villiers and Andries De Villiers under the same case number as above ("**counter-application**").

2. Joining the Intervening Applicants as the Second and Third Applicants in the main application, or the Eleventh and Twelfth Respondents in the main application, or alternatively, as the Tenth and Eleventh Respondents in the counter-application.
3. An order declaring that the refusal to provide the following services to a same-sex couple person solely on the basis of their sex, gender or sexual orientation constitutes unfair discrimination and is unconstitutional and unlawful:

3.1.1. The hire and decoration of a wedding venue for the purposes of holding a wedding or reception;

3.1.2. Wedding-day coordination;

3.1.3. Wedding planning;

3.1.4. Floristry and flower arrangements; and

3.1.5. Catering.

- 3.2. An order declaring that the expression of religious beliefs as a basis on which to refuse to associate with or to conduct business with a same-sex couple constitutes hate speech and/or discrimination in accordance with the

provisions of section 6, section 10 and section 12 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

3.3. Directing the First, Second and Third Respondents in the main application and the First, Second and Third Applicants in the counter-application (the "**Beloftebos respondents**") to furnish the Intervening Applicants with an unconditional apology in which they recognise the unconstitutional basis of their business practice and the harm that they have caused to, among others, the Intervening Applicants.

3.4. Directing the Beloftebos respondents jointly and severally to pay the Intervening Applicants R2 000 000 (two million rand) in damages in respect of the impairment of dignity, pain and suffering as a result of the unfair discrimination against the Intervening Applicants, which amount shall be paid to a charity of the Intervening Applicants' choice.

3.5. Directing the respondents to pay the costs of this application, including the costs occasioned by the employment of two counsel.

4. Further and/or alternative relief.

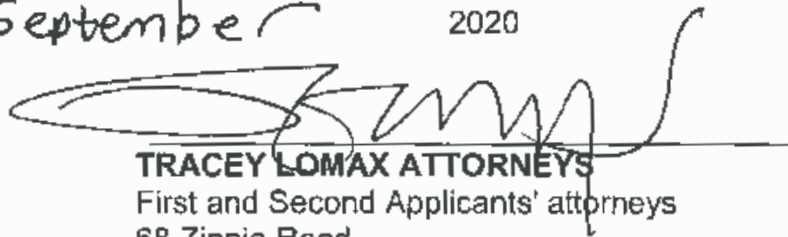
TAKE NOTICE FURTHER THAT the Founding affidavit of **SASHA-LEE HEEKES** and the annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER THAT the applicants have appointed **TRACEY LOMAX ATTORNEYS** at the address set out below, at which they will accept notice and service of all process in respect of this application.

AND TAKE NOTICE FURTHER THAT if you intend opposing this application you are required –

- (a) to deliver notice of your intention to do so within 10 days of receipt hereof. Such notice must be in writing and filed with the Registrar of the above Court and a copy served on the respondents at the address set out at the foot of this notice. It must give an address (not being a post box or post restante) referred to in Rule 6 (5) (b) for the service upon you of all process in these proceedings; and
- (b) within 15 days of giving such notice of intention to oppose, to deliver your answering affidavits, if any.

Dated at Cape Town on 25 September 2020



TRACEY LOMAX ATTORNEYS

First and Second Applicants' attorneys
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Cnr Galanthus
Kyalami

C/O WEBBER WENTZEL

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To:
The Registrar of the Equality Court
High Court of South Africa
Western Cape Division, Cape Town

And to:
SOUTH AFRICAN HUMAN RIGHTS COMMISSION
First Respondent
7th Floor, Absa Building



Harris
SA HUMAN RIGHTS COMMISSION
WESTERN CAPE PROVINCE
P.O. BOX 3563 CAPE TOWN 8000
TEL: +27 21 426 2277

132 Adderley Street
CAPE TOWN

By hand

Per e-mail: BSterris@sahrc.org.za; SSalie@sahrc.org.za

And to:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

First Respondent

Chairperson: Professor Bongani Christopher Majola

Braampark Forum 3

33 Hoofd Street

BRAAMFONTEIN

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And to:

BLIDEN CAMPBELL ATTORNEYS

Second, Third and Fourth Respondents' Attorneys /

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Van Riebeeckshof Road

Oude Westhof

Bellville

c/o **GCK Attorneys**

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CAPE TOWN

Tel: 0861111752

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Ref: BELOFTEBOS

ACSCHEIDDER
107130
2/9/20

HA | **Hildebrand**
Attorneys

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74 Shortmarket Street, Cape Town 8001

And to:

COMMISSION FOR GENDER EQUALITY

Fifth Respondent

Fourth Respondent in the main application

2 Kotze Street

Women's Jail

East Wing

Constitutional Hill

Per e-mail: marissa@cge.org.za

And to:

PIERRE DE VOS

Sixth Respondent

And to:
WESLEY WHITEBOY
Seventh Respondent

And to:
FAIEZ JACOBS

Eighth Respondent

And to:
CATHERINE WILLIAMS
Ninth Respondent

And to:
ALEXANDRA THORNE
Tenth Respondent

And to:
ALEX LU

Eleventh Respondent

And to:
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
Ninth Respondent in the counter-application
Per e-mail: Ministry@justice.gov.za ; ZaneNdlovu@justice.gov.za

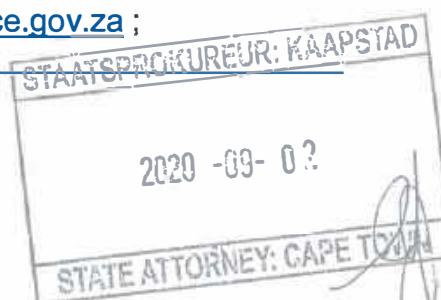
And to:
STATE ATTORNEY

Ninth Respondent in the counter-application's Attorney

22 Long Street
CAPE TOWN

By Hand

Per e-mail: MBiko@justice.gov.za ; ECapes@justice.gov.za ;
CNewman@justice.gov.za



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In the matter between:

SASHA-LEE HEEKES First Applicant

MEGAN MARION WATLING Second Applicant

and

SOUTH AFRICAN HUMAN RIGHTS COMMISSION First Respondent

BELOFTEBOS WEDDING VENUE Second Respondent

COIA DE VILLIERS Third Respondent

ANDRIES DE VILLIERS Fourth Respondent

COMMISSION FOR GENDER EQUALITY Fifth Respondent

PIERRE DE VOS Sixth Respondent

WESLEY WHITEBOY Seventh Respondent

FAIEZ JACOBS Eighth Respondent

CATHERINE WILLIAMS Ninth Respondent



ALEXANDRA THORNE

Tenth Respondent

ALEX LU

Eleventh Respondent

In re:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Applicant

and

BELOFTEBOS WEDDING VENUE

First Respondent

COIA DE VILLIERS

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COMMISSION FOR GENDER EQUALITY

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Ninth Respondent

ALEX LU

Tenth Respondent



FOUNDING AFFIDAVIT

I, the undersigned,

SASHA-LEE HEEKES

State the following under oath:

- 1 I am an adult female educational content writer residing at XXXXXXXXXXXXXXXX I am the first intervening applicant in this matter.
- 2 The second intervening applicant is Megan Watling ("**Megan**"), an adult female accountant residing at XXXXXXXXXXXXXXXX.
- 3 Megan and I have been in a romantic relationship since 2013 and were engaged on 26 December 2019. It is self-evident that we are in a same-sex relationship.
- 4 The contents of this affidavit are within my personal knowledge, unless the context indicates otherwise, and are true and correct to the best of my knowledge and belief.
- 5 On or about 2 March 2020 the South African Human Rights Commission (the "**SAHRC**") brought an application before this Court against, among others, the

Beloftebos wedding venue, Ms Coia de Villiers, and Mr Andries de Villiers. In doing so, it referred to the second intervening applicant (Megan) and me. For the reasons that appear from the papers filed in this matter, it appears that the SAHRC in fact brought its application as a reaction to Megan and my case and that it has not genuinely brought this case on behalf of Ms Thorne and Ms Lu.

6 It is unclear why the SAHRC cited the fourth to eighth respondents in this matter, as they do not appear to have a direct and substantial interest in the matter. Only the first to third respondents oppose its application. They are therefore referred to herein as the "**Respondents**" for convenience. I refer to the other respondents either by their name, or as they were cited by the SAHRC.

7 The respondents have brought a counter-application against the SAHRC. The relief sought by them, for the reasons I discuss, below, has a direct and substantial effect on Megan and me. We accordingly seek leave to intervene in this application.

8 In this affidavit we set out the following:

8.1 First, I deal with the basis upon which Megan and I seek to intervene in the main proceedings.

8.2 I then discuss the facts pertaining to Megan and me and the manner in which the Respondents discriminated against us, and the application that we bring against the Respondents.

- 8.3 I then explain the harm that arises as a result of the discriminatory practice of Beloftebos.
- 8.4 I then examine whether the Respondents may rely on the right to freedom of religion, belief and opinion enshrined in section 15 of the Constitution to justify their discriminatory practice.
- 8.5 I then explain why the discourse and language used by the Respondents constitutes hate speech, alternatively unfair discrimination, and why it, too, must be addressed by this Court.
- 8.6 I then set out our opposition to the counter-application brought by the Respondents.
- 8.7 Finally, I deal with the contents of the affidavits in the main application *ad seriatim* insofar as it is necessary for us to do so.

APPLICATION TO INTERVENE

- 9 The SAHRC brought its application against the Respondents, among others, on the basis that the Respondents apply a blanket policy to refuse same-sex couples the use of their facilities for wedding services. The SAHRC purports to bring this application on behalf of Ms Alexandra Thorne and Ms Alex Lu.

10 In Part E of Form 2 the SAHRC alleged the following:

"Commission received a second complaint from another same-sex couple in 2020 regarding the Respondents' rejection of their request to host their wedding at the Beloftebos Wedding Venue.

The Commission brings this complaint in respect of the first couple's complaint; the second couple has elected to proceed with their own litigation privately."

11 Megan and I are the "second couple" that the Commission refers to. We had instructed our legal representatives to prepare an application against the Respondents on our behalf. Due to the Covid-19 pandemic and the government lockdown policy, it became impossible for us to issue and serve our application. In particular, the High Court refused to accept the filing of papers in a new matter that was not urgent. These difficulties were exacerbated by the fact that our legal representatives are based in Johannesburg and were unable to travel to the Western Cape in order to attend to this matter personally. As a result our application was kept in abeyance.

12 The directives in this regard are attached as annexure "IA#1 - IA#7"

13 At the time we were aware that the SAHRC had brought its own application, allegedly on behalf of Ms Thorne and Ms Lu. We anticipated that the two cases would be consolidated. Our interest was parallel to that of the SAHRC and therefore there was no basis for us to intervene in its matter at that stage.

14 It subsequently came to our attention on 29 May 2020 that the Respondents had brought a counter-application in which they seek, among other things, the following relief:

14.1 A declaratory order that would effectively entitle the Respondents to maintain their blanket prohibition on offering wedding services to same-sex couples; and

14.2 Declaring section 14 of the Promotion of Equality and Prohibition of Unfair Discrimination Act 4 of 2000 ("PEPUDA") to be unconstitutional and invalid.

15 The counter-application came to our notice because our legal representatives saw the Respondents' Rule 16A notice on SAFLII while conducting research for other cases. They immediately brought this to our attention.

16 It was only at that stage that Megan and my interest in the application became direct and substantial. This was because the relief sought by the Respondents would prevent Megan and me from holding the Respondents liable under the provisions of PEPUDA.

17 Consequently our legal representatives had to obtain papers from the parties to the main application. A full set of papers was only received on 15 July 2020. These papers are voluminous and our legal representatives, including counsel appointed on a pro bono basis, had to peruse these papers and prepare a response.

18 Every effort was made to ensure that a comprehensive response was prepared swiftly and this application together with this affidavit was served on the parties to the main application as soon as possible. It is self-evident from this affidavit that this required extensive legal research and expertise, as well as a careful perusal of the papers that had already been filed.

Direct and substantial interest

19 As I explain in this affidavit, Megan and I were also discriminated against by the Respondents on the basis of our sex, gender and sexual orientation. This is because when we approached them to merely enquire about their services, we were turned away on the basis that the Respondents refuse to provide wedding services to same-sex couples. The basis upon which we were discriminated against is virtually identical to the manner in which Ms Thorne and Ms Lu were discriminated against.

20 While Megan and I had prepared our own application against Beloftebos, which could not be filed or served as a result of the Covid-19 pandemic and the consequent lockdown, the relief sought by the Respondents in their counter-application has a direct and material effect on the application that Megan and I intended to bring.

21 Should the Respondents succeed in their counter-application, then Megan and I will be deprived of any case against Beloftebos for the discrimination that we suffered. It would no longer be sufficient for our matter to be consolidated together with the application brought by the SAHRC. We must be afforded an opportunity to answer the counter-application, or we will be deprived of any meaningful relief if that

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counter-application is granted. We may only do so if we are granted leave to intervene.

22 It is also clear that we have a direct and substantial interest in this application because our case features in the founding papers of the SAHRC, and forms part of the basis upon which the Respondents have brought their counter-application. As I have explained above, the SAHRC in fact mentions us in Part E of its Form 2. I have read the papers in this matter and I agree with the inescapable inference that it was Megan and my case that prompted the SAHRC to bring its application against the Respondents.

23 I also note with dismay that there is clear evidence that the SAHRC rushed to finalise and bring its application before Megan and I could do so in what appears to be a publicity stunt. Even though Megan and I told the SAHRC that we would bring our own application and refused to be represented by them, collegiality within the legal profession and ethics ought to have prompted the SAHRC to coordinate its efforts with our legal team and not to compete against us.

24 I mention in passing that Megan and I refused to allow the SAHRC to bring a case on our behalf because we discovered that it had accepted the complaint of Ms Thorne and Ms Lu but had taken no steps against Beloftebos in almost three years. It is bitterly ironic that the SAHRC was prompted to action only after Megan and I indicated that we would take steps to bring legal proceedings ourselves.

25 It is furthermore convenient to allow us to participate in this matter. This is expressly indicated by the Respondents in their answering affidavit.

26 We respectfully submit that we have a direct and substantial interest in the main application and that we should be joined in that matter. We accordingly ask this Court to grant our application to intervene in the main application.

27 In doing so, we ask that any of the parties to the proceedings be permitted to file an affidavit in answer to this affidavit, and that we then be afforded an opportunity to file an affidavit in reply, should it be necessary to do so.

INTRODUCTION TO MERITS

28 Megan and I bring our application in terms of section 20 of PEPUDA. We allege that the Respondents have unfairly discriminated against us on the basis of our sex, gender and sexual orientation by refusing to allow us to hire their premises as a wedding venue, solely on the basis that we are a same-sex couple.

29 The limited nature of the services that Megan and I sought from the first to third respondents must be emphasised at the outset. We did not ask them to officiate the wedding, or to participate in the wedding in any manner. In fact, Beloftebos turned us away when we had only asked them for a brochure, or for more information about their services.

30 Megan and I approached Beloftebos via its website and asked for information about the services that they provide and the costs of those services. The refusal from



Beloftebos was not the refusal of the provision of any specific service. Rather, they refused to provide us any service or any information at all.

31 In a statement that the Respondents published after it had refused services to Ms Thorne and Ms Lu, a copy of which is annexed hereto marked annexure "IA#8", Beloftebos indicated that it refused "to host (and thereby enable, or celebrate) a same sex 'marriage' [sic]" as this "would be to dishonour and disobey God – with eternal consequences".

32 The emphasis on the word "enable" is my own. In their own words, which they published to the world at large, the Respondents not only indicated that they did not believe that same-sex couples should be allowed to get married. They expressed that they were prepared to frustrate same-sex couples that chose to exercise their constitutional right to marry by refusing to "enable" them to do so.

33 Moreover, the Respondents made it clear that it believed that if it were to host my and Megan's wedding, it would suffer "eternal consequences". In other words, its owners, by their beliefs, would be liable to eternal damnation simply for conducting business with a same-sex couple.

34 The question in this matter is therefore whether a business that offers services to the public at large may choose to refuse to provide those services to a same-sex couple solely on the basis of its religious beliefs. We respectfully submit that it is not, and that the conduct of Beloftebos in refusing to provide us with their ordinary

services amounts to discrimination on the grounds of sex, gender and sexual orientation.

35 In addition to this, we submit that by telling the public (and us) that our same-sex marriage would have "eternal consequences" for its owners (and presumably for us as well), Beloftebos and its owners are guilty of unfair discrimination in accordance with section 6 and section 12 of PEPUDA.

36 As a result we seek the following relief:

36.1 An order declaring that the refusal to provide the following services to a same-sex couple person solely on the basis of their sex, gender or sexual orientation constitutes unfair discrimination and is unconstitutional and unlawful:

36.1.1 The hire and decoration of a wedding venue for the purposes of holding a wedding or reception;

36.1.2 Wedding-day coordination;

36.1.3 Wedding planning;

36.1.4 Floristry and flower arrangements; and

36.1.5 Catering.

A handwritten signature in black ink, appearing to be the initials 'A J' or similar, located in the bottom right corner of the page.

36.2 An order declaring that the expression of religious beliefs as a basis on which to refuse to associate with or to conduct business with a same-sex couple constitutes discrimination in accordance with the provisions of section 6 and section 12 of PEPUDA.

36.3 Directing the Respondents to furnish the applicants with an unconditional apology in which they recognise their unconstitutional business practice and the harm that they have caused to us.

36.4 Directing the Beloftebos jointly and severally to pay us R2 000 000 in damages in respect of the impairment of dignity, pain and suffering as a result of the unfair discrimination against us, which amount shall be paid to a charity of our choice.

36.5 Directing the Respondents to pay the costs of this application.

37 I emphasise at the outset that the services described in paragraph 34.1 above are all secular services, regardless of the manner in which they are performed. The Beloftebos respondents are therefore not affected in the manner in which they worship or express their faith. They may continue to worship and express their faith freely. But where they enter the public marketplace and offer secular services, they must do so on a basis that does not unfairly discriminate.

FACTUAL BACKGROUND

38 Megan and I have been in a romantic relationship since mid-2013 and have lived together since 2017. I have known for some time that I want to spend the rest of my life with Megan. We are in love and committed to a life together.

39 On 26 December 2019, in the Cederberg, Megan proposed to me and we have been engaged since that date and plan to have our wedding in April 2021. We immediately began looking for a venue to host our wedding, as we knew that good wedding venues can often become booked out months in advance. Indeed, the Beloftebos website currently indicates that "there is no further availability for 2020 or 2021."

40 Both Megan and I wanted a forest-themed atmosphere for our wedding, and a family friend and wedding photographer, Monica Dart, recommended that we go to Beloftebos. At the time, she did not know that it would refuse service to same-sex couples on the basis of the religious views of its owners, the second and third respondents in the main application. Ms Dart's confirmatory affidavit is annexed to this affidavit.

41 Megan and I looked up Beloftebos on the internet and found that they had a rating of 4.4 stars out of 5. We also went onto their website on or about 7 January 2020. We filled out a copy of the enquiry form on the Beloftebos website in which we indicated that we were looking for a forest-fairy tale wedding with an outdoor ceremony with lots of greenery and fairy lights, with sage green and blush pink as the colour scheme. We wanted to create an intimate, romantic candle-lit ambience.

A copy of the information that we sent through to Beloftebos is annexed hereto marked "IA#9".

42 In filling out this enquiry form we were required to agree to their terms and conditions, a copy of which is annexed hereto marked "IA#10". Notably, the terms and conditions of Beloftebos do not indicate that it shall refuse to host same-sex weddings. At any rate at this stage we did not read the terms and conditions because we were only looking for a brochure.

43 At the time that we went onto its website, we were not aware of the fact that Beloftebos would refuse to host same-sex weddings. There was no overt indication of this fact on this website. Rather, there was a link that was entitled "click here to read our media statement". At that time, the link was placed on the web page in a similar font and colour and there was no attempt made at the time to make it conspicuous, or to draw attention to it. A copy of that media statement is annexed hereto marked "IA#8". We did not see this link at that time, but only saw it after our attention was directed to it by the third respondent, as I explain below.

44 In that statement, the Respondents dealt with a similar incident to ours. It said that it received an online enquiry to host the same-sex wedding ceremony of Ms Alexandra Thorne and Ms Alex Lu. The Respondents refused to accept this request on the basis of their "venue policy".

45 The Respondents continued to explain their "position" in the media statement, which reads as follows:



"We, the owners of Beloffebos are Christians who seek to honour and obey God in everything we do, including the way in which we operate our business (the wedding venue). While the venue is available to people of all race, our Biblical conviction is that marriage is reserved for a life-long commitment between one man and one woman. This is a deeply held belief (not only for us, but for the vast majority of Christians around the world for over 2000 years) and is a foundational part of our faith as Christians."

- 46 The media statement went on to allege that "it is our conscience before God which prohibits from hosting any other kind of 'marriage' [sic] on our property – not a fear or hatred of homosexual people as we have unfairly been accused of". They alleged that for them to "host (and thereby enable, or celebrate) a same sex 'marriage' [sic], would be to dishonour and disobey God – potentially with eternal consequences".
- 47 Beloffebos then asked that its freedom of choice "to believe, and live our lives according to the Bible" be respected. It said the following:

"Our Constitution does not require everyone to believe the same, and does not punish people for holding divergent beliefs and opinions."

- 48 That matter was reported to the SAHRC. To the best of my knowledge, no meaningful steps were taken in respect of that matter until after Megan and I withdrew our complaint and indicated that we would take steps to bring legal proceedings ourselves.

- 49 The website has now been updated so that a link to the media statement appears prominently on the front page of its website, marked "Media Statement re Venue Policy". It is still not immediately apparent to any person looking at the Beloftebos website that the venue shall refuse to host a same-sex wedding.
- 50 I find the position adopted by Respondents surprising and inconsistent. On the one hand they allege that they will not host same-sex weddings on the basis of their "Biblical conviction that marriage is reserved for a life-long commitment between one man and one woman" – what they allege is a "deeply held belief" for the vast majority of Christians.
- 51 On the other hand, it is clear from the Beloftebos enquiry form that the venue is prepared to host weddings that are not Christian weddings. It asks prospective customers for their catering requirements, including whether they require Kosher or Halaal catering, and also asks for any "religious and/or cultural requirements". In other words Beloftebos and its owners are prepared to host weddings that fall outside their personal beliefs (they are neither Jewish nor Muslim). They are simply not prepared to host same-sex weddings.
- 52 Furthermore, in light of the averment made by Beloftebos that marriage is reserved for a "life-long commitment", one would assume that its beliefs would require the venue would decline to host the remarriage of a divorced person, particularly in light of the clear biblical prohibition against divorce in the Christian Gospels (see Matthew 5:32 and Matthew 19:9). This in fact is not so: Beloftebos hosted the second marriage of Mr Graeme Smith, the former South African cricket captain. This



is evident from his social media posts on Instagram, a copy of which I annex hereto marked "IA#11".

53 In other words, Beloftebos has singled out same-sex weddings as being allegedly contrary to their Christian beliefs and refuses to host only those weddings. It would still host weddings that are not Christian weddings (such as Muslim, Hindu or Jewish weddings), and it will even host remarriages (even though this violates their principle that marriage is a lifelong commitment).

54 Similarly, I speculate on whether Beloftebos would permit a wedding between a transgender man and a cis womxn¹ or whether this would also fall foul of their religious beliefs.

55 The Respondents attempt to explain this contradiction at paragraph 49 of their answering affidavit. They say that they are happy to host these weddings even though "Jesus is not claimed as Lord" because "the man and woman are trying to be true to the other aspects of Christ's model for marriage".

56 I deny that this position is genuinely held by the Respondents. For the reasons I set out below, the distinction is artificial and contrived. I believe that the Respondents have merely adopted this position because they are well aware that they would be heavily condemned if they had a policy that refused to serve non-Christians.

¹ The term "womxn" is an alternative term for the English language word "women" and "woman" which explicitly includes non-cisgender women. See <https://en.wikipedia.org/wiki/Womxn>.

- 57 At best for the Respondents, and assuming that they do genuinely hold the belief set out in paragraph 49 of their affidavit, their position amounts to nothing less than ethnocentric superiority. When persons of other faiths choose to marry, they do so in accordance with their own beliefs. They are not trying to be true to Christ's model of marriage. I discuss this further below.
- 58 But even if there were any merit in the position adopted by the Respondents, it still begs the question. A same-sex couple that identifies as Christian may also aim to be true to other aspects of Christ's model for marriage, but will be refused solely on the basis that they are a same-sex couple.
- 59 To make matters worse, Beloftebos made it clear that they believed that the mere association with a same-sex couple would lead to some form of moral turpitude, or "eternal consequences". As I explain below, this is hurtful, particularly because of the hegemonic position that Christian beliefs enjoy in the Western world.
- 60 Megan also personally went to Beloftebos on or about 15 January 2020. There was nothing at the venue to indicate that it would refuse to host same-sex weddings. Rather, the venue had the natural environment that we had hoped for, with an abundance of hydrangeas. She excitedly called me to tell me this (hydrangeas are my favourite flower) and that the venue was exactly what we were looking for.
- 61 I then telephoned Beloftebos on that same afternoon to follow up on our online enquiry. At this point approximately eight days had elapsed since we had filled out the online enquiry. The person on the phone indicated that it was strange that there



had been no response, and undertook to follow up on our request and respond before the end of that day.

62 By 18h15 that evening, we had still not received a response. We therefore sent a further email, a copy of which is annexed hereto marked "IA#12". In this email, I mentioned that it appeared that our online form may have gotten lost.

63 The second respondent answered by email at about 09h07 AM the following day. A copy of its response is annexed hereto marked "IA#9". In this email she indicated that "based on our personal beliefs, we do not host weddings between couples of the same gender". We were referred to a copy of their media statement.

64 We were deeply hurt and angered by this response. We were shocked that this had happened to us, and that Beloftebos had similarly turned away other same-sex couples. I also felt personally humiliated because I followed up with Beloftebos on the assumption that our information had been lost, and I was not aware that it refused to host our wedding at all on the basis that we were a same-sex couple.

65 Whilst Megan and I have experienced discrimination before, the fact that we are both 'feminine' enough to pass as heterosexual and have kept our relationship private in fear of discrimination, violence and judgement meant that this was the first time that we experienced it in such a blatant and explicit manner. Even still, I could not believe that, over 25 years after democracy, someone could so boldly discriminate against us and turn us away.

- 66 It bears mention that until our engagement in December 2019, Megan and I had kept our relationship secret from all but a few close friends and family members. This is because we knew that we were in a world where, despite the right to equality entrenched in the Constitution, same-sex relationships are not ordinarily accepted and are seen as inferior to heterosexual relationships. We were afraid that we would be excluded from public or private spaces on the basis of our relationship.
- 67 It is important to emphasise this point: section 9(4) of the Constitution and PEPUDA, which prevent unfair discrimination at a horizontal level, are of critical importance because discrimination is not merely a legal act that is imposed by the state. It occurs more frequently, and more perniciously, in the private sphere. If discrimination is not combated at the private level, the right of equality enshrined in the Constitution would be meaningless.
- 68 Beloftebos confirmed our fears. We were now made painfully aware that we would have to fight for our relationship to be accepted not only by family and friends, but also by complete strangers. It was made clear that our relationship was not seen as genuine.
- 69 The refusal by Beloftebos has also brought our entire wedding planning to a halt and has soured the entire experience for us. We have now been made painfully aware that before we approach any service provider we need to research that entity and ensure that they are willing to provide services to a same-sex couple. I immediately reported this matter to the SAHRC. A copy of my complaint to the Commission is annexed hereto marked "IA#13".



70 I pause to note that the issue that concerns Megan and me is not the personal opinions of the respondents. Had the respondents kept their opinions and beliefs to themselves, there would be no concern. The problem arises because the respondents brought their opinions and beliefs into the public sphere and declared to the world that they would offer wedding services to the world at large, but not to same-sex couples. They made it clear that this was because they deemed same-sex relationships immoral and deplorable.

71 The burden should not be on Megan and me, or on any other person facing discrimination or disadvantage, to enter only into those spaces in society where we are allowed to be as we are. It is a serious infringement of our right to dignity to compel us, when seeking services, to first ensure that the service provider in question does not hold a genuinely held belief that our relationship is immoral and that he or she should not be compelled to transact with us.

72 Both Megan and I posted about this incident on social media. A copy of my post is annexed hereto marked "IA#14" and Megan's post is annexed hereto marked "IA#15".

73 In my post I said, amongst other things, the following:

"Many people have questioned why Megan and I have spent seven years afraid to share our love with the rest of the world and why it has taken us so long to live authentically. The truth is although our Constitution, specifically the Bill of Rights, affords us the inalienable right to be treated with equality and human dignity, this is not the reality."

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74 I pointed out that by placing the word marriage in inverted commas when referring to same-sex couples Beloftebos, in its media statement, completely undermined the validity of a union that has been legalised in South Africa. I pointed out that Beloftebos emphasised that it welcomed people of all races, as if that is not a given. In effect, in making that statement Beloftebos indicated that their unfair discrimination on the basis of sex, gender and sexual orientation should be condoned because it does not discriminate on the basis of race.

75 I indicated that I felt the need to write that social media post to warn other persons in the LGBTQIA+ community, but also "because my love was invalidated, even though the Bible says 'love one another for love comes from God.'"

76 In closing the post I said the following:

"To end, we did not ask Beloftebos to officiate our wedding, we did not ask them to accept our love or bless our union, we only ask that our right to dignity and equal and fair access to a venue be respected... And, I ask you, is that too much?"

77 The responses that Megan and I have received have been mixed, and have ranged from whole-hearted support to vitriol.

78 This matter has also received media attention. Copies of news articles about our story are annexed hereto marked "IA#16 – IA#25".

THE REFUSAL OF BELOFTEBOS WAS DISCRIMINATORY

79 Section 9 of the Constitution provides as follows:

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair."



- 80 PEPUDA is the legislation that was enacted in accordance with section 9(4) of the Constitution. Section 1 of PEPUDA defines discrimination as any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly imposes burdens, obligations, or disadvantage on, or withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds. Gender, sex, and sexual orientation are all listed as prohibited grounds under section 1 of PEPUDA.
- 81 Section 6 of PEPUDA expressly provides that neither the state nor any person may unfairly discriminate against any person. The Act defines a person to include a juristic person, a non-juristic entity, a group or a category of persons.
- 82 Section 8 focuses on the prohibition of unfair discrimination on the ground of gender. Section 8(h) of the Act provides that no person may discriminate against any person on the ground of gender by the denial of access to opportunities, including access to services or contractual opportunities for rendering services for consideration, or failing to take the steps to reasonably accommodate such persons.
- 83 Section 12 prohibits the dissemination and publication of information that unfairly discriminates.
- 84 Beloftebos clearly discriminated against Megan and me on the basis of our sex, our gender and our sexual orientation. It advertises to the public at large that it will make its venue available for wedding ceremonies and receptions, and will also provide associated services such as wedding day coordination, wedding planning, flower

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arrangements and décor, and catering. At the same time, however, it will refuse to offer those services to a same-sex couple. It has said publicly that it shall not do so because it refuses to "enable" same-sex marriages.

85 There can be no doubt that where a person provides services openly to the public but refuses to provide them to a specific group of persons on the basis of a prohibited ground, this would amount to unfair discrimination. If a florist refused to offer services to a person on the basis of their race, or an interior designer refused to render services to a person on the basis of their disability, there would be no doubt that this would amount to unfair discrimination. The same principle applies in the wedding industry.

86 I point out that there is a significant difference between the refusal to offer a service to the public at large and the refusal to offer a service to a specific group of persons. Therefore, a Jewish caterer that refuses to serve pork to the public at large does not act in a discriminatory fashion. If that caterer made the specific choice to refuse to provide services to a Muslim customer solely on the basis of his or her religion, however, then this would again clearly amount to unfair discrimination.

87 For example, in their answering affidavit the respondents aver that they would refuse, on the basis of their scriptural beliefs, to allow a séance on their venue. This means that they do not allow this service at all, to any member of the public. While that is not discriminatory, it is discriminatory for Beloftebos to invite members of the public to utilise its wedding services, but at the same time refuse to provide those



same services to same-sex couples solely on the basis of their sex, gender and sexual orientation.

88 In their answering affidavit the Respondents also attempt to suggest that their work is very intrinsically tied with their faith. At paragraph 96 they allege that they “put their heart and soul” into their work. This may be so. But they are no different to the provider of any other services in South Africa.

89 Although a wedding ceremony in itself may be a religious or sacred rite, or simply a rite of passage with enormous significance even to a secular couple, the provision of services such as the hire of a venue, event coordination and planning, floristry and catering remain in themselves secular in nature. For this reason Beloftebos is able to provide those services to persons of different faiths without believing or partaking in those faiths.

90 The fact that the respondents see their work as sacred, therefore, is no different to a carpenter believing that their craft is a sacred part of their identity, or a lawyer believing that they are fulfilling a spiritual calling. Just as every other service provider must provide their services on an equal basis and without unfairly discriminating against members of the public, the respondents are likewise bound to provide their services on an equal basis.

THE HARM OF DISCRIMINATION

91 The refusal of the Respondents to provide us with services was not only hurtful. It expressly disavowed Megan and my existence as a queer couple, and attempted to

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portray our love for each other and our relationship as a sin to be eradicated. It was in effect a public statement that Megan and I should be ostracised and excluded from normal society, and that our relationship should not be honoured or respected, but rather that it should be deplored.

92 Both as a same-sex couple together, and individually as womxn that are not heterosexual, Megan and I have both had to face severe discrimination and have had to contend with the pain of the perpetual message within society that our love for each other is morally wrong and that our existence should not be permitted within the public sphere. I annex hereto, marked "IA#26", a statement that I published about the effect that discrimination has had on me. I also discuss this in more detail below.

93 As a result of the heteronormative standards of society I have been, and continue to be, burdened with internalised shame. This is because I am aware that I have been, and am, seen and treated differently as an openly gay womxn, regardless of how kind, or loving or compassionate I am.

94 For most of my childhood and adolescence, I thought I was abnormal, or that something was wrong with me. I never felt the way other girls felt. I remember thinking when I was about 16 that my options in life were to either be alone or to simply put up with the norms that are expected by society. When I first felt that I was confronted with that dilemma, I considered taking my own life. I had convinced myself that I was abnormal, abhorrent, that I was not worthy of love, and that I deserved to die.

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95 I pause to emphasise this point. While everyone is entitled to their religious beliefs, the expression of those beliefs can have consequences. This is particularly so in respect of Christians, whose religious worldview is a dominant hegemony in the Western world – a point that the Respondents are quick to emphasise themselves.

96 The way I felt about myself, and the basis upon which I considered taking my own life is the way that many queer persons feel about themselves. Many have contemplated suicide, and many have attempted or committed suicide. I annex hereto, marked "IA#27", to "IA#31", a bundle of articles that support this point and to demonstrate the challenges that face the LGBTQIA+ community:

96.1 A systematic review and meta-analysis of studies from ten countries found that, compared to their heterosexual peers, gay and lesbian youth were 3.5 times more likely to attempt suicide. Bisexual youth were 3.69 times more likely, and transgender teens were 5.87 times more likely.

96.2 There is also evidence to suggest that suicide attempts by LGBTQ youth are more likely to require medical attention or be classified as medically serious compared to their heterosexual peers, with the suicide attempts of LGB youth four to five times more likely to be considered medically serious.

96.3 According to the 2010 Human Rights Report on South Africa by the US Department of State, an average of ten "corrective rape" cases were tracked per week by LGBTI groups.

96.4 In a national survey on attitudes towards homosexuality and gender non-conformity in South Africa, The Other Foundation found that, over a twelve month period that was investigated, 450 000 South Africans physically harmed women that dressed or behaved (sic) like men in public, and 240 000 have beaten up men who dressed or behaved (sic) like women. Between 6.2 and 7.4 percent of South Africans (which would represent approximately three million persons in the South African population) self-reported that they may commit acts of violence against gender non-conforming persons in the future.

97 Among many other factors, this is driven by the dominant western Judaeo-Christian discourse that we are abnormal and not worthy of love. This is confirmed by the study of the Other Foundation, which indicated that 76% of the respondents to the survey agreed with the statement that God's laws about abortion, pornography and marriage must be strictly followed. The Other Foundation also found that the majority, or at least a significant segment of the population, hold conservative moral beliefs about individual sexual activity and gender roles.

98 Where persons (or businesses) convey this message expressly, as Beloftebos did in indicating that it would not "enable" our relationship, or that merely conducting business with us would lead to "eternal consequences", this is hurtful and harmful. If it were found that Beloftebos intended to hurt or harm us (or any other person) with that statement, it would amount to hate speech.

99 When I entered into a relationship with Megan in mid-2013 everything changed in my life. I have never truly felt like I belonged anywhere until I found Megan. When she first held my hand, I felt safe for the first time. When she kissed me, I knew love. When she told me she loved me, I knew I belonged and that I was home.

100 However, the fact that this was a same-sex relationship remained a double-edged sword for me. As much as I loved Megan, I equally felt a strong responsibility towards her and wanted to protect her. I did not want her to face the discrimination and hatred that is imbued in the world around us, and particularly in the expectations that my Christian family and societal norms had placed upon me.

101 I blamed myself for placing Megan in this predicament. On 23 December 2013 I wrote the following in my diary, which expresses my feelings and fears at the time:

"I'm ready to be freed from this cage

Ready enough to risk the fiery depths of Hell

Because no pain could be worth this

Please forgive me for what I want to do

And pray the Lord my soul to take

So that some day I may be reunited with you

I love you

And I know you'll be fine without me

Just keep my memory safe in your heart



Live for me

I'll see you again some day

I'll see you again,

My Love."

102 A copy of this entry is annexed hereto marked "IA#32".

103 Because of the ubiquitous prejudice faced by same-sex couples, only a few close friends and members of our immediate family knew about Megan and my relationship until our engagement at the end of 2019. Many people underestimate the toxicity of hiding and working hard to meet societal expectations in order to escape judgment and ridicule.

104 In particular, I have spent my entire life trying to please my parts of my family that identify as religious, Christian and conservative. They carried the expectation that I would marry a man. There were also numerous subtle comments and statements that made the heteronormative position adopted by my family clear. I was also aware of homophobic attacks and slurs all across the globe. It was made clear that the person that I truly was would never be accepted by all members of my family. I again reiterate the power that the dominant discourse held by Christians is discriminatory and hurtful and, where accompanied by intent, amounts to hate speech.

105 The prejudice that I have experienced and seen in the world has also caused me to lose faith in religion. I have seen my cousin, Kayla Daniel <confirmatory affidavit please> turned away from her church when she came out as pansexual. Numerous

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persons told her mother that she was a bad mother because of her daughter's sexual orientation.

106 I again reiterate that merely making these statements (as Beloftebos has done) is clearly discriminatory. They have the effect of excluding us as queer persons and declaring us as unworthy of love and belonging. It also ostracises any person associated with us.

107 Despite the unconditional love that I feel for Megan, it is only recently that I found the courage to choose to love myself wholeheartedly and love my partner openly, regardless of the consequences that this may have had on my relationships with some members of my family and the rest of the world.

108 Not only did we experience rejection from Beloftebos, which left me feeling diminished and worthless, and deeply wounded and stripped of any dignity: the Respondents' statement belittled our marriage. By referring to our marriage in inverted commas, Beloftebos invalidated our love and our loving commitment to each other.

109 I was also shocked to find that Beloftebos and its owners truly believe that simply by hosting me, a young womxn that values social justice and loves her partner unconditionally, that they would face eternal damnation on the basis of the same Biblical text that records the following at 1 John 4:7-8, 20-21 (New Living Translation):

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"If someone says I love God, but hates a fellow believer, that person is a liar; for if we don't love people we can see, how can we love God who we cannot see?"

110 It is important to note that I am not attacking the personal beliefs of Beloftebos or its owners – a point that shall be discussed below. Nor do I begrudge them for their beliefs. This is not a question of beliefs. What I wish to confront in bringing this application is the use of religious and personal beliefs to directly discriminate against my fiancée and me on unfair grounds.

111 What I feel, and what I have described above, is not unique to me. It is a reality faced by every person that identifies as LGBTQIA+. We are, from the start, outsiders in every sphere: not only within society and public at large, but also within our workplaces, our schools, and even within the intimate confines of our family. We are required to "come out" to everyone and each and every time that we do so, we risk rejection, scorn and ostracism. For many LGBTQIA+ persons, the act of coming out may pose serious dangers, including real threats to their lives. Hate crimes against LGBTQIA+ persons, including corrective rape, abuse and even murder, is rife within South Africa.

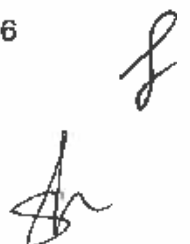
112 As a result of the discrimination and exclusion that we face, we are burdened with shame. Many attempt or commit suicide as a result of their inability to live their lives openly and honestly on pain of rejection by their family and friends. Frequently, that rejection is justified and enforced in the name of religious beliefs. This has been discussed above in paragraphs 94 to above.

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- 113 It is of no solace to say that we may simply go to a different wedding venue to obtain the services that we ask for. This is not merely a dispute about whether we are entitled to services from Beloftebos, but whether we, as a same-sex couple, are entitled to be treated with the same dignity, respect and regard as a heterosexual couple.
- 114 In effect, the above position supports social exclusion. It creates the discourse that Megan and I should accept that persons and businesses may, at their own discretion, turn us away simply on the basis of our sex, gender and sexual orientation. It instils a culture of fear whereby a same-sex couple must first ensure that they are welcome before approaching a business for its services. It relegates us to the margins of society: we are allowed to exist only when others say we may exist.
- 115 In other words, this argument presents the norm that as a same-sex couple we are not welcome in the public domain, and must first be given a place by those in the position of power within a heteronormative society.
- 116 In light of the history of exclusion and segregation in South Africa it is disquieting that this argument must be addressed. Before our democracy persons of colour could not assume that they were welcome in a business establishment. They were required to expect to be treated differently and served separately to white persons. Exclusion was the norm. The message was clear: even within their own country, they were not welcome.

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- 117 That position cannot be allowed under our Constitution. One would never expect a heterosexual person to first ask a business whether it provides services to heterosexuals before engaging them for that business. A heterosexual person is never required to assume that he or she is not welcome in the public domain, and is never required to handle that shame.
- 118 Likewise, subject only to the clear delineation that I discuss below, Megan and I should not be expected to first ask a wedding venue if they are willing to provide us with services. We are entitled to assume that we are welcome to engage any service that is ordinarily offered to the public.
- 119 The Respondents object to having a dualism imposed upon them. They claim that their faith is an important part of their identity and pervades every aspect of their life, and that it cannot be separated from any part of their life.
- 120 Megan and I, as members of the LGBTQIA+ community, are subject to that dualism at all times. The Respondents have never had to keep their faith a secret from the world at large. They do not need to make a careful decision about when to come out, or to whom. And they have never been told that as a result of their faith, they may be turned away by a service provider. But we do. Megan and I have to live in the fear that we may be excluded or even assaulted solely on the basis of our identity as a same-sex couple.
- 121 The Respondents are in fact imposing the dualism on us. By claiming that they will not provide their services to a same-sex couple, and by excluding us from that basis,



they give the unequivocal message that they do not believe that Megan and I should be allowed to celebrate our relationship in public, and that our relationship should only exist as a secret.

122 The importance of marriage as an element of our dignity is not lost on the Respondents. At paragraph 51, quoting Bonhoeffer, they express the following critical principle: "Marriage is more than your love for each other ... it is a status, an office." They repeatedly speak of its importance and its place as a sacrament.

123 The fact that the Beloftebos saw fit to exclude Megan and me from this office, or this sacrament, is an affront to our right to dignity. It is unequivocally discriminatory. Beloftebos knowingly and intentionally infringed on our dignity.

124 Section 14 of PEPUDA deals with the determination of fairness or unfairness. Section 14(2) and (3) provides that in determining whether the respondent has proved that the discrimination is fair, the following must be taken into account:

124.1 The context;

124.2 Whether the discrimination reasonably and justifiably differentiates between persons according to objectively determinable criteria, intrinsic to the activity concerned; and

124.3 The following factors:



- 124.3.1 Whether the discrimination impairs or is likely to impair human dignity;
- 124.3.2 The impact or the likely impact of the discrimination on us;
- 124.3.3 Our position in society and whether we suffer from patterns of disadvantage, or belong to a group that suffers from such patterns of disadvantage;
- 124.3.4 The nature and extent of the discrimination;
- 124.3.5 Whether the discrimination is systemic in nature;
- 124.3.6 Whether the discrimination has a legitimate purpose;
- 124.3.7 Whether and to what extent the discrimination achieves its purpose;
- 124.3.8 Whether there are less restrictive and less disadvantageous means to achieve the purpose;
- 124.3.9 Whether and to what extent the respondents have taken steps as being reasonable in the circumstances to address the disadvantage that arises from or is related to the prohibited grounds, or to accommodate diversity.



125 It is clear from the above discussion that the discrimination by Beloftebos is *prima facie* unfair. It impairs Megan and my human dignity, as it excludes us from participating fully and freely in society. The impact is severe. The LGBTQIA+ is a group that is subjected to patterns of disadvantage. And the discrimination does not appear to have any legitimate purpose recognised in the Act.

126 The Respondents instead rely on something extrinsic to PEPUDA: their right of freedom of religion, belief and opinion. I discuss this below.

THE RIGHT TO FREEDOM OF RELIGION, BELIEF AND OPINION

127 The Respondents claim that if Beloftebos were compelled to offer Megan and me the same services that it ordinarily offers to a heterosexual couple, this would infringe their religious beliefs and thereby infringe their rights under section 15 of the Constitution. For the reasons that I set out in this affidavit, the basis upon which they aver that their rights are infringed is unclear.

128 It is surprising that the Respondents take the position that, as Christians, they should not be required to “participate” or “celebrate” same-sex weddings, while at the same time Beloftebos clearly offers its services to non-Christians. Likewise, Beloftebos has hosted the second marriage of Mr Graeme Smith, notwithstanding the respondents' belief that marriage is a “lifelong commitment”.

129 That said, we did not ask Beloftebos to “celebrate” our wedding. We asked them only to provide us with information about the services that they ordinarily offer to the public at large. We did not require Beloftebos or any of its staff to officiate the



wedding, or to play any part in it other than as a service provider. The services that we would have requested, had we chosen to have our wedding at Beloftebos after they furnished us with the information that we needed in order to make our decision, are all secular. They relate to the hire, decoration, and management of a wedding venue.

130 Beloftebos and its owners remain free to follow their religion, and to hold whatever beliefs and opinions they choose to hold. To the extent that they believe that only heterosexual couples may marry, no one has in any way prevented them from marrying the person of their choice.

131 The only restriction on Beloftebos and its owners is that they may not refuse to provide services to a same-sex couple solely on the basis of sex, gender, or sexual orientation. That is in fact what Beloftebos seeks to do. As it sets out in its media statement, it does not wish to "enable" Megan and me to enter into a same-sex marriage. In other words, it wishes to prevent Megan and me from marrying.

132 The right of freedom of belief, religion and opinion of the Respondents is accordingly not infringed. They are not prevented from exercising their faith in any way. They are only prevented from discriminating against others. Section 15 does not protect a person in conduct that is destructive of the other rights in the Bill of Rights, and in particular conduct that infringes the values of dignity, equality, or freedom.

133 The position adopted by Beloftebos does not only infringe Megan and my rights to equality under section 9 of the Constitution and under PEPUDA. It also infringes our

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right to freedom of religion, belief and opinion. Whereas the respondents believe that only heterosexual couples should marry, Megan and I (and many other persons in South Africa and all over the world, including many Christians as well) believe that same-sex couples are also entitled to marry. We choose to conduct ourselves in accordance with our beliefs by partaking in the ultimate rite of passage in accordance with that belief: a wedding.

134 The respondents are not required to share our belief. But they are not entitled to interfere with our beliefs or prevent us from choosing to exercise the rites of passage that we choose to exercise in accordance with our beliefs. This is in fact what they seek to do, and they now seek to disguise this interference with our beliefs by relying on their own rights under section 15 of the Constitution.

135 There is no doubt that, had the respondents sought to marry, but were turned away from a venue on the basis that the venue refused to host Christian weddings, this would amount to unfair discrimination that could not be countenanced. We are entitled to the same protection under the Constitution.

136 Megan and I are entitled to conduct ourselves in accordance with our beliefs. We are entitled under law to marry by way of civil union. The respondents may not rely on their right to freedom of religion to prevent us from doing so.

137 It is clear from their answering affidavit that the view adopted by Beloftebos is myopic and ethnocentric at best, and prejudiced and bigoted at worst. Frequently they express or adopt positions that demonstrate a lack of appreciation of other

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points of view. For example, at paragraph 49 of the answering affidavit, the Respondents say the following:

"However, as St Paul says in his letter to the Romans, all of us are sinners and fall short of Christ's perfection. And so, in this high calling to obey our vine when it comes to marriage, we personally make mistakes. Likewise, others make mistakes and sometimes do not share all our convictions when it comes to marriage. For example, that it is a covenant before Jesus. And so, on occasion, we would host a marriage where Jesus is not claimed as Lord, but where the man and woman are trying to be true to the other aspects of Christ's model for marriage. However, this is different to our making a conscious ongoing choice to in any way encourage or enable people to make a decision about marriage directly in conflict with the creation ordinance of Jesus..." (own emphasis)

- 138 This is ethnocentric. Non-Christians are not making any "mistake" by not believing that marriage is a covenant before Jesus. They are choosing to marry under their own personal convictions. It is highly unlikely that they would require or expect the respondents to actively "participate" or partake in the ceremony: they are service providers.
- 139 But the Respondents do not make any provision for any contrary point of view. Any person that does not believe in Jesus, in their view, commits a "mistake", regardless of the sincerity with which that person holds their beliefs.



- 140 In contrast, there are Christians that are gay and believe that marriage is a covenant before Jesus, but that a marriage between two persons of the same-sex is not "directly in conflict with the creation ordinance of Jesus". The Respondents do not recognise their marriages either, regardless of their faith.
- 141 But the Respondents go further: any person that does not believe that marriage may only take place between a man and a woman does not merely commit a "mistake". That person acts "directly in conflict with the creation ordinance". In the eyes of the Respondents, Megan and I, and the entire LGBTQIA+ community, are beyond moral redemption.
- 142 Even more remarkably, the Respondents go on to suggest that they would likewise turn away a "purported polygamous marriage" on the basis that it would "consciously and deliberately sever ourselves as branches from the Vine".
- 143 The historical context is important. Before democracy potentially polygamous marriages – including Hindu, Muslim and customary marriages – were not recognised, regardless of whether the actual union was monogamous or not. The racist and discriminatory tone was clear: only white marriages, concluded under Judaeo-Christian norms, were valid and worthy of dignity and respect.
- 144 Similarly, I find the position adopted by Beloftebos (as set out above) disingenuous and contrived. They conveniently reflect the political discourse of the day. Had there not been serious societal opprobrium to racial or religious discrimination as there is today, I doubt Beloftebos would host Hindu, Muslim or customary marriages.

145 In addressing the above concern we do not intend to compel or even to persuade the Respondents to adopt a different or broader worldview. But they cannot use their section 15 rights as a shield when they are held to account for exercising those beliefs in a manner that is discriminatory and exclusionary.

THE DISCOURSE USED BY THE RESPONDENTS CONSTITUTES HATE SPEECH,ALTERNATIVELY IS DISCRIMINATORY

146 It is not only the refusal by the Respondents to host same-sex weddings that is discriminatory. We respectfully submit that their use of language that condemns same-sex couples as morally inferior is also exclusionary and should be condemned by this Court.

147 There is no doubt that language may be harmful or discriminatory. Words can be used to exclude persons by deeming them less worthy of belonging. Racist or derogatory epithets are one clear example: for this reason they are not tolerated in South African discourse.

148 PEPUDA addresses harmful or hurtful language. Section 10(1) of the Act provides as follows:

"subject to the proviso in section 12, no person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably construed to demonstrate a clear intention to—

(a) Be hurtful;

(b) Be harmful or to incite harm;

(c) Promote or propagate hatred.

149 Section 12 of PEPUDA provides as follows:

"No person may---

(a) Disseminate or broadcast any information;

(b) Publish or display any advertisement or notice;

That could reasonably be construed or reasonably be understood to demonstrate a clear intention to unfairly discriminate against any person: Provided that *bona fide* engagement in artistic creativity, academic and scientific inquiry, fair and accurate reporting in the public interest or publication of any information, advertisement or notice in accordance with section 16 of the Constitution, is not precluded by this section."

150 In their media statement, the respondents make the following statement:

"For us, to host (and thereby enable, or celebrate) a same sex "marriage", would be to dishonour and disobey God – potentially with eternal consequences."

151 This discourse is hurtful and harmful. It suggests that mere association with a same-sex couple would result in moral turpitude. It is language that declares us morally unworthy of being part of society. This language cannot be tolerated under the



Constitution. It constitutes hate speech under section 10 of PEPUDA, alternatively unfair discrimination under section 12 of the Constitution.

THE COUNTER-APPLICATION

152 The Respondents seek, among other things, relief that has the following effect:

152.1 An order declaring that they are entitled to refuse to host same-sex weddings, and declaring their policy to amount to fair discrimination under PEPUDA; and

152.2 Declaring section 14 of PEPUDA unconstitutional insofar as it does not recognise other Constitutional rights as a basis for fair discrimination.

153 I respectfully submit that this relief, in all the forms that it is sought, should be refused.

154 The wording of section 14 of PEPUDA does not make an automatic allowance for religious beliefs or the right of freedom of expression as a basis for discrimination. This is because discrimination may frequently be shielded by other rights. Persons may make racist epithets or insinuations and claim that they are protected under the right of freedom of expression, regardless of the harm that they cause. And, as this case demonstrates, religious belief may also be used to obscure or defend discrimination.

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- 155 On the other hand, I accept that section 14 of PEPUDA does protect discrimination that arises from the exercise of other constitutional rights that, on the factors set out in that provision, can be determined fair.
- 156 The genuine engagement of the right to freedom of religion, belief and opinion, or the right to freedom of expression, may constitute a legitimate purpose for the purpose of section 14(3)(f).
- 157 In this matter, however, the conduct of the Respondents, if it in fact falls within the scope of section 15 of the Constitution, does not constitute a legitimate purpose. Outright discrimination within the public marketplace can never constitute a legitimate purpose. The beliefs of the Respondents enjoy sufficient protection outside of the public domain. They may not claim the right to be overtly and directly discriminatory in public.
- 158 The mere appeal to rights, on its own, is not sufficient to ground a defence to a claim for discrimination. Indeed, those in power and those who discriminate are often in a better position to access legal resources and to assert their rights. Those that are discriminated against are frequently disadvantaged and do not have the same access to the protection of rights.
- 159 I respectfully submit that this does not infringe the Respondents' right to freedom of religion, belief, or opinion enshrined in section 15 of the Constitution. Constitutional rights must be interpreted purposively and contextually.

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- 160 Section 39(1)(a) provides that when interpreting the Bill of Rights, this court must promote the values that underlie an open and democratic society based on human dignity, equality, and freedom.
- 161 In this matter, the rights in the Bill of Rights cannot be used in a manner that is self-destructive. If one were allowed to violate the right to equality because he or she held a genuine belief that some people were less worthy of protection than others, this would render the Bill of Rights meaningless.
- 162 In this matter, that is what the Respondents seek. They are attempting to use section 15 of the Constitution not to protect a genuine practice for the purposes of their faith, but rather to insulate their discriminatory conduct. This is not permissible.
- 163 Even if there was an infringement of section 15 of the Constitution, in this matter that infringement is justified under section 36 of the Constitution.
- 164 First, while section 15 protects an important right, the infringement pertains to a very narrow portion of that right. The Respondents are free to carry out their religious beliefs and opinions without any hindrance, but for this: when they engage the public and offer a service (such as wedding services) for hire, they may not do so in a manner that is discriminatory.
- 165 In other words, all that is infringed is the rights of the Respondents to use their beliefs to justify unfair discrimination within a public marketplace.



166 The limitation is an important one. I have set out above the harm that follows from the discriminatory conduct of the Respondents. Discrimination within the public sphere is harmful and excludes persons. It places the onus on the person that is disadvantaged to carry themselves in secret. It is Megan and I who must first ensure that a service provider caters for same-sex couples on the version of Beloftebos. We are not allowed to exist freely in society.

167 In light of the history of discrimination in this country, religious beliefs could not be used to justify the exclusion of persons from society in public without a legitimate purpose.

168 The relationship between the limitation and its purpose is direct. PEPUDA prevents unfair discrimination: nothing more. It does not in any way infringe legitimate religious practices, beliefs or opinions: only unfair discrimination.

169 For these reasons we respectfully submit that the counter-application should be dismissed with costs, including the costs of two counsel.

AD SERIATIM RESPONSE

170 I now turn to the affidavit that has been filed in this matter by the Respondents. Where the contents of those affidavits contradict what is said in this affidavit, those contents are denied.

Ad Respondents' answering affidavit

171 AD PARAGRAPH 1

171.1 The contents of this paragraph are admitted.

171.2 The Respondents seek to create the impression that they are being persecuted for their religious beliefs in the same manner that the Huguenots were persecuted for their beliefs.

171.3 A cursory perusal of history would show that this is not the case. The Respondents are not being persecuted. They simply may not refuse to provide services to persons solely on the basis of sex, gender, and sexual orientation.

172 AD PARAGRAPH 2

172.1 The contents of this paragraph are denied.

173 AD PARAGRAPH 3

173.1 The contents of this paragraph are noted.

174 AD PARAGRAPHS 4 - 6

174.1 There is no "vicious attack" being mounted against the Respondents, nor are "malicious allegations" being made against them. The Respondents are being held to account for conducting their business in a manner that unfairly discriminates against persons on the basis of sex, gender, and sexual orientation.



174.2 The Republic of South Africa became a constitutional democracy in 1994. The final Constitution, which provides that a person may not be unfairly discriminated against on the basis of their gender, sex or sexual orientation, was promulgated in 1996.

174.3 One cannot, in South Africa, more than 25 years into democracy, feign ignorance. Exclusion and discrimination are not legal technicalities. They form a central part of our national discourse.

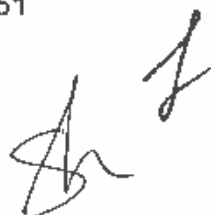
174.4 The Respondents must be held to account for the discrimination that they have incorporated into their business. South Africa belongs to all that live in it, including those that do not share the views of Beloftebos, and including members of the LGBTQIA+ community.

175 AD PARAGRAPH 7

175.1 The contents of this paragraph are noted.

175.2 In light of the Respondents' concern, it is appropriate that we be granted leave to intervene in these proceedings, or there shall be an unnecessary duplication of the work and expenses that shall have to be incurred by the parties.

176 AD PARAGRAPHS 8 – 17

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- 176.1 I note the Respondents' assertion that they are "in the 'Kingdom marriage business'" and that they cannot accept a dualism between their faith and their day-to-day activities.
- 176.2 I also note that the Respondents aver that their religious beliefs are "fundamental" to their identity. Their way of life is structured around their religious beliefs.
- 176.3 But the approach adopted by the Respondents is, once again, self-centred.
- 176.4 At the outset it is important to note that many, if not most, service providers consider their work a fundamental part of their identity, and for many this may include a part of their spiritual identity. An architect that believes that his work is part of his creative life, a doctor that has committed herself to the calling of saving lives, and even an entrepreneur that believes their business to be revolutionising people's lives, all identify deeply with their work and see it as an essential part of their integrity.
- 176.5 For all of these persons there may be a religious foundation to this identification. The doctor may believe that she is not the one saving lives, but that her hands, her knowledge, and her mind are all the instruments of God: the same applies to the architect, the entrepreneur, and any person that sees themselves as not working for themselves, but committing their work to God.

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- 176.6 Spiritual identification with one's work or business is accordingly not sufficient to render it an act of worship for the purposes of section 15 of the Constitution. A thief may see herself as fulfilling God's work by taking from the rich to give to the poor, but that could not constitute a defence to the law.
- 176.7 On the other hand, Megan and I also refuse to live a dualistic identity. We refuse to keep our love a secret affair as if it were not worthy of public celebration.
- 176.8 Just like the Respondents' belief is fundamental to them, Megan and my relationship is fundamental to us. It is a core part of our lives. As a married couple and as persons that see marriage as a sacrament, the Respondents must understand that our relationship is as sacred to us as their faith is to them – if not more so.
- 176.9 The Respondents accordingly cannot shield their discriminatory conduct behind their faith.
- 176.10 Beloftebos does not advertise itself as a Christian wedding venue. It hosts weddings of other faiths without requiring anything further from those couples. It engages, and offers a service to, the public at large. It cannot justifiably exclude persons from its provision of services on the basis of gender, sex, or sexual orientation.
- 176.11 The Respondents may be entitled to claim the protection of their beliefs within a private sphere. They cannot, however, claim that same level of

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protection when they enter into the public realm by providing services to the world at large, but conducting themselves in a manner that is unfairly discriminatory. If they were allowed to do so, it would make a mockery of the Bill of Rights. As I have already indicated, Megan and my rights to equality, dignity, and also our right to freedom of religion, conscience, opinion and belief, are at stake.

176.12 The alleged "dualism" that the Respondents complain of is not a dualism at all. They are still entitled their beliefs. But they may not impose their beliefs on anyone else when they enter the marketplace. This is what their conduct amounts to.

177 AD PARAGRAPHS 18 – 22

177.1 The contents of this paragraph, as an effort to establish the *ethos* of the Respondents, is noted.

177.2 There is no attempt to condemn the Respondents, or in any way suggest that they have no place in our constitutional democracy.

177.3 Instead, they are being held to account – not for all of their deeds, but for one exclusionary business practice that clearly amounts to unfair discrimination. This Court is obliged to do so.

178 AD PARAGRAPH 23

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- 178.1 The Respondents' emphasis on the importance and the sanctity of marriage, and of service to others, is notable in this paragraph. But the more that they extol the virtues and importance of marriage, the more glaring is the exclusion that they have created.
- 178.2 In the eyes of the Respondents, wedding celebrations are a "sacrament". While we do not share their faith, Megan and I also see our wedding, and our marriage, as a sacrament: it is a rite of passage of quintessential importance and significance to our lives. But the Respondents see us as unworthy of fulfilling our sacrament solely on the basis of our gender, sex and sexual orientation.
- 178.3 Similarly, the Respondents speak freely of how they wish to use their gifts to help others. Clearly, however, this is delineated: they will refuse their services to those that do not conform to their religious views, and in particular same-sex couples. This is despite the fact that they will gladly help persons of other faiths, or persons that remarry, and therefore do not meet the standard of marriage that the Respondents claim to believe.
- 178.4 By taking the stance that they shall prevent (or refuse to "enable") us to marry, the Respondents are in fact preventing us from fulfilling rituals in accordance with our beliefs. This is discriminatory and infringes our right of freedom of religion, belief and opinion in the same manner as preventing any person of any other faith from fulfilling any of their sacraments.



179 AD PARAGRAPHS 24 – 29

- 179.1 As I have indicated above, the dualism presented by the Respondents is artificial. They may choose to believe what they believe, but they may not impose those beliefs on the world at large by spelling out who is entitled to approach them for services and who is not.
- 179.2 The Respondents are not being persecuted, and they make a mockery of the persecution of Protestants during the 16th century – which culminated massacres and wars. They are also surprisingly glib on the fact that the Huguenots were among the colonialists that went on to oppress the vast majority of black persons that were already living in South Africa.
- 179.3 The Respondents are not being targeted for their beliefs. The law simply requires them, in offering services to the public, to offer those services in a manner that does not infringe constitutional rights. They are being prohibited only from discriminating against us on the basis of our gender, sex and sexual orientation. They may not use their beliefs to insulate themselves from conduct that is directly opposed to the Constitution.
- 179.4 The Respondents appear to give the example of Christians that stood against Apartheid. They forget, however, that there were many others – including the government – that used their faith to justify Apartheid.
- 179.5 It is within that historical context that the Respondents cannot rely on their belief to insulate them from infringing the constitutional rights of others,

particularly in their provision of services to the public. "South Africa", the preamble to the Constitution provides, "belongs to all who live in it, united in our diversity".

180 AD PARAGRAPHS 30 – 33

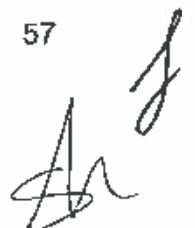
180.1 I deny that the Respondents live by these principles.

180.2 The Respondents have made it categorically clear in their media statement that simply allowing us to hire their wedding venue may have "eternal consequences" for them. In other words, they see Megan and my relationship as such a significant source of moral turpitude that they may not even associate with us in an arms-length business transaction.

180.3 Assuming that the Respondents sincerely believe the contents of these verses, their interpretation of loving their neighbours is patronising. At worst, it is myopic. Either way it cannot sustain a defence against discrimination.

180.4 On their version in this paragraph, the Respondents appear to suggest that in their act of "love" towards us, they will prevent Megan and me from fulfilling what is a sacred rite of passage to us. This is contrary to our rights under the Constitution, including our right to freedom of religion, belief and opinion.

180.5 The Respondents are not in a position of moral authority over us. They are not afforded the right to decide what constitutes a "moral stumbling block" to us. This could not possibly constitute a defence to discrimination.

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180.6 Unfair discrimination – even if it is called love – cannot be countenanced under the Constitution.

181 AD PARAGRAPH 34

181.1 The contents of this paragraph are denied.

181.2 The Respondents now have placed their version before this Court. They may still do so again in answer to this affidavit. As I have shown, their unfair discrimination cannot be countenanced.

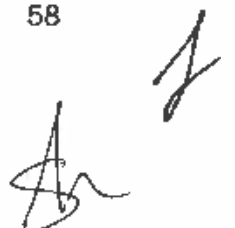
182 AD PARAGRAPH 35 – 45

182.1 The contents of these paragraphs all set out the beliefs of the Respondents. They are entitled to hold these beliefs. But they may not impose those beliefs on others or force others to comply with their image of what an ideal marriage should be.

182.2 In offering wedding services to the public, Beloftebos is bound to offer the same service even to those that do not share their beliefs. They may not discriminate against persons in doing so.

183 AD PARAGRAPH 46

183.1 This paragraph bears emphasis. The Respondents' position has been the mainstream view – not only within the Christian church, but also within the western world at large.

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183.2 Heterosexual relationships are the established mainstream norm. The Judaeo-Christian worldview is well-established.

183.3 In this matter, Megan and I, as a same-sex couple, are in the periphery: not the Respondents. We are the ones being told that, before soliciting a service, we should first enquire whether we are welcome as a same-sex couple – a matter more intrinsic to our identity than the faith of the Respondents is to them.

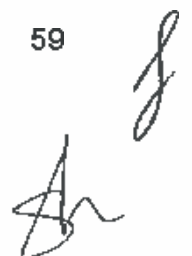
183.4 No one questions the right of the second and third respondent to be married to each other. No one would dare exclude them if they were to solicit any wedding services. Their relationship is accepted as a given. It is well within the norm. We do not enjoy that privilege, and the Respondents are active participants in our exclusion from society.

184 AD PARAGRAPHS 46 – 49

184.1 I respectfully submit that these paragraphs are disingenuous.

184.2 The Respondents are fully prepared to host weddings of non-Christians. They are therefore fully prepared to offer their services even to those that do not fall within the scope of marriage in accordance with their beliefs.

184.3 The difference, of course, is that our current society strongly condemns discrimination on the basis of race or religion. The Respondents are well

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aware of the serious repercussions that would follow if they discriminated on this basis, regardless of their faith.

184.4 Similarly, Beloftebos may not discriminate on the basis of sex, gender or sexual orientation.

184.5 I have already dealt with the explanation set out by the Respondents in paragraph 49. At best, and assuming that they genuinely hold this belief, it is myopic and ethnocentric. Persons of beliefs marry in accordance with their own beliefs, not those of the Respondents.

184.6 The Respondents do not have moral authority to determine what marriages are acceptable and what marriages are not, particularly against the standards of their own religious views.

185 AD PARAGRAPH 50

185.1 What the Respondents say in this paragraph is that Megan and I are not worthy of starting a family because we are a same-sex couple.

185.2 The Respondents also suggest that same-sex relationships are in some way or another comparable to social ills such as "violence, particularly gender violence, substance abuse, brokenness" or "widespread rape".

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185.3 They go on to suggest that in adopting the policy to refuse same-sex weddings, they are, in some manner or another, standing against a social ill such as gender based violence, substance abuse, or rape.

185.4 This is prejudice.

185.5 There is no factual basis for the beliefs of these damning beliefs that the Respondents hold. They are antithetical to the "love" that they refer to in paragraphs 30 to 33 of their affidavit.

186 AD PARAGRAPH 51

186.1 The contents of this paragraph are noted. As I have set out above, the Respondents do not have the privilege or the moral authority to choose who is entitled to enter into marriage and who does not.

187 AD PARAGRAPH 52

187.1 The Respondents have now had the opportunity to express their position, and have done so in their answering affidavit.

187.2 Their views on same-sex relationships, and the right of same-sex couples to marry, are clear.

187.3 In light of everything that has been said by the Respondents in their affidavit, and for the reasons that I have spelt out in this affidavit, their views are unequivocally bigoted. They cannot escape this fact.

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187.4 I again point out that Megan and I were not even allowed to enquire about Beloftebos as a wedding venue. The respondents refused to engage us from the outset.

188 AD PARAGRAPH 53

188.1 The contents of this paragraph are, as I have explained above, disingenuous.

188.2 Beloftebos has categorically refused to allow Megan and me, or any other same-sex couple, to use their venue to host a wedding. This is discriminatory – regardless of whether they offer any other services or not.

188.3 Their choice to refuse to host same-sex weddings may be motivated by their faith. But it is unequivocally (and intentionally) discriminatory. It has everything to do with sex, gender and sexual orientation – a phrase that the Respondents seem uncomfortable to use.

188.4 Remarkably, they admit that their position discriminates against people with different beliefs – such as Megan and I, who believe that same-sex couples should be allowed to marry. They admit that they believe that “not all belief systems are of equal value”.

188.5 It is this condescension that cannot be tolerated under the Constitution. While the Respondents are free to believe whatever they like, they must remain aware that not everyone shares their beliefs. They are required to be



respectful of others that do not. And they may not turn away persons in an unfairly discriminatory manner simply because of their beliefs.

189 AD PARAGRAPH 54

189.1 An affidavit is not the place to debate the law or the meaning of case authority.

189.2 It suffices to state, at this stage, that the judgment of *Fourie* does not allow the Respondents to actively discriminate against persons on the basis of gender, sex or sexual orientation.

190 AD PARAGRAPH 55

190.1 The contents of this paragraph are denied.

190.2 Beloftebos advertises itself as a wedding venue. It appears to cater for all persons – at least, it caters for persons of different faiths, and not only to Christians.

190.3 But Beloftebos refuses its services only to same-sex couples, and not to anyone else.

190.4 As I have spelt out above, this does frustrate Megan and my right to marry under the Civil Union Act. The message of Beloftebos is a public one: they say that they do not believe we should be allowed to marry, and they will stand in the way of this.

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190.5 This is clear in the discourse used by Beloftebos. In their media statement and in their affidavit they speak of not “enabling” or acting as a “stumbling block”. They actively see themselves as combating what they perceive to be a sin, without any regard to the fact that others do not share this belief.

190.6 The act of Beloftebos has significant and painful effects. It is now Megan and I that must use our discretion in approaching a wedding venue, lest they also hold the view that same-sex couples should not marry.

191 AD PARAGRAPHS 56 – 57

191.1 As I have noted above, it is inappropriate to discuss case law in an affidavit.

191.2 We agree, however, that the Constitutional Court is developing a society where there is the freedom to be different.

191.3 But it is the Respondents that are standing in the way of that development. They insist on being allowed to discriminate and exclude persons on the basis of their sex, gender and sexual orientation. They refuse to tolerate others that believe that same-sex couples are allowed to marry.

191.4 The Respondents are not merely articulating a view on marriage or on same-sex relationships. They act on their belief and deliberately discriminate and exclude same-sex couples. They have sought to create, and have created, a space where same-sex couples are not welcome. This cannot be allowed under the Constitution.

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192 AD PARAGRAPH 58

- 192.1 This is not a question of "offence". The Respondents offer their premises as a wedding venue to the public at large. But they deliberately and specifically exclude same-sex couples.
- 192.2 The basis upon which they do so is not merely their faith. It is their belief that same-sex relationships are a sin, and that they are deplorable.
- 192.3 If the Respondents merely kept their beliefs to themselves, then that would be the end of the matter. They may hold any beliefs that they choose. If they choose not to enter into same-sex relationships, then no one may compel them to do so.
- 192.4 But they may not turn away members of the public that wish to hire their wedding venue solely on the basis of their sex, gender, or sexual orientation. That is not a matter of belief. That is a matter of discrimination.
- 192.5 This is regardless of how many venues there are in the Western Cape. In refusing to service us, Beloftebos has given a stark message: we are not welcome solely because we are a same-sex couple, and we should tread carefully, and approach venues with caution, lest they also do not believe that same-sex couples should marry.
- 192.6 The effect of this argument is that members of the LGBTQIA+ community should be marginalised. They should be allowed to exist only with the

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consent of others in society. Businesses may freely choose not to tolerate them.

192.7 There would be no question, if Beloftebos refused to recognise Muslim or Hindu marriages, that those couples should not take offence and simply approach a different venue. Similarly, we cannot be expected to tolerate the Respondents' refusal to respect persons that believe different things to them.

193 AD PARAGRAPHS 59 – 61

193.1 The contents of these paragraphs are denied.

193.2 Beloftebos has not treated us with dignity. It has turned us away, it has called our relationship a sin, and it has made clear that it does not believe that we should be allowed the right to marry. This falls far short of a standard of dignity that can be expected by any person.


193.3 No one has made the "subjective choice" that any beliefs are better than those of the Respondents. And no one is asking them to abandon their belief system. The Respondents are being held to account for their actions, which are discriminatory.

193.4 The Respondents are not being forced to adopt anyone's views on marriage. They are being held to account for seeking to enforce their beliefs on others.



194 AD PARAGRAPH 62

- 194.1 The information presented in this paragraph by the Respondents demonstrate that they are in the heteronormative majority. They are clearly unaware of their privilege.
- 194.2 It is for this reason, the Respondents are unaware of the hurt and the harm of being turned away from a venue solely on the basis of one's sex, gender, or sexual orientation.
- 194.3 The Respondents have never had to exercise discretion in soliciting services because they may be turned away.
- 194.4 The Respondents have never had to tolerate a murmur of voices suggesting that their relationship is a sin, or that it is in any way wrong or deplorable.
- 194.5 The Respondents have never had to doubt whether they are welcome to participate in human society at large.
- 194.6 The Respondents have never been consciously aware of the fact that they are seen as different, as outsiders. They are never relegated to the margins of society. Their right to exist is never question.
- 194.7 Even now, the Respondents are not experiencing any of this. Before this Court, there is no discrimination against them: they are being held to account for discriminating against others.

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194.8 It is ironic, and painful, that the Respondents are relying on the position in other African countries. In many African countries LGBTQIA+ persons are actively persecuted under the law – let alone under social stigma. I annex hereto, marked "IA#33 & IA#34", a map showing countries where same-sex relationships are illegal.

194.9 To equate the above position to "African jurisprudence" is insulting. I doubt that either the respondents, or their purported expert, Mr Michael Cassidy, is an expert on African jurisprudence.

194.10 The assertion that "the overwhelming majority of South Africans ... would seem to share our view that marriage is between a man and a woman" is besides the point. As I have already indicated, no one is forcing the Respondents not to believe what they believe. But the majority of South Africans do not discriminate against same-sex couples on the basis of their beliefs.

195 AD PARAGRAPH 63

195.1 The contents of this paragraph are disingenuous.

195.2 No one is forcing the Respondents to abandon their beliefs. No one is forcing them to enter into a same-sex marriage. They are being required only not to discriminate against persons that are in a same-sex relationship.

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195.3 This is not about offence. This is about ensuring that ours is a society that is inclusive of all persons, regardless of their sex, gender, sexual orientation, and even their beliefs.

196 AD PARAGRAPHS 64 – 65

196.1 This is the very crux of this matter. The Respondents, in maintaining a policy that excludes same-sex couples, are indeed rejecting persons on the basis that they think and act in a manner that is offensive to them. They are actively, in their venue, stopping persons from entering a same-sex union. This is discriminatory and it is not permitted under the Constitution.

196.2 Megan and I, and every other member of the LGBTQIA+ community, are likewise entitled to have our individuality and our dignity affirmed. It is the Respondents that are imposing their beliefs on others, and not the other way round.

197 AD PARAGRAPHS 67 – 87

197.1 It is not necessary for me to respond to these paragraphs. The issues that are raised therein have been adequately canvassed above.

197.2 It suffices to say that whatever concerns may have arisen as a result of the manner that the SAHRC has brought this application, those may easily be remedied by allowing Megan and me to intervene in these proceedings and

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to afford all parties a reasonable opportunity to file further papers, if necessary.

198 AD PARAGRAPHS 88 – 97

198.1 The contents of these paragraphs are noted.

198.2 Most – if not all – service providers pour their heart and soul into their work. But this does not in any way excuse or condone discrimination. Again, if it were the case that Beloftebos excluded Muslims on the basis that they did not recognise Christ, there would be no question that Beloftebos would fall foul of the right to equality. The same applies when they discriminate on the basis of sex, gender and sexual orientation.

198.3 This does not mean that the respondents' beliefs are not treated as equal. It is very much the opposite: when the respondents enter into the public realm and offer services, then they must offer those services without discrimination, in the same manner that they would not like someone to discriminate against them.

199 AD PARAGRAPH 98

199.1 The contents of this paragraph are denied.

199.2 One's religious beliefs cannot in any way condone or excuse unfair discrimination on the basis of sex, gender and sexual orientation.

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199.3 This is particularly so in this matter, where the Respondents have entered into the public domain and have offered a service to the world at large. Their beliefs are not at stake in this matter.

200 AD PARAGRAPHS 99 – 102

200.1 The contents of these paragraphs are denied.

200.2 The Respondents' rights of freedom of religion, belief, and opinion are not infringed. No one has sought to place any restriction on their beliefs. They are simply prohibited from relying on those beliefs to shield their patently discriminatory conduct.

200.3 To the extent that this Court finds that there is any infringement of the Respondents' rights, this is justifiable under section 36 of the Constitution or Megan and my rights, as well as those of the entire LGBTQIA+ community, would be infringed.

201 AD PARAGRAPH 103

201.1 This matter is categorically in the public interest. It requires a clear decision by this Court.

201.2 The beliefs of the respondents are not being outlawed. They are simply being held to account over their discriminatory practices.

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201.3 This is not "thought policing". Discrimination excludes persons from human society. It directly impacts on our dignity. It cannot be countenanced or condoned by this Court.

201.4 Regardless of the manner in which the SAHRC brought this matter, we respectfully submit that these concerns shall be cured once Megan and I are admitted to these proceedings.

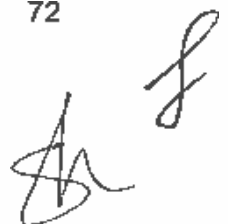
202 AD PARAGRAPH 104

202.1 The Respondents' reliance on their right of freedom of religion is misplaced. It cannot be used to preserve their discriminatory practices that are harmful to others.

202.2 There is absolutely no indication in this matter of the state "forcing" anyone to act against their sincerely held opinions and beliefs. The respondents are merely held to account for discriminating against same-sex couples.

203 AD PARAGRAPH 105

203.1 We are again painfully aware of the fact that we exist within a heteronormative world where members of the LGBTQIA+ community must still fight for their right to exist as members of normal society. That is precisely why Beloftebos cannot continue with discriminatory practices that exclude us.

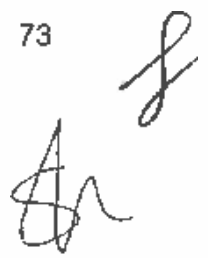
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204 AD PARAGRAPH 106

- 204.1 This is irrelevant. It would be no solace for a person of colour that has been discriminated against on the basis of race to be told that there are other institutions that would serve him or her.
- 204.2 The issue is that, contrary to the right to equality, Beloftebos has imposed a policy that is discriminatory. It has excluded us. It now seeks to place the burden on us to find a venue that is not discriminatory, rather than take responsibility for their conduct. This cannot be sustained.
- 204.3 Furthermore, the Respondents give a clear message that they do not believe that we should have the right to enter into or celebrate a union. They create a discourse that actively states that we are not welcome, that we are undesirable. In effect, they are seeking to allege that they are above the Constitution, or above the right to equality.
- 204.4 The Respondents have no authority to relegate us to the margins of society. This argument cannot stand.

205 AD PARAGRAPH 107

- 205.1 The fact of the matter is that in excluding us, the Respondents did treat us in an unfair manner, and in a manner that was not merely hurtful, but harmful: it gave us an unequivocal message that we are not welcome in society.

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205.2 The Respondents did not treat us or our beliefs with respect. They excluded us, and gave the unequivocal message that our marriage, and our relationship, is not welcome on their premises. The fact that we differ in our views about marriage does not allow Beloftebos to impose its view on us.

205.3 With respect the approach taken by Beloftebos is bigoted. There is no other reasonable conclusion that can arise.

206 AD PARAGRAPHS 108 – 123

206.1 It is unnecessary for me to address these points. I refer to the averments that I have already made in this affidavit.

207 AD PARAGRAPH 124

207.1 There is no need for Megan or I to sit down with the Respondents to understand their position. As I have explained in this affidavit, the policy that they take is unequivocally discriminatory and violates our rights to equality.

207.2 While I appreciate that the Respondents have their own beliefs, they have sought to impose those beliefs on us by refusing to host our wedding.

207.3 Beloftebos offers its services to the public. It may not provide those services on a discriminatory basis. The right of religion, belief and opinion cannot shield the respondents in their infringement of our constitutional rights.

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207.4 The issue at hand in this matter is also not "the beliefs of strangers". Had the Respondents kept their beliefs to themselves, then there would be no dispute in this matter. But they did not: they imposed their beliefs on the public by delineating who is worthy of their services and who is not.

207.5 This has clear public implications. The Respondents have never had to question whether, before approaching a service provider, whether that service provider will reject them on the basis of their beliefs or their sexual orientation. But they expect Megan and me, and the entire LGBTQIA+ community, to live in that margin of society.

207.6 The Respondents have made it unequivocally clear that they shall treat our union as worse than merely "second rate". They see it as deplorable, and they will refuse to host us. This is not merely a question of their opinion or their belief. It is their active overt conduct towards society at large.

207.7 There is accordingly nothing to discuss. The Respondents must be held to account.

208 AD PARAGRAPHS 125 – 136

208.1 It is unnecessary for me to respond to these paragraphs. I refer to what I have said in this affidavit.

209 AD PARAGRAPHS 137 – 138

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209.1 The Respondents are not entitled to the relief that they seek for the reasons set out in this affidavit.

209.2 The overwhelming majority of Christians in South Africa, and indeed other faiths, do not discriminate in their provision of services to persons on the basis of sex, gender and sexual orientation.

209.3 The Respondents are. They now seek to use their beliefs to shield their overt unfair discrimination.

210 AD PARAGRAPHS 139 – 140

210.1 Insofar as Megan and my application is concerned, we are entitled to costs against Beloftebos, including the costs of two counsel.

211 AD PARAGRAPHS 141 – 142

211.1 The Respondents seek to use their right of freedom of religion, belief and opinion to protect themselves in violating Megan and my right to equality, dignity and our right of freedom of religion, belief and opinion.

211.2 For the reasons set out in this affidavit, they may not do so. The counter-application falls to be dismissed.

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212 AD PARAGRAPH 143

212.1 We have no interest in the relief sought strictly against the SAHRC. To that extent, we are not in a position to oppose the relief sought in paragraphs 6 and 7 of their notice of motion.

212.2 The balance of the relief sought in all of the other paragraphs impacts on the question of the right to equality and whether the Respondents were entitled to discriminate against us, or any other member of the LGBTQIA+ community. We oppose this relief and ask that it be dismissed with costs, including the costs of two counsel.

213 AD PARAGRAPH 144

213.1 The contents of this paragraph are admitted. I ask that similarly we be granted leave to intervene in order to save costs.

214 AD PARAGRAPHS 145 – 148

214.1 The contents of these paragraphs are noted.

215 AD PARAGRAPHS 149 – 152

215.1 Megan and I have no interest in these paragraphs.

216 AD PARAGRAPHS 153 – 158

216.1 The SAHRC was not called upon to adjudicate between beliefs. It was required to hold the Respondents to account for their discriminatory practices.

216.2 Similarly, no one is treating the beliefs of the Respondents as inferior. They may not use their beliefs to discriminate against others. That is all.

216.3 The converse is not true. The Respondents have treated Megan and my belief that we should be allowed to marry as a sin, as deplorable, and as something that should not be tolerated. They must be held responsible for this. Their discriminatory practice cannot be allowed to continue, regardless of their beliefs.

216.4 Again, the position adopted by Beloftebos is bigoted. This cannot be avoided.

216.5 I do not see how this matter will impact on all Christians, or on any other faiths. What this matter is about is whether a business may discriminate against a person on the basis of sex, gender or sexual orientation.

217 AD PARAGRAPH 159

217.1 The contents of this paragraph are noted.

218 AD PARAGRAPH 160

218.1 The contents of this paragraph are admitted.

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219 AD PARAGRAPH 161

219.1 The Respondents do not set out any reasonable basis for their bold averments in this paragraph.

219.2 Section 9 of the Constitution enshrines the right to equality. It prohibits unfair discrimination at a horizontal level as well as at a vertical level.

219.3 There are many laws that apply to private relationships. South Africa, after all, is not an anarchical state.

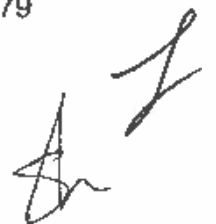
219.4 The state is frequently called to intervene in private relationships. Indeed, the entire branch of private law is devoted to this. There is nothing sinister or problematic about this.

220 AD PARAGRAPHS 162 – 163

220.1 The contents of these paragraphs are denied.

220.2 PEPUDA prohibits unfair discrimination. If there were a legitimate basis for treating a person unequally, then it would not constitute unfair discrimination.

220.3 In this matter, the Respondents do not seek to protect any legitimate interest. They simply wish to use their rights under section 15 of the Constitution to shield their discriminatory policy from being held to account. This is not permissible.

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220.4 It is therefore the Respondents that seek to elevate section 15 of the Constitution over section 9 of the Constitution. It is not the other way round.

221 AD PARAGRAPH 164

221.1 The respondents fail to set out what they mean in this matter. I am accordingly unable to meaningfully respond to this.

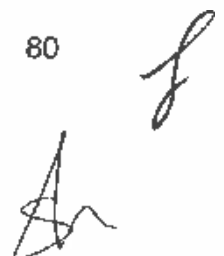
222 AD PARAGRAPHS 165 – 168

222.1 The contents of these paragraphs are denied.

222.2 Discrimination is not only a matter of vertical power. At a horizontal level, discrimination is pernicious, pervasive and insidious. The law may impose protections on vulnerable persons. Those will be rendered meaningless if persons may ignore those laws with impunity.

222.3 This is clear from the fact that, notwithstanding the fact that Apartheid was dismantled over 26 years ago, racism remains a serious concern in South Africa.

222.4 I recognise that the Respondents host weddings. They provide this service to the public at large – including to persons that are not Christian, and to persons that do not share their beliefs. In doing so, they may not unfairly discriminate against the public in offering these services.

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222.5 Their religious beliefs cannot protect them. To do so would enable any person to discriminate on the basis of beliefs. This would undermine not only the purpose of PEPUDA, but the right to equality in section 9 of the Constitution.

222.6 This applies regardless of the conviction with which the Respondents hold their views. While they are entitled to their religious views within their own private lives, they may not impose their beliefs on others.

223 AD PARAGRAPH 169

223.1 I note the Respondents' reliance on the right of freedom of expression.

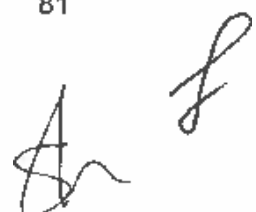
223.2 The expression of the Respondents' beliefs is harmful and discriminatory. It cannot be used to protect them here.

223.3 The suggestion that "outrageous statements" have been made that have not amounted to hate speech is vague. I cannot meaningfully respond to this.

224 AD PARAGRAPH 170

224.1 The contents of this paragraph are denied.

224.2 The Respondents are being held to account for actively discriminating against same-sex couples. They are not being told how to "think". They are being told not to discriminate.

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224.3 The harm of discrimination far outweighs the right of the Respondents to give expression to their discriminatory and prejudicial views. PEPUDA rightly limits their conduct from infringing the right to equality and dignity of others.

225 AD PARAGRAPH 171

225.1 I respectfully submit that section 14 does not avail the Respondents. It does not make provision for personal beliefs as a ground to justify discrimination. I respectfully submit that this position is correct.

225.2 The Respondents' right to freedom of religion, belief and opinion is not engaged in this matter.


226 AD PARAGRAPH 172

226.1 The contents of this paragraph are noted. This case shall be assessed on its own merits.

226.2 The Respondents are sufficiently protected under the law. They may not use their rights to prevent accountability for infringing our rights. The Constitution cannot be used to guard impunity.

227 AD PARAGRAPH 173

227.1 As set out above, we oppose the relief sought by the Respondents except for that set out in paragraphs 173.3 and 173.4.

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AFFIDAVIT FILED BY MR MICHAEL CASSIDY

228 I note the answering affidavit filed by Mr Michael Cassidy in addition to the second respondent's affidavit. It appears that his expert opinion has been solicited and placed before this Court.

229 Many of the sentiments expressed by Mr Cassidy have been expressed by the second respondent in her affidavit. These have been addressed above. There is no need for me to do so a second time.

230 That said, the opinions expressed by Mr Cassidy are irrelevant. This is because the issue at hand is not whether Christians believe that marriage should be between one man and woman. I accept that this is the belief of the respondents. The issue is whether Beloftebos may lawfully discriminate against same-sex couples when it provides services to the public at large.

231 For the reasons set out above, the answer to this question is a resounding No. The beliefs of the respondents, even if genuinely held, cannot protect them in this respect.

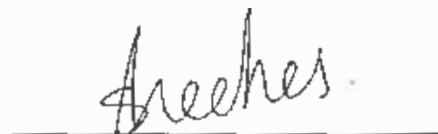
232 Discrimination, even when premised on genuine and sincerely held beliefs, is still discrimination. It remains a poison that will destroy the Constitutional vision of a South Africa that belongs to all who live in it, united in our diversity. The position adopted by the respondents, even as supported by Mr Cassidy, must be rejected.

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CONCLUSION

233 I respectfully submit that we are entitled to the relief that we seek in accordance with the provisions of section 21(2) of PEPUDA, and that the counterclaim of the Respondents should be dismissed. Beloftebos was not entitled to discriminate against us on the basis of our sex, gender and sexual orientation. It also cannot rely on its right to freedom of religion, belief and opinion to justify its position.

WHEREFORE I pray for an order in terms of the notice of motion.



DEPONENT

THUS SWORN TO AND SIGNED before me at **CAPE TOWN** on this the
[] day of AUGUST 2020 by the deponent who acknowledges that he/she knows
and understands the contents of this affidavit and he/she has no objection to taking
the prescribed oath and that he/she considers the oath as binding on his/her conscience.


11/8/2020

JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001





OFFICE OF THE JUDGE PRESIDENT
WESTERN CAPE HIGH COURT

PRIVATE BAG X9020
CAPE TOWN
8000

Telephone number: +27 21 480 2664
Fax number: 086 6424753
Email: EPotgieter@judiciary.org.za

TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID-19
IMPLEMENTATION DATE : 17 MARCH 2020

DIRECTIVE

The following directives will apply with immediate effect until the commencement of Term 2 (14 April 2020).

1. Save for urgent court matters, Judges will deal only with matters that are already set down/ enrolled for hearing. Postponements should preferably be from June 2020.
2. As from Term 2 (14 April 2020), the unopposed motion roll will be reduced to seventy five (75) matters per day. Parties are to approach the 3rd division Registrar for the availability of dates for set down and postponements (similar to the process currently utilised for 4th). Categories of matters will be allocated only a certain number of spaces per day. (See breakdown of case allocation attached marked "A").

3. No member of the public is permitted to enter the Court building, or attend any hearing, whether Civil or Criminal, as a spectator. Only practitioners, in-person litigants, witnesses and accused persons are permitted to attend.
4. Prosecutors are requested to inform DCS in advance of all accused persons not required to attend court.
5. Postponement of criminal trials will be done without the accused being brought to court, only Prosecutors and practitioners will be permitted to attend.
6. Counsel are advised not to attend Judges' chambers for purposes of introductions or consultations unless expressly requested by the Judge President or relevant Judge (proof of such invitation must be presented to security before access will be allowed). All personal introductions are suspended. Judges will preferably not shake hands with any Practitioners.
7. Judges who are not scheduled for sittings in Court are encouraged to work from home.
8. When a Judge is working from home, he/she should make a determination, based on the nature of the work to be done, whether his/her Secretary may also work from home. In that event the Judge President and Court Manager must be advised accordingly, and Judges' secretaries must remain available and accessible to carry out whatever duties may be required from home, including monitoring and responding to e-mails, maintaining telephone contact with practitioners etc.
9. Case Management (Pre-trials) whether civil or criminal will proceed with only practitioners in attendance and will be limited to 20 cases per day. Civil postponements are at the discretion of the presiding Judge and may be communicated to parties via e-mail or fax. Parties wishing to postpone case management matters by agreement may notify the relevant Judges' Secretary as a matter of urgency. The relevant Judges' Secretary may on instruction of the Judge confirm the postponement via return e-mail.



10. Judgments may also be delivered via e-mail.
11. Admissions – only practitioners appearing on behalf of applicants and applicants themselves will be allowed to be present in court.
12. To minimise foot traffic in the general office, ALL new summons, notices of motion and applications **other than urgent applications** may be dropped off at the security desk at the entrance to the Court building in Keerom Street. All issued documents will be available for collection from the security desk on the following day. **No other document other than a notice of intention to defend/oppose and a plea will be issued at the general office. The filing of any other document not expressly required by the rules will not be permitted.**
13. The upliftment of files from the general office will be suspended other than for urgent applications and enrolled matters.
14. Default judgment applications in terms of Rule 31(5) must be dropped off at the security entrance of the court. Orders will be made available for collection at the security desk at the entrance of the court building.
15. The authentication / Apostille of documents will be managed by the Registrar of the Civil division and should only be attended to in exceptional circumstances. These may be dropped off at the security desk and uplifted within 2 hours.
16. As regards Court staff, the Regional Head: OCJ-WC in consultation with the Chief Registrar and Court Manager and in conjunction with any circular issued by the Secretary General of the OCJ will determine the minimum number of staff (rotational or otherwise) who must continue to report for work to ensure that the general work of the Court is not compromised.


JUDGE PRESIDENT HLOPHE



To be issued to:

The Magistracy;
The National Prosecuting Authority;
Legal Aid South Africa;
Western Cape Bar Association;
Legal Practice Council;
Family Advocate;
State Attorney;
NADEL;
BLA;
South African Police Services;
Office of the Chief Justice Justice
Department of Justice and Constitutional Development;
Department of Correctional Services;
Department of Social Development;
Department of Health;
Any other Court Official not mentioned above

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Annexure A - Motion Court Allocation Schedule

Type of application	Quantity
Applications (other than evictions & liquidations)	20
Evictions	5
Liquidations / Sequestrations/ Voluntary Surrender	5
Default Judgments	20
Rule 46A	3
Divorces	10
Rule 43	2
Postponements/ Rule Nisi	10





OFFICE OF THE JUDGE PRESIDENT
WESTERN CAPE HIGH COURT

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8000

Telephone number: +27 21 480 2564
Fax number: 086 6424753
Email: Epotgieter@judiciary.org.za

TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF LOCKDOWN
IMPLEMENTATION DATE: 25 MARCH 2020

DIRECTIVE


The following directives will apply with immediate effect until the 17 April 2020 (subject to further periods as may be directed by the President of the Republic of South Africa). These directives should be read together with the directives previously issued by the Chief Justice and Judge President.

1. As per the Chief Justice's directive dated 24 March 2020, only urgent motion applications will be issued (including matters relating to COVID 19), matters relating to bail, urgent maintenance, domestic violence related matters and cases involving children.
2. The issuing of all combined, provisional summons and applications other than the ones mentioned in the paragraphs above and below are suspended.

3. Issuing of new applications in terms of Rule 31(5) before the registrar will be suspended during the said period.
4. No new CIVIL matters (trials, appeals, reviews, unopposed and opposed motions) will be enrolled during the lockdown period including the 17 April 2020.
5. Civil trials, opposed motions, appeals and reviews already enrolled must be postponed to dates as arranged with the relevant 4th division clerk for dates after the lockdown period.
6. The service of summons and applications other than those mentioned above by the Sheriff should be suspended until after the lockdown, so that non compliance with dies periods during the lockdown is minimized.
7. No new civil pre-trials will be allocated during April 2020. All existing civil pre-trials will be postponed until after the lockdown period. Parties are to make contact with the relevant Judges secretaries to arrange for a postponement date in consultation with the relevant Judge.
8. No further process (including warrants of execution and subpoenas) whether civil or criminal will be issued during the "lockdown" including on the 17 April 2020. Only intention to defend, notices to oppose and pleas will at this stage be accepted at the court. It is advisable that parties consider extensions by agreement on the *dies periods* to avoid unnecessary travel during the lockdown period.
9. In light of the Legal Practice Council being unable to provide the court with the relevant certificates needed for Admissions, matters set down for Friday, 17 April 2020 will be postponed to Friday, 08 May 2020. The postponements may be done by the relevant Judges and practitioners without the applicants being present on the 17 April 2020.
10. There will be no Authentication/ Apostille services offered at the court during the lockdown period.



11. Right of appearance certificates and good standing certificates may be applied for at the Chief Registrar's office from the 20 April 2020.
12. All the motion court applications enrolled for 27 March 2020, 31 March 2020, 1 April 2020, 7 April 2020, 8 April 2020, 14 to 16 April 2020 must be postponed to a date after the lockdown in consultation with the third division clerk.
13. **Rule Nisi** matters returnable during the lockdown (which include eviction matters) should be identified and arrangements made with the Judge on motion court duty or recess duty to extend the rule nisi dates to beyond this period. Where this cannot be achieved the duty Judge concerned must be approached for appropriate directives.
14. Evictions and Rule 46A applications to declare property executable are suspended until after the lockdown period including the 17 April 2020.
15. All criminal trials, criminal appeals and criminal pre-trials will be suspended during the lockdown period. All postponements will be done in the absence of the accused person. Practitioners for the accused may appear or arrange with the DPP for the postponement of the matter in their absence.
16. Criminal pre-trials for 27 March 2020 will be dealt with on Thursday 26 March 2020 as arranged with the DPP, practitioners for the accused and the relevant Judges. Criminal pre-trials for 17 April 2020 will be moved to Tuesday, 14 April 2020
17. Criminal trials scheduled for circuit courts during the lock down period will be postponed on Thursday 26 March 2020 to date after the lockdown period.
18. No new applications for taxation dates, settled and consented to bills will be allowed during the lockdown period.
19. Heads of argument in matters already set down may be sent to the relevant Judges secretary via e-mail or relevant clerk at the Registrar's office. (List



attached of e-mail addresses of officials).

20. The High Court building will not be accessible during the lockdown period except for the duty Judge, the relevant Judges secretary, the Chief Registrar, Court Manager, relevant court staff (urgent/rotational in line with any directive issued by the OCJ), security personnel, practitioners and parties for matters identified above.

Should you wish to clarify any of the above directives, you may contact the Judge President (Lizette Potgieter – 021 480 2564), Chief Registrar (Ruanne David/ Antoinette Marinus – 021 480 2635/6), Court Manager (Valerie Noah/ Astrin Erntzen – 021- 480 2637/619 or DPP (Adv Bell 021- 487 7226) offices.



JUDGE PRESIDENT HLOPHE

To be issued to:

The Magistracy;
The National Prosecuting Authority;
Legal Aid South Africa;
Western Cape Bar Association;
Legal Practice Council;
Family Advocate;
State Attorney;
NADEL;
BLA;
South African Police Services;
Office of the Chief Justice Justice
Department of Justice and Constitutional Development;
Department of Correctional Services;
Department of Social Development;





OFFICE OF THE JUDGE PRESIDENT
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8000

Telephone number: +27 21 480 2554
Fax number: 086 6424753
Email: EPotgieter@judiciary.org.za

TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19
LOCKDOWN
IMPLEMENTATION DATE : 06 APRIL 2020

SUPPLEMENTED DIRECTIVES

The following directives will apply with immediate effect until the 17 April 2020 (subject to further periods as may be directed by the President of the Republic of South Africa). These directives should be read together with the directives previously issued by the Chief Justice (on 24 March 2020) and the Judge President (17 March 2020). The Directive issued on 25 March 2020 by the Judge President is hereby withdrawn and replaced herewith.

1. As per the Chief Justice's directive dated 24 March 2020, only urgent motion applications will be issued and /or heard including matters relating to COVID 19, matters relating to bail, urgent maintenance, domestic violence related matters and cases involving children.
2. The issuing of all combined, provisional summons and applications other than the ones mentioned in the paragraphs above and below are suspended.
 - 2A. The issuing of applications and summonses will be allowed in civil matters where the debt claimed by such process will prescribe during the lockdown period or there is a reasonable apprehension that the debt will prescribe.
3. Issuing of new applications in terms of Rule 31(5) before the registrar will be suspended during the said period.

4. Subject to 1 above, no new CIVIL matters (trials, appeals, reviews, unopposed and opposed motions) will be enrolled during the lockdown period including the 17 April 2020.
5. Civil trials, opposed motions, appeals and reviews already enrolled must be postponed to dates as arranged with the relevant 4th division clerk for dates after the lockdown period.
6. The service of summonses and applications other than those mentioned above by the Sheriff should be suspended until after the lockdown, so that non-compliance with dies periods during the lockdown is minimized.
7. No new civil pre-trials will be allocated during April 2020. All existing civil pre-trials will be postponed until after the lockdown period. Parties are to make contact with the relevant Judges secretaries to arrange for a postponement date in consultation with the relevant Judge.
8. No further process (including warrants of execution and subpoenas) whether civil or criminal will be issued during the "lockdown" including on the 17 April 2020: provided that the issuing and service of subpoenas and the granting and execution of warrants where a judicial officer orders that it is necessary to ensure effective justice in urgent matters, will proceed during the "lockdown".
- 8A. In instances where the Uniform Rules require a document to be "delivered", it will not be necessary to file such document at Court. It will be sufficient to serve such document via e-mail communication to all parties to the dispute. In respect of Intention to defend, notices to oppose and pleas the Chief Registrar is to be included in the e-mail communication (RDavid@judiciary.org.za). It will be incumbent on the plaintiff(s)/applicant(s) to ensure that the court file is updated with all the documents served by all parties prior to the hearing.
9. In light of the Legal Practice Council being unable to provide the court with the relevant certificates needed for Admissions, matters set down for Friday, 17 April 2020 will be postponed to Friday, 08 May 2020. The postponements may be done by the relevant Judges and practitioners without the applicants being present on the 17 April 2020.
10. There will be no Authentication/ Apostille services offered at the court during the lockdown period.
11. Right of appearance certificates and good standing certificates may be applied for at the Chief Registrar's office from 20 April 2020.



12. All the motion court applications enrolled for hearing on 27 March 2020, 31 March 2020, 1 April 2020, 7 April 2020, 8 April 2020, 14 to 16 April 2020 must be postponed to a date after the lockdown in consultation with the third division clerk.
13. **Rule Nisi** matters returnable during the lockdown (which include eviction matters) should be identified and arrangements made with the Judge on motion court duty or recess duty to extend the rule nisi dates to beyond this period. Where this cannot be achieved the duty Judge concerned must be approached for appropriate directives.
14. Evictions and Rule 46A applications to declare property executable are suspended until after the lockdown period including the 17 April 2020.
15. All criminal trials, criminal appeals and criminal pre-trials will be suspended during the lockdown period. All postponements will be done in the absence of the accused person. Practitioners for the accused may appear or arrange with the DPP for the postponement of the matter in their absence.
16. Criminal pre-trials for 27 March 2020 will be dealt with on Thursday 26 March 2020 as arranged with the DPP, practitioners for the accused and the relevant Judges. Criminal pre-trials for 17 April 2020 will be moved to Tuesday, 14 April 2020
17. Criminal trials scheduled for circuit courts during the lock down period will be postponed on Thursday 26 March 2020 to date after the lockdown period.
18. No new applications for taxation dates, settled and consented to bills will be allowed during the lockdown period.
19. Heads of argument in matters already set down may be sent to the relevant Judges secretary via e-mail or relevant clerk at the Registrar's office. (List attached of e-mail addresses of officials).
20. The High Court building will not be accessible during the lockdown period except for the duty Judge, the relevant Judges secretary, the Chief Registrar, Court Manager, relevant court staff (urgent/rotational in line with any directive issued by the OCJ), security personnel, practitioners for matters identified above and persons with a material interest in such matters: provided that such access will be subject to and governed by paragraph 2 of the amended Directions to address, prevent and combat the spread of COVID 19 in all courts, court precincts and justice service points in South Africa issued in terms of the Disaster Management Act 57 of 2002 by the Minister of Justice and Correctional Services (Government Notice R.440 in Government Gazette 43191 of 31 March 2020 ("the Minister's amended Directions").



21. If and to the extent there is conflict between a provision of the Minister's amended Directions and a provision of this Directive dealing expressly with the matter, the provision of this Directive prevails.

Should you wish to clarify any of the provisions of this Directives, you may contact the Judge President (care of Lizette Potgieter – 021 480 2564), Chief Registrar (Ruanne David or care of Antoinette Marinus – 021 480 2635/6), Court Manager (Valerie Noah or care of Astrin Ernstzen – 021- 480 2637/619 or DPP (care of Adv Bell 021- 487 7226) offices.



JUDGE PRESIDENT HLOPHE

To be issued to:

The Magistracy;
The National Prosecuting Authority;
Legal Aid South Africa;
Cape Bar Council;
Western Cape Bar Association;
Legal Practice Council;
Family Advocate;
State Attorney;
NADEL;
BLA;
South African Police Services;
Office of the Chief Justice
Department of Justice and Constitutional Development;
Department of Correctional Services;
Department of Social Development;
Department of Health;
Any other Court Official not mentioned above.





OFFICE OF THE JUDGE PRESIDENT
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Telephone number: +27 21 480 2564
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TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19
LOCKDOWN
IMPLEMENTATION DATE: 17 APRIL 2020

ADDENDUM TO PARA 4, 8, 10, 11, 12 and 14 AND THE ADDITION OF
6A, 16A, 17A and 22 IN LIGHT OF THE EXTENDED LOCKDOWN

The following directives will apply with immediate effect until the 01 May 2020 (subject to further periods as may be directed by the President of the Republic of South Africa). These directives should be read together with the directives previously issued by the Chief Justice (on 24 March 2020) and the Judge President (17 March 2020 and 06 April 2020).

4. Subject to para 1 of the previous directive dated 6 April 2020, no new CIVIL matters (trials, appeals, reviews, unopposed and opposed motions) will be enrolled during the lockdown period;
- 6A. An application via the chamber book may be brought for an order for service by the sheriff for urgent matters and those mentioned in the Directives if required; the application may be e-mailed to the Chief Registrar (RDavid@judiciary.org.za);
8. No further process (including warrants of execution and subpoenas) whether civil or criminal will be issued during the "lockdown" period: provided that the issuing and service of subpoenas and the granting and execution of warrants where a judicial officer orders that it is necessary to ensure effective justice in urgent matters, will proceed during the "lockdown" period;

10. There will be no Authentication/ Apostille services offered at the court during the lockdown period unless it involves an essential service;
11. Right of appearance certificates and good standing certificates may be applied for at the Chief Registrar's office after the lockdown period unless required to attend court on an urgent matter as defined by these Directives;
12. All the motion court applications enrolled for hearing during the lockdown period must be postponed to a date after the lockdown in consultation with the third division clerk;
14. Evictions and Rule 46A applications to declare property executable are suspended until after the lockdown period unless ordered by a judicial officer in the interests of Justice;
- 16A. Criminal pre-trials for Friday, 24 April 2020 will be dealt with on Wednesday, 22 April 2020. Any further pre-trials affected by any further extensions of the lockdown will be dealt with on the first working day of that week as arranged with the DPP, practitioners for the accused and the relevant Judicial officer;
- 17A. Criminal trials (new and postponed) scheduled for circuit courts during the lockdown period will be postponed to a date after the lockdown period in consultation with the relevant Judicial officer, DPP and Practitioners;
22. The 1st session of the civil circuit at Themabalethu, George being 20 to 30 April 2020, is cancelled. The 2nd session will begin on the 25 May 2020. All matters enrolled for the 1st session from 20 to 30 April 2020 will be postponed to 25 May 2020. The first week of the 2nd session will be utilised for roll-call, mediation and to deal with all postponed matters. For assistance, please feel free to contact Mr Kershan Naicker at 081 405 1881 and/or knaicker@judiciary.org.za or Mrs Faadhah Davids on 073 9588 267 and/or fdavids@judiciary.org.za.

Should you wish to clarify any of the provisions of this Directives, you may contact the Judge President (care of Lizette Potgieter – 021 480 2564 EPotgieter@judiciary.org.za), Chief Registrar (Ruanne David or care of Antoinette Marinus – 021 480 2635/6 RDavid@judiciary.org.za / AMarinus@judiciary.org.za), Court Manager (Valerie Noah or care of Astrin Ernstzen – 021 480 2637/619 VNoah@judiciary.org.za / AErnstzen@judiciary.org.za) or DPP (care of Adv Bell 021- 487 7226) offices.


JUDGE PRESIDENT HLOPHE



To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Cape Bar Council;

Western Cape Bar Association;

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;

South African Police Services;

Office of the Chief Justice

Department of Justice and Constitutional Development;

Department of Correctional Services;

Department of Social Development;

Department of Health;

Any other Court Official not mentioned above.

A handwritten signature in black ink, appearing to be the initials 'A-J' or similar, located in the bottom right corner of the page.



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TO : ALL JUDGES

FROM : JUDGE PRESIDENT JM HLOPHE

SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19
LOCKDOWN

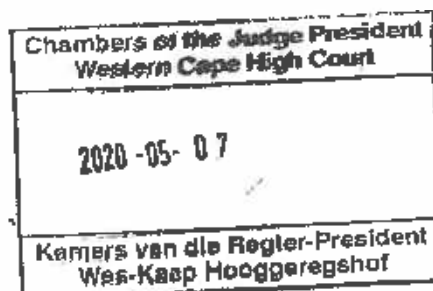
DATE : 07 MAY 2020

Please find herewith the Directives as approved by myself.

I am grateful for all the input submitted which I personally have found to be of tremendous value in drafting the Directives contained herein and wish to acknowledge the valuable contributions made by the following esteemed colleagues:

Judge N. Erasmus
Judge R. Allie
Judge V Saldanha
Judge P Gamble
Judge C. Fortuin
Judge O. Rogers
Judge T. Papier
Judge D. Kusevitsky
Judge H. Slingers
Advocate A. Breitenbach SC


JUDGE PRESIDENT HLOPHE





ADMINISTRATION:

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Mrs Antoinette Marinus AMarinus@judiciary.org.za 021 480 2636

COURT MANAGER'S OFFICE:

Mrs V. Noah VNoah@judiciary.org.za 021 480 2637
Ms Astrin Ernstzen AErnstzen@judiciary.org.za 021 480 2619

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TAXING MASTER Thembisisa Yalezo TYalezo@judiciary.org.za 021 480 2577

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CRIMINAL TRIALS Lena Manuel-Naran LManuel-Naran@judiciary.org.za 021 480 2415

ROOM 1 Leandi L.F. Esterhuizen LEsterhuizen@judiciary.org.za 021 480 2403

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Telephone number: +27 21 480 2564
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TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19
LOCKDOWN
IMPLEMENTATION DATE: 11 MAY 2020

The following Directives will apply from the implementation date above during the National State of Disaster Lockdown. These Directives should be read together with the Directives issued by the Chief Justice (on 20 March 2020 and 02 May 2020) and the Judge President (on 17 March 2020, 06 April 2020 and 17 April 2020). Any Directive contained in the previous WC Directives which is inconsistent with this Directive will no longer apply.

As a Division we are committed to deliver transparent, efficient and quality access to justice for all.

A. PURPOSE

To provide guidance in relation to how judicial and quasi-judicial functions are to be managed and performed during the remaining period of the National State of Disaster.

B. GENERAL

1. Any person entering the court precinct shall wear a cloth mask or any other suitable item that covers the mouth and nose. Social distancing of 1,5m will be maintained at all times (while waiting outside the building or when inside the court building and courtrooms). Sanitizing liquid will be available at the entrance to the court building as well as the courtrooms and all offices. Courtrooms will be sanitized before and after a hearing is conducted. Each person entering the building will be subjected to temperature screening. A register will be kept at all entrances for persons entering the building.
2. Any party wishing to have a matter, which has been set down for hearing during the National State of disaster period, removed from the roll, shall provide the Office of the Registrar with an electronic notice of removal and where the matter is opposed a notice of removal by agreement between the parties as envisaged in the Chief Justices' Directive dated 02 May 2020.
3. In matters already set down before the court, where settlement has been reached between the parties, the settlement agreement and/orders shall be forwarded to the relevant Judicial Officer seized with the matter via his/her secretary on the updated list of e-mail addresses attached hereto.
4. In cases not yet allocated the settlement agreement and/or order shall be forwarded under cover of a chamber book application to the general office Registrar/s for submission to the duty Judicial Officer in chambers together with proof that all relevant parties' legal representatives and/or unrepresented parties are seeking leave for the order to be granted.
5. In any matter already enrolled before the court, where the parties wish to postpone the matter a draft order shall be mailed to the Registrar's Office for consideration by the Judge assigned to the matter. The draft order shall include the information as indicated in the attached example/s, in order to expedite the issuing of the order by the Registrar's office. Non-compliant draft orders will be returned.



6. The Judicial Officer shall consider options to proceed with cases with minimal contact between themselves, court personnel, legal practitioners and the litigants. Where it becomes necessary to have an open court session compliance with the provisions of paragraph 1 above must be adhered to.

Virtual hearing options such as Microsoft Teams shall be considered where additional evidence and/or further argument/ submissions other than what has been filed on record is required to reach a decision. The costs involved in setting up any virtual hearing link compatible with the courts IT infrastructure shall be borne by the parties or as agreed between the parties. The request for that manner of presentation must be made by e-mail to the relevant Judicial Officer's secretary on the day of allocation of the file and be incorporated in an electronically submitted Practice Note. The parties should also indicate in the Practice note whether counsel and all other interested parties (ie. instructing legal practitioner and clients) have access to a device and reliable internet for purposes of the remote hearing. The link to the virtual hearing will be set up by the relevant Judicial Officer's secretary and disseminated to all the parties alternatively the party setting up any other link, shall facilitate the necessary invitations for full participation by all the parties.

7. The exchange of hard copies shall be minimized and all documents and pleadings shall be sent via e-mail and other forms of electronic transmission between parties. Where this is not possible then physical exchange of hard copies should only be provided in full compliance with all conditions, as determined by the Chief Registrar in consultation with the Court Manager, with regard to safety and sanitization.
8. The Chief Registrar and Court Manager's offices will determine requirements and conditions for:
 - a. **open court hearings** (which shall only be considered as a last resort) -
The Judicial Officers secretary will, after authorization from and determination by the Judicial Officer, after consultation with the parties, provide the Chief Registrar and Court Manager, with the following:



- i. Case No; type of case (civil or criminal);
- ii. Names of the parties and their legal representatives;
- iii. Full contact details including mobile numbers and e-mail addresses on which the parties or their legal representative may be contacted at any time pending, during and after the hearing of the matter;
- iv. Number of persons who will be allowed in the courtroom including the Judicial Officer and court staff, cognizance should be taken of the floor size of the court room and the allowable limitations in respect thereof;
- v. Should members of the media be allowed, Judicial Officers are to ensure compliance with PN53 of the WC Consolidated Practice Directives;

It will only be necessary for counsel to appear for open court hearings, the instructing attorney need not appear but must be contactable if required.

b. physical filing of documents

- i) If a Judicial Officer has consented to the physical filing of documents, such arrangements are to be communicated to the relevant Registrar's office (Civil or Criminal Divisions) who will provide a date and time slot for the physical submission of the documents at the court building based on the Judicial Officers directives;
Civil Registrars (LFesterhuizen@judiciary.org.za or OKleinhans@judiciary.org.za) Criminal Registrars (LManuel-Naran@judiciary.org.za or AJones-Pretorius@judiciary.org.za).

c. Entry into the court building by practitioners, the public (including the media) is to be strictly controlled:

- i. If any person enters the court precinct without prior notification of a date and time slot they shall be turned away unless good cause is shown to the Chief Registrar or any person designated by her for non-compliance with this Directive.



9. Filing of documents

In order to aid communication between the court, legal practitioners and litigants, all documents filed whether electronic or hard copy must contain the following information:

- i) Full names of the parties and their legal representatives;
- ii) Full contact details including mobile numbers and e-mail addresses on which the parties or their legal representative may be contactable at any time pending, during and after the hearing of the matter or for any virtual hearing process;

10. Communication regarding the allocation of cases to the Judicial Officers

Once a matter is allocated to a Judicial Officer, the Judge Presidents' office will electronically inform the Judicial Officer and his/her secretary.

A copy of the electronic Practice Note filed by one of the parties, will be provided at the same time, to allow the Judicial Officer to determine if the original file or an electronic version will be required from the relevant legal practitioner/s.

11. Dress code

During open court sessions the dress code for the Judicial Officer and legal practitioners will apply as per the Directives issued previously by the Judge President on the "Dress Code".

For virtual hearing purposes, Judicial Officers and all legal practitioners need not robe however, in order to maintain the decorum required of a court hearing, they are to be dressed appropriately.

Cognizance should be taken of the environment in which relevant participants set up their access to the virtual hearing process.



C. CRIMINAL MATTERS

i) TRIALS

All new criminal trials set down from 04 May 2020 until the end of term 2 (25 June 2020), will preferably be postponed to a date in consultation with the office of the Director of Public Prosecutions. Preferential trial dates will be allocated to matters where accused persons are in custody. **ONLY** S105A, plea and sentencing agreements as well as S112 pleas will be allocated for hearing.

All criminal trials set down for circuit during the second term 2020 (namely; George, Oudtshoorn, Beaufort West and Cape Town: Regional Court) are hereby cancelled and will be re-enrolled during the third and fourth terms 2020.

All currently pending criminal trials shall continue only in cases where there is a single accused or where the accused person/s are out on bail and dependent on the Directives relating to the further conduct of the matter as issued by the Judicial officer seized with the matter.

All other part-heard criminal trials shall be postponed as agreed between the Judicial Officer and the representatives of the State and accused to a date after the National State of disaster period.

Accused persons in custody will only be brought to court if requested by a Judicial officer seized with a trial / part heard trial and in terms of any directives issued by the Minister of Justice and Correctional Services in relation to the movement and transporting of accused persons in custody.

ii) JUDICIAL CASEFLOW MANAGEMENT (CRIMINAL PRE-TRIALS)

All criminal pre-trials set down for Term 2, will be dealt with in consultation with the relevant Judicial Officer and the Office of the Director of Public Prosecutions.



D. CIVIL MATTERS

i) CIVIL TRIALS

- a) The Judge President will determine from the civil trials already set down for the second term 2020, if any matter shall be assigned for hearing. Short civil trials with parties and witnesses within the district will be considered for allocation.
- b) The Judicial Officer assigned to the matter will determine the manner in which the trial is to be conducted, bearing in mind the virtual hearing option available.

ii) RULE 43

Applications already set down during term 2 or those that have been allocated dates in terms of the urgent matters allowed under the Directives, shall be dealt with as directed by the Judicial Officer assigned to the matter.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for further evidence, same shall be requested to be provided on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.



iii) REVIEWS

All review applications already enrolled shall be dealt with as directed by the Judicial Officer assigned to the matter.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for further evidence, same shall be requested to be provided on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.

iv) ADMISSIONS

All admissions set down for 08 May 2020 will be dealt with as follows:

- a) All matters in which certificates have been issued by the Legal Practice Council will be attended to in Court 1 on 08 May 2020;
- b) All other applications will be postponed to 15 May 2020 or any further date as required by the Legal Practice Council to issue the necessary certificates;
- c) Only candidates and legal practitioners presenting the candidates for admission will be allowed to enter the court building/ court room;
- d) Not more than 23 applicants will be admitted at any sitting, should there be a need for more than one sitting they will be conducted as follows: 10h00 to 11h00 and 11h30 to 12h30.



v) **JUDICIAL CASE MANAGEMENT (CIVIL PRE-TRIALS)**

All pre trials already before a case management Judicial Officer will proceed as scheduled, however, on the following basis:

- a) A pre-trial minute or written update which clearly defines issues still in dispute and the assistance required from the case management Judge.
- b) The pre-trial minute must at least deal with:
 - i. All issues delineated in Uniform Rule 37A, including the possibility of mediation; and
 - ii. Must include the contactable e-mail addresses and mobile numbers to be used for purposes of virtual hearing, if possible.
- c) A clear explanation must be given as to why the matter had not been settled. Same must be submitted by email to the case management Judge, 5 days prior to the pre-trial date, which shall include an explanation as to why the matter cannot be settled and / or mediated;
- d) The pre-trial will be considered in chambers, having regard to the file contents including the minute referred to in para 1 above;
- e) No attendances are required by legal representatives. Should the case management Judge require submissions from the legal representatives or have any queries, the legal representatives will be contacted by the case management Judges secretary.
- f) The case management Judges directives/orders will be transmitted electronically by the Judges secretary.
- g) Where no minute as set out in 1 above is placed before the case management Judge, the matter will be removed from the roll.
- h) All interlocutory applications arising during the case management process shall be dealt with by the case management Judge as mentioned under the applicable paragraphs under "Applications".



E. APPLICATIONS

1) UNOPPOSED MOTIONS

All unopposed matters already set down prior to the National State of Disaster shall be adjudicated upon. New matters may be considered by the duty Judge based on the urgency provided and in terms of the regulations applicable at the time.

The Judicial Officer will determine the manner of the further conduct of the matter taking cognizance of the provisions contained under the paragraph marked "General" above, when providing directions to the parties.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for further evidence, same shall be requested on affidavit via Microsoft Teams, any other virtual hearing facility or any other manner that the Judicial Officer shall consider necessary and expedient.

2. OPPOSED MOTIONS

The Judge President will determine from the opposed motions (including semi-urgent matters) already set down for the second term 2020, if any may be assigned for hearing, and may request that the legal representatives create an electronic indexed copy of the file.

Parties are required to electronically file a joint practice note as envisaged in the Chief Justices Directive dated 02 May 2020, where applicable indicating:



- a) the status of the matter;
- b) whether the matter is capable of settlement and what efforts have been made to settle the matter;
- c) the issues still in dispute;
- d) whether the services of an interpreter are required and the relevant language;
- e) any other information that shall be of benefit to the Judicial Officer; and
- f) create an electronic indexed set of the court papers filed in the hard copy file for electronic submission to the Judicial Officer.

Once allocated the Judicial Officer on perusal of the file and the Heads of Argument filed, will provide directions to the parties electronically, for the further conduct of the matter, having regard to the prevailing conditions,

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for further evidence, same shall be requested on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.

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F. APPEALS

All allocated appeals both civil and criminal shall be heard during the lockdown period in terms of S19(a) of the Superior Courts Act and as envisaged by paragraph 13 of the directives issued by the Chief Justice on 02 May 2020.

- a) If the matter can be determined on the documents filed, the matter shall then be finalized, unless the presiding Judicial Officer decides otherwise;
- b) Detailed written submissions, including replying argument, as well as Microsoft Teams or any other virtual hearing facility should be utilized as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

G. APPLICATIONS FOR LEAVE TO APPEAL

All applications for leave to appeal both civil and criminal shall be heard during the lockdown period in terms of S19(a) of the Superior Courts Act and as envisaged by paragraph 13 of the directives issued by the Chief Justice on 02 May 2020.

Judicial Officers should utilize Microsoft Teams or any other virtual hearing facility as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

H. EASTERN CIRCUIT LOCAL DIVISION AT THEMBALETHU

The Civil Circuit at Thembaletu, George will run from **01 to 26 June 2020** instead of 25 May 2020 to 19 June 2020.

Roll call will be held on 01 June 2020 in respect of all matters which was enrolled for April 2020 and May 2020.

The High Court will be implementing "Case Lines/ Court Online" shortly. All legal



Practitioners are to familiarize themselves with "Case Lines/ Court Online" on the Judiciary website <https://www.judiciary.org.za>

During June 2020 it is anticipated that "Case Lines/ Court Online" will be implemented at Thembalethu. All legal practitioners are thus required, in the meantime, to ensure that they have an electronic copy of the contents of their files which is currently pending at Thembalethu, to facilitate the efficient uploading thereof onto the Case Lines system.

I. EQUALITY COURT MATTERS

As far as practically possible Equality Court directional hearings are to be attended to by the Judicial Officer seized with the matter. The same provisions contained under the "General" provisions above will apply.

J. TAXATIONS

The Chief Registrar in consultation with the Taxing Masters will develop a manner in which taxations may be dealt with. Consideration should be given to utilizing Microsoft Teams, any other virtual hearing facility or telephonic means. If this is not possible taxations should be postponed to the first available dates after the National State of disaster.

Should you wish to clarify any of the provisions of these Directives, or access to the processes of the court, including virtual hearings, you may contact the offices of the Judge President (care of Lizette Potgieter – 021 480 2564 EPotgieter@judiciary.org.za), Chief Registrar (Ruanne David or care of Antoinette Marinus – 021 480 2635/6 RDavid@judiciary.org.za / AMarinus@judiciary.org.za), Court Manager (Valerie Noah or care of Astrin Ernstzen – 021 480 2637/619 VNoah@judiciary.org.za / AErnstzen@judiciary.org.za) or DPP (care of Adv Bell 021- 487 7226).



We are committed to a safe working environment to protect all.

We are further committed to easing any backlog and ultimately eliminating same so that we can resume normal activity and enhance the efficient administration of justice.

We can only succeed with the continued cooperation and constructive collaborative support of all parties working together.



JUDGE PRESIDENT HLOPHE

07 May 2020

To be issued to:

- The Magistracy;
- The National Prosecuting Authority;
- Legal Aid South Africa;
- Cape Bar Council;
- Western Cape Bar Association;
- Legal Practice Council;
- Family Advocate;
- State Attorney;
- NADEL;
- BLA;
- South African Police Services;
- Office of the Chief Justice
- Department of Justice and Constitutional Development;
- Department of Correctional Services;
- Department of Social Development;
- Department of Health;
- Any other Court Official not mentioned above.



General Draft Order



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**
Before the Honourable Mr/Mrs/Ms Justice
Cape Town: Thursday, May 2020

Case No:

In the matter between:

Applicant/ Plaintiff

AND

First Respondent/ Defendant

DRAFT ORDER

Having heard counsel for the Applicant and having read the documents filed of record;

IT IS ORDERED THAT:

1.

BY ORDER OF THE COURT

COURT REGISTRAR

PH 255 (High Court box No.)
William Inglis Inc
Bellville

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Draft Order- Rule Discharged



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Tuesday, May 2020
Before the Honourable Mr/Mrs/Ms Justice**

Case No.

In the matter between:

TD N.O.
MD N.O.
(In their capacities as the duly appointed liquidators
of CT (Pty) Ltd)

**First Applicant
Second Applicant**

And

OE (PTY) LTD
(Registration Number: 2002/000000/00)
Registered Address:
M Street
Valley Road
Western Cape

Respondent

Having heard Counsel for the Applicants and having read the documents filed of record;

IT IS ORDERED:

1. That the Provisional Liquidation Order granted on December 20 is set aside and the Rule Nisi is discharged

BY ORDER OF THE COURT

**COURT REGISTRAR
301 Rubensteins Att.
CAPE TOWN**

Draft Order- Rule Extended



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Tuesday, May 2020
Before the Honourable Mr/Mrs/Ms Justice**

Case No.

In the application of:

**S AND N CC
(Registration Number: 2006/1000000/00)**

Applicant

**Registered Address at
3 ABC Close
MITCHELLS PLAIN
Western Cape**

Having heard Counsel for the Applicant and having read the documents filed of record;

IT IS ORDERED:

That the rule nisi granted on February 2020 is extended to MAY 2020.

BY ORDER OF THE COURT

COURT REGISTRAR

**RH Heydenrych & Assoc.
BELLVILLE
c/o 6 Bailey Haynes Inc.
CAPE TOWN**

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JUDICIARY

JUDGE PRESIDENT HLOPHE'S OFFICE:

Lizette Potgieter

EPotgieter@judiciary.org.za

021 480 2564

DEPUTY JUDGE PRESIDENT GOLIATH'S OFFICE:

Beverly Irwin

BIrwin@judiciary.org.za

021 480 2638

JUDGES :

Judge Desai	Rhoda Patel	RPatel@judiciary.org.za	021 480 2641
Judge Davis	Rowena Bihi	RBihi@judiciary.org.za	021 480 2625
Judge Erasmus	Fadiah Davids	FDavids@judiciary.org.za	021 480 2549
Judge Meer	Bernadette Burger	BBurger@judiciary.org.za	021 480 2648
Judge Bozalek	Robyn Baltista	RBaltista@judiciary.org.za	021 480 2673
Judge Allie	Leana Tolken	LTolken@judiciary.org.za	021 480 2620
Judge Ndita	Phumza Siphatho	PSiphatho@judiciary.org.za	021 480 2647
Judge Le Grange	Anthea Cronje	ACronje@judiciary.org.za	021 480 2672
Judge Saldanha	Zahira Bhawoodien	ZBhawoodien@judiciary.org.za	021 480 2539
Judge Baartman	Janice Ambolu	JAmbolu@judiciary.org.za	021 480 2629
Judge Binns-Ward	Joy Ely	JEly@judiciary.org.za	021 480 2674
Judge Steyn	Christa Pollet	CPollet@judiciary.org.za	021 480 2645
Judge Gamble	Mariam Moose	MMoose@judiciary.org.za	021 480 2661
Judge Fortuin	Kerien Van Heerden	KVVanHeerden@judiciary.org.za	021 480 2544
Judge Samele	Linda Zibi	LZibi@judiciary.org.za	021 480 2651
Judge Henney	Nashreen Khan	NKhan@judiciary.org.za	021 480 2659
Judge Rogers	Pauline Schmidt	PSchmidt@judiciary.org.za	021 480 2623
Judge Dolamo	Tamsyn Francis	TFrancis@judiciary.org.za	021 480 2560
Judge Cloete	Gillian Kay	GKay@judiciary.org.za	021 480 2547
Judge Mantame	Ursula Johnson	UJohnson@judiciary.org.za	021 480 2562
Judge Mabindla –Boqwana	Chantal Gusha	APetersen@judiciary.org.za	021 480 2540
Judge Savage	Benita Long	BLong@judiciary.org.za	021 480 2642
Judge Salie-Hlophe	Gail Martin	GMartin@judiciary.org.za	021 480 2632
Judge Nuku	Mariam Matthews	MMatthews@judiciary.org.za	021 480 2622
Judge Wille	Mandisa Madonci	MMadonci@judiciary.org.za	021 480 2646
Judge Papier	Kerstin Naicker	KNaicker@judiciary.org.za	021 480 2561



Judge Parker	Helen Lategan	HLategan@judiciary.org.za	021 480 2643
Judge Sher	Antoinette Delport	ADelport@judiciary.org.za	021 480 2640
Judge Kusevitsky	Donovan Baatjes	DBaatjes@judiciary.org.za	021 480 2624
Judge Slingers	Velherminah Khumalo	VKhumalo@judiciary.org.za	021 480 2671

ACTING JUDGES (TERM 2- 2020)

Acting Judge Sievers	Elmarie Sievers	ESievers@judiciary.org.za	021 480 2563
Acting Judge Francis	Jacqueline Blanchard	JBlanchard@judiciary.org.za	021 480 2676
Acting Judge Marlin	June Cooper	JCooper@judiciary.org.za	021 480 2631
Acting Judge De Villiers	Sharon Veerapen	SVeerapen@judiciary.org.za	021 480 2538
Acting Judge Hack	Cherylene Adams	CAdams@judiciary.org.za	021 480 2565
Acting Judge Diemont	Frantecia Fortuin	FFortuin@judiciary.org.za	021 480 2639
Acting Judge Heese	Benita Long	BLong@judiciary.org.za	021 480 2642
Acting Judge de Wet	Benita Long	BLong@judiciary.org.za	021 480 2642
Acting Judge Hockey	Chantal Gusha	APetersen@judiciary.org.za	021 480 2540
Acting Judge Magona	Chantal Gusha	APetersen@judiciary.org.za	021 480 2540



OFFICE OF THE JUDGE PRESIDENT
WESTERN CAPE HIGH COURT

PRIVATE BAG X9020
CAPE TOWN
8000

Telephone number: +27 21 480 2584
Fax number: 086 6424753
Email: EPotgieter@judiciary.org.za

TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19
LOCKDOWN
IMPLEMENTATION DATE: 10 AUGUST 2020

The following directives will apply from the implementation date above during the National State of Disaster. These Directives replace all previous COVID 19 directives in this division and should be read together with the directives issued by the Chief Justice (on 20 March 2020 and 02 May 2020).

As a Division we are committed to deliver transparent, efficient and quality access to justice for all.

A. PURPOSE

To provide guidance in relation to how judicial, quasi-judicial and administrative functions are to be managed and performed during the remaining period of the National State of Disaster.

B. GENERAL

1. Physical access to the Court building shall only be permitted where it is necessary for the achievement of the due administration of justice subject to these directions. All communications and all filing of documents shall preferably be done electronically, if practically possible and provision therefor is made in these Directions.
2. Any person entering the court precinct shall wear a cloth mask, homemade item or any other appropriate item that covers the mouth and nose. Social distancing of 1,5m will be maintained at all times (while waiting outside the building or when inside the court building and courtrooms). Sanitizing liquid will be available at the entrance to the court building as well as the courtrooms and all offices. Courtrooms will be sanitized before and after a hearing is conducted. Each person entering the building will be subjected to temperature screening. A register will be kept at all entrances for persons entering the building. The register is to be completed in full and accurately to aid contact tracing. Failure to do so will result in the person being refused access to the building.
3. Counsel and attorneys shall not attend Judges' chambers for purposes of introductions or consultations unless expressly requested by the Judge President or relevant Judicial Officer (proof of such invitation must be presented to security before access will be allowed). All personal introductions are suspended.
4. Any party wishing to have a matter, which has been set down for hearing during the National State of disaster period, removed from the roll, shall provide the Office of the Registrar with a notice of removal and where the matter is opposed a notice of removal by agreement between the parties as envisaged in the Chief Justices' Directive dated 02 May 2020.
5. In matters already enrolled and/or set down before the court, where settlement has been reached between the parties, the settlement agreement and/or orders together with proof that all relevant parties' legal



representatives and/or unrepresented parties are seeking leave for the order to be granted shall be forwarded to the Judge President or relevant Judicial Officer via his/her secretary as indicated on the updated list of e-mail addresses attached hereto.

Settlements for transmission to the Judge Presidents office must be delivered together with a 4th division upliftment form to the 4th division in the designated pigeonhole at the Keerom Street entrance. The accompanying draft order shall include the information as indicated in the attached example/ in order to expedite the issuing of the order by the Registrar's office. Non-compliant draft orders will be returned without being processed. If compliant, the file will be uplifted by the Registrar's office and processed to the Judge Presidents Office.

6. Where the filing of original documents are required and the filing thereof is impractical as a result of virtual hearings, the responsible legal practitioner shall electronically file an affidavit confirming possession of the original document/s as required, and file the original affidavit and document/s as soon as practicable thereafter. No order granted shall be issued by the Registrar's office prior to the filing of such original affidavit and document/s.
7. In matters already enrolled before the court, where the parties by agreement wish to postpone the matter, a draft order, together with proof that all relevant parties' legal representatives and/or unrepresented parties are seeking leave that the order to be granted must be delivered to the Registrar's Office for consideration by the Judicial Officer assigned to the matter. The draft order shall include the information as indicated in the attached example/s, in order to expedite the issuing of the order by the Registrar's office. Non-compliant draft orders will be returned without being processed.
8. The Judicial Officer shall consider options to proceed with cases with minimal contact between themselves, court personnel, legal practitioners and the litigants. Where it becomes necessary to have an open court

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session compliance with the provisions of paragraph 2 above must be adhered to.

Virtual hearing options such as Microsoft Teams, Zoom, Webex and the like shall be considered where additional evidence and/or further argument/submissions other than what has been filed on record is required to reach a decision. The costs involved in setting up any virtual hearing link compatible with the court's IT infrastructure shall be borne by the parties in proportions agreed between them or failing agreement, in proportions determined by the Judicial Officer when the matter is heard. The request for virtual hearing must be made by e-mail to the relevant Judicial Officer's secretary on the day of allocation of the file and be incorporated in an electronically submitted Practice Note. The parties should also indicate in the Practice note whether counsel and all other interested parties (i.e. the instructing legal practitioner/s and client/s) have access to a device and reliable internet for purposes of the remote hearing, and provide the email addresses of all the participants to be invited to the virtual hearing. The link to the virtual hearing will preferably be set up by the relevant Judicial Officer's secretary and disseminated to all the parties. Alternatively, after consultation with the parties, the Judicial Officer may issue the appropriate directive confirming the party/s who will be responsible for the set up and recording of the virtual hearing.

9. The exchange of hard copies shall be minimized and all documents and pleadings shall be sent electronically between parties, where possible. Original documents and pleadings together with proof of service must be delivered at the court for filing.
10. Judgments and issued orders may be delivered electronically.
11. Practitioners are reminded that when draft orders are presented to a Judicial Officer that the draft order complies with the requirements mentioned in this directive and as per the attached examples.



12. Subject to these directives, the Chief Registrar and Court Manager will determine requirements and conditions for:

a. **open court hearings**, which shall only be considered as a last resort.

The Judicial Officers secretary will, after authorization from and determination by the Judicial Officer and after consultation with the parties, provide the Chief Registrar and Court Manager, with the following:

- i. Case No; type of case (civil or criminal);
- ii. Names of the parties and their legal representatives;
- iii. Full contact details including mobile numbers and e-mail addresses on which the parties or their legal representative may be contacted at any time pending, during and after the hearing of the matter;
- iv. Number of persons who will be allowed in the courtroom including the Judicial Officer and court staff. Cognizance should be taken of the floor size of the court room and the allowable limitations in respect thereof;
- v. Should members of the media be allowed, Judicial Officers are to ensure compliance with PN53 of the WC Consolidated Practice Directives;
- vi. It will only be necessary for counsel to appear for open court hearings. The instructing attorney/s need not appear but must be contactable if required.

b. **physical filing of documents**

- i) To minimise human contact in the general office, all documents including summonses, notices of motion, pleadings, affidavits, other documents to be filed of record and documents for taxations may be dropped off at the designated place at the Keerom Street entrance to the Court building.



All issued documents and taxation documents which cannot be issued on the same day will be available for collection from the designated pigeon holes at the Keerom Street entrance to the Court building (Summons, Apostilles, Taxations), on the following day where possible.

- ii) The physical filing of all documents can be done either in the pigeon holes provided at the entrance to the court or via the General Office staff available at the Keerom Street entrance to the court as well as in other designated areas of the court building.
- iii) Heads of argument in matters that have been set down and allocated may be sent to the relevant Judicial Officers secretary electronically with a copy to the 4th division clerk, as per the e-mail addresses on the list provided.

c. Upliftment of and access to files

- i. The upliftment of files from the general office will be suspended other than for urgent applications, chamber book applications, enrolled matters (in respect of settlements), setdown matters and leave to appeal, subject to further directions herein mentioned.
- ii. Access to any other file will be subject to approval by the Civil Registrars (Ms Esterhuizen or Mr Kleinhans) or the Chief Registrar (Mrs David) based on the motivation provided. Approval or denial of the request will be communicated via e-mail within 2 working days where possible.
- ii. Indexing and pagination of documents will **ONLY** be allowed at the court in designated areas, i.e. no documents can be uplifted and taken outside the court building.



Upliftment forms for 4th division files together with the relevant draft order or letter to the Judge President for early allocation, settlements, postponements, exceptions, opposed motion set downs and expedited pre-trials may be delivered to the court for the attention of the 4th Division Clerk/ Registrar, either physically or as per the e-mail on the list provided.

The files will be drawn and delivered by the 4th Division Clerk to the Judge President's secretary.

Arrangements for indexing and pagination should be made with the 4th Division Clerk.

- d. **Entry into the court building by practitioners, the public (including the media) is to be strictly controlled:**
- i. Access to the building is subject to a member of the public or legal practitioners and/or their assistants having a matter on the roll and/or having received permission to attend the hearing of a matter from the Judicial Officer seized with the matter and/or for issuing, collection and indexing of documents.
 - ii. Access by the media to attend the hearing of a matter must be approved by the relevant Judicial Officer seized with the matter.
 - iii. In all other cases access will be denied unless it is permitted on good cause shown to Registrar's Office or a Judicial Officer.
 - iv. Access is further restricted in terms of the allowable number of people within a specified area/ space or office in terms of the applicable regulations.



13. Documents / Pleadings/ Bills of Cost (Taxation)

In order to aid communication between the court, legal practitioners and litigants, all documents filed whether electronic or hard copy must contain the following information:

- i. Full names of the parties and their legal representatives;
- ii. Full contact details (Name of attorney firm, full address and high court box number where applicable) including mobile numbers and e-mail addresses on which the parties or their legal representative may be contactable at any time pending, during and after the hearing of the matter or for any virtual hearing process.

14. Communication regarding the allocation of cases to Judicial Officers

Once a matter has been allocated to a Judicial Officer, the Judge Presidents' office will electronically inform the Judicial Officer and his/her secretary thereof.

A copy of the electronic Practice Note filed by one of the parties, will be provided at the same time, to allow the Judicial Officer to determine if the original file or an electronic version will be required from the relevant legal practitioner/s.

15. Dress code

During open court sessions the dress code for the Judicial Officer and legal practitioners will apply as per the Directives issued previously by the Judge President on the "Dress Code".

For virtual hearing purposes, Judicial Officers and all legal practitioners



need not robe. However, in order to maintain the decorum required of a court hearing, they are to be dressed appropriately.

Cognizance should be taken of the environment in which relevant participants set up their access to the virtual hearing process, including any visible backdrop so as to ensure they are appropriate.

16. Default Judgment applications in terms of Rule 31(5)

- i) In order to aid the registrar's office, a Friday weekly backlog roll before a Judicial Officer/s will be introduced from the third term 2020 for all Rule 31(5) applications in which summons was issued prior to the lockdown (27 March 2020) until the backlog has been eradicated. A maximum of 20 applications per firm may be set down per week. Increases in the number of matters allowed per roll will be left to the discretion of the Chief Registrar depending on the demand.

The Registrar's office will allocate dates to the matters a week in advance and make available a typed roll on the notice board at the entrance to the court, on the OCJ website and if possible on the LPC websites so that legal practitioners may then follow up with the relevant Judicial Officer's secretary to determine if their attendance at court is required, whether a virtual hearing will be conducted or any other direction the Judicial Officer may provide.

- ii) Default judgment applications in respect of summons issued from 27 March 2020 onwards may be dropped off at the entrance to the court for finalization by the Registrar's Office in the normal course. These are limited to 20 applications per firm per week.



17. Subpoenas

Subpoenas shall be issued by the Registrar's office on request. Documents and other items filed at the court in respect of a subpoena must be placed in a sealed envelope/ folder /box containing the case details on the outside. Parties may request that documents be filed in a digital format, where possible.

18. Warrants of Execution

- i) Warrants of execution (for movable property) and delivery may, unless issued by the Registrar at the time default judgment is granted by the Registrar, - be dropped off at the entrance of the court. The order relating to the warrant of execution should be attached for ease of reference.
- ii) The warrant of execution should contain the attorney's full contact information to enable the Registrar's office to relay any further queries. The Registrar's office will draw the files and allocate warrants of execution for issuing.
- iii) The number of warrants per firm may be limited by the Chief Registrar depending on the volume and the availability of staff to attend to same. Limitations determined by the Chief Registrar may be communicated by notice placed at the entrance to the court from time to time.
- iv) Any other warrant of execution will only be issued save with permission of a Judicial Officer.

19. Apostilles/ Authentications

Authentication / Apostille services in respect of documents will be managed by the Registrar of the Civil division. Only compliant documents allowable in terms of the Department of International Relations requirements may be dropped off at the front entrance of the court and uplifted within two (2) working days



thereafter.

- i) Information regarding allowable documents and compliance requirements will be available at the entrance to the court.
- ii) Notarised documents should contain the notary's seal or watermark on every page. Translations should contain a certificate by the Sworn Translator and be sealed on each page. Documents should be dropped off in a self-addressed envelope with a cover letter confirming the country to which the document will be sent.

20. Right of appearance and good standing certificates (J349)

Applications with certified copies of supporting documents may be dropped off at the court in a sealed envelope marked for the attention of the Chief Registrar. Notification will be sent when the document is ready for collection.

21. Service of civil process and proceedings

The sheriff shall serve all civil process and proceedings issued by the Registrar, in terms of the Rules and section 43 of the Superior Courts Act 10 of 2013.

In the event that the sheriff is unable to serve the process or proceedings, the affected party may approach the duty Judge for a directive.

22. Entry of matters on the continuous and opposed motion roll.

The attached continuous roll and opposed motion roll register forms, marked D1 to D2 may be completed and dropped off at the court or e-mailed to the civil pre-trial clerk (continuous roll) and 4th division clerk (opposed motion roll) on the e-mail addresses on the list provided.



The form will be registered and endorsed with a folio number which will be communicated via e-mail to the relevant attorney firm or applicant, where applicable.

C. CIVIL MATTERS

i) CIVIL TRIALS

- a) Trial ready matters may be allocated a trial date by the Registrar's office.
- b) The Judge President will determine from the civil trials set down, if any matter shall be assigned for hearing.

To assist the Judge President in making that determination, where a trial date for a matter has been allocated by the Registrar's office the parties must forthwith email to the Judge President's Secretary (EPotgieter@judiciary.org.za) a Joint Practice Note containing the following:

- i) Case No;
- ii) Names of the parties and their legal representatives and their full contact details including mobile numbers and e-mail addresses;
- iii) A brief description of the nature of the claim and the main issue/s for determination;
- iv) An assessment of the possibility of the matter being resolved by mediation, arbitration or settlement;
- v) Whether the services of an interpreter is required and the relevant language;



- vi) Whether the matter can be determined without a hearing in open court, and if so, how and if not, why not;
- vii) If the matter has to be determined in open court, wholly or partly:
- whether all of the witnesses whose evidence must be heard in open court are currently resident in the area of jurisdiction of the Court;
 - the total number of persons (excluding the Judicial Officer and court staff) which it is anticipated will have to be in the courtroom;
 - whether it is anticipated that members of the public or the media will request to be allowed to attend the proceedings; and
- viii) Any other information that may be relevant to the decision to be made by the Judge President.
- c) The Judicial Officer assigned to the matter will determine the manner in which the trial is to be conducted, regard being had for the preference to conduct virtual hearings.

If requested by the Judicial Officer, the parties shall create an electronic indexed set of the court papers for electronic submission to the Judicial Officer.

II) **RULE 43 APPLICATIONS AND UNOPPOSED DIVORCES**

New Rule 43 applications and unopposed divorces may be set down by the Registrar and those that are allocated dates, shall be dealt with as directed by the Judicial Officer assigned to the matter.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for evidence, same shall be requested to be provided on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.

MATTERS WHERE MINOR CHILDREN ARE INVOLVED INCLUDING HAGUE CONVENTION MATTERS

1. In all matters where minor children are involved pleadings must be served on the relevant Office of the Family Advocate. Jurisdiction of the Office of the Family Advocate will be the office where the parties reside.
2. Proof of timeous filing at the relevant Office of the Family Advocate together with the annexures to pleadings drafted by the Office of the Family Advocate must accompany pleadings when a matter is enrolled for hearing and should form part of the paginated and indexed court file.
3. Should pleadings be filed electronically at the Office of the Family Advocate for interrogation and comment, the Office of the Family Advocate should be provided with at least five (5) working days to evaluate the pleadings and provide their annexures except in urgent matters.



4. Court orders requesting the Office of the Family Advocate to conduct an investigation should be duly issued together with all the relevant pleadings and expert reports.

iii) CIVIL REVIEWS

New review applications which are compliant with the requirements of Rule 53 of the Uniform Rules of court may be set down by the Registrar's office.

All review applications enrolled shall be dealt with as directed by the Judicial Officer assigned to the matter.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for further evidence, same shall be requested to be provided on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.

iv) ADMISSIONS

Admissions may be set down as per the dates indicated on the 2020 WC Court Calendar and will be dealt with as follows:

- a) A maximum of 46 applications may be scheduled by the Registrar's office on any given admission date. Not more than 23 applicants will be admitted at any one sitting. They will be conducted as follows: 10h00 to 11h00 and 11h30 to 12h30.



- b) All matters in which certificates have been issued by the Legal Practice Council will be attended to in Court 1 or any other designated court;
 - c) Only candidates and legal practitioners presenting the candidates for admission will be allowed to enter the court building/ court room.
 - d) Requests by candidates for virtual admissions are subject to approval by the Judge President or Judicial Officer/s attending to admissions. Candidates whose request has been approved will be required to sign the oath or affirmation form forwarded to them via e-mail, at the appropriate time during their admission, and deliver the original to the court. Upon receipt thereof the Registrar's office will be authorized to issue the admission order.
- v) **JUDICIAL CASE MANAGEMENT (CIVIL PRE-TRIALS)**

New pre-trials may be allocated by the Registrar's office from term 3.

A backlog pre-trial process will run parallel to the normal pre-trial allocation process. All practitioners shall, within 14 days of this directive, provide the office of the Chief Registrar with a list of all matters they regard as ready for judicial case management, which were entered on the continuous roll pre-June 2018 and have not been allocated a pre-trial date. The list should include a detailed practice note per matter and a copy of the first page of the Rule 37 questionnaire filed at the Registrar's office. The matters are to be placed before a Judicial Officer for consideration.

All pre-trials before a case management Judicial Officer will proceed as scheduled, on the following basis:

- a) A pre-trial minute or an update must be submitted by email to the case management Judge at least three days prior to the



pre-trial date.

b) The pre-trial minute or update must:

- a. clearly define the issues still in dispute and the assistance required from the case management Judge.
 - b. deal with all issues delineated in Uniform Rule 37A, including the possibility of mediation, arbitration or settlement;
 - c. contain a clear explanation as to why the matter has not been settled; and
 - d. include the e-mail addresses and mobile numbers to be used for purposes of a virtual hearing, if that is possible.
2. Where no such pre-trial minute or update is submitted, the matter will be removed from the roll.
 3. The pre-trial will be dealt with by the case management Judge in chambers without any attendances by legal representatives.
 4. Should the case management Judge require submissions from the legal representatives or have any queries, the legal representatives will be contacted by the case management Judge's secretary.
 5. The case management Judge's directives/orders will be transmitted electronically by the Judge's secretary.
 6. Any interlocutory application arising during the case management process shall be dealt with by the case management Judge, unless the interests of justice require that it be dealt with by another Judicial Officer.



D. APPLICATIONS

1) UNOPPOSED MOTIONS

Unopposed motion matters may be set down and shall be adjudicated upon.

All matters shall be accompanied by a practice note stating any issues the judicial officer should have regard to, and the status of the matter. Where appropriate, the legal practitioner shall certify that the papers are in order. It is incumbent on the legal practitioner to indicate to the judicial officer, any issues to be addressed on the papers.

In respect of eviction matters, S4(1) (PIE Act 19 of 1998) applications may be issued but will have to include hearing dates from the 4th term 2020 onwards. S4(2) (PIE Act 19 of 1998) applications may be set down as from the 3rd term 2020. Any order granted must take cognizance of the lockdown regulations currently in place at the time of the order.

Rule 46A applications may be set down and heard from the 4th term 2020. An affidavit must accompany the application and must indicate the impact of COVID 19 on the indebtedness of the Defendant.

In respect of curatorship applications, the applicant shall provide the judicial officer with a list of potential curators on the role of legal practitioners having regard to transformation imperatives.

Categories of matters will be allocated only a certain number of spaces per day. See the attached breakdown. Parties are to approach the 3rd division Registrar/clerk for the availability of dates for set downs and postponements.

The attached third division allocation form marked "E" hereto, must be completed and dropped off at the court. A date will be allocated by the 3rd division clerk based on the available dates on the roll and will be returned to the applicant who may then approach the court with the relevant application for



issuing or 3rd division Judicial Officer for the postponement of a matter already on the unopposed motion roll.

The Judicial Officer will determine the manner of the further conduct of the matter taking cognizance of the provisions contained under the paragraph marked "General" above, when providing directions to the parties.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for evidence, same shall be requested on affidavit via Microsoft Teams, any other virtual hearing facility or any other manner that the Judicial Officer shall consider necessary and expedient.

2. URGENT APPLICATIONS

Subject to the directives contained herein, items 14 to 24 of the Western Cape High Court Division Consolidated Practice Notes dealing with urgent applications in the fast lane of the Third division shall apply.

3. OPPOSED MOTIONS

The Registrar's Office may allocate hearing dates for opposed motions based on the availability of dates. See GENERAL above for enrolment process.

The Judge President will determine from the opposed motions (including semi-urgent matters) set down, if any matter shall be assigned for hearing. To assist the Judge President in making that determination, the parties must forthwith email to the Judge President's Secretary (EPotgieter@judiciary.org.za) a Joint



Practice Note as envisaged in the Chief Justices directive dated 02 May 2020 where applicable indicating:

- i) Case No;
- ii) Names of the parties and their legal representatives and their full contact details including mobile numbers and e-mail addresses;
- iii) A brief description of the nature of the claim and the main issue/s for determination;
- iv) An assessment of the possibility of the matter being resolved by mediation, arbitration or settlement;
- v) Whether the services of an interpreter are required and the relevant language;
- vi) Whether the matter can be determined without a hearing in open court, and if so, how and if not, why not;
- vii) if the matter has to be determined in open court, wholly or partly:
 - Whether all of the persons whose submissions must be heard in open court are currently resident in the area of jurisdiction of the Court;
 - the total number of persons (excluding the Judicial Officer and court staff) which it is anticipated will have to be in the courtroom;
 - whether it is anticipated that members of the public or the media will request to be allowed to attend the proceedings; and
- viii) Any other information that may be relevant to the decision to be made by the Judge President.



Furthermore, all matters shall be accompanied by a practice note stating any issues the judicial officer should have regard to, and the status of the matter. It is incumbent on the legal practitioners to indicate to the judicial officer, any issues to be addressed on the papers.

Once allocated the Judicial Officer on perusal of the file and the heads of argument filed, will provide directions to the parties electronically, for the further conduct of the matter, having regard to the prevailing conditions,

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for evidence, same shall be requested on affidavit, via Microsoft Teams, Zoom, Webex or the like and/or any other manner the Judicial Officer shall consider necessary and expedient.
- c) Detailed written submissions (including replying argument), as well as Microsoft Teams, Zoom, Webex or the like should be utilized as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

If requested by the Judicial Officer, the parties shall create an electronic indexed set of the court papers for electronic submission to the Judicial Officer.

E. CIVIL & CRIMINAL APPEALS

New civil appeals which are compliant with the requirements of Rule 49 and 50 of the Uniform Rules of Court may be issued and allocated a date of hearing by the Registrar's office.



All allocated appeals both civil and criminal shall be heard during the lockdown period in terms of S19(a) of the Superior Courts Act and as envisaged by paragraph 13 of the directives issued by the Chief Justice on 02 May 2020.

- a) If the matter can be determined on the documents filed, the matter shall then be finalized, unless the presiding Judicial Officer determines otherwise;
- b) Detailed written submissions (including replying argument), as well as Microsoft Teams, Zoom, Webex or the like should be utilized as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

F. APPLICATIONS FOR LEAVE TO APPEAL

All applications for leave to appeal including requests for reasons both civil and criminal shall be heard or dealt with during the lockdown period in terms of S19(a) of the Superior Courts Act and as envisaged by paragraph 13 of the directives issued by the Chief Justice on 02 May 2020.

Applications for leave to appeal must be issued and filed at the court as well as e-mailed to the relevant Judicial Officers secretary. The Registrar's office will arrange for the file to be delivered to the Judicial Officer.

Judicial Officers should utilize Microsoft Teams, Zoom, Webex or the like as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

G. CRIMINAL MATTERS

1. CRIMINAL TRIALS

- a) Subject to the provisions mentioned under "General" above certain Criminal trials will commence under the following conditions:



- i) Where such a matter is partly heard before a Judicial Officer and has already commenced before the lockdown period;
 - ii) Where the Judge President has already allocated a matter for hearing to a Judicial Officer before the lockdown period and the plea and trial did not yet commence;
 - iii) Where such a matter is regarded as a backlog case with preference being given to accused persons in custody and trials with vulnerable witnesses;
 - iv) In trial ready cases where there are no more than three accused persons that can reasonably be finalized during the term;
 - v) All section 105A, plea and sentencing agreements and section 112(1)(b) and (2) guilty pleas.
- b) The number of cases to be enrolled will depend on the number of persons involved in order to give effect to social distancing of a minimum of 1.5 meters between persons in court.
- c) The option of virtual hearings may be considered, in consultation with the legal representatives for the State and accused person/s, taking into account the provisions of the Criminal Procedure Act and the "right to a fair trial" as enshrined in the Constitution.

For the purposes of these directives the words "presence of the accused", referred to in section 158 of the Criminal Procedure Act, 51 of 1977 (as amended), shall be deemed to include the virtual presence and ability of an accused person/s to participate in the



proceedings electronically, together with their legal representative/s and/or witness/es throughout the proceedings, some or all being virtually present.

2) JUDICIAL CASE MANAGEMENT (CRIMINAL PRE-TRIALS)

All criminal pre-trials set down from the third Term 2020, will be dealt with in consultation with the relevant Judicial Officer, the Office of the Director of Public Prosecutions and the legal representative/s of the accused person/s.

- i) The relevant State Advocate and the Attorney/Advocate of any accused person who is incarcerated shall compile a practice note to inform the pre-trial judicial officer about the necessity for their further pre-trial incarceration or any dispute between the prosecution and defence;
- ii) Arrangements should be made in relation to have those accused persons held in custody whose matters were postponed in absentia due to the fact that they were unable to be brought before the court as a result of the lockdown provisions, to have them brought before a court either physically or virtually;
- iii) Warrants of arrest for accused persons who are out on bail or warning, the execution of which had been stayed and held over for a future date, should be reviewed and the accused informed to attend court, under the following circumstances:
 - a) Where there is no reasonable possibility that the matter will be heard during the lockdown period;
 - b) Where the matter is trial ready and the accused needs to be informed of the trial date.



- iii) The option of virtual pre-trial and judicial case management hearings may be considered, in consultation with the legal representatives for the State and accused person/s, taking into account the provisions of the Criminal Procedure Act and the "right to a fair trial" as enshrined in the Constitution.

For the purposes of these directives the words "presence of the accused", referred to in section 158 of the Criminal Procedure Act, 51 of 1977 (as amended), shall be deemed to include the virtual presence and ability of an accused person/s to participate in the proceedings electronically, together with their legal representative/s.

The Court Manager has implemented a Protocol document which is to be completed by Correctional Services (in respect of accused persons that are transported to court) and the DPP and legal representatives (in respect of witnesses).

H. EASTERN CIRCUIT LOCAL DIVISION AT THEMBALETHU

1. The civil circuit at Thembaletu, George will continue as determined by the Judge President from time to time. The allocation of matters is at the discretion of the presiding Judicial Officer.

All legal practitioners are required, to ensure that they have an electronic copy of the contents of their files which is currently pending at Thembaletu, to facilitate virtual hearings. During the course of the sitting during the 3rd term, parties may liaise with the designated administrative personnel of the Registrar's Office based at Thembaletu for the uploading of the electronic files onto the Teams platform or any other virtual platform applicable.

2. The Judge President may consider the setting down of matters in the criminal circuit depending on the prevailing COVID 19 regulations, applicable at the time.



I. EQUALITY COURT MATTERS

New Equality Court matters may be issued by the Registrar's office.

As far as practically possible Equality Court directional hearings are to be attended to by the Judicial Officer seized with the matter. The same provisions contained under "General" above will apply.

J. TAXATIONS

Taxations may be done via the following online platforms: Microsoft Teams or Zoom, where possible. The party presenting the bill may in consultation with the Taxing Master determine who will set up the online process. Unopposed taxations may also be finalised via telephone/e-mail.

If online platforms and any other forms of communication are unavailable to the parties to an unopposed or opposed taxation these will be conducted in a designated courtroom. All protocols regarding sanitation before and after each session will apply.

If neither of the options are possible, taxations should be postponed to the first available dates after the National State of disaster.

Should you wish to clarify any of the provisions of these Directives, you may contact the Chief Registrar (Ruanne David or care of Antoinette Marinus – 021 480 2635/6 RDavid@judiciary.org.za / AMarinus@judiciary.org.za).

Any enquiries in respect of access to the court, the Protocol in respect of accused persons and setting up of virtual hearings may be directed to the Court Manager (Valerie Noah or care of Astrin Ernstzen – 021 480 2637/619 VNoah@judiciary.org.za / AErnstzen@judiciary.org.za)



Any enquiries in respect of criminal matters may be made to the DPP (care of Adv Bell 021- 487 7226 nabell@npa.gov.za).

We are committed to a safe working environment to protect all.

We are further committed to easing any backlog and ultimately eliminating same so that we can resume normal activity and enhance the efficient administration of justice.

We can only succeed with the continued cooperation and constructive collaborative support of all parties working together.



JUDGE PRESIDENT HLOPHE

04 August 2020

To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Cape Bar Council;

Western Cape Bar Association;

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;

South African Police Services;

Office of the Chief Justice

Department of Justice and Constitutional Development;

Department of Correctional Services;

Department of Social Development;

Department of Health;

Any other Court Official not mentioned above.



WC PRACTICE DIRECTIVE COVID 19 UPDATE – 4 AUGUST 2020

INDEX TO SCHEDULE OF ATTACHMENTS

NO.	TYPE OF DOCUMENT	AS REFERENCED ON
1.	E-mail address list (Term 3- 2020)	Pg 3, 6, 7
2.	Examples of draft orders	Pg 3, 4
3.	4 th division upliftment form	Pg 7
4.	Continuous roll registration form	Pg 11
5.	Opposed motion registration form	Pg 11
6.	3 rd division allocation breakdown	Pg 18
7.	3 rd division hearing and postponement date application form marked "E"	Pg 18
8.	Protocol Screening (Detained Persons)	Pg 25
9.	Protocol Screening (Witnesses – Criminal matters)	Pg 25
ADDITIONAL FORMS		
10.	4 TH Division postponement date allocation form	
11.	General office upliftment form	



JUDICIARY

JUDGE PRESIDENT HLOPHE'S OFFICE:

Lizette Potgieter EPotgieter@judiciary.org.za 021 480 2564

DEPUTY JUDGE PRESIDENT GOLIATH'S OFFICE:

Beverly Irwin BIrwin@judiciary.org.za 021 480 2638

JUDGES:

Judge Desai	Rhoda Patel	RPatel@judiciary.org.za	021 480 2641
Judge Davis	Rowena Bihl	RBihl@judiciary.org.za	021 480 2625
Judge Erasmus	Fadijah Davids	FDavids@judiciary.org.za	021 480 2549
Judge Meer	Bernadette Burger	BBurger@judiciary.org.za	021 480 2648
Judge Bozalek	Robyn Battista	RBattista@judiciary.org.za	021 480 2673
Judge Allie	Leana Tolken	LTolken@judiciary.org.za	021 480 2620
Judge Ndita	Phumza Siphatho	PSiphatho@judiciary.org.za	021 480 2647
Judge La Grange	Anthea Cronje	ACronje@judiciary.org.za	021 480 2672
Judge Saldanha	Zahira Bhawoodien	ZBhawoodien@judiciary.org.za	021 480 2539
Judge Baartman	Carol Williams	CaWilliams@judiciary.org.za	021 480 2629
Judge Bluns-Ward	Joy Ely	JEly@judiciary.org.za	021 480 2674
Judge Steyn	Christa Pollet	CPollet@judiciary.org.za	021 480 2640
Judge Gamble	Mariam Moose	MMoose@judiciary.org.za	021 480 2681
Judge Fortuin	Kerlen Van Heerden	KVanHeerden@judiciary.org.za	021 480 2544
Judge Samela	Linda Zibi	LZibi@judiciary.org.za	021 480 2651
Judge Henney	Nashreen Khan	NKhan@judiciary.org.za	021 480 2659
Judge Rogers	Pauline Schmidt	PSchmidt@judiciary.org.za	021 480 2623
Judge Dolamo	Tamsyn Francis	TFrancis@judiciary.org.za	021 480 2560
Judge Cloete	Gillian Kay	GKay@judiciary.org.za	021 480 2547
Judge Mantame	Ursula Johnson	UJohnson@judiciary.org.za	021 480 2582
Judge Mabindla –Boqwana	Chantal Gusha	CAndrews@judiciary.org.za	021 480 2540
Judge Savage	Benita Long	BLong@judiciary.org.za	021 480 2642
Judge Salie-Hlophe	Gail Martin	GMartin@judiciary.org.za	021 480 2564
Judge Nuku	Mariam Matthews	MMatthews@judiciary.org.za	021 480 2622
Judge Wille	Mandisa Madonci	MMadonci@judiciary.org.za	021 480 2646
Judge Papier	Kershin Naicker	KNaicker@judiciary.org.za	021 480 2561



Judge Parker	Helen Lategan	HLategan@judiciary.org.za	021 480 2624
Judge Sher	Antoinette Delpont	ADelpont@judiciary.org.za	021 480 2640
Judge Kusevitsky	Donovan Baatjes	DBaatjes@judiciary.org.za	021 480 2639
Judge Slingers	Velhaminah Khumalo	VKhumalo@judiciary.org.za	021 480 2671

ACTING JUDGES (TERM 3 - 2020)

Acting Judge Sievers	Elmarie Sievers	ESievers@judiciary.org.za	021 480 2563
Acting Judge Francis	Jacqueline Blanchard	JBlanchard@judiciary.org.za	021 480 2676
Acting Judge Martin	June Cooper	JCooper@judiciary.org.za	021 480 2631
Acting Judge Salie	Sharon Veerapen	SVeerapen@judiciary.org.za	021 480 2538
Acting Judge Hack	Cherylene Adams	CAdams@judiciary.org.za	021 480 2585
Acting Judge Norton	Robyn Battista	RBattista@judiciary.org.za	021 480 2673
Acting Judge Hockey	Benita Long	BLong@judiciary.org.za	021 480 2642
Acting Judge Loots	Benita Long	BLong@judiciary.org.za	021 480 2642
Acting Judge Magona	Chantal Gusha	CAndrews@judiciary.org.za	021 480 2540

lc

ADMINISTRATION:

CHIEF REGISTRAR'S OFFICE

Mrs R. David RDavid@judiciary.org.za 021 480 2635/6
Mrs Antoinette Marinus AMarinus@judiciary.org.za 021 480 2636

COURT MANAGER'S OFFICE:

Mrs V. Noah VNoah@judiciary.org.za 021 480 2637
Ms Astrin Ernstzen AErnstzen@judiciary.org.za 021 480 2619

REGISTRARS:

STENOGRAPHERS Dianna Healley DHealley@judiciary.org.za 021 480 2532/021 480 2556
TAXING MASTER Thembisisa Yalezo TYalezo@judiciary.org.za 021 480 2403
TAXING MASTER /CRIMINAL APPEALS / REVIEWS/MENTAL HEALTH
Ashleen Jones-Pretorius AJones-Pretorius@judiciary.org.za 021 480 2424
CRIMINAL TRIALS Lana Manuel-Naran LManuel-Naran@judiciary.org.za 021 480 2415
ROOM 1 Leandl L.F. Esterhuizen LFEsterhuizen@judiciary.org.za 021 480 2403
ROOM 1 Owen Kleinhans OKleinhans@judiciary.org.za 021 480 2402

PRINCIPAL USHER: COURT ALLOCATIONS

Russel Daniels RDaniels@judiciary.org.za 021 480 2453

PRINCIPAL INTERPRETER

Christopher Blow CBlow@judiciary.org.za 021- 480 2446

3RD DIVISION

Wayne Deck WDeck@judiciary.org.za 021 480 2438
Delcarme Kyle DKyle@judiciary.org.za 021 480 2438

4TH DIVISION

Zayn Booysen ZBooyesen@judiciary.org.za 021 480 2438
Mandisi Nyameli MNyameli@judiciary.org.za 021 480 2438

PRE-TRIALS:

Andrew Fraser AFraser@judiciary.org.za 021 480 2454

CRIMINAL TRIALS:

Sonja Pace SPace@judiciary.org.za 021 480 2414

CRIMINAL APPEALS:

Lusanda Slaai LSlaai@judiciary.org.za 021 480 2665

Zamikhaya Mgala ZMgala@judiciary.org.za 021 480 2665

TAXATION ADMINISTRATION:

Phelokazi P. Hermans PHermans@judiciary.org.za 021 480 2667

THEMBALETHU CIRCUIT (TERM 3- 2020)

Kershin Naicker KNaicker@judiciary.org.za

Warren Amos WAmos@judiciary.org.za





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

Case No. 1215/2019

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Thursday 23 July 2020**

BEFORE THE HONOURABLE MS JUSTICE WILLE

In the matter between:

**KELLY PATRICIA WESTERMAN
NTOMBIZINE ELIZABETH MAKANANDA
TINASHE CHIPATIKO**

**First Applicant
Second Applicant
Third Applicant**

And

ANTHONY PAUL PETER TEUCHERT

Respondent

**Having heard the Legal Representative for the Applicants
Having read the documents filed of record;**

IT IS ORDERED:

That the matter is postponed to 07 SEPTEMBER 2020 on the Semi-Urgent Roll for hearing.

BY ORDER OF THE COURT

**COURT REGISTRAR
Fareed Moosa & Assoc. Inc.
23 Coniston Road
RONDEBOSCH**

/avz



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

VOLUNTARY SURRENDER

CASE NO. 3807/2020

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

CAPE TOWN: Tuesday 3 March 2020

Before the Honourable Ms Justice Slingers

In the Ex Parte application of:

**GEAN SIMON NOTHNAGEL
I.D.NO. 700403 5283 08 9**

First Applicant

And

**KAREN MICHELLE NOTHNAGEL
I.D.NO. 680917 0287 08 8
(Married in Community of Property)
Both Residing at
25 Three Fountains Estate
Old Mamre Road
PHILADELPHIA
Cape Town**

Second Applicant

**Having heard Counsel for the Applicants
and having read the documents filed of record;**

IT IS ORDERED:

1. That the Applicant's estate is accepted as insolvent and placed under Sequestration.
2. That the costs of this application will be borne by the Applicant's insolvent estate; provided that the legal costs by the Applicant's attorney, inclusive of value added tax, does not exceed the amount as set out in the Dividend Calculation of the Applicant's Founding Affidavit.

**R Hendricks & Assoc.
Unit 12, Block A
1st Floor, Clareview Business Park
236 Imam Haron Road
CLAREMONT**

BY ORDER OF THE COURT

/avz

COURT REGISTRAR



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

Case No. 3732/2020

**FINAL LIQUIDATION
IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Tuesday 14 July 2020
Before the Honourable Mrs Justice Saïe-Hlophe**

In the matter between:

**AFRILINE CIVILS (PTY) LTD
(Registration Number: 2008/016280/07)**

Applicant

And

**NL BIOLOGISTICS (PTY) LTD
(Registration Number: 2019/151242/07)
Registered Address:
Unit 5, 5 Cecil Morgan Road
STIKLAND
Western Cape**

Respondent

**Having heard the Legal Representative for the Applicant
and having read the documents filed of record:**

IT IS ORDERED:

That the rule nisi granted on 1 June 2020 is made absolute and Respondent is placed under Final Liquidation.

BY ORDER OF THE COURT

**COURT REGISTRAR
Van der Meer & Partners Inc.
DURBANVILLE
c/o 77 Schneider Galloon Reef & Co.
CAPE TOWN
/avz**



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

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

CASE NO. 1622/2020

CAPE TOWN: Friday 29 May 2020

Before the Honourable Mr Justice Le Grange

In the application of:

CHRISTIAN MORKEL

Applicant

And

**MORKEL AND VILJOEN ELECTRICAL (PTY) LTD
(Registration Number: 2013/092460/07)
(Registered Address:
4 Sonop Street, Arauna
BRACKENFELL
Western Cape Province**

Respondent

**Having heard the Legal Representative for the Applicant
and having read the documents filed of record;**

IT IS ORDERED:

That the rule nisi granted on 28 February 2020 is extended to 29 JUNE 2020.

BY ORDER OF THE COURT

**COURT REGISTRAR
Voss Wiese Haggard Inc.
DURBANVILLE
c/o 665 Knowles Husain Lindsay Inc.
CAPE TOWN**

/avz



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

**RULE DISCHARGED
IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Tuesday 5 May 2020
Before the Honourable Mr Acting Justice Sievers**

Case No. 9160/2019

In the matter between:

SB GUARANTEE COMPANY (RF) (PTY) LTD

Applicant

And

**ZUNRUMODE (PTY) LTD
(Registration Number: 2018/326074/07)
13 Riethaan Row, Woodlands Hills
BLOEMFONTEIN
Free State**

Respondent

**Having heard Counsel for the Applicant
and having read the documents filed of record;**

IT IS ORDERED:

1. That the Provisional Liquidation Order granted on 3 March 2020 is set aside, the Rule Nisi is discharged and the Application is dismissed.

BY ORDER OF THE COURT

**COURT REGISTRAR
31 Werksmans Att.
CAPE TOWN
/avz**



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

**PROVISIONAL LIQUIDATION
IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Wednesday 27 May 2020
Before the Honourable Mr Acting Justice Sievers**

Case No. 14235/2019

In the matter between:

**DB CONTRACTING CC
(Registration Number: 1996/007005/23)**

Applicant

And

**LUSIZIS CONTRACTORS CC
(Registration Number: 1999/044558/23)
Registered address at:
22B Church Street
DURBANVILLE
Western Cape**

Respondent

**Having heard Counsel for the Applicant
and having read the documents filed of record;**

IT IS ORDERED:

1. That the respondent is placed under a provisional order of liquidation.
2. That a rule nisi is issued calling on all persons concerned to appear and show cause at 10h00 on 14 JULY 2020 as to why a final order of liquidation should not be granted and why the costs of this application should not be costs in the liquidation.
3. That this order be served:
 - a) on the respondent at its registered address;
 - b) on SARS;
 - c) by one publication in each of DIE BURGER and THE CAPE TIMES newspapers.

**19 Laàs & Scholtz Att.
DURBANVILLE**

BY ORDER OF THE COURT

/avz

COURT REGISTRAR



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

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

CASE NO. 2608/2020

CAPE TOWN: Friday 31 July 2020

Before the Honourable Mr Acting Justice Martin

In the matter between:

ELIZABETH MAGDALENA ADOLINA BREUGEM

Applicant

And

PIETER BREUGEM

Respondent

(I.D.NO. 490119 5031 08 8)

Married out of community of property to each other

Residing at

1302 Casper Road

PRINGLE BAY

Province of the Western Cape

Having heard the Legal Representative for the Applicant
and having read the documents filed of record;

IT IS ORDERED:

That the rule nisi granted on 28 February 2020 is made absolute and the Respondent's estate is placed
under Final Sequestration.

BY ORDER OF THE COURT

COURT REGISTRAR
132 AS Hurter Att.
BELLVILLE

/avz



20

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

**PROVISIONAL SEQUESTRATION
IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Thursday 22 July 2020
Before the Honourable Mr Justice Saldanha**

Case No. 10515/2004

In the matter between:

**MITIPROP LIMITED (INCORPORATED
THE REPUBLIC OF MAURITIUS)**

Applicant

and

**CRAIG YOUNG
I.D.NO. 650924 5033 08 3
MICHELLE YOUNG
Both Residing at
Winelands Estate
Simonsvlci Road
SIMONDIUM**

First Respondent

Second Respondent

**Having heard Counsel for the Applicant
and having read the documents filed of record;**

IT IS ORDERED:

1. That the estate of the First Respondent be placed under sequestration in the hands of the Master of the High Court of South Africa.
2. That a rule nisi is hereby issued calling upon all persons concerned to show cause, if any, to this Honourable Court on 21 NOVEMBER 2005 at 10h00 or soon thereafter as Counsel may be heard why:
 - 2.1 a final sequestration order should not be granted;
 - 2.2 the costs of this application should not be costs in the sequestration of the first respondent's estate;
3. That service of this Order shall be effected by the Sheriff as follows:
 - 3.1 on the respondents personally;

- 3.2 on the South African Revenue Service;
- 3.3 on such employees of the first respondent as may exist:-
 - 3.3.1 by affixing a copy of the application to any notice board to which the Sheriff and such employees have access inside the premises of the first Respondent; or
 - 3.3.2 if there is no access to the premises by the Sheriff and the employees, by affixing a copy of the application to the front gate of the premises, if applicable, failing which to the front door of the premises from which the first respondent conducted any business at the time of the presentation of the application herein.
4. That notice of this Order shall be given by prepaid registered post to all creditors which claims in excess of R5 000.00

127 Cliffe Dekker Inc.
CAPE TOWN

BY ORDER OF THE COURT

/avz

COURT REGISTRAR





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

Case No. 1215/2019

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

CAPE TOWN: Thursday 23 July 2020

BEFORE THE HONOURABLE MS JUSTICE WILLE

In the matter between:

KELLY PATRICIA WESTERMAN
NTOMBIZINE ELIZABETH MAKANANDA
TINASHE CHIPATIKO

First Applicant
Second Applicant
Third Applicant

And

ANTHONY PAUL PETER TEUCHERT

Respondent

**Having heard the Legal Representative for the Applicants
Having read the documents filed of record;**

IT IS ORDERED:

That the matter is postponed to 07 SEPTEMBER 2020 on the Semi-Urgent Roll for hearing.

BY ORDER OF THE COURT

COURT REGISTRAR
Fareed Moosa & Assoc. Inc.
23 Coniston Road
RONDEBOSCH

/avz

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

UPLIFTMENT OF 4TH DIVISION COURT FILES

Date On Roll:

Case No:

Name Of Parties:

Applicant/Plaintiff

Vs

Respondent/Defendant

Attorney Firms Details:

Name and Surname:

Telephone Numbers:

Email Address:

Specified documents being Uplifted and reason why file is requested:

Date which documents/file were removed:

Signature of person removing documents/file:

NOTE: YOU MAY NOT REMOVE THE BROWN COVER FROM THE COURT EVEN THOUGH THE FORM SAYS "REMOVAL OF COURT FILE" THIS IS ONLY FOR THE PURPOSE WITHIN THE COURT



CONTINUOUS ROLL

Page no Folio no

CASE NO: _____/

DATE _____

ESTIMATED TIME: _____ (DAYS)

FULL NAMES OF PLAINTIFF: _____

FULL NAMES OF DEFENDANT: _____

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF: _____

NAME & ADDRESS OF ATTORNEY FOR DEFENDANT: _____

Opposed Motion

Folio no: /2020

Date Entered: _____

Case No:

ESTIMATED TIME: _____ (DAYS)

FULL NAMES OF APPLICANT:

FULL NAMES OF RESPONDENT:

NAME & ADDRESS OF ATTORNEY FOR APPLICANT:

NAME & ADDRESS OF ATTORNEY FOR RESPONDENT:



ANNEXURE A - WC MOTION COURT ALLOCATION SCHEDULE

TYPE OF APPLICATION	QUANTITY
1. Applications (other than evictions and liquidations)	20
2. Evictions	5
3. Liquidations/ Sequestrations/ Voluntary Surrender	5
4. Default Judgments	20
5. Rule 46A	3
6. Divorces	10
7. Rule 43	2
8. Postponements/ Rule Nisi	10





OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN

35 KEEROM STREET
CAPE TOWN
8000

PRIVATE BAG X9020
CAPE TOWN
8000

3RD DIVISION HEARING DATE/ POSTPONEMENT DATE

CASE NO.	
PARTIES	
PLAINTIFF / APPLICANT ATTORNEYS	
DEFENDANT / RESPONDENT ATTORNEYS	
DATE ENROLLED:	
DATE POSTPONED TO:	
REGISTRAR'S NAME	
SIGNATURE OF REGISTRAR	

DATE STAMP:

--



PROTOCOL FOR THE SCREENING OF DETAINEES TRAVELLING TO AND FROM COURT

Please mark the box with an X for no or a / for yes	DCS	SAPS
Any physical contact with a confirmed/presumptive COVID-19 case in the correctional facility		Any physical contact with a confirmed/presumptive COVID-19 case in the holding cells at court, or in the Court
Persistent coughing		Persistent coughing
Sore throat		Sore throat
Persistent sneezing		Persistent sneezing
Shortness of breath		Shortness of breath
Vomiting		Vomiting
Loss of smell or loss of taste		Loss of smell or loss of taste
Redness of the eyes		Redness of the eyes
Diarrhoea, stomach cramps, nausea		Diarrhoea, stomach cramps, nausea
Joint and muscle aches		Joint and muscle aches
Fatigue/weakness		Fatigue/weakness
Fever/Chills		Fever/Chills
Wearing Mask		Wearing mask
Temperature reading taken at the correctional facility		Temperature reading taken on arrival at Court

SHOULD ONE OR MORE SYMPTOMS BE PRESENT, THE DETAINEE MAY NOT BE RELEASED INTO THE CUSTODY OF SAPS

SCREENED BY: _____ SCREENED BY: _____

DESIGNATION: _____ DESIGNATION: _____

SIGNATURE: _____ SIGNATURE: _____

OFFICIAL DATE STAMP: _____ OFFICIAL DATE STAMP: _____



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA
WESTERN CAPE HIGH COURT,

35 KEEROM STREET
CAPE TOWN
8000

PRIVATE BAX X 9020
CAPE TOWN
8000

CASEFLOW MANAGEMENT

TRIAL DATE / OPPOSED MOTION/ SEMI -URGENT DATE ALLOCATION

CASE NO	
PARTIES	
PLAINTIFFS / APPLICANTS ATTORNEYS	
DEFENDANT/ RESPONDENTS ATTORNEYS	
SEMI-URGENT DATE ASSIGNED	
REGISTRAR/ REGISTRARS CLERK	
SIGNATURE	

DATE STAMP

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT)

UPLIFTMENT OF DOCUMENTS/REMOVAL OF COURT FILES

Case No : _____

Name of Parties

Notice of Removal of documents from the court file:

1. Attorneys Firms details :

2. Name and Tel No and email address of person who is removing the Document/file

Name and Surname: _____

Telephone Numbers: _____

Email Address : _____

3. Specify documents being uplifted and reason why file is requested

4. Date which documents / file were removed:

5. Signature of the person removing documents/ file

6. Additional information: what roll is the matter on or what happened last:

8. Date Stamp and signature of person receiving the documents:

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PURPOSES WITHIN THE COURT

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HOME (/) ABOUT US (/ABOUT-US/OUR-STORY)

WEDDINGS (/WEDDINGS/OVERVIEW)

Jason de Klerk
11/8/2020

ACCOMMODATION (/ACCOMMODATION/ACCOMMODATION-OVERVIEW)

JASON DE KLERK

COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

CONFERENCES (/CONFERENCES)

ADVENTURE (/ADVENTURE)

CONTACT US (/CONTACT-US)

Beloftebos Wedding Venue, Stanford - Media Statement

4 August 2017

The facts:

On 26 July, Beloftebos Wedding Venue received an online enquiry to host the same-sex wedding ceremony of Ms Alexandra Thorne and Ms Alex Lu. The completed form stated that "*my [fiancé] and I intend on getting married in the US next year, and would like a more formal ceremony in SA. I'm a Cape Town native. She's from the US. We're both in love with the venue, and hope you're open to same-sex couples :)*"

In response to the enquiry, we replied as follows: "*Dear Alexandra and Alex. Thanks so much for your enquiry. We really appreciate your compliments of the venue. However, unfortunately we will not be able to host your wedding. Warmest regards.*"

In response to the couple's further enquiry "if the issue [was] with the dates", we replied that "the issue is indeed not with the dates. The reason is that we only host heterosexual marriages. We wish not to offend with this but it is our venue policy."

On 1 August, we received an e-mail from one Prof Pierre de Vos, alleging that we are breaching the law and "*can be dragged before the Equality Court and made to pay a fine*". He threatened that we would "*also be forced to change our policy. Bad publicity will also follow*", and demanded that we "*change [our] policy within 48 hours*".

On 2 August, the same Prof de Vos sent an e-mail to the South African Human Rights Commission (SAHRC) (and copied us into an e-mail), requesting the SAHRC to investigate the matter and "*hold Beloftebos accountable in some way*".

Prof de Vos also sent us a further e-mail, threatening to "*take [us] to the Equality Court because of [our] homophobic discrimination*". The same e-mail said that he has "*started a social media campaign and reached out to various journalists to publish [our] homophobia*".

Since then, we have indeed suffered a vicious public attack on the Beloftebos Facebook page and other social media, replete with threatening, offensive and hateful comments.

Jason de Klerk

The venue's position:

We, the owners of Beloftebos are Christians who seek to honour and obey God in everything we do, including the way in which we operate our business (the wedding venue). While the venue is available to people of all race, our Biblical conviction is that marriage is reserved for a life-long commitment between one man and one woman. This is a deeply held belief (not only for us, but for the vast majority of Christians around the world for over 2000 years) and is a foundational part of our faith as Christians.

This belief in turn guides our venue's policy. It is our conscience before God which prohibits us from hosting any other kind of "marriage" on our property – not a fear or hatred of homosexual people ("homophobia") as we have unfairly been accused of. For us, to host (and thereby enable, or celebrate) a same-sex "marriage", would be to dishonour and disobey God – potentially with eternal consequences. This is too great a cost and if forced to compromise on our faith, we would have to "obey God rather than men" (Acts 5:29).

At the same time, we appreciate and respect that South Africa is an open and democratic society where people are free to live their lives as they choose – including the right to conclude same-sex "marriages". We respect this freedom of choice, and simply ask that our freedom of choice (to believe, and live our lives according to, the Bible) be respected also. Our Constitution does not require everyone to believe the same, and does not punish people for holding divergent beliefs and opinions.

We have taken legal advice and been advised that the Constitution prohibits unfair discrimination on grounds of conscience, religion and belief (s 9) – and specifically also guarantees freedom of conscience, religion and belief as a fundamental human right (s 15). As such, it is not correct that our decision (based upon our religious convictions and beliefs) not to host same-sex wedding ceremonies automatically amounts to unfair discrimination or is illegal. To date, no South African court has found that this is the case.

In relation to the malicious public attack on Beloftebos' Facebook page and on social media, we have been advised to consider laying charges of *crimen injuria* with the SAPS and to lodge a complaint regarding the abuse of our right to dignity and the exercise of our freedom of religion. We sincerely hope that this will not be necessary, and trust that this statement will clarify our position. However, should we continue to suffer threats, harassment or hate speech, we may have no alternative but to follow our legal representatives' advice and take the necessary legal action, which could include an application for a protection order.

Finally, and to the extent that Ms Thorne and Ms Lu may feel disappointed by our response to their query, we want to assure them that we never intended any malice or judgment towards them. While we do not expect them to agree with our Biblical convictions, we trust that they will respect and appreciate our position. We hope that they will find a suitable alternative venue which will be happy to host their ceremony and celebrate what is a special occasion for them.

Issued by:
THE OWNERS OF BELOFTEBOS

For media enquiries, contact:
Mr Michael Swain
Executive Director, Freedom of Religion South Africa (FORSA)

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Jason De Klerk 11/8/2020

JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

[Signature]

Tel: 072 270 1217

E-mail: michael.swain@forsa.org.za (mailto:michael.swain@forsa.org.za)

Beloftebos Hours

Monday – Friday: Office days 09:00 – 17:00

Available on email and phone

Sundays: Closed

Closed on public holidays & Easter weekend.

You are most welcome to visit Beloftebos outside of these times but please note a guided tour needs to be booked in advance.

Virtual Tour

Take the Virtual Tour (/weddings/virtual-tour)

Connect with us

Wedding / Event enquiries

Coia de Villiers: 082 391 5331

info@beloftebos.co.za

Accommodation enquiries:

Lorraine Kok: 072 580 3383

stay@paardenberg.co.za

Catering and Events:

Corneli from Cornelia's Catering: 072 111 9380

corneli@beloftebos.co.za

[View Map \(/contact-us\)](#)

Check Availability & Book Online

([http://www.nightsbridge.co.za/bridge/book?](http://www.nightsbridge.co.za/bridge/book?bbid=20309)

bbid=20309)

Follow and connect with us:

(<https://www.facebook.com/pages/Beloftebos/103715799697489>)

(<https://www.instagram.com/beloftebos/>)

(https://www.tripadvisor.co.za/Hotel_Review-g1187779-d4840028-Reviews-Beloftebos_Cottages-Stanford_Overberg_District_Western_Cape.html)

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J De Klerk 11/11/2020

JASON DE KLERK

COMMISSIONER OF OATHS

PRACTISING ATTORNEY R.S.A.

15th FLOOR, CONVENTION TOWER

HEERENGRACHT, FORESHORE

CAPE TOWN, 8001

J De Klerk

RE: Venue Enquiry from website

1 message

Coia <coia@beloftebos.co.za>
To: Megan Watling <megzwat@gmail.com>, sasha.lee527@gmail.com

16 January 2020 at 09:07

Megan and Sasha-Lee

Thanks for your mail and phone call and for taking the time to fill in the enquiry form. I apologise for the delay in answering your enquiry.

Unfortunately we will not be able to host your wedding at Beloftebos on April 3rd 2021. The reason for that is that, based on our personal beliefs, we do not host weddings between couples of the same gender.

In a media statement on our website we try to explain where we come from and why we have decided this. (<https://www.beloftebos.co.za/media-statement>).

May both of you really have a very blessed 2020.

Warm regards.

Coia de Villiers | Owner
Cell: 082 391 5331
Email: info@beloftebos.co.za
Website: www.beloftebos.co.za

Office hours:
Mon – Thurs: 13h00 – 17h00
Fri: 8h00 – 17h00
Sat: 9h00 – 12h00
Sundays: Closed

You are most welcome to visit Beloftebos outside of these times but please note a guided tour needs to be booked in advance.

You can take a virtual tour of the venue here: [Virtual Tour](#)

-----Original Message-----

From: Megan Watling [<mailto:megzwat@gmail.com>]
Sent: Tuesday, 07 January 2020 15:33
To: info@beloftebos.co.za
Subject: Venue Enquiry from website

The following information has been submitted:

Person making this enquiry: Megan

Relation of person enquiring to the bride & groom: Bride

The Bride's Information:

Title Ms

Full Names: Megan

Surname: Watling

Daytime contact number: 0836005460

E-mail Address: megzwat@gmail.com

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JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

Occupation: Trainee Accountant

Address:

42 Bolus Road, Table View

Preferred Language: English

The Groom's Information:

Title Ms

Full Names: Sasha-Lee

Surname: Heekes

Daytime contact number: 0791556062

E-mail Address: sasha.lee527@gmail.com

Occupation: Educational content writer

Address:

42 Bolus Road, Table View

Preferred Language: English

Other Information:

Intended Wedding Date: 03/04/2021

Wedding PAX – min 60 & max 200: 70

Specific Catering Requirements i.e. Kosher, Halaal, Vegan etc:
Some guests will be vegetarian/vegan

Religious and/or cultural requirements:
Tolerance

Special facility requirements e.g. wheelchair friendly etc:
Wheelchair friendly

Tell us about yourselves and any information that is important for us to know:

We have been together for 7 years and got engaged over the festive season. We are compassionate, empathetic and fun-loving young couple.

Your dream wedding (in 40 words):

A forest-fairytale wedding, with an outdoor ceremony (and potentially reception). With lots of greenery and fairy lights. We are thinking sage green and blush pink as the colour scheme. Think intimate, romantic candlelit ambience with delicious food, good music and company.

Where did you hear about Beloftebos? Monica Dart - family friend

Have you seen our Beloftebos Facebook Page? Yes

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Jason de Klerk 11/8/2020

JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

JS



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Jason De Kleer
11/6/2020

JASON DE KLEER
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

Terms and conditions

Please note that this Venue Hire Enquiry is governed by the following terms and conditions and constitutes a binding Agreement with Beloftebos:

Acknowledgement

By submitting this enquiry -

1. I/We (the Bride and/or Groom or our representative/agent) confirm and warrant that the information provided by me/us in the Venue Hire Enquiry is true and correct and does not in any respect contain any misrepresentation on our part.
2. I/We accept and agree that if any of the information provided in the Venue Hire Enquiry is incorrect or false to any extent, the enquiry and any subsequent booking will lapse automatically at the time when Beloftebos becomes aware of such incorrect information. I/we will forfeit all amounts paid to Beloftebos up to the date on which the booking lapses. Beloftebos will take all reasonable steps to limit its damages suffered as a result of the lapsing of the booking. In the event that Beloftebos' aforesaid damages are less than the amounts already paid by me/us, Beloftebos will refund the difference to me/us. Beloftebos will be entitled, within its sole discretion, to reinstate any lapsed booking, provided that such reinstated lapsed booking shall constitute a new contract between Beloftebos and myself/ ourselves (novation).
3. I/We acknowledge and agree that Beloftebos has the right to exercise its exclusive and subjective discretion when making its decision to contract (or not) with me/us or my/our principal. I/We acknowledge and agree that Beloftebos management has the sole right to approve, decline or review any application for any event, which may include limitations on any particular type of event. I/We acknowledge and agree that management's decision, which may take a couple of days, shall be final and no further correspondence entered into.
4. I/We acknowledge and agree that in the event that Beloftebos decides not to contract with me/us or my/our principal(s), Beloftebos shall under no circumstances be obliged to give any reason whatsoever for its aforementioned decision.
5. I/We acknowledge and agree that Beloftebos may decide not to or may not be in a position to contract with me/us or my/our principal(s) for any of the following reasons (amongst others):

Handwritten initials

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5.1 I/We provided Beloftebos with false information in the Venue Hire Enquiry form;

6. I/We acknowledge and agree that the information provided by me/us in the Venue Hire Enquiry as well as all correspondence of whatever nature with Beloftebos until such time as a final and binding Venue Hire Agreement is concluded in respect of the proposed event, is confidential information. I/We therefore undertake and warrant that I/we will not, neither before our event date nor at any time thereafter, disclose the aforesaid confidential information to any third party for any reason or purpose whatsoever without the prior written consent of Beloftebos. I/We acknowledge and agree that disclosure of such confidential information, either by me/us or by Beloftebos ("the Parties"), will be in breach of these terms and conditions and accordingly unlawful.

Resolution of disputes

By submitting this enquiry -

J. de Klerk
11/1/2010

JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENDRACHT FORESHORE
CAPE TOWN, 8001

7. I/We acknowledge and agree that if any dispute or claim should arise in consequence of the application or implementation of these terms and conditions, I/we agree to negotiate in good faith with Beloftebos with a view to settling any cause of action arising from such dispute or claim. I/We acknowledge and agree that neither Party shall initiate any further proceedings until such time as it has, by written notice to the other, declared that such negotiations have failed.

8. I/We acknowledge and agree that any dispute or claim arising in consequence of the application or implementation of these terms and conditions, which cannot be settled between the Parties (in terms of Clause 7 above), shall in the first instance be referred by the Parties, without legal representation, to mediation by a single mediator.

9. The mediator shall convene a hearing of the Parties and may hold separate discussions with each Party and shall assist the Parties in reaching a mutually acceptable settlement of their differences by way of mediation. The Parties shall record such settlement agreement in writing and shall be bound by the said agreement.

10. The Parties agree that the mediation, including the aforementioned settlement agreement and any information disclosed during the mediation, shall remain confidential and not be disclosed to any third party for any reason or purpose whatsoever.

11. The mediator is authorised to end the mediation process whenever in his/her opinion further efforts at mediation would not contribute to a resolution of the dispute between the Parties.

12. The mediator shall be selected by agreement between the Parties, or failing such agreement, nominated by the Director of the Cape Law Society. The costs of the mediation, if any, shall be borne equally by the Parties.

13. If either Party is dissatisfied with the mediator's opinion or should the mediation fail, then such Party may refer the dispute to arbitration within three calendar months of the mediator's decision being issued or the mediator declaring the mediation to have ended. Claims not brought within the time periods set out herein will be deemed validly to have been waived.

14. Such arbitration will be held in Stellenbosch unless otherwise agreed by the parties in writing and will be adjudicated upon the basis of Alternative Dispute Resolution (ADR) by an arbitrator who shall be a competent and impartial attorney or advocate, with at least 10 years' experience post-admission. The arbitrator shall be agreed upon by the parties, or failing such agreement, nominated by the Director of the Cape Law Society.

[Signature]

15. The arbitrator shall decide the matter submitted to him in accordance with the formalities and/or procedures settled by the arbitrator and may be held in an informal and summary manner, on the basis that it shall not be necessary to observe or carry out the usual formalities of procedure, pleadings and/or discovery or the strict rules of evidence.

16. The arbitrator may make any order, decision, determination or award which he/she deems just and equitable and within the scope of this agreement, including, but not limited to, requiring any party to perform any of its obligations or undertakings. The arbitrator may also make any interim order, decision, determination or award he/she deems necessary to preserve the status quo until he can render a final order, decision, determination or award, provided that either party may also approach a court of competent jurisdiction to issue any interim order, pending or in anticipation of arbitration proceedings.

17. Any final or interim order, decision, determination or award made by the arbitrator shall be conclusive and binding upon the parties and judgment upon any such order, decision, determination or award may be enforced and entered by the High Court of the Western Cape Division, Cape Town.

18. The prevailing party shall be entitled to reimbursement for costs and attorneys' fees, calculated according to the tariffs of the High Court and on a scale as between attorney and client, as well as reasonable advocates' fees. The determination of the arbitrator in such a proceeding shall be final and binding and may / may not be appealed to a court of law.

19. Both parties hereby consent to the jurisdiction of the Western Cape Division of the High Court Cape Town.

20. The "arbitration" clause in this agreement shall be severable from the rest of the Agreement and therefore shall remain effective between the parties after this Agreement has been terminated.

21. The Parties agree that the arbitration, including the order, decision, determination or award made by the arbitrator, the subject thereof as well as any testimony presented during the arbitration, would remain confidential and not be disclosed to any third party for any purpose whatsoever.

General

22. In the event of any one or more of the provisions of this agreement being held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this agreement, and this agreement shall be construed as if such invalid, illegal or unenforceable provision was not a part of this agreement, and this agreement shall be carried out as nearly as possible in accordance with its original terms and intent.

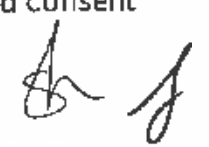
23. No addition to or variation, consensual cancellation or novation of this agreement and no waiver of any right arising from this agreement shall be of any force or effect unless reduced to writing and signed by the Parties or their duly authorised representatives.

24. No latitude, extension of time or other indulgence which may be given or allowed by a Party to the other in respect of the performance of any obligation hereunder or enforcement of any right arising from this agreement, shall under any circumstances be construed to be an implied consent



JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
5th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

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by such Party or operate as a waiver or a novation of, or otherwise affect any of that Party's rights in terms of or arising from this agreement, or estop such Party from enforcing strict and punctual compliance with each and every provision or term hereof.

Beloftebos Hours

Monday – Friday: Office days 09:00 – 17:00

Available on email and phone

Sundays: Closed

Closed on public holidays & Easter weekend.

You are most welcome to visit Beloftebos outside of these times but please note a guided tour needs to be booked in advance.

Virtual Tour

Take the Virtual Tour (/weddings/virtual-tour)

Connect with us

Wedding / Event enquiries

Coia de Villiers: 082 391 5331

info@beloftebos.co.za

Accommodation enquiries:

Lorraine Kok: 072 580 3383

stay@paardenberg.co.za

Catering and Events:

Corneli from Cornelia's Catering: 072 111 9380

corneli@beloftebos.co.za

[View Map \(/contact-us\)](#)

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(<http://www.nightsbridge.co.za/bridge/book?bbid=20309>)

Follow and connect with us:

(<https://www.facebook.com/pages/Beloftebos/103715799697489>)

(<https://www.instagram.com/beloftebos/>)

(https://www.tripadvisor.co.za/Hotel_Review-g1187779-d4840028-Reviews-Beloftebos_Cottages-Stanford_Overberg_District_Western_Cape.html)

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Jason de Klerk
11/8/2020

JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

[Signature]

IA #11



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graemesmith49 • 2 November was an incredible day! ❤️ #wedding #love #family #beloftebos #friends #blendedfamily #daytoremember

38w



be_bindaas Congrats

39w 1 like



17,442 likes

NOVEMBER 4, 2019

Comments on this post have been hidden

IA#12



Sasha-Lee Heekes <sasha.lee527@gmail.com>

Venue enquiry

1 message

Sasha-Lee <sasha.lee527@gmail.com>
To: info@beloftebos.co.za

15 January 2020 at 18:18

Good day

My partner and I are hoping to get married in April 2021 (with preference for Saturday the 3rd). She did send an email using the online form but it seems to have gotten lost! Would it be possible to receive information regarding your wedding packages, accommodation, menus, bar prices, etc?

Thanks so much!

Kind regards
Sasha

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Jason de Klerk
11/18/2020

JASON DE KLERK
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

AS

Your complaint

1 message

Shafeeqah Salie <SSalie@sahrc.org.za>
 To: "sasha.lee527@gmail.com" <sasha.lee527@gmail.com>

17 January 2020 at 15:44

Dear Sir/Madam

RE: YOUR COMPLAINT

Receipt of your complaint is acknowledged.

The South African Human Rights Commission (SAHRC) is a state institution established to support constitutional democracy. The SAHRC is mandated to protect and assess the observance of human rights in South Africa and established to investigate prima facie violations of human rights as contained within the Bill of Rights, which is Chapter Two of the Constitution of the Republic of South Africa Act, 108 of 1996 (Constitution).

The SAHRC will assess your complaint to determine:-

- whether it falls within the mandate of the SAHRC; or
- whether it should be dealt with by another organisation, institution, statutory body or institution created by the Constitution or any applicable legislation.

A legal officer will contact you in due course.


Kind regards

Shafeeqah Salie

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Jason De Klerk
 11/1/2020

JASON DE KLERK
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY R.S.A.
 15th FLOOR, CONVENTION TOWER
 HEERENGRACHT, FORESHORE
 CAPE TOWN, 8001

<p>Shafeeqah Salie Intake Officer WC E: ssalie@sahrc.org.za 7th Floor</p>	<p><i>Upcoming events</i> Click here for upcoming events</p>	
--	---	--

SS

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JK



Sasha-Lee Heekes is feeling sad at Beloftobos. 16 January · Stanford

UPDATE: As you may have heard, Megan Waring and I will be pursuing legal action against Beloftobos. We anticipate that this will be a long and drawn out battle with significant costs, meaning we cannot fight this battle without your help. As such, we have started the #samelove campaign (see www.samelove.org.za, for our press statement, more details and links to social media accounts). #samelove has been created to raise funds to make it possible for our hardworking legal team to cover costs pending the results of what might turn out to be a Constitutional Court matter. If any money remains, this will be donated to Lawyers For Human Rights to fight cases similar to ours. If you feel passionate about joining our cause to end continued unchallenged and unfair discriminatory business practices and our fight for LBGTQIA+ equality, please consider following, sharing, and donating (if you are in the position to do so). It all helps x

*Caution: a long post, but worth a read if you are pro-equality and love Many people have questioned why Megan and I have spent seven years afraid to share our love with the rest of the world, and why it has taken so long to live authentically. The truth is although our Constitution, specifically the Bill of Rights, affords us the inalienable right to be treated with equality and human dignity, this is not the reality.

Today we were informed by the owners of Beloftobos (wedding venue in Stanford) that based on their "personal beliefs, [they] do not host weddings between couples of the same gender". Noting the use of "gender," I can't help but wonder if a wedding between a transgender man and cis woman would be granted access to their venue. Nevertheless, here is the link to their media statement: https://www.beloftobos.co.za/media-statement

Referring directly to their statement, notice how marriage is inverted commas when referring to same-sex couples - completely undermining the validity of a union that has been legalised in South Africa. Secondly, also notice how they say they welcome people of all races, as if that's not a given and almost as a means to justify another form of discrimination. The statement also says that it is not homophobia, however, the grounds for refusal as cited in their statement is that allowing same-sex marriages at their venue will have "eternal consequences" for them. Their personal belief and fear of hell based on us using their venue, should not outweigh our right to human dignity and to be treated without prejudice.

Whilst it is true that we all enjoy the right to freedom of conscience religion and belief under the Constitution, it is the law of the land that "no person may unfairly discriminate against anyone on one or more grounds" including race, gender, and sexual orientation [Bill of Rights 9(4)]. Additionally, the PEPUA Act also overrides the common law property rights of the owner. Admission may be refused - but not on the grounds listed in the Bill of Rights.

To illustrate, precedent for this case is one where a guesthouse owner refused to accommodate black guests - which was successful prosecuted, as it should be. Discrimination by a business on any grounds is not only illegal, but untenable and should not be tolerated.

You may say, "Well, you can just find another venue, Sasha. Why are you making such a fuss?" Or, maybe you'll say, "That's just how the world works". You may not understand the hurt I feel, and how disheartened I am that such prejudices go unchallenged. But Beloftobos' way of thinking is one of many insidious ripples leftover from beliefs and ideologies that have contributed to mass human injustice. Prejudice is prejudice, no matter the scale.

Ultimately, I have written this post as I feel a moral obligation to:

- 1) help other LBGTQIA++ individuals avoid this turmoil, because when you are excited about wedding planning and search this venue, you tend to miss the vague link labeled "our media statement" and
- 2) because my love was invalidated, even though the Bible says "love one another for love comes from God. Anyone who loves is a child of God and knows God ... If someone says I love God, but hates a fellow believer, that person is a liar; for if we don't love people we can see, how can we love God who we cannot see?" [1 John 4:7-8, 20-21]. "Most important of all, continue to show deep love for each other, for love covers a multitude of sins" [1 Peter 4:8].

The world has come a long way, but we have miles to go and we can all play our part. I write this post out of courage and ask that we all find the courage to support businesses that are tolerant; the courage to use our privilege to speak out where we can; and courage to do what is the most loving. Desmond Tutu himself once said that he would refuse to go to a "homophobic heaven" and again I have to agree with him that should I be

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SAME Same Love 9

CONTACTS

- Sasha-Lee Heekes
- Chad James Williams
- Sharon Kirby
- Margaret Armstrong
- Tamsin Williams
- Nolan Ess
- Karen Dodd
- Kristin Miller
- Darren Brandt
- Alliegra Jansen van V...
- Kirsten Leigh Williams
- André Schwartz
- Kayla Fouls

MORE CONTACTS (26)

Alex Heyne

To end, we did not ask Beloftebos to officiate our wedding, we did not ask them to accept our love or bless our union, we only ask that our right to dignity and equal and fair access to a venue be respected...

And, I ask you, is that too much?



BELOFTEBOS.CO.ZA

Media Statement

On 26 July, Beloftebos Wedding Venue received an online enquiry to host the same-sex wedding ceremony of Ms Alexandra Thorne and Ms Alex Lu. The completed form stated that "my [fiancé]

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Gavin Cohen Interestingly they allow rapists, murderers, thieves etc but not two beautiful people?

Debbie Cohen from @Digitalcapturephotography.co.za will take your photos gladly! . See more

Like Reply 6w



Gavin Cohen replied · 3 replies



Gavin Cohen How is this beloftebos being treated differently to a restaurant?

If a restaurant or bar pulled this move they would closed in a week... See more

Like Reply 6w



Yudesh Yudi Lekhran wheres the honeymoon gonna be...

Like Reply 6w



Kevin Sumner Would you demand bacon from a Muslim establishment? Or demand pork from a Jewish one? Then why demand a same-sex marriage from a Christian one? You have rights to do what you want to do, so why try and take rights away from others?

Like Reply 6w



Wesley Vorster replied · 21 replies



Gavin Cohen Marlon Du Plooy I assume you mean accusation?

I mean quite simply, these clowns will not deal with these two women because of their sexual choices, but will deal with everyone else... See more

Like Reply 6w



Gavin Cohen replied · 8 replies



Erik Van Heerden Walk it off hon. Many other beautifuly venues to pick from. Don't turn this into a virtue signalling social justice crusade.

Like Reply 6w



Erik Van Heerden Many different believes and values out there - everybody does not need to celebrate you!.. Give them some space also..

Like Reply 6w



Erik Van Heerden replied · 5 replies



Thana De Villiers You are so quick to put these people out og business with this witch hunt. Now I wonder who is going to look after all the workers who clean and cook at the venue and their families? Just to get your faces in the news till the next interesting story arrive. Think twice before you go on with this witch hunt, a lot of families are dependant on this income

Like Reply 6w



Wesley Vorster replied · 4 replies



Kelvin Pillay SASHA LEE, ALLOW ME TO EDUCATE YOU. SINCE GOD IS LOVE AND MARRIAGE IS HIS INSTITUTION, NO HUMAN BEING HAS THE AUTHORITY OR RIGHT TO REDEFINE IT. THE BIBLE SAYS LOVE REJOICES WITH THE TRUTH & NOT WITH EVIL. ALLOW ME TO ALSO ASK YOU TO NAME AT LEAST ONE ... See more

Like Reply 6w

YOUR PAGES

Same Love

CONTACTS



Sasha-Lee Heekes



Chad James Williams



Sharon Kirby



Margaret Armstrong



Tamsin Williams



Nolan Ess



Karen Dodd



Kristin Miller



Darren Brandt



Allegra Jansen van V...



Kirsten Leigh Williams



André Schwartz



Kayla Faulis



MORE CONTACTS (25)



Alex Heyne

Who can see this?

Megan Watling is feeling angry at Beloftebos. 16 January · Stanford ·

UPDATE: As you may have heard, Sasha-Lee Heekes and I will be pursuing legal action against Beloftebos. We have started the #samelove campaign, as we cannot fight this alone (see www.samelove.org.za, for our press statement, more details and links to social media accounts). #samelove has been created to raise awareness and funds to make it possible for our hardworking legal team to cover costs pending the results of what might turn out to be a Constitutional Court matter. If any money remains, this will be donated to Lawyers For Human Rights to fight cases similar to ours. If you would like to join our fight to end continued unchallenged and unfair discriminatory business practices and our fight for LGBTQIA+ equality, please consider following, sharing, and donating (if you are in the position to do so). Every bit helps x

After such a wonderful response to our engagement, we received this email this morning from Beloftebos.

At first I cried, but then I was overwhelmed with anger. How, in 2020, is this still a reality? Same-sex marriage has been legal in South Africa since 2006, but yet people still believe that they can justify hate and bigotry and quote a God that I don't believe would stand for said hate and bigotry.

We do not ask that anyone approves or even accepts our love, but we do deserve to be treated with dignity and respect, just like anyone else.

I implore that you do not support businesses that do not believe that love comes in all shapes and sizes.

Please feel free to share. ❤️❤️❤️❤️❤️

MTN-SA 09:15

Navigation icons: back, download, gallery, mail, more

Coia 09:12 to me, sasha.lee527

Megan and Sasha-Lee

Thanks for your mail and phone call and for taking the time to fill in the enquiry form. I apologise for the delay in answering your enquiry.

Unfortunately we will not be able to host your wedding at Beloftebos on April 3rd 2021. The reason for that is that, based on our personal beliefs, we do not host weddings between couples of the same gender.

In a media statement on our website we try to explain where we come from and why we have decided this. (https://www.beloftebos.co.za/media-statement).

May both of you really have a very blessed 2020.

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Beloftebos Wedding Venue: Heterosexism and Colonial Christianity

Article by Siya Khumalo | January 20, 2020 | In FEATURES, HEADLINES, Mambagirl News

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Article by Siya Khumalo



Siya Khumalo writes about religion, politics and sex and is the author of "You Have To Be Gay To Know God". Follow him at

@SKhumalo1987

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"I want someone that's loyal, honest and faithful."

Jason778 is a 42-year-old Aries from Eldorado Park in Gauteng. Meet him in Mamba's MeetMarket now! It's free!



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Beloftebos began functioning as a wedding venue in 2005 when, according to the write-up on its website, two people made a commitment to each other before God to "go where the other goes" and to "stay where the other stays".

These words are almost identical to those in Ruth 1:16 where two women take an oath to bind their destinies together, yet the Western Cape business refused to host the ceremony of Megan Watling and Sasha-Lee Heekes because they, too, are two women and the establishment follows Christian principles.

Nothing undermines South Africa's Constitution more than the selectiveness with which some of us interpret and apply our holy texts. Consider Galatians 3:28. "There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus." The "male and female" motif nullified there is that clung to by heterosexists who reduce this verse to a statement about salvation denuded of social consequences. "There are no favourites in the order of salvation", they teach.

But distorting or watering down the social implications of such texts is how Christian supporters of slavery, apartheid, anti-Semitism, Islamophobia and other prejudices have upheld hermeneutics of "othering" that decontextualise scriptures to their taste. The net effect of this theology is that it ends up being safer to seek love in secular spaces instead of sacred spaces.

Unfortunately for Christianity, this is not a new trend. Except the four gospels and the Epistle to the Ephesians, the New Testament reads like transcripts from the early church's non-stop bickering about who was in and who was out, how faith was to be practiced in the midst of ancient-world cultural and social norms, the place of women in a male-dominated world, as well as the role and relevance of circumcision. They discuss dietary codes, legal action, incest — the list messy and endless.

But Jesus' puzzling answers to the questions put to him gave no bullet-point action plans. People living under an oppressive regime would ask him, "Is it right to pay the imperial tax to Caesar or not?" and his answer, "Render unto Caesar that which is Caesar's, and render unto God that which is God's", would mean whatever his listener's biases wanted it to. For if Caesar was also one of God's creatures, then who's rendering what to whom? It's a hall of mirrors — by design: "Jesus is the answer" is true because Jesus *has no answers*. The crucifixion destroys the idol of certainty masquerading as faith; it breaks the shackles of control passed off as moralism.

"Institutional Christianity is intellectually sheltered"

If colonial propaganda can turn the One who died resisting the marriage of empire and religion into the poster-boy for the heteropatriarchal assumptions underpinning unjust power structures, then no worldview, no metaphysic, no statement of faith (or no faith), no -ism, no teacher — absolutely no big idea — is safe from being hijacked for someone's financial gain.

Capitalism is currently exploiting the atheist secular liberal worldview just as the Roman Empire turned early Christianity to an accessory to its violence. We need to get smarter about the use of beliefs to prop up injustice. Now, some would argue that Christian heterosexism originated from Christ himself, citing passages where he "defined" marriage. But those words were offered during arguments with pharisees who debated in such bad faith, they'd literally help get him crucified.

The Christianity that begets homophobia is the type once used to legitimise apartheid. Ignoring that the first non-Jewish convert to Christianity was a black eunuch, white supremacist Christianity vilified Jewish, black and gender non-confirming people to justify its abuse of power. It's impossible to confront its racism apart from confronting its queerphobia because both are sponsored by the same inclination towards self-serving hypocrisy, and there's no potting soil for hypocrisy to grow in better than religion.

To the homophobe, a same-sex couple that practices love and community service can never be as morally good as a heterosexual couple that destroys social cohesion. If we amplify this arbitrary preference for heterosexual couples (despite their issues) across society, we'll see a church powerless against the violence post-apartheid South Africa is heir to.

As the conversation on Belofebos deepens, I know their defenders will say the venue's beliefs should be tolerated just as gay people's right to exist is tolerated, but the religious beliefs being cited are no more legitimately religious (or legally protectable) than religious beliefs against left-handed people. I said in *You Have To Be Gay To Know God* (Kwela Books, 2018) that institutional Christianity is intellectually sheltered and the upshot of this is whatever toxic ideas are taught in there, spread out here.

What happened at the Belofebos wedding venue in the Western Cape isn't just a same-sex couple issue; it's a symptom of the ethical disorientation that colonial Christianity spun South Africa into, and I don't think we'll transform or heal the country, or get buy-in on its Constitution until we come to terms with how *that* Christianity became and remains part of its DNA.



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January 17, 2020 - 6 Comments



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- All the time. It's my second home!
- Often. I like to be among my own.
- Sometimes. It's good to feel welcome.
- Occasionally. I like to pop in.
- Almost never. I prefer mixed places.
- Very rarely. I hang out at straight venues.
- Nope. I prefer to meet guys online.
- I wish, but there are none near me.

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Let us not wait until the next couple that's turned away is a heterosexual one turned away on the basis of race to do the work. We are all at risk of being othered.

Siya Khumalo writes about religion, politics and sex and is the author of You Have To Be Gay To Know God. Follow him on Twitter.

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Beloftebos homophobia row goes global as venue shuts down Facebook page

Article by Luiz DeBarros | January 21, 2020 | In HEADLINES, MambaGirl News

Article by Luiz DeBarros



Luiz is editor of Mambaonline.com, South Africa's most popular gay news and lifestyle website.

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Rejected by Beloftebos: Sasha-Lee Heekes and Megan Walling on their engagement day

The furore surrounding the Beloftebos wedding venue's refusal to allow same-sex couples shows no signs of abating and is now making international headlines.

On Tuesday, CNN ran an article about the scandal that draws attention to the phenomenon of business owners who believe they are entitled, based on religious freedom, to turn away same-sex couples.

The piece about the venue, located in the town of Stanford, puts an uncomfortable international spotlight on the Western Cape, which is widely promoted as an LGBTQ friendly destination.

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"I want someone that's loyal, honest and faithful."
Jason778 is a 42-year-old Aries from Eldorado Park in Gauteng. Meet him in Mamba's MeetMarket now! It's free!



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In a statement, the Stanford Association of Tourism & Business (ST&B) said it "deeply regrets the situation which has arisen resulting from a same-sex couple seeking to marry at a local wedding venue."

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The association continued: "We would like to reiterate our standpoint that we are governed not only by the ST&B constitution but also by that of our country, South Africa, and we do not support any form of discrimination. We continue to welcome all visitors to our beautiful village and region."

The latest incident of homophobia at Beloftebos concerns same-sex couple Sasha-Lee Heekes, 24, and Megan Watling, 25. After getting engaged in December, they enquired about hiring the venue to host their wedding in April 2021.

The owner, Coia de Villiers, replied that "based on our personal beliefs, we do not host weddings between couples of the same gender." The venue previously made local news in 2017 when it rejected another same-sex couple that year.

Beloftebos is being represented in the media by Michael Swain, the Executive Director of Freedom of Religion South Africa (FORSA), a conservative religious group that lobbies against LGBTQ equality.

Swain told CNN that, "LGBT rights do not trump religious rights under South Africa's constitution. The owners don't just rent out the venue, they are also actively involved in the arrangement, which they are simply saying they do not believe they can do in good conscience."

"Your religion does not give you the right to discriminate"

Legal and constitutional experts disagree. Pierre de Vos, a well-known constitutional law professor, wrote on Twitter that Beloftebos is "breaking the law with the support of Freedom of Religion SA."

The Love Not Hate project condemned Beloftebos' "blatantly discriminatory policy" in a statement and said it not only violated the Promotion of Equality and Prevention of Unfair Discrimination Act but also South Africa's constitutional values.

"While people are entitled to practice their religious beliefs, they cannot use these beliefs to infringe upon another persons' fundamental rights by turning away members of certain groups protected by the Bill of Rights when providing a public service," argued the campaign.

It explained that Heekes and Watling are not asking the venue's owners to agree with their marriage or to personally marry them "but simply to provide their venue as a place where they can celebrate their love and commitment, as offered to all other couples."

Adv Andre Gaum, a commissioner for the SA Human Rights Commission (SAHRC), confirmed to 702 that the venue is being investigated after Heekes and Megan Watling filed a complaint with the SAHRC.

"Beloftebos is not acting constitutionally and therefore we will also take up this particular matter," he said. "We had a previous complaint of a gay couple at Beloftebos some time ago and we are finalising our papers."

Gaum added: "We believe that one cannot, on the basis of your religious beliefs, trample on other rights. Especially the right to equality, human dignity and so on."

The Democratic Alliance (DA) shadow minister of communications and digital technologies, Phumzile Van Damme, slammed Beloftebos for their discriminatory practices and called for a boycott of the venue,

"If this had been a refusal to marry on the grounds of race, imagine the anger?" she tweeted. "Because it is the LGBTIA+ community, some are defending this? Your religion does not give you the right to discriminate. If you are planning to get married at Beloftebos, stand in solidarity & cancel."



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January 17, 2020 · 6 Comments



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- Very rarely. I hang out at straight venues.
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Around 2,000 people have so far signed a petition demanding that the SAHRC take action against Beloflebos.

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Shocker as Beloftebos LGBTQ couple compared to Nazis

Article by Roberto Igual | February 4, 2020 | In HEADLINES, Mambagirl News

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Turned away by Beloftebos: Sasha-Lee Heekes and Megan Watling on their engagement day

In a stunning development, the Christian lobby group defending Beloftebos has compared the same-sex couple turned away by the wedding venue to Hitler and Stalin.

The appalling accusation was made in an article written by Michael Swain, the Executive Director of FOR SA (Freedom of Religion South Africa), the conservative organisation that has represented Beloftebos since it was first accused of homophobia back in 2017.

In the post, Swain attempts to make the argument that the venue is the real victim in the matter and that by taking it to the Equality Court, Sasha-Lee Heekes and Megan Watling are trampling on the owner's right to freedom and expression of religion.

Article by Roberto Igual



Roberto is a writer, content creator and would-be novelist who's passionate about equality, justice and freedom. It is the pen name of Luiz De Barros.

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Virago28 is a Pisces from Radlakop in Gauteng who likes the outdoors, camping, braaing and being social. Meet him in Mamba's MeetMarket now! It's free!



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7/28/2020

Shocker as Beloftebos LGBTQ couple compared to Nazis - MambaOnline - Gay South Africa online

"The sincerely held belief of the Beloftebos owners has been lambasted and ridiculed as outdated, bigoted and homophobic although all they are asking is that their rights and their human dignity be afforded equal respect and consideration," writes Swain.

He goes on to warn that should the couple win their case against Beloftebos, "this will set a most dangerous precedent" and "will mean that anyone may be able to be forced to do or say anything which those who have the power want them to."

Swain then asserts that "There is no greater abuse of human rights than this, whose end was horrifically demonstrated during the last century in Hitler's Germany, Stalin's Soviet Union and Mao's China."

Heekes and Watling expressed their disbelief and shock at Swain's analogy in a statement to MambaOnline.

"We find it horrific that anyone could compare our fight against discrimination with the Holocaust which was as a result of discrimination," the couple said. "Sasha-Lee had family who died in the Nazi death camps. No words can describe the opportunistic callousness of this unprovoked comparison."

They added: "We will litigate this matter properly in court and not in public and these attacks just serve to highlight the need for the action that we are undertaking."

Heekes and Watling approached Beloftebos in the Western Cape village of Stanford as a possible venue for their wedding after getting engaged in December. The owner, Coia de Villiers, told them that "based on our personal beliefs, we do not host weddings between couples of the same gender."

The couple were referred to a media statement informing them that Beloftebos hosting their wedding could lead to "eternal consequences" for the owners. The venue previously rejected another same-sex couple in 2017.

Beloftebos' Christian owners argue that their right to freedom of religion entitles them to refuse to offer services to same-sex couples. Legal and constitutional experts disagree and say that turning away members of groups protected by the Bill of Rights when providing a public service is both illegal and unconstitutional.

Heekes and Watling have launched a campaign called Same Love and have encouraged supporters to join them on their website and social media platforms on Twitter, Facebook and Instagram.

<https://www.mambaonline.com/2020/02/04/shocker-as-lgbtq-beloftebos-couple-compared-to-nazis/>

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Opinionista • Pierre De Vos • 28 January 2020

Why Beloftebos doesn't have a legal leg to stand on

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Last week, two women who were turned away when they tried to book Beloftebos Wedding Venue near Stanford in the Western Cape for their wedding reception, announced they are taking the owners to the Equality Court. The owners claim they have a right to discriminate against same-sex couples because their religious beliefs require them to do so. They are mistaken. This is why.



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Christian privilege is deeply rooted in South African culture. Because Christianity is the dominant religion in the country, Christian belief is sometimes treated as a social norm, and this produces unconscious or conscious attitudes and beliefs that advantage Christians over non-Christians.

Christian privilege manifests itself when Christians demand to define for themselves which laws they will obey and which not, and when they insist that they enjoy a special right (not afforded to non-Christians) to discriminate against LGBTQ people because they claim their religion does not recognise the equal dignity of LGBTQ people and thus requires them to discriminate against us.

In *Christian Education South Africa v Minister of Education*, the Constitutional Court rejected this view and thus rejected Christian privilege. In that case, a group of Christian schools claimed that legislation prohibiting corporal punishment in schools unjustifiably infringed on their right to freedom of religion because Proverbs 13:24 of the Christian Bible says something like “spare the rod and spoil the child”.

The highest court in the land disagreed, stating that while an open and democratic society that celebrates pluralism must try and accommodate different beliefs and practices, this does not give religion a free pass, as “such a society can cohere only if all its participants accept that certain basic norms and standards are binding. Accordingly, believers cannot claim an automatic right to be exempted by their beliefs from the laws of the land.”

Despite the clear principle set out above, the owners of Beloftobos (and their supporters) mistakenly continue to argue that the right to freedom of religion always (or at least usually) trumps the right not to be discriminated against, when the opposite is true. I have previously argued that the position taken by Beloftobos is an unethical and reactionary position that privileges the feelings and beliefs of some Christians over the dignity, wellbeing and safety of LGBTQ people.

But from a legal perspective, it matters not whether you agree with me that the actions of the owners of Beloftobos are immoral and lacking in basic humanity. What matters is that the Promotion of Equality and Prevention of Unfair Discrimination Act (Pepuda) – as interpreted by our courts – prohibits the kind of discrimination that Beloftobos is guilty of. Which is why they are going to lose badly when the case goes to court.

Pepuda establishes a two-stage test to determine whether there was unfair discrimination or not.

The first step is to establish whether the different treatment is based on one of the prohibited grounds of discrimination – grounds like race, gender or sexual orientation. If the different treatment is based on one of these prohibited grounds, discrimination has been established. In the case of Beloftobos, the different treatment is clearly based on sexual orientation, which means that Beloftobos is discriminating against LGBTQ people.

Pepuda does not prohibit different treatment, not directly or indirectly, based on one of the prohibited grounds. Treating lawyers differently from doctors, or treating people wearing Crocs differently from people who would not be seen dead wearing Crocs, does not constitute discrimination. The genius who argued on Twitter that a ruling against Beloftobos would mean that a client wielding a pork chop would have a right to enter a Muslim business, failed to understand this. A quick glance at Pepuda confirms that it does not prohibit discrimination against pork chop eaters.

The second step prescribed by Pepuda is to establish whether the discrimination is unfair or fair. Only unfair discrimination is prohibited. Once it is established that there is discrimination on one of the grounds listed in Pepuda it is presumed that the discrimination is unfair. This means that Beloftobos would carry the onus of proving that its discrimination against LGBTQ people was fair and therefore legal.

Section 14(2) and (3) lists the factors that must be considered when a court decides whether the discriminating party had proven that the discrimination is fair. The unfairness test under section 14 of Pepuda is a proportionality test requiring a balancing of various interests. A court must thus weigh the relevant factors listed in Section 14(3) and (4) to decide whether the discrimination is fair or unfair.

First, the court will ask what the impact or likely impact of the discrimination will be on the victims of the discrimination and what the nature and extent of the discrimination is. The greater the impact and the more serious the discrimination, the less likely that Beloftobos will succeed in proving the discrimination is fair.

The Constitutional Court already pointed out in *National Coalition for Gay and Lesbian Equality and Another v Minister of Justice* that discriminatory impact goes far beyond the denial of a service to individual complainants. This is because discrimination against vulnerable, marginalised or oppressed groups “reinforces already existing societal prejudices and severely increases the negative effects of such prejudices on their lives”.

It matters not that it may be possible for the couple in question to host their wedding somewhere else, because the harm caused by the discrimination extends far beyond the couple against whom Beloftebos discriminated. When private companies like Beloftebos discriminate against people on prohibited grounds, it reinforces the widely held belief (backed up by powerful religious institutions) that LGBTQ people are somehow not worthy of equal concern and respect. It sends a signal that some individuals are not full and equal citizens and are not deserving of equal concern and respect.

It is because of the broader harm caused by such discrimination, that somebody like myself – who is not keen on the institution of marriage and would not in a million years have celebrated my wedding at Beloftebos even if I had been keen on the institution – nevertheless feels it is important to approach a court to stop Beloftebos from continuing with its discrimination.

Second, the court must ask whether the complainants suffer from patterns of disadvantage or belong to a group that suffers from such patterns of disadvantage. If the complainants are socially or economically privileged (because they are white, or male or Christian or – jackpot – a combination of the three) they will have a difficult time in convincing a court that the discrimination against them was unfair. But if the complainants are black, or female or LGBTQ, and thus part of a group that suffers systemic exclusion and oppression, it will be very difficult to prove that the discrimination against them was fair.

It must be clear from the above that Beloftebos is going to have a difficult task to convince the court that the discrimination was fair.

The best that Beloftebos would be able to do is to argue that the discrimination has a legitimate and important purpose (another Section 14(3) factor that the court must consider), namely to protect the right to freedom of religion of the owners of Beloftebos. The problem is that our courts have already rejected this argument in two different judgments.

In *Strydom v Nederduitse Gereformeerde Gemeente Moreleta Park* the High Court (sitting as an Equality Court) held that the Dutch Reformed Church unfairly discriminated against a gay music teacher when it fired him because it discovered that he was gay. As the victim of the discrimination was not a spiritual leader in the church, “the impact on religious freedom of not granting the church an exemption from the anti-discriminatory legislation is minimal”. The impact on the music teacher was, however, severe.

The impact on the religious freedom of the owners of Beloftebos will be even more remote and inconsequential than the impact on the Dutch Reformed Church in the *Strydom* case. The owners of Beloftebos are not required to stop believing what they believe (regardless of how bizarre or seemingly

bigoted the belief), are not required to stop propagating their beliefs, and are not prohibited from attending their church and from praying for us homosexuals.

In the *Strydom* judgment, the court confirmed *Pepuda* requires that the right not to be discriminated against trumps the right to freedom of religion unless the discrimination relates to the spiritual practices of the church, mosque or synagogue. This principle was reaffirmed in even more emphatic terms by the High Court in *Isimangaliso Wetland Park v Sodwana Bay Guest Lodge*. In this judgment, the court rejected the outrageous claims of Sodwana Bay Guest Lodge owner Andre Slade that his guesthouse had a right to discriminate against black people because racial segregation was part of God's law and black people were classified as animals in the Bible.

Although the discrimination was based on race and not sexual orientation, the *Isimangaliso* judgment raised exactly the same legal question as the *Beloftobos* case, namely whether religious beliefs of a private business owner can trump the rights of individuals not to be discriminated against. Tellingly, the High Court ruled against the Sodwana Bay Guest Lodge and its unhinged owner, stating in unequivocal terms that freedom of religion cannot trump the right against equality in cases like this:

"As much as the Constitution in terms of s 15(1) recognises the right to religious freedom, it does not grant the right to discriminate against other human beings in the name of such a belief system. Simply put, the right to religion and freedom of association cannot be used as tools to destroy the right to equality and human dignity. The respondent's biblical beliefs that blacks are inferior to whites, less intellectual than whites and less human than whites are not only demeaning in the extreme but is without any substance. The conduct of the second respondent can never be tolerated in an equalitarian, democratic society based on human dignity."

From the above, it must be clear that *Beloftobos* is going to lose its equality court case and the court will force it to stop discriminating against LGBTQ people. And while those of us who oppose discrimination – gay or straight – will not ever again attend a wedding at *Beloftobos*, a court victory against *Beloftobos* will have far-reaching consequences for all institutions which continue to discriminate unfairly against people on the grounds of sexual orientation. **DM**

Opinionista • Siya Khumalo • 19 January 2020

The Beloftebos wedding venue, heterosexism and colonial Christianity

What happened at the Beloftebos wedding venue in the Western Cape isn't just a same-sex couple issue; it's a symptom of the ethical disorientation that colonial Christianity spun South Africa into, and I don't think we'll transform or heal the country, or get buy-in on its Constitution, until we come to terms with how that Christianity became and remains part of its DNA.

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Beloftebos began functioning as a wedding venue in 2005 when, according to the write-up on its website, two people made a commitment to each other before God to “go where the other goes” and to “stay where the other stays”. These words are almost identical to those in Ruth 1:16 where two women take an oath to bind their destinies together, yet the Western Cape business refused to host the ceremony of Megan Watling and Sasha-Lee Heekes because they, too, are two women and the establishment follows Christian principles.

Nothing undermines South Africa's Constitution more than the selectiveness with which some of us interpret and apply our holy texts. Consider Galatians 3:28.

“There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.” The “male and female” motif nullified there is that clung to by heterosexists who reduce this verse to a statement about salvation denuded of social consequences. “There are no favourites in the order of salvation,” they teach.

But distorting or watering down the social implications of such texts is how Christian supporters of slavery, apartheid, anti-Semitism, Islamophobia and other prejudices have upheld hermeneutics of “othering” that decontextualise scriptures to their taste.



The net effect of this theology is that it ends up being safer to seek love in secular spaces instead of sacred spaces.

Unfortunately for Christianity, this is not a new trend. Except the four gospels and the Epistle to the Ephesians, the New Testament reads like transcripts from the early church's non-stop bickering about who was in and who was out, how faith was to be practiced amid ancient-world cultural and social norms, the place of women in a male-dominated world, as well as the role and relevance of circumcision. They discuss dietary codes, legal action, incest — the list messy and endless.

But Jesus' puzzling answers to the questions put to him gave no bullet-point action plans. People living under an oppressive regime would ask him:

"Is it right to pay the imperial tax to Caesar or not?" and his answer, "Render unto Caesar that which is Caesar's, and render unto God that which is God's", would mean whatever his listener's biases wanted it to. For if Caesar was also one of God's creatures, then who's rendering what to whom? It's a hall of mirrors — by design: "Jesus is the answer" is true because Jesus *has no answers*. The crucifixion destroys the idol of certainty masquerading as faith; it breaks the shackles of control passed off as moralism.

If colonial propaganda can turn the One who died resisting the marriage of empire and religion into the poster boy for the heteropatriarchal assumptions underpinning unjust power structures, then no worldview, no metaphysics, no statement of faith (or no faith), no -ism, no teacher — absolutely no big idea — is safe from being hijacked for someone's financial gain. Capitalism is currently exploiting the atheist secular liberal worldview just as the Roman Empire turned early Christianity into an accessory to its violence.

We need to get smarter about the use of beliefs to prop up injustice. Now, some would argue that Christian heterosexism originated from Christ himself, citing passages where he "defined" marriage. But those words were offered during arguments with Pharisees who debated in such bad faith, they'd literally help get him crucified.

The Christianity that begets homophobia is the type once used to legitimise apartheid. Ignoring that the first non-Jewish convert to Christianity was a black eunuch, white supremacist Christianity vilified Jewish, black and gender non-confirming people to justify its abuse of power. It's impossible to confront its racism apart from confronting its queerphobia because both are sponsored by the same inclination towards self-serving hypocrisy, and there's no potting soil for hypocrisy to grow in better than religion.

To the homophobic, a same-sex couple that practices love and community service can never be as morally good as a heterosexual couple that destroys social cohesion. If we amplify this arbitrary preference for heterosexual couples (despite their issues) across society, we'll see a church powerless against the violence post-apartheid South Africa is heir to.

As the conversation on Beloftebos deepens, I know their defenders will say the venue's beliefs should be tolerated just as gay people's right to exist is tolerated, but the religious beliefs being cited are no more legitimately religious (or legally protectable) than religious beliefs against left-handed people. I said in *You Have To Be Gay To Know God* (Kwela Books, 2018) that institutional Christianity is intellectually sheltered and the upshot of this is whatever toxic ideas are taught in there, spread out here.

What happened at the Beloftebos wedding venue in the Western Cape isn't just a same-sex couple issue; it's a symptom of the ethical disorientation that colonial Christianity spun South Africa into, and I don't think we'll transform or heal the country, or get buy-in on its Constitution, until we come to terms with how *that* Christianity became and remains part of its DNA.

Let us not wait until the next couple that's turned away is a heterosexual one turned away on the basis of race to do the work. We are all at risk of being othered. **DM**



COUPLE LEFT ANGERED AFTER BEING TOLD WEDDING VENUE NOT FOR SAME-SEX MARRIAGES

The owners informed Megan Watling and Sasha-Lee Heekes they could not host couples of the same gender because of their religious beliefs.



Megan Watling and Sasha-Lee Heekes wanted to get married at the Beloftebos venue in Stanford but were told that venue was off-limits because of their sexual orientation. Picture: Supplied

Same-sex marriage (<https://ewn.co.za/Topic/Same-sex-marriage>) Stanford (<https://ewn.co.za/Topic/Stanford>) Beloftebos (<https://ewn.co.za/Topic/Beloftebos>) Kaylynn Palm (<https://ewn.co.za/Contributors/kaylynn-palm>) 13 days ago (3 days ago)

CAPE TOWN - A same-sex couple is disappointed and angry after they were told their chosen wedding venue was off-limits because of their sexual orientation.

Megan Watling and Sasha-Lee Heekes wanted to celebrate their marriage at Beloftebos in Stanford in April 2021.

The owners, however, informed them they could not host couples of the same gender because of their religious beliefs.

Sasha-Lee Heekes said that they were heartbroken when their dream wedding was dashed this week.

"When I saw how upset and hurt Megan was, I said to her 'Please don't be upset because I don't want this to ruin how special the occasion is supposed to be'. But to have your love invalidated..."

She said that Beloftebos referred them to a statement which revealed the venue's stance on gay marriage was nothing new.

In 2017, they faced public backlash for refusing to host a same-sex wedding and were also threatened with legal action.

The owners took legal advice and the statement argues that their decision to not host same-sex weddings based on their religious convictions did not automatically amount to unfair discrimination and that no court has found this to be the case.

However, Heekes believed that their human rights had been violated.

"I believe in our Constitution. And yes, I believe that every person is entitled to their personal beliefs but I don't believe that that gives businesses the right to discriminate on grounds that are inalienable rights in our bill of rights."

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CHARLES WEBSTER: THE RIGHTEOUS BIGOTRY OF BELOFTEBOS

Homophobia (<https://ewn.co.za/topic/homophobia>) Religion (<https://ewn.co.za/topic/religion>) Same sex couples (<https://ewn.co.za/topic/same-sex-couples>)



Charles Webster (<https://ewn.co.za/contributors/charles-webster/>) | 6 months ago (186 days ago)

OPINION

Following a similar incident in 2017, a second notable case of homophobic discrimination has come to light at wedding venue Beloftebos (<https://www.beloftebos.co.za/media-statement/>) in Stanford in the Western Cape.

In the last week there have been some impressive theological, legal and logical contortions performed on the venue's behalf by evangelical Christian lobby group Freedom of Religion South Africa (<https://ewn.co.za/2020/01/20/freedom-of-religion-sa-backs-wedding-venue-for-turning-away-same-sex-couple/>) (FOR SA) and by the venue itself.

FOR SA picked up the legal cudgels after the venue declined to host the wedding of Alexandra Thorne and Alex Lu in 2017, and now Megan Watling and Sasha-Lee Heekes (<https://ewn.co.za/2020/01/18/couple-left-angered-after-being-told-wedding-venue-not-for-same-sex-marriages-1/>), whose wedding is scheduled for April of next year. The current case has been added to the 2017 SAHRC complaint to go before the Western Cape Equality Court.

While Beloftebos and FOR SA are quick to point out that their discrimination has not been found unfair by any court, they might do well not to count their chickens. The case has not yet been heard and both HRC (<https://ewn.co.za/2020/01/21/sahrc-to-investigate-after-ct-venue-refuses-to-host-gay-wedding>) commissioner Andre Gaum and UCT legal scholar Professor Pierre de Vos have expressed the opinion that Beloftebos is probably acting unconstitutionally.

I'd like to take a step back from the legal aspects and address what I consider to be arguably the most egregious (and possibly foundational) of the moral and theological contortions.

That is, the claim that Beloftebos is not expressing hate towards the (LGBTQ) community in turning away same-sex couples. (A quick disclaimer: I am aware that not all Christians hold homophobic views. I am grateful that more enlightened believers allow an objective view of harm and morality to dictate their view of what's right and wrong – as we all should.)

DEFENDING DISCRIMINATION

There are three main grounds on which I've seen the "it's not *really* hate, is it?" claim made.

The first is that Beloftebos's responses to the affected couples have been "polite". The second is that Beloftebos is, after all, "simply expressing its sincerely held beliefs, not really spreading hate". The third is that the complainants are "just looking for attention".

First, the politeness defence. To be honest, it seems like little more than naive sophistry to me. A famous "quote" misattributed to Winston Churchill (http://www.lostinthepond.com/2017/12/9-quotes-you-thought-were-by-winston.html#_Xig_F_ZukUj) holds that: "Diplomacy is the art of telling people to go to hell in such a way that they ask for directions."

My point being that you'd have to be a little dim to think that just because words are polite, or that (viewed in isolation) they don't contain any prima facie hatred, they cannot have very hateful roots, intent or, most importantly, impact.

Indeed, given common fundamentalist evangelical beliefs about the afterlife, it seems Beloftebos is trying to do to LGBTQ people exactly what the above quote describes, in the manner it suggests.

Which brings me to the second defence.

SAHRC COMPLAINTS COVID-19 from the Department of Health, please visit <https://sacoronavirus.co.za> (<https://sacoronavirus.co.za>)

You either have to be dishonest or think that gay people are a bit stupid to expect a gay reader of Beloftebos's "polite" emails and FOR SA press statements not to know what's behind the "deeply held beliefs" remark. You'd also have to be morally warped to think that what's behind it isn't hateful. Let's dissect the reality a bit.

FOR SA's stated goal (<https://forsa.org.za/about-us/>) is to: "...serve[s] as a voice for Christians in South Africa to government and society on issues affecting the autonomy of the church and our constitutional freedom as Christians to: believe what we believe according to our Interpretation of the Bible..."

So, we know they're biblically driven. While they haven't specified their biblical references, the verses most commonly quoted by evangelical Christians who hold homophobic views include (but are not limited to):

Leviticus 18:22 and Leviticus 20:13 which (on the plain English reading usually employed by Evangelicals) refer to homosexuality as an "abomination" punishable by death.

On similar readings, Romans 1:26-27 refers to it as "degrading", "unnatural" and "indecent" "receiving... the due penalty of their error".

1 Corinthians 6: 9-10 refers to it as "unrighteous" and to homosexuals as being in the same class as "adulterers", the "effeminate" (apparently this is a sin), "thieves" and "swindlers" – none of whom will "inherit the kingdom of God".

1 Timothy 1:8-10 refers to homosexuals as being among the "lawless", "ungodly" and "sinners", "unholy" and "profane" – and places LGBTQI people among "those who kill their fathers or mothers, for murderers" among some lesser but also pretty nasty descriptions.

So, what we see in the Beloftebos case is:

- Evangelical Christians turning at least two lesbian couples away from their wedding venue.
- Them doing so, by their own admission, on the basis of "deeply held belief", to the point that they would "obey God rather than men" (Acts 5:29) as they state in their press release. (I wonder whether they would openly admit an intent to flout the law, but this provocative verse seems to suggest the possibility).
- Evangelical beliefs that are commonly, theologically, based on scripture.
- The scriptures commonly invoked by homophobic believers referring to homosexuality as abominable, degrading, unnatural, indecent, to LGBTQI people as being the equivalent of murderers, the ungodly and sinners, the unholy and profane, none of whom will inherit the kingdom of God – which presumably means they inherit the only other option in fundamentalist theology.
- Everybody knows that these are the scriptures they're thinking of as the basis for their "deeply held belief" – they know it, the public knows it and gay people know it.
- The inevitable conclusion seems to be that they are turning people away based on their deeply held belief that homosexual couples are abominable, degrading, unnatural, indecent, the equivalent of murderers, etc.
- The LGBTQI community isn't stupid. The public isn't stupid. Evangelical Christians know very well that these are the things said by the Scripture they use in defence of their homophobia. One has to ask: In what universe is it anything but hateful to refer to people as abominable, degrading, unnatural, indecent, etc.?

"But it's not their *intent*," plead the apologists. Well, with all due respect, knowingly calling someone the unnatural, abominable equivalent of a murderer who is going to hell without meaning to be hateful, seems a bit like smashing someone in the nose without meaning to cause pain.

Writing "polite" responses to wedding enquiries from LGBTQI couples doesn't change that. Conveniently glossing over uncomfortable portions of scripture doesn't change that. Getting FOR SA to use your legal battle as an attempt to legitimise sanctified bigotry doesn't change that. Not even winning the case would make the moral effect of the euphemisms employed by the pious any less hateful. Even when the hatred is veiled with "propriety".

IN THE FACE OF INJUSTICE, SEEKING ATTENTION IS RIGHT

The attention seeking accusation is a strange one.

Firstly, because it's irrelevant to Beloftebos's guilt or innocence (moral or legal), and secondly, because seeking attention isn't a bad thing if you're trying to fight harm, in any case.

So, it's important to point out that the question of whether Thorne, Lu, Watling and Heekes are seeking attention has no bearing on the validity of their complaints. The accusation is what philosophers call an ad-hominem – and what other people call playing the player and not the ball. It's an attempt to deflect attention from the real issue at hand, by shaming those who are actually the victims of prejudice.

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Secondly, when you live in a country where just 56% of respondents (<https://www.gcro.ac.za/research/project/detail/quality-of-life-survey-iy-201516/>) in its most populous province agree that LGBTQI people deserve the same rights as other South Africans, 29% actively disagreed, and 14% think violence towards LGBTQI+ people is acceptable, it's laughable talking about attention-seeking as if it's a bad thing.

It is equally ridiculous to do so in a country where 41% of those surveyed (<https://www.out.org.za/index.php/what-s-hot/news/501-majority-of-lgbt-south-africans-live-in-fear-of-discrimination>) know of someone who has been murdered due to their sexual orientation or gender identity, 55% fear daily homophobic discrimination, and 88% of victims of discrimination express deep reservations about reporting to authorities.

If Thorne, Lu, Watling and Heekes are seeking attention – good for them.

Who's abominable now?

Charles Webster is a former news journalist and is now a corporate communications consultant for an American multinational. He completed an undergraduate degree in communications and English and later Honours and Master's degrees in philosophy. Follow him on Twitter: [@charlesjwebster](https://twitter.com/charlesjwebster) (<https://twitter.com/charlesjwebster?lang=en>)

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WEDDINGS

Lesbian couple 'heartbroken' after Christian venue refuses to hold their wedding because of 'personal beliefs'

VIC PARSONS | JANUARY 18, 2020



Megan Watling (right) and Sasha-Lee Heekes said they were 'heartbroken'. (Facebook)

A lesbian couple in South Africa are "heartbroken" after the Christian owners of a wedding venue refused to hold their ceremony because of "personal beliefs".

Sasha-Lee Heekes, 24, and Megan Watling, 25, had been together for more than seven years when they got engaged over Christmas.

Soon after, they sent an email to the Beloftebos Wedding Venue in Stanford, Cape Town, enquiring about holding their wedding ceremony there.

The couple said they were "heartbroken" and "disheartened" to receive a rejection back from Coia de Villiers, the owner of Beloftebos.

"Based on our personal beliefs, we do not host weddings between couples of the same gender," de Villiers said, and pointed the lesbian couple to a statement on the Beloftebos website that sets out its stance on same-sex weddings.



Megan Witting
on Thursday



Coia de Villiers
9:06 AM, 20/01/2020



Megan and Sasha-Lee

Thanks for your mail and phone call and for taking the time to fill in the enquiry form. I apologise for the delay in answering your enquiry.

Unfortunately we will not be able to host your wedding at Belofebos on April 3rd 2021. The reason for that is that, based on our personal beliefs, we do not host weddings between couples of the same gender.

In a media statement on our website we try to explain where we come from and why we have decided this. <https://www.belofebos.co.za/media-statement>

May both of you really have a very blessed 2020.

Warm regards,

Coia de Villiers | Owner
Cell: 082 391 5231
Email: info@belofebos.co.za

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Lesbian couple 'heartbroken' after venue refuses to hold their wedding

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Heekes and Watling said they had not previously been aware of this, but now they know they intend to pursue action against Beloftebos.

"We are now aware that this particular venue has been in the news before for the exact same reason - but it does not seem as if it was taken to task. We fully intend on seeing this to its conclusion," Heekes and Watling said.

"We have lodged a formal complaint with the South African Human Rights Commission (SAHRC). We have also turned to social media, despite the fact that it has made us vulnerable to hateful and hurtful remarks," they said.

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"This is so much bigger than just us and our wedding. If there is any legal counsel out there that is willing to assist us in this process, we would love for them to join us in our endeavours to fight the continued lived reality of discrimination on the basis of sexual orientation.

"We also ask that people in spaces of privilege support businesses that support equality as well as organisations that support the LGBTQIA+ community.

"Lastly, we ask everyone to have the courage to speak out against discrimination, of course when it is safe to do so."

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BREAKING NEWS

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Lesbian couple left 'overwhelmed with anger' as South Africa venue declines their wedding

By Bukola Adedayo, CNN



(CNN) — A South African wedding venue is facing criticism after the Christian owners declined to host a lesbian couple's wedding.

Megan Watling, 25, and Sasha-Lee Heekes, 24, said they contacted the owners of Beloftebos, a popular event place in Cape Town, inquiring about potential dates for their wedding.

However, they received an email response that the venue does not accommodate weddings between couples of the same gender, Watling and Heekes wrote on Facebook.

Watling said she cried and became overwhelmed with anger after reading the response last Friday.

"At first I cried, but then I was overwhelmed with anger," Watling wrote in her post.

"How, in 2020, is this still a reality? Same-sex marriage has been legal in South Africa since 2006, but yet people still believe that they can justify hate and bigotry and quote a God that I don't believe would stand for said hate and bigotry."

Sasha-Lee Heekes, 24, and Megan Watling 25

"We do not ask that anyone approves or even accepts our love, but we do deserve to be treated with dignity and

respect, just like anyone else."

Orthodox Christian beliefs

Beloftebos spokesman Micheal Swain told CNN the owners declined the couple's request because it contradicted their orthodox Christian beliefs that marriage should be between "one man and one woman."

Swain argued that the venue owners were not homophobic, and forcing them to host the nuptials also violates their rights to express their religious beliefs.

"LGBT rights do not trump religious rights under South Africa's constitution. The owners don't just rent out the venue, they are also actively involved in the arrangement, which they are simply saying they do not believe they can do in good conscience," Swain said.

The couple has complained about the venue to the South Africa Human Rights Commission (SAHRC). They will announce further actions to be taken on the matter, a spokesperson told CNN Monday.

Related Article: Lesbian couple viciously beaten in homophobic attack on London bus



Boycott of the venue

It is not the first time the venue has been embroiled in controversy regarding gay marriage.

Another lesbian couple was turned down in 2017 when they inquired about using the venue for their wedding.

South African ruling African National Congress called at the time for a boycott of the venue. It threatened to bring the matter before the country's equal rights commission.



"We, the owners of Beloftebos are Christians who seek to honor and obey God in everything we do, including the way in which we operate our business (the wedding venue). While the venue is available to people of all race, our Biblical conviction is that marriage is reserved for a life-long commitment between one man and one woman," a statement on the venue's website reads.

A dangerous reality

Heekes said she decided to share her experience to help to spotlight the challenges people of different sexual orientations face in their relationships.

The 24-year-old said despite being with her partner for seven years and laws that protect their rights as a couple, they have been afraid to share their relationship because of their reality.

South Africa legalized same-sex marriage in 2006 following a court ruling that the previous law violated the country's constitution that guarantees equal rights for citizens.

Faith-based organizations and civil officers are, however, not bound to conduct marriage ceremonies for same-sex couples under the law, according to Pew Research Center.

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- **Couple are 'overwhelmed with anger' and called for boycott of Cape Town venue**
- **Christian owners deny homophobia saying they just fear 'eternal consequences'**
- **The couple have complained to the South Africa Human Rights Commission**

By JAMES MILLS FOR MAILONLINE and JAMIE PYATT IN CAPE TOWN
PUBLISHED: 10:53 BST, 21 January 2020 | UPDATED: 14:32 BST, 21 January 2020

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A lesbian couple are furious after the Christian owners of a wedding venue in South Africa refused to host their ceremony because marriage is only for 'one man and one woman.'

Megan Watling, 25, and Sasha-Lee Heekes, 24, received an email from the owners of Beloftebos, a popular venue in Cape Town, saying: 'Based on our beliefs, we do not host weddings between couples of the same gender.'

Megan posted the response on Facebook and said she was 'overwhelmed with anger.'

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The owners, Andries and Coia de Villiers - a married couple with four children - insist they are not homophobic but merely fear 'eternal consequences' if they agreed to host gay weddings.



Sasha-Lee Heekes (centre) and Megan Watling got engaged after seven years together

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The Baloftebos wedding venue in Cape Town, South Africa, refuses to host gay weddings

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Megan's post has been shared more than 1,500 times and prompted nearly 4,000 comments since Friday.

Megan wrote: 'At first I cried, but then I was overwhelmed with anger.'

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Megan Watling (left) and Sasha-Lee Heekes have complained to the South Africa Human Rights Commission after being turned away from the wedding venue

The wedding venue owners denied being homophobic.

On their website, a statement says: 'It is our conscience before God which prohibits us from hosting any other kind of "marriage" on our property - not a fear or hatred of homosexual people ("homophobia") as we have unfairly been accused of.

'For us, to host (and thereby enable, or celebrate) a same-sex "marriage", would be to dishonour and disobey God - potentially with eternal consequences.

'This is too great a cost and if forced to compromise on our faith, we would have to "obey God rather than men" (Acts 5:29).'

The statement adds: 'We, the owners of Beloftebos, are Christians who seek to honor and obey God in everything we do, including the way in which we operate our business (the wedding venue).

'While the venue is available to people of all race, our Biblical conviction is that marriage is reserved for a life-long commitment between one man and one woman.'

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'How, in 2020, is this still a reality? Same-sex marriage has been legal in South Africa since 2006, but yet people still believe that they can justify hate and bigotry and quote a God that I don't believe would stand for said hate and bigotry.'

'We do not ask that anyone approves or even accepts our love, but we do deserve to be treated with dignity and respect, just like anyone else.'

'I implore that you do not support businesses that do not believe that love comes in all shapes and sizes.'

Sasha-Lee said on Facebook: 'The truth is although our Constitution, specifically the Bill of Rights, affords us the inalienable right to be treated with equality and human dignity, this is not the reality.'



Megan Watling (left) and Sasha-Lee Heekes were told marriage is only for 'one man and one woman' and could not get married in the popular Beloftebos venue

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Sasha-Lee Heekes, 24, said gay and lesbian couples are still not treated equally

Beloftebos spokesman Micheal Swain said: 'LGBT rights do not trump religious rights under South Africa's constitution.

'The owners don't just rent out the venue, they are also actively involved in the arrangement, which they are simply saying they do not believe they can do in good conscience.'

Megan and Sasha-Lee have made a complaint about the venue to the South Africa Human Rights Commission (SAHRC) which said it would investigate and take action if necessary.

It is the second time that Beloftebos has been criticised for refusing to host a gay wedding.

In 2017, South Africa's ruling African National Congress called for a boycott of the venue after the owners refused to allow another lesbian couple to wed there.

South Africa legalized same-sex marriage in 2006 following a court ruling that the previous law violated the country's constitution that guarantees equal rights for citizens.

Faith-based organizations and civil officers are, however, not bound to conduct marriage ceremonies for same-sex couples under the law, according to Pew Research Center.

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Having always been the "good" child with a desire to please, I have spent many years afraid of not pleasing my entire family; of disappointing them; of being rejected and shunned by them for who I am; for the way I was created. It is hard to describe how toxic and damaging the weight of trying to live up to the expectations set for my life by my conservative family members, and the offhand and innocuous comments that have gone with it, beginning with questions such as "do you have a boyfriend" starting when I was a little girl. Every time I am in those spaces, where I am forced to lie by omission and silence myself, it makes me feel small. It makes me hate myself.

But nonetheless I have silenced myself and pushed down my feelings, because I could not face the reality that no matter how hard I worked, no matter how well I did at school, no matter how kind or loving or compassionate I was, as soon as they knew, I would be seen and treated differently as an openly gay woman. I never wanted to be treated with less fairness or as being less worthy because I was gay than when I was, in their eyes, heterosexual. This imbalance is what deeply disturbs me today, and along with how that unfair treatment of people who simply want to love and be loved is allowed in public spaces.

As a result, I have been (and continue to be) burdened with internalised shame. For most of my childhood and adolescence, I thought I was abnormal, or that something was wrong with me. I never felt the way other girls felt. I remember thinking that my options were to be alone forever, or to simply put up with it; and that was when I first considered taking my own life.

I had convinced myself that I was abnormal, abhorrent, that I was not worthy of love, and that I deserved to die. In my final year of school, with the weight of representing a Christian school as Head Girl, I came to realise something I have known most of my waking life, although could not name as the option was never presented to be. I was queer.

Things changed when I met the love of my life, my soulmate, my everything. The truth is, I have never truly felt like I belonged anywhere, until I found Megs. When she first held my hand, I felt safe for the first time. When she kissed me, I knew love. When she told me she loved me, I knew I belonged and that I was home. This was a double-edged sword, though, for as much as I loved my Meggy, I felt an equally strong responsibility to her; to protect her. I didn't want her to face the discrimination and hatred that is imbued in the world around us; that were imbued in the expectations my Christian family and societal norms had placed upon me. I blamed myself for this. I quote my diary entry, from the 23/12/2013:

“ I'm ready to be freed from this cage
Ready enough to risk the fiery depths of Hell
Because no pain could be worth this
Please forgive me for what I want to do
And pray the Lord my soul to take
So that someday I may be reunited with you
I love you
And I know you'll be fine without me
Just keep my memory safe in your heart
Live for me
I'll see you again some day
I'll see you again,
My Love. ”

That was 6 years ago. Aside from a few close friends and members of immediate family, the rest only knew about my long-term relationship

after our engagement in 2019. I think many people underestimate the toxicity of hiding and working so hard to meet certain expectations in order to escape harsh judgment and ridicule. How this chips away at your spirit, your soul, and crushes you from the inside out. So many people in the LGBTQIA++ community feel that suicide is the only way to escape this; the statistics speak for themselves. The fact that I loved my soulmate so much that I felt it better that I die than see her subject to ridicule for loving a person who happens to be a she, also speaks for itself.

I have toiled with my relationship with God, too. I prayed every night when I was child; only to completely lose faith and hope over the years. I have seen my cousin, whose church turned her away when she came out as pansexual and had numerous people tell her mother, one of the most devout Christian's I know, that she was a bad mom because of it. I have watched the pain and grief on my grandmother's face as she speaks of our family exterminated on the basis of personal belief in the Holocaust. I witnessed horrific footage of a violent attack on a Mosque, a group of unarmed people in prayer, in New Zealand on the basis of personal belief. I felt the Pulse Club shooting deeply, I feel outrage and disgust that the death penalty is a real threat faced by homosexuals in many countries, and felt outraged at recent news of consideration of the introduction of stoning someone to death for something they cannot change, something they did not choose... I lost faith in religion completely. It ate at my soul to see this reality.

How could I protect Megan from this? Driving home from University one day last year, I once again thought that Megan would be better

off without me, because then she wouldn't have to face the prejudice, discrimination and danger that comes with being gay. She would be safer; being bisexual, there was a chance that she could maybe love and be loved by a man and escape the discrimination. Feeling this way, hating myself, I was about to veer off the road in an attempt to take my own life. But then, I looked up and saw a sign that said:

“ Jesus loves you. ”

This was a turning point for me. There were no "ifs" or "buts" on that sign, such as the one we received from Beloftebos. Seeing those words in large I thought that if the world can change somewhat, if more people can love unconditionally, then I should remain alive to see that world, where I can rightfully love my soulmate, without fear of prejudice or discrimination.

Despite the unconditional love that I feel for my fiancée, it is only recently that I found the courage to choose to love myself wholeheartedly and my partner openly, regardless of the consequences that may have had for my relationships with some of my family and the rest of the world. Not only did we experience rejection from Beloftebos, which left me feeling diminished and worthless, and deeply wounded and stripped of any dignity, their statement belittled my marriage to Megan. Referring to it in inverted commas as if it is not real; it invalidated our love and loving commitment to each other. I was also shocked; to think that someone truly believes that simply by hosting me, a kind young woman who values social justice and loves her partner unconditionally, in their venue, would lead to their eternal damnation on the basis of the same Bible that says, "Anyone who loves is a child of God and knows God ... If someone says I love God, but hates a fellow believer, that person

is a liar; for if we don't love people we can see, how can we love God who we cannot see?" [1 John 4:7-8, 20-21]. It left me speechless. There is no kind or polite way to tell someone that they will go to hell if they associate with you because you are gay. It is blatant homophobia.

It confirmed my years of fear of rejection, by God and by the world at large. The most hurtful, however, has been that I have gotten a similar response of bigotry and denial from certain family members, who fail to recognise the discrimination I have experienced. I have been told that the fight for gay rights has been fought and won; why would I want to destroy others who are "not condemning [me] but wishing [me] well"? And, yet, I cannot help but wonder how someone telling me that simply by having me in their venue that they would go to Hell is not condemning me or amounts to well wishes? I have been asked why am I taking a stand against others for upholding their beliefs? I have been blamed and vilified on social media and by certain family members on the grounds that I am attacking someone's personal beliefs. But the thing is, I don't begrudge them their beliefs; the stand I am taking is not against others for upholding their beliefs. This isn't a question of beliefs and I have not once attacked anyone based on personal beliefs. I am making the statement that gay rights may have been won on paper, but the fight is clearly not over. What I am trying to destroy is the use of religious and personal beliefs being used to directly discriminate against myself and my fiancée on unfair grounds. If members of my own family cannot recognise that I am a person worthy of being treated with dignity and equal access, without fear of discrimination; if they feel that I am the hateful and destructive one in this situation, that it goes against what they believe as Christians and as previous business owners, when I am the one that was subject to a

hateful and unjust rejection, tell me, how is someone I don't know going to treat me? Many people have wondered why I would even choose to fight this, when it opens me up and makes me vulnerable to toxicity. However, Beloftebos', a public business, refusal to host us on the grounds of religious beliefs is not insignificant. I truly believe, being a person who respects our Constitution, that to allow the use of personal beliefs to discriminate against someone on the grounds carefully chosen in the Bill of Rights is untenable. The silence of the law on the use of these beliefs to justify discrimination which go unchecked creates a slippery precedent. You may not understand the hurt I feel, and how disheartened I am that such prejudices go unchallenged. But Beloftebos' way of thinking is one of many insidious ripples leftover from beliefs and ideologies that have contributed to mass human injustice in the past.

I do not speak of these things lightly or easily. For most of my life, I have been afraid of the consequences of being openly gay, particularly as a woman. And now that I have finally come to accept myself, reconciled my relationship with God, and made one choice: to live my life authentically as I was created and to love my soulmate who was created by God, this happened. My fears were realised about the discrimination Megs and I may face as a couple; how we would be viewed as less than and not as worthy of being treated with dignity. And yet, I am one of the "lucky" ones in the LGBTQIA+ community. I am white. I am feminine enough to pass as heterosexual. I have someone who loves me. I have employment. I have had access to tertiary education. I have a home and the support of immediate family and close friends, who have told me I am brave for taking a stand against the injustice I have faced.



But I am not brave. The truth is I am terrified. I live my life in fear every single day.

I fear about employment opportunities in the future.

I fear that I will be unable to adopt children, should I choose to.

I fear that my freedom of movement is restricted.

I fear for my sister and her husband who also have to think carefully about where they travel, stay and live, because they are Muslim, and they are an interracial couple.

I fear holding Megan's hand in public, or sharing an intimate moment; a fear that was affirmed after seeing the image of the bloodied faces of a UK same-sex couple, much like Megs and I, attacked by a group of teenage boys in May 2019 after they refused lewd requests.

I fear living in a country where a man groping me in a club on several occasions and refusing to leave me alone unless a male friend is with me, and poses as my boyfriend, is totally acceptable, but being out in a club with another queer couple who shared a kiss and us holding hands resulted in being forcibly removed from the venue.

I fear the very real threat of sexual violence. Not just as a woman, but as a lesbian woman.

I fear the small violations, such as offhand comments, like "I bet I could turn you straight", or "you're not ugly enough to be a lesbian." And I fear the more extreme violations of corrective rape and murder that particularly black lesbians are subject to in our country; more crimes against women which go unprosecuted and unreported.

I fear for my unborn children and the prejudice they may face for having two mummies who love them.

And yet, despite all the fear I feel, taking on this case was the easiest decision I have made. I feel that I cannot ignore my personal responsibility to use this privileged position to stand up for what is right. Despite that fear, someone has to say something.

Someone has to do something.

I am done silencing myself out of fear. I am done silencing myself because my very existence makes certain individuals feel "uncomfortable". I have been given a rare opportunity to make a change in the world that I fear so much, a world that often leaves me feeling hopeless and debilitated, for me, for all those experiencing unfair discrimination currently, and for our unborn children.

As much as it opens me up to hate and threatens my physical safety, if I, one of the "lucky ones", do not fight the injustice and humiliation that comes with being denied my right to equality and human dignity, then who?

So, it is at this time that I need to have courage; the courage to love myself and my community enough to stand up for what is right, and as I read in a book recently, courage is indeed the triumph of "our heart's love and commitment over our mind's reasonable murmurings to keep us safe."

I have battled with myself for many years, which, truthfully, has been exhausting. I cannot live in fear or feel ashamed anymore - after all, how can I deny myself the joy of family? Life is a complex and beautiful and messy beast; but in my heart of hearts, I believe, we are put on this earth to love and be loved; and love knows no boundaries.

Perhaps my challenge in life, even simply by existing, is to help others on their path towards developing compassion, and even to teach myself deeper compassion and empathy, for myself and others.

I'll never forget when I was younger and my mom read me the story of a man throwing starfish back into the sea, one by one. He was approached by a man and asked why he was bothering, there were so many, he would make no difference.

To which he replied, "It made a difference to that one." From then on, I knew I wanted to be that person.

Although I am afraid, although I cannot change all the bad things happening in this world, I can assert my Constitutional right to be afforded the same privilege that any other heterosexual couple has in this country. I not only can; but feel a moral and ethical obligation to do so. South Africa has come a long way, but clearly there is still a long way to go and a battle ahead to protect the right to equality and human dignity at all costs.

I want to be clear that we did not ask Beloftebos to officiate our wedding, we did not attack their personal beliefs, we did not ask them to accept our love or bless our union, we only ask that our right to dignity and equal and fair access to a business venue be respected and not restricted on the grounds of our sexual orientation... Perhaps my biggest question, and heartache, is why, in 2020, over two decades since our Constitution was enacted and 14 years since marriage equality was established, I must ask for this in the first place?

Sasha-Lee Heekes
Co-Founder of Same Love

SAME
love



JAMA Pediatrics | Original Investigation

Estimating the Risk of Attempted Suicide Among Sexual Minority Youths

A Systematic Review and Meta-analysis

Ester di Giacomo, MD; Michael Krausz, PhD; Fabrizia Colmegna, MD; Flora Aspesi, MD; Massimo Clerici, PhD

 Supplemental content

IMPORTANCE Suicide is the second-leading cause of death among adolescents. Sexual minority individuals are at a higher risk of suicide and attempted suicide, but a precise and systematic evaluation of this risk among sexual minority youths has not been documented to our knowledge.

OBJECTIVE To examine the risk of attempted suicide among sexual minority adolescents, differentiating for each sexual minority group.

DATA SOURCES Electronic databases (PubMed, Embase, and PsycINFO) were searched for articles published through April 30, 2017, with the following search terms: *heterosexual, homosexual, bisexual, transgender, adolescents, teens, and attempted suicide*.

STUDY SELECTION Studies that reported attempted suicide in sexual minority adolescents compared with heterosexual peers were included. Thirty-five studies satisfied criteria for inclusion of 764 records identified.

DATA EXTRACTION AND SYNTHESIS Pooled analyses were based on odds ratios (ORs), with relevant 95% CIs, weighting each study with inverse variance models with random effects. Risk of publication bias and analysis of heterogeneity through univariable and multivariable meta-regressions were also rated.

MAIN OUTCOMES AND MEASURES The evaluation of increased odds of attempted suicide among sexual minority youths compared with heterosexual peers.

RESULTS Thirty-five studies reported in 22 articles that involved a total of 2 378 987 heterosexual and 113 468 sexual minority adolescents (age range, 12-20 years) were included in the analysis. Sexual minority youths were generally at higher risk of attempted suicide (OR, 3.50; 95% CI, 2.98-4.12; $\tau^2 = 3074.01$; $P < .001$; $I^2 = 99\%$). If estimated in each sexual minority group, the OR was 3.71 in the homosexual group (95% CI, 3.15-4.37; $\tau^2 = 825.20$; $P < .001$; $I^2 = 97\%$) and 4.87 in the bisexual group (95% CI, 4.76-4.98; $\tau^2 = 980.02$; $P < .001$; $I^2 = 98\%$); transgender youths were described as an individual group in only 1 study, which reported an OR of 5.87 (95% CI, 3.51-9.82). Meta-regressions weighted for the study weight highlighted that the presence of young participants (12 years old) was associated with heterogeneity in the bisexual group, whereas the year of sampling was associated with heterogeneity in the whole group when combined with other covariates.

CONCLUSIONS AND RELEVANCE Our findings suggest that youths with nonheterosexual identity have a significantly higher risk of life-threatening behavior compared with their heterosexual peers. Public awareness is important, and a careful evaluation of supportive strategies (eg, support programs, counseling, and destigmatizing efforts) should be part of education and public health planning.

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group compared with their heterosexual peers was performed, and pooled ORs with 95% CIs were generated using inverse variance models (DerSimonian-Laird^{20,25}) with random effects. Results were summarized using conventional forest plots. Standard χ^2 tests and the I^2 statistic (ie, the percentage of variability in prevalence estimates attributable to heterogeneity rather than sampling error or chance, with values $\geq 75\%$ indicating high heterogeneity) were used to assess between-study heterogeneity.²⁰ To test for publication bias, we performed funnel plot analysis and the Egger test on all studies stratified by sexual orientation (homosexual, bisexual, transgender, or LGB). Thus, 4 separate Egger tests were performed. The Egger test quantifies bias captured in the funnel plot analysis with linear regression using the value of effect sizes and their precision (SE) and assumes that the quality of study conduct is independent of study size. If analyses showed a significant risk of publication bias, we would use the trim and fill method to estimate the number of missing studies and the adjusted effect size.³¹⁻³⁴ Meta-regression analysis was performed to examine sources of between-study heterogeneity if of a high level ($I^2 > 75\%$) on a range of study prespecified characteristics (ie, sample size, age, and country).

All analyses were performed using R, version 3.2.3 (meta and metaphor packages; R Foundation for Statistical Computing). Statistical tests were 2-sided and used a significance threshold of $P < .05$.

Results

Study Characteristics

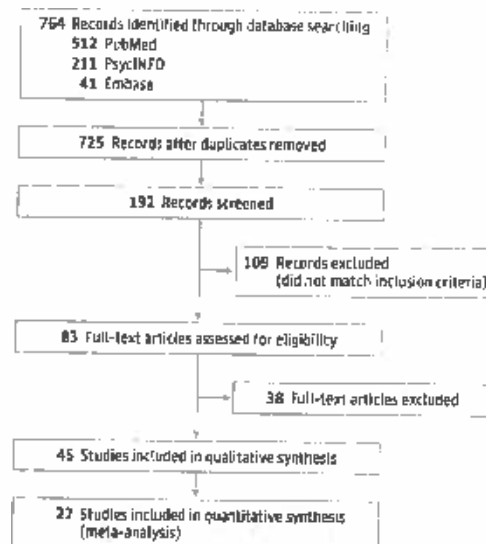
Thirty-five^{1,7,12,18,20-22,35-48} studies reported in 24 articles that involved a total of 2 378 987 heterosexual and 113 468 sexual minority adolescents (age range, 12-20 years) were included in the analysis (Figure 1). The studies were conducted in 10 countries (Iceland, United States, Ireland, Canada, Switzerland, Norway, New Zealand, China, Taiwan, and Korea). Ten of the articles were published between 2005 and 2010, 13 in the 1990s, 4 after 2010, 5 between 2000 and 2005, and 1 in 1986, and 2 do not report timing of sampling. Eleven studies enrolled participants between 2005 and 2010, 14, in the 1990s; 4, after 2010; 5, between 2000 and 2005; and 1, in 1986. Most of the studies had sample weights of less than 5%, whereas 5 studies had sample weights between 10% and 40%. All the study characteristics are summarized in the Table.

Prevalence of Attempted Suicide

Among Sexual Minority Adolescents

Sexual minority adolescents had an increased risk of attempted suicide compared with their heterosexual peers, with significant evidence of between-study heterogeneity (OR, 3.50; 95% CI, 2.98-4.12; $c^2 = 3074.01$; $P < .001$; $I^2 = 99\%$). Sensitivity analysis, in which the meta-analysis was serially repeated after the exclusion of each study, showed that most studies affected the overall OR at an SD of 0.07 except for 3 studies: exclusion of the study by Lucassen et al¹⁸ from the total sample revealed a decrease in OR to 3.31 (95% CI, 2.82-3.90), exclusion of National American Indian Adolescent Health Survey of

Figure 1. Preferred Reporting Items for Systematic Reviews and Meta-analyses Flow Diagram



1990 from the study by Saewyc et al⁴² revealed an increase in OR to 4.05 (95% CI, 3.58-4.59), and exclusion of the Minnesota Student Survey of 1992 in the study by Saewyc et al⁴² revealed an increase in OR to 3.61 (95% CI, 3.10-4.22). Exclusion of the study by Peter et al²² from the homosexual group revealed an increase in the homosexual OR to 4.22 and global OR to 4.55, exclusion of the British Columbia Adolescent Health Surveys of 1992 in the study by Saewyc et al⁴² from the bisexual group revealed an increase in bisexual OR to 5.13 and global OR to 4.66, and exclusion of the Youth Risk Behavior Surveillance System³⁹ from the LGBT group revealed a decrease in the LGBT OR to 2.73 and an increase of the global OR to 4.4 (Figure 2 and eFigures 1 and 2 in the Supplement).

Prevalence of Attempted Suicide in Different Sexual Minority Groups

All the groups had increased odds of attempted suicide compared with their heterosexual peers. Transgender youths were the most highly weighted (OR, 5.87; 95% CI, 3.51-9.82). Homosexual adolescents had an OR of 3.71 for attempted suicide (95% CI, 3.15-4.37; $c^2 = 825.20$; $P < .001$; $I^2 = 97\%$), and bisexual youths had an OR of 3.69 (95% CI, 2.96-4.61; $c^2 = 980.02$; $P < .001$; $I^2 = 98\%$). Both these analyses showed high heterogeneity (eFigures 1 and 3 in the Supplement).

In-depth Meta-analysis on the Prevalence of Attempted Suicide Among Sexual Minority Youths

In-depth analyses based on the country of selection, grouping of countries (North America and Canada, New Zealand, Asia, and Northern Europe [Iceland and Norway], and Europe [Switzerland and Ireland]), and the year of sampling as grouping of years (1990, 2000 and 2005, 2005-2010, and after 2010) were

Centers for Disease Control and Prevention

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**Sexual Identity, Sex of Sexual Contacts, and
Health-Related Behaviors Among Students
in Grades 9–12 — United States
and Selected Sites, 2015**



U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

A handwritten signature in black ink, consisting of a stylized 'A' followed by a cursive 'L'.

Across 22 states, the prevalence of having seriously considered attempting suicide ranged from 14.3% to 23.3% (median: 17.0%) among students who had sexual contact with only the opposite sex, from 32.0% to 55.0% (median: 41.5%) among students who had sexual contact with only the same sex or with both sexes, and from 7.5% to 14.7% (median: 10.2%) among students who had no sexual contact. Across 19 large urban school districts, the prevalence ranged from 10.5% to 19.5% (median: 15.2%) among students who had sexual contact with only the opposite sex, from 25.8% to 44.6% (median: 35.0%) among students who had sexual contact with only the same sex or with both sexes, and from 5.7% to 14.6% (median: 10.8%) among students who had no sexual contact.

Made a Suicide Plan

During the 12 months before the survey, 14.6% of all students; 11.9% of heterosexual students; 38.2% of gay, lesbian, and bisexual students; and 27.9% of not sure students had made a plan about how they would attempt suicide (Table 26). The prevalence of having made a suicide plan was higher among gay, lesbian, and bisexual students (38.2%) than heterosexual students (11.9%) and not sure students (27.9%) and higher among not sure students (27.9%) than heterosexual students (11.9%). Among female students, the prevalence was higher among lesbian and bisexual students (42.0%) than heterosexual students (15.7%) and not sure students (29.3%) and higher among not sure students (29.3%) than heterosexual students (15.7%). Among male students, the prevalence was higher among gay and bisexual students (27.0%) and not sure students (23.6%) than heterosexual students (8.6%). The prevalence also was higher among heterosexual female students (15.7%) than heterosexual male students (8.6%) and higher among lesbian and bisexual female students (42.0%) than gay and bisexual male students (27.0%).

Across 23 states, the prevalence of having made a suicide plan ranged from 8.3% to 15.4% (median: 11.3%) among heterosexual students; from 29.0% to 51.9% (median: 37.4%) among gay, lesbian, and bisexual students; and from 18.8% to 40.8% (median: 27.7%) among not sure students. Across 16 large urban school districts, the prevalence ranged from 6.8% to 15.4% (median: 11.0%) among heterosexual students; from 25.3% to 44.3% (median: 31.8%) among gay, lesbian, and bisexual students; and from 8.5% to 39.0% (median: 26.3%) among not sure students.

Nationwide, 15.6% of students who had sexual contact with only the opposite sex, 39.6% of students who had sexual contact with only the same sex or with both sexes, and 10.1% of students who had no sexual contact had made a suicide plan. The prevalence of having made a suicide plan was higher among students who had sexual contact with only the same sex or

with both sexes (39.6%) than students who had sexual contact with only the opposite sex (15.6%) and students who had no sexual contact (10.1%) and higher among students who had sexual contact with only the opposite sex (15.6%) than students who had no sexual contact (10.1%). Among female students, the prevalence was higher among those who had sexual contact with only females or with both sexes (41.5%) than those who had sexual contact with only males (21.2%) and those who had no sexual contact (13.7%) and higher among those who had sexual contact with only males (21.2%) than those who had no sexual contact (13.7%). Among male students, the prevalence was higher among those who had sexual contact with only males or with both sexes (33.8%) than those who had sexual contact with only females (11.2%) and those who had no sexual contact (6.3%) and higher among those who had sexual contact with only females (11.2%) than those who had no sexual contact (6.3%). The prevalence also was higher among female students who had sexual contact with only males (21.2%) than male students who had sexual contact with only females (11.2%) and higher among female students who had no sexual contact (13.7%) than male students who had no sexual contact (6.3%).

Across 21 states, the prevalence of having made a suicide plan ranged from 11.7% to 19.8% (median: 15.0%) among students who had sexual contact with only the opposite sex, from 24.9% to 44.4% (median: 35.7%) among students who had sexual contact with only the same sex or with both sexes, and from 6.6% to 12.8% (median: 9.0%) among students who had no sexual contact. Across 16 large urban school districts, the prevalence ranged from 9.5% to 18.9% (median: 13.3%) among students who had sexual contact with only the opposite sex, from 18.2% to 37.6% (median: 30.9%) among students who had sexual contact with only the same sex or with both sexes, and from 4.6% to 12.9% (median: 9.8%) among students who had no sexual contact.

Attempted Suicide

Nationwide, 8.6% of all students; 6.4% of heterosexual students; 29.4% of gay, lesbian, and bisexual students; and 13.7% of not sure students had attempted suicide one or more times during the 12 months before the survey (Table 27). The prevalence of having attempted suicide was higher among gay, lesbian, and bisexual students (29.4%) than heterosexual students (6.4%) and not sure students (13.7%) and higher among not sure students (13.7%) than heterosexual students (6.4%). Among female students, the prevalence was higher among lesbian and bisexual students (32.8%) than heterosexual students (8.4%) and not sure students (11.7%). Among male students, the prevalence was higher among gay and bisexual students (19.4%) and not sure students (16.0%) than heterosexual students (4.5%). The prevalence also was

higher among heterosexual female students (8.4%) than heterosexual male students (4.5%) and higher among lesbian and bisexual female students (32.8%) than gay and bisexual male students (19.4%).

Across 23 states, the prevalence of having attempted suicide ranged from 3.8% to 9.5% (median: 6.8%) among heterosexual students; from 19.7% to 37.4% (median: 26.5%) among gay, lesbian, and bisexual students; and from 9.4% to 27.8% (median: 18.0%) among not sure students. Across 19 large urban school districts, the prevalence ranged from 4.3% to 15.9% (median: 7.1%) among heterosexual students; from 20.7% to 37.8% (median: 26.1%) among gay, lesbian, and bisexual students; and from 11.8% to 40.8% (median: 19.3%) among not sure students.

Nationwide, 9.7% of students who had sexual contact with only the opposite sex, 27.6% of students who had sexual contact with only the same sex or with both sexes, and 4.2% of students who had no sexual contact had attempted suicide. The prevalence of having attempted suicide was higher among students who had sexual contact with only the same sex or with both sexes (27.6%) than students who had sexual contact with only the opposite sex (9.7%) and students who had no sexual contact (4.2%) and higher among students who had sexual contact with only the opposite sex (9.7%) than students who had no sexual contact (4.2%). Among female students, the prevalence was higher among those who had sexual contact with only females or with both sexes (31.0%) than those who had sexual contact with only males (13.1%) and those who had no sexual contact (6.1%) and higher among those who had sexual contact with only males (13.1%) than those who had no sexual contact (6.1%). Among male students, the prevalence was higher among those who had sexual contact with only males or with both sexes (17.0%) than those who had sexual contact with only females (6.9%) and those who had no sexual contact (2.3%) and higher among those who had sexual contact with only females (6.9%) than those who had no sexual contact (2.3%). The prevalence also was higher among female students who had sexual contact with only males (13.1%) than male students who had sexual contact with only females (6.9%), higher among female students who had sexual contact with only females or with both sexes (31.0%) than male students who had sexual contact with only males or with both sexes (17.0%), and higher among female students who had no sexual contact (6.1%) than male students who had no sexual contact (2.3%).

Across 21 states, the prevalence of having attempted suicide ranged from 6.2% to 13.5% (median: 9.7%) among students who had sexual contact with only the opposite sex, from 18.9% to 40.3% (median: 28.7%) among students who had sexual contact with only the same sex or with both sexes, and from 2.3% to 6.2% (median: 4.2%) among students who had

no sexual contact. Across 19 large urban school districts, the prevalence ranged from 7.4% to 18.9% (median: 9.7%) among students who had sexual contact with only the opposite sex, from 19.8% to 42.6% (median: 28.6%) among students who had sexual contact with only the same sex or with both sexes, and from 1.9% to 12.5% (median: 5.6%) among students who had no sexual contact.

Suicide Attempt Treated by a Doctor or Nurse

Nationwide, 2.8% of all students; 2.0% of heterosexual students; 9.4% of gay, lesbian, and bisexual students; and 4.7% of not sure students nationwide had made a suicide attempt during the 12 months before the survey that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse (Table 28). The prevalence of having made a suicide attempt that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse was higher among gay, lesbian, and bisexual students (9.4%) than heterosexual students (2.0%) and not sure students (4.7%) and higher among not sure students (4.7%) than heterosexual students (2.0%). Among female students, the prevalence was higher among lesbian and bisexual students (10.3%) than heterosexual students (2.6%) and not sure students (3.8%). Among male students, the prevalence was higher among gay and bisexual students (7.0%) than heterosexual students (1.5%). The prevalence also was higher among heterosexual female students (2.6%) than heterosexual male students (1.5%).

Across 21 states, the prevalence of having made a suicide attempt that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse ranged from 1.1% to 9.0% (median: 2.3%) among heterosexual students; from 5.8% to 15.5% (median: 9.3%) among gay, lesbian, and bisexual students; and from 1.6% to 12.3% (median: 7.5%) among not sure students. Across 17 large urban school districts, the prevalence ranged from 1.3% to 6.1% (median: 2.5%) among heterosexual students; from 4.1% to 15.9% (median: 11.2%) among gay, lesbian, and bisexual students; and from 0.0% to 19.5% (median: 8.7%) among not sure students.

Nationwide, 3.4% of students who had sexual contact with only the opposite sex, 11.0% of students who had sexual contact with only the same sex or with both sexes, and 0.9% of students who had no sexual contact nationwide had made a suicide attempt that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse. The prevalence of having made a suicide attempt that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse was higher among students who had sexual contact with only the same sex or with both sexes (11.0%) than students who had sexual contact with only the opposite sex (3.4%) and students who had no sexual contact (0.9%) and

Surveillance Summaries

TABLE 27. Percentage of high school students who attempted suicide,* by sexual identity and sex of sexual contacts — United States and selected U.S. sites, Youth Risk Behavior Survey, 2015

National survey (all students)	%		CI†									
	8.6		(7.6–9.6)									
	Sexual identity					Sex of sexual contacts						
Site	Heterosexual (straight)		Gay, lesbian, or bisexual		Not sure		Opposite sex only		Same sex only or both sexes		No sexual contact	
	%	CI	%	CI	%	CI	%	CI	%	CI	%	CI
National survey												
Total	6.4	(5.6–7.3)	29.4	(25.7–33.3)	13.7	(10.0–18.5)	9.7	(8.6–10.9)	27.6	(23.5–32.1)	4.2	(3.3–5.3)
Male	4.5	(3.9–5.3)	19.4	(13.6–27.0)	16.0	(10.0–24.7)	6.9	(5.7–8.3)	17.0	(10.9–25.5)	2.3	(1.6–3.4)
Female	8.4	(6.8–10.3)	32.8	(28.1–37.9)	11.7	(7.5–17.9)	13.7	(11.2–15.4)	31.0	(26.2–36.2)	6.1	(4.6–7.9)
State surveys												
Arizona	7.3	(5.2–10.0)	29.1	(22.8–36.3)	19.5	(8.2–39.8)	NA‡	NA	NA	NA	NA	NA
Arkansas	9.5	(7.7–11.7)	32.0	(24.8–40.2)	23.2	(15.5–33.3)	13.5	(10.9–16.7)	40.1	(34.4–46.1)	5.4	(3.5–8.2)
California	6.6	(5.3–8.2)	19.7	(13.0–28.7)	18.0	(11.6–26.8)	10.2	(7.7–13.4)	30.4	(21.9–40.4)	4.9	(3.8–6.3)
Connecticut	5.5	(4.1–7.3)	22.6	(15.8–31.3)	17.6	(10.3–28.5)	8.8	(7.1–10.8)	19.8	(12.7–29.6)	4.3	(3.0–6.1)
Delaware	5.8	(4.4–7.7)	21.5	(15.7–28.8)	9.4	(4.2–19.5)	9.7	(6.8–13.7)	23.0	(14.3–34.9)	3.5	(2.6–4.7)
Florida	5.1	(4.5–5.7)	27.0	(23.1–31.3)	22.4	(17.7–28.0)	8.2	(7.1–9.5)	31.2	(26.6–36.0)	3.0	(2.5–3.5)
Hawaii	8.1	(7.0–9.4)	26.2	(19.0–35.0)	10.3	(6.1–16.8)	13.3	(10.9–16.1)	31.4	(24.5–39.3)	4.1	(3.1–5.3)
Illinois	7.0	(5.4–9.0)	23.8	(18.4–30.1)	22.4	(12.6–36.7)	8.6	(7.0–10.5)	28.2	(23.7–33.3)	5.5	(4.0–7.3)
Indiana	6.8	(5.0–9.2)	34.2	(27.5–41.5)	17.6	(7.5–35.9)	11.0	(8.2–14.7)	32.2	(26.5–38.5)	4.4	(2.6–7.5)
Kentucky	7.1	(5.0–10.1)	27.5	(20.4–36.0)	14.2	(5.2–33.4)	9.4	(6.5–13.3)	28.7	(20.6–38.5)	4.1	(2.4–6.7)
Maine	7.9	(7.2–8.7)	26.0	(23.3–29.0)	17.8	(13.7–23.7)	10.0	(9.2–11.0)	25.9	(22.4–29.7)	6.0	(5.4–6.7)
Maryland	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Massachusetts	5.2	(4.3–6.3)	24.8	(19.1–31.5)	13.0	(6.7–24.0)	6.8	(5.1–9.0)	27.7	(21.9–34.4)	3.6	(2.6–5.1)
Michigan	6.5	(5.4–7.8)	29.4	(21.9–38.2)	19.3	(10.6–32.7)	10.8	(9.1–12.8)	28.0	(19.9–37.9)	3.7	(2.5–5.4)
Nevada	8.4	(7.1–9.9)	25.5	(18.3–34.3)	23.8	(12.9–39.7)	11.5	(8.6–14.8)	24.0	(17.3–32.4)	6.2	(4.5–8.5)
New Mexico	6.6	(5.9–7.4)	29.1	(25.7–32.8)	14.5	(9.6–21.3)	9.6	(8.5–10.8)	31.7	(27.7–36.0)	5.5	(4.5–6.5)
New York	5.7	(4.5–7.2)	33.6	(27.1–40.7)	27.8	(20.0–37.2)	9.3	(7.7–11.1)	38.2	(30.1–47.1)	3.6	(2.4–5.3)
North Carolina	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Dakota	8.1	(6.9–9.6)	24.0	(17.0–32.9)	16.6	(9.0–28.5)	NA	NA	NA	NA	NA	NA
Oklahoma	5.8	(4.6–7.4)	26.5	(18.6–36.2)	18.5	(10.4–30.6)	9.5	(7.5–12.1)	23.9	(15.0–35.9)	4.2	(2.6–6.7)
Pennsylvania	5.9	(4.6–7.5)	19.8	(12.7–29.4)	17.3	(10.3–27.6)	9.6	(7.4–12.3)	18.9	(11.3–30.1)	3.2	(2.5–4.2)
Rhode Island	7.1	(5.2–9.4)	33.1	(25.6–41.4)	23.7	(13.0–39.2)	9.8	(7.3–12.9)	40.3	(31.1–50.4)	4.3	(3.8–6.5)
Vermont	3.8	(3.5–4.1)	24.5	(22.5–26.7)	13.1	(10.8–15.8)	6.2	(5.7–6.7)	28.4	(25.8–31.1)	2.3	(2.0–2.7)
West Virginia	7.3	(6.0–8.7)	27.7	(21.5–34.9)	24.4	(10.6–46.8)	9.9	(7.9–12.3)	31.5	(24.6–39.4)	4.1	(3.1–5.3)
Wyoming	8.1	(6.7–9.7)	37.4	(29.3–46.2)	26.5	(15.9–40.7)	12.4	(10.2–15.1)	35.8	(28.4–43.8)	5.1	(3.9–6.7)
Median	6.8		26.5		18.0		9.7		28.7		4.2	
Range	3.8–9.5		19.7–37.4		9.4–27.8		6.2–13.5		18.9–40.3		2.3–6.2	
Large urban school district surveys												
Baltimore, MD	11.8	(8.8–15.7)	32.7	(24.0–42.7)	35.9	(14.1–65.6)	13.5	(8.9–20.0)	31.6	(21.1–44.3)	12.5	(8.1–16.7)
Boston, MA	6.3	(5.0–8.0)	23.3	(15.7–35.0)	11.8	(4.7–26.5)	7.4	(5.5–10.0)	23.2	(15.4–33.4)	3.7	(2.3–6.0)
Broward County, FL	6.8	(5.5–8.4)	26.1	(17.9–36.3)	15.2	(7.8–27.6)	8.9	(6.3–12.3)	25.0	(17.3–34.6)	5.8	(4.0–8.2)
Cleveland, OH	15.9	(13.3–18.8)	34.8	(28.5–41.6)	33.3	(22.0–46.9)	18.9	(15.5–22.9)	32.7	(25.9–40.3)	11.3	(8.4–15.2)
DeKalb County, GA	7.1	(5.6–8.9)	25.5	(19.0–33.3)	18.8	(10.0–32.6)	9.5	(6.7–13.2)	23.7	(17.3–31.5)	5.2	(3.8–7.2)
Detroit, MI	11.9	(9.7–14.5)	37.8	(29.0–47.5)	40.8	(26.9–56.3)	12.3	(8.9–16.8)	41.8	(33.0–51.1)	9.3	(6.5–13.1)
District of Columbia	9.9	(9.2–10.7)	24.9	(22.4–27.6)	19.3	(15.2–24.2)	11.8	(10.6–13.1)	26.0	(23.0–29.2)	7.1	(6.2–8.1)
Duval County, FL	15.2	(13.6–16.8)	32.5	(26.6–39.1)	20.3	(14.0–28.4)	18.2	(15.8–20.9)	29.2	(23.7–35.3)	11.1	(9.3–13.1)
Ft. Worth, TX	5.3	(4.2–6.6)	30.6	(22.7–39.7)	18.9	(10.8–30.8)	7.5	(5.8–9.7)	28.6	(19.8–39.3)	5.6	(4.3–7.2)
Houston, TX	8.3	(7.0–9.8)	35.2	(29.9–41.0)	29.6	(22.6–37.7)	13.0	(11.0–15.3)	42.6	(35.0–50.5)	5.4	(4.3–6.9)
Los Angeles, CA	6.1	(4.7–7.9)	24.0	(16.4–33.8)	31.0	(19.7–45.1)	8.8	(6.5–11.7)	19.8	(14.8–26.1)	6.0	(4.6–7.7)
Miami-Dade County, FL	4.3	(3.4–5.4)	22.8	(16.8–30.2)	31.4	(18.2–48.6)	7.4	(5.9–9.3)	30.9	(22.2–41.2)	1.9	(1.2–2.9)
New York City, NY	6.2	(5.4–7.1)	20.7	(17.7–24.1)	17.5	(12.7–23.5)	9.1	(7.1–11.7)	24.1	(19.0–30.1)	3.9	(3.2–4.8)
Oakland, CA	9.4	(7.6–11.6)	24.0	(16.1–34.2)	21.9	(10.7–39.6)	12.7	(9.2–17.3)	24.6	(15.9–36.0)	6.9	(4.9–9.5)
Orange County, FL	6.4	(5.0–8.2)	31.4	(23.6–40.4)	19.2	(8.5–37.6)	9.1	(6.9–11.8)	31.5	(23.1–41.2)	5.3	(3.8–7.4)
Palm Beach County, FL	7.0	(5.8–8.5)	33.5	(27.2–40.4)	23.0	(15.5–32.8)	9.7	(7.9–11.8)	31.9	(25.6–38.9)	4.7	(3.4–6.6)
Philadelphia, PA	7.2	(5.7–9.9)	24.5	(17.5–33.1)	18.4	(11.8–27.5)	10.1	(6.6–15.1)	25.2	(18.4–33.4)	3.9	(2.8–5.3)
San Diego, CA	7.1	(5.8–8.5)	22.1	(15.8–29.9)	17.9	(9.5–31.3)	9.1	(7.3–11.2)	26.0	(19.1–34.2)	5.6	(4.0–7.9)
San Francisco, CA	7.7	(6.0–9.8)	31.0	(19.7–45.1)	16.6	(8.1–31.2)	12.5	(9.4–16.6)	29.4	(17.5–44.9)	4.5	(3.2–6.4)
Median	7.1		26.1		19.3		9.7		28.6		5.6	
Range	4.3–15.9		20.7–37.8		11.8–40.8		7.4–18.9		19.8–42.6		1.9–12.5	

* One or more times during the 12 months before the survey.

† 95% confidence interval.

‡ Not available.

Surveillance Summaries

TABLE 28. Percentage of high school students whose suicide attempt resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse,* by sexual identity and sex of sexual contacts — United States and selected U.S. sites, Youth Risk Behavior Survey, 2015

National survey (all students)	% 2.8												CI† (2.2–3.5)	
	Sexual identity						Sex of sexual contacts							
	Heterosexual (straight)		Gay, lesbian, or bisexual		Not sure		Opposite sex only		Same sex only or both sexes		No sexual contact			
Site	%	CI	%	CI	%	CI	%	CI	%	CI	%	CI		
National survey														
Total	2.0	(1.5–2.7)	9.4	(7.3–12.1)	4.7	(2.7–8.1)	3.4	(2.6–4.3)	11.0	(8.6–13.9)	0.9	(0.6–1.4)		
Male	1.5	(1.0–2.3)	7.0	(3.6–13.1)	6.1	(2.4–14.7)	2.8	(1.9–4.0)	6.5	(3.4–12.0)	0.4	(0.2–1.3)		
Female	2.6	(1.9–3.6)	10.3	(7.8–13.4)	3.8	(1.9–7.6)	4.2	(3.2–5.4)	12.4	(9.8–15.6)	1.3	(0.9–2.0)		
State surveys														
Arizona	1.9	(1.1–3.0)	9.9	(6.6–14.7)	3.0	(0.4–18.6)	NA [§]	NA	NA	NA	NA	NA		
Arkansas	3.3	(2.4–4.6)	11.5	(6.0–20.7)	9.6	(5.8–15.7)	4.2	(2.7–6.6)	19.6	(12.8–28.7)	1.9	(0.8–4.5)		
California	1.2	(0.7–1.9)	6.8	(3.0–14.6)	5.0	(1.6–15.0)	2.4	(1.5–3.8)	11.1	(4.8–23.6)	0.7	(0.4–1.3)		
Connecticut	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Delaware	1.9	(1.2–2.9)	7.1	(4.2–11.8)	2.4	(0.5–10.1)	3.7	(2.3–6.0)	8.7	(4.4–16.3)	0.4	(0.2–0.9)		
Florida	1.5	(1.1–2.0)	9.3	(6.6–12.9)	10.6	(6.6–16.6)	2.5	(1.9–3.4)	12.4	(9.2–16.5)	0.7	(0.4–1.3)		
Hawaii	2.7	(2.1–3.5)	8.0	(5.8–11.1)	1.6	(0.7–3.6)	4.0	(3.1–5.0)	8.6	(4.9–14.9)	1.3	(0.9–2.1)		
Illinois	3.1	(2.0–4.7)	9.1	(6.2–13.2)	10.2	(4.6–21.1)	3.1	(2.0–4.7)	12.9	(9.0–18.2)	2.0	(1.0–3.7)		
Indiana	3.0	(1.7–5.4)	11.1	(7.1–17.1)	7.8	(2.7–20.7)	4.0	(2.5–6.4)	15.5	(9.7–23.9)	1.4	(0.5–3.9)		
Kentucky	2.8	(1.7–4.5)	12.1	(7.5–18.8)	3.6	(0.6–19.1)	4.2	(2.2–7.6)	14.0	(9.4–20.5)	1.3	(0.6–2.8)		
Maine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Maryland	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Massachusetts	2.3	(1.7–3.1)	6.4	(3.5–11.5)	7.5	(3.0–17.4)	3.0	(2.0–4.6)	12.2	(7.5–19.2)	1.0	(0.5–2.0)		
Michigan	2.0	(1.4–2.9)	7.7	(4.6–12.6)	5.4	(2.5–11.3)	3.1	(2.0–4.7)	9.4	(5.9–14.7)	0.5	(0.2–1.2)		
Nevada	2.0	(1.3–3.0)	5.8	(3.3–10.1)	10.8	(4.9–21.9)	3.0	(2.1–4.3)	10.4	(5.9–17.8)	0.9	(0.3–2.7)		
New Mexico	2.0	(1.6–2.5)	11.2	(9.0–14.0)	6.4	(3.3–11.9)	3.1	(2.5–3.8)	13.7	(10.7–17.3)	1.4	(0.9–2.1)		
New York	2.5	(1.9–3.4)	15.4	(10.6–21.7)	12.1	(6.6–21.3)	4.1	(3.2–5.3)	16.7	(12.6–21.8)	1.6	(0.9–3.0)		
North Carolina	9.0	(7.4–10.8)	13.4	(8.0–21.4)	6.3	(2.9–13.3)	10.3	(8.6–12.3)	13.4	(8.8–19.9)	6.2	(4.7–8.1)		
North Dakota	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Oklahoma	1.4	(0.8–2.3)	8.6	(4.6–15.7)	8.2	(3.9–16.4)	2.4	(1.4–3.9)	14.3	(7.1–26.8)	0.6	(0.2–2.0)		
Pennsylvania	2.1	(1.3–3.2)	8.3	(4.3–15.4)	3.5	(0.8–14.2)	4.2	(2.9–6.2)	6.1	(2.4–15.0)	0.5	(0.2–1.1)		
Rhode Island	2.5	(1.5–4.2)	14.5	(9.6–21.4)	12.3	(6.1–23.0)	3.4	(1.7–6.5)	16.9	(9.7–27.9)	1.7	(1.1–2.6)		
Vermont	1.1	(1.0–1.3)	9.3	(8.0–10.8)	4.5	(3.2–6.4)	2.1	(1.8–2.4)	12.1	(10.4–14.2)	0.4	(0.3–0.6)		
West Virginia	2.3	(1.6–3.4)	7.8	(3.4–17.0)	8.2	(2.5–23.4)	3.2	(2.2–4.8)	9.8	(5.0–18.5)	0.7	(0.2–2.1)		
Wyoming	2.9	(2.1–3.9)	15.5	(9.7–23.7)	9.1	(4.5–17.7)	4.2	(2.9–6.0)	14.8	(8.6–24.2)	1.9	(1.2–3.1)		
Median	2.3		9.3		7.5		3.3		12.7		1.1			
Range	1.1–9.0		5.8–15.5		1.6–12.3		2.1–10.3		6.7–19.6		0.4–6.2			
Large urban school district surveys														
Baltimore, MD	5.5	(3.4–8.8)	11.2	(5.9–20.2)	4.8	(0.8–24.1)	5.6	(2.7–11.2)	13.6	(7.9–22.4)	3.4	(1.5–7.5)		
Boston, MA	2.0	(1.3–3.1)	4.1	(1.8–9.4)	8.9	(2.9–24.4)	2.2	(1.2–4.1)	5.1	(2.0–12.2)	1.0	(0.4–2.4)		
Broward County, FL	2.6	(1.7–3.8)	11.3	(5.8–20.8)	3.5	(0.8–13.8)	3.3	(1.9–5.7)	9.5	(5.0–17.1)	2.1	(1.0–4.0)		
Cleveland, OH	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
DeKalb County, GA	3.3	(2.3–4.7)	11.6	(7.3–17.9)	9.3	(3.4–23.0)	4.1	(2.6–6.2)	12.7	(8.1–19.5)	1.6	(0.8–3.2)		
Detroit, MI	6.1	(4.6–8.1)	12.6	(7.9–19.7)	19.5	(8.0–40.3)	6.4	(4.2–9.6)	17.1	(10.6–26.4)	3.2	(1.8–5.5)		
District of Columbia	4.1	(3.6–4.6)	9.0	(7.4–10.8)	7.4	(4.9–11.1)	4.6	(3.9–5.5)	10.4	(8.4–12.9)	2.5	(2.0–3.2)		
Duval County, FL	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Ft. Worth, TX	1.5	(1.0–2.2)	14.5	(9.6–21.2)	8.7	(3.8–18.7)	2.7	(1.7–4.3)	16.1	(10.1–24.8)	1.1	(0.6–2.1)		
Houston, TX	2.7	(2.1–3.5)	15.3	(11.3–20.2)	13.2	(8.3–20.2)	3.9	(2.9–5.4)	17.3	(11.9–24.4)	1.8	(1.2–2.6)		
Los Angeles, CA	1.6	(0.9–2.9)	4.5	(2.0–10.1)	8.7	(3.0–22.5)	2.3	(1.3–4.1)	3.8	(1.5–9.0)	1.7	(0.8–3.4)		
Miami-Dade County, FL	1.4	(1.0–2.1)	5.2	(2.7–9.9)	14.3	(7.0–27.1)	2.3	(1.5–3.7)	11.6	(7.2–18.3)	0.2	(0.1–0.6)		
New York City, NY	2.1	(1.6–2.6)	5.9	(4.2–8.3)	7.5	(4.6–12.0)	2.9	(2.1–4.0)	8.0	(5.9–10.6)	1.2	(0.7–2.0)		
Oakland, CA	3.2	(2.2–4.5)	8.0	(4.5–13.7)	0.0	—	3.9	(2.2–6.8)	11.2	(6.4–18.9)	1.5	(0.8–2.9)		
Orange County, FL	1.7	(1.0–3.0)	15.9	(10.1–24.1)	10.2	(2.2–35.8)	3.0	(1.8–5.1)	14.2	(7.0–26.8)	1.4	(0.7–2.7)		
Palm Beach County, FL	2.5	(1.7–3.5)	13.9	(8.9–21.0)	8.6	(4.4–16.4)	3.4	(2.4–5.0)	10.9	(6.8–17.2)	1.4	(0.7–2.8)		
Philadelphia, PA	2.4	(1.5–3.8)	4.6	(2.2–9.4)	10.1	(6.1–16.3)	4.2	(2.5–7.0)	4.8	(2.4–9.2)	1.6	(0.9–3.0)		
San Diego, CA	1.3	(0.8–2.0)	7.4	(3.7–14.2)	3.8	(1.1–12.4)	2.2	(1.3–3.7)	7.9	(4.0–15.1)	0.6	(0.3–1.4)		
San Francisco, CA	3.3	(2.3–4.6)	15.5	(7.7–28.7)	5.0	(1.6–14.7)	4.6	(2.6–7.9)	17.4	(8.5–32.2)	1.3	(0.6–2.4)		
Median	2.5		11.2		8.7		3.4		11.2		1.5			
Range	1.3–6.7		4.1–15.9		0.0–19.5		2.2–6.4		3.8–17.4		0.2–3.4			

* During the 12 months before the survey.

† 95% confidence interval.

§ Not available.

PREVENTING SUICIDE

FACTS ABOUT SUICIDE

- Suicide is the 2nd leading cause of death among young people ages 10 to 24.¹
- LGB youth are heavily concentrated suicide at risk in their sexual youth.²
- LGB youth are almost three times as likely to have attempted suicide compared to heterosexual youth.³
- Or all the suicide attempts made by youth, LGB youth suicide attempts were almost two times as likely to require medical treatment than those of heterosexual youth.³
- Suicide attempts by LGB youth and questioning youth age 4 to 8 years more likely to result in injury, poisoning, or overdose than requires treatment than a doctor or nurse, compared to their straight peers.⁴
- In a national study, 40% of transgender adults reported having made a suicide attempt, 92% of these individuals reported having attempted suicide within the age of 25.⁵
- LGB youth who come from highly rejecting families are 84 times as likely to have attempted suicide as LGB peers who reported no or low levels of family rejection.⁶
- 1 out of 5 students nationwide (grades 9-12) seriously considered suicide in the past year.⁷
- Each episode of LGB victimization such as physical or verbal harassment or abuse, increases the likelihood of self-harming behavior by 2.5 times on average.⁸

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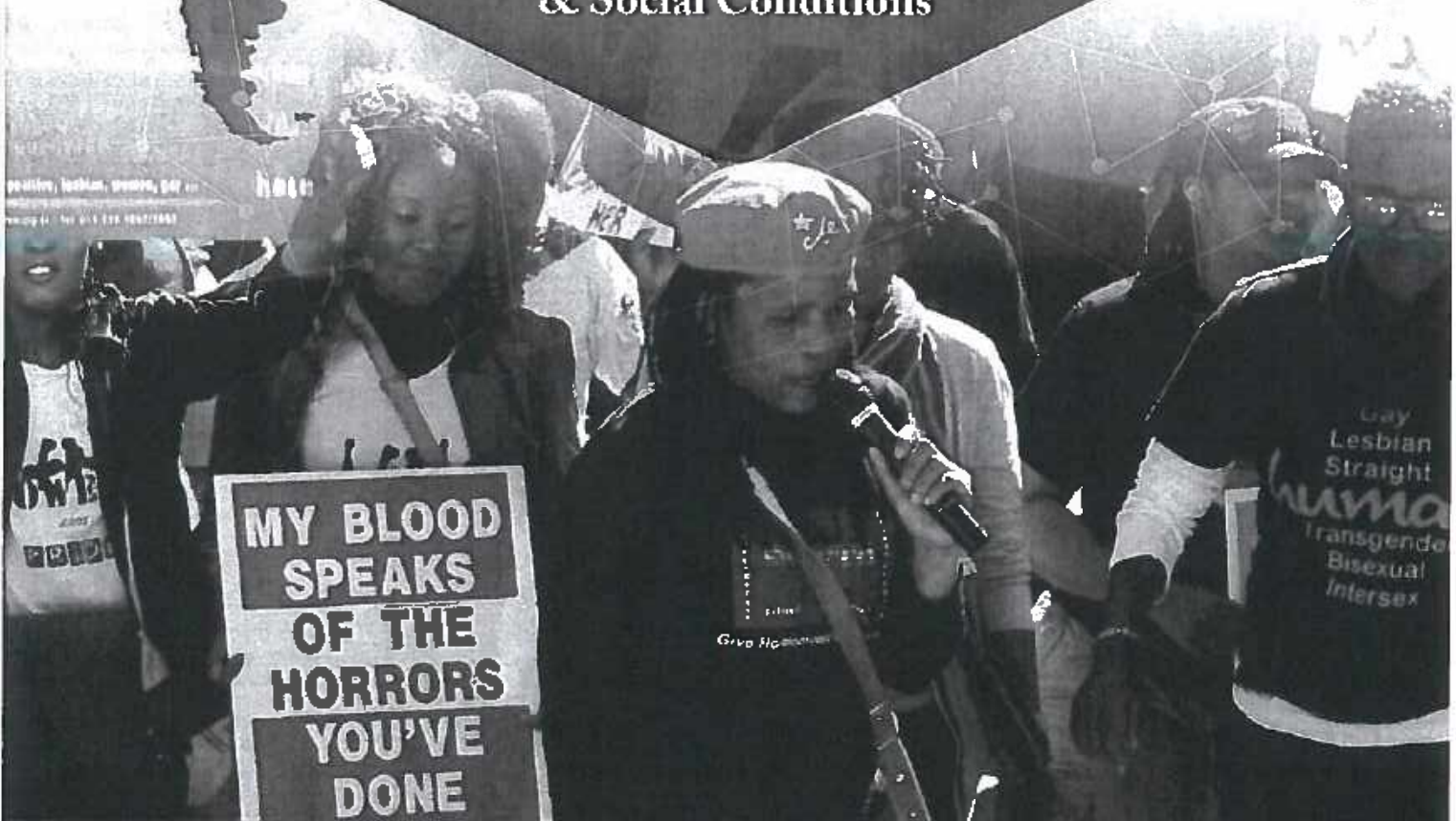
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SOUTH AFRICA LGBTI

Landscape Analysis
of Political, Economic
& Social Conditions



Astraea LESBIAN FOUNDATION FOR JUSTICE

LGBT GLOBAL
DEVELOPMENT
PARTNERSHIP

LIFE FOR LGBTI SOUTH AFRICANS



Indeed, the lives of LGBTI South Africans cannot be divorced from the nation's gross disparities across race and class.¹⁰ A 2013 article in *The New York Times* asserts, "apartheid geography and superficial racial integration are (still) social realities."¹¹ The country's poverty rate is an astounding 45 to 50%, while its unemployment rate—approximately 25%—is among the highest in the world.^{12 13}

The country's poverty rate is an astounding 45 to 50%, while its unemployment rate—approximately 25%—is among the highest in the world.

South Africa's extreme stratification translates directly into the LGBTI community. According to a Human Rights Watch report: "Those who are able to afford a middle-class lifestyle may not experience the same degree of prejudice and discrimination on the basis of sexual orientation. But for those who are socially and economically vulnerable, the picture is often grim."¹⁴

As detailed below, many LGBTI South Africans continue to face grave threats to their well-being—from violent harassment and poor access to health care, to weak public support for LGBTI rights and a rise in conservative evangelical forces that openly propagate anti-LGBTI beliefs. As activists emphasize, the worst of it is experienced by those already marginalized by virtue of their race, class or gender.

Violence Against LGBTI South Africans

Violence against LGBTI individuals takes place within the context of extreme gender-based violence in South Africa. South Africa has one of the highest rates of sexual violence in the world: An estimated one in four South African women will experience rape in her lifetime, but, according to a 2012 police report, less than one in 36 will report it.¹⁵ This high incidence of sexual violence must be traced back historically to colonialism and its implementation of highly rigid binary gender hierarchies forged and enforced through violence. "Rooted in the patri-archies of oppression found in colonialism, apartheid and the

RATES OF VIOLENCE



*Source: U.S. Department of State 2010 Human Rights Report on South Africa

**Source: Sex Workers Education & Advocacy Taskforce (SWEAT)

Cold War," political scientist Hannah Brixon demonstrates, "these deeply ingrained patterns of sexual violence did not end with the transition to democracy."¹⁶

"Corrective rape," sexual assault on women believed to be lesbians, has garnered significant international and national attention. According to the U.S. Department of State 2010 Human Rights Report on South Africa, an average of ten "corrective rape" cases *per week* have been tracked by LGBTI groups.¹⁷ This horrifying trend has been tied to HIV infection, with recent studies suggesting that approximately 10% of lesbians in South Africa may be HIV-positive.^{18 19} A 2011 Human Rights Watch report further argues that these atrocities reflect a larger pattern of violence against LGBTI communities.²⁰

Black lesbians and trans* men are especially vulnerable to violence, particularly in rural areas and townships, and to economic insecurity and poor health, as described below. According to an activist report, *most* black lesbians and trans* men face "violent



forms of homophobia," in addition to being denied "access to affordable housing, health care, education and jobs."²¹ In their study of 121 black lesbians, bisexual women and transgender men, Human Rights Watch found that a majority of participants had been verbally abused, ridiculed or harassed. Sex Workers Education & Advocacy Taskforce (SWEAT) estimates that one transgender person is murdered each month.²²

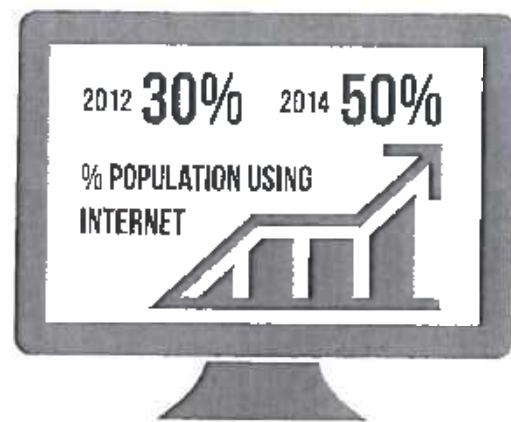
In their study of 121 black lesbians, bisexual women and transgender men, Human Rights Watch found that a majority of participants had been verbally abused, ridiculed or harassed.

Human Rights Watch research finds that hate crimes against LGBTI people in South Africa are committed with extraordinary impunity.²³ Iranti-org, a leading CSO, has documented more than 40 murders of LGBTI people for whom justice has never been served.²⁴ Attack survivors who do seek police intervention report high rates of abuse and discrimination by the police.²⁵ In response, the organization Gender DynamiX has created a set of protocols and procedures to train police on dealing with trans* and intersex people.²⁶

Legal frameworks around such violence are emerging. As a result of growing LGBTI and feminist advocacy to address impunity for violence, the Department of Justice and Constitutional Development established the National Task Team (NTT) on Gender and Sexual Orientation-Based Violence. The NTT aims to strengthen government's accountability for protecting LGBTI rights and coordination around forms of violence, including racial discrimination and xenophobia.

South Africa currently does not have comprehensive legislation to manage hate crimes, though in 2014 the Department of Justice and Constitutional Development (DOJ and CD) started drafting a "Policy Framework on Combating Hate Crimes, Hate Speech and Unfair Discrimination." Some activists support hate crimes legislation, while others critique the framework of "hate crimes" as relying too heavily on an ever-expanding prison system that reinforces racial divisions, unfairly penalizes the poor and relies on brutal policing tactics. A 2014 article highlights significant divisions in access to fair and swift trials by class, as well as harsh conditions and high rates of assault—including over 4,000 assaults by prison officials in 2013-2014—of those in custody.²⁷ In the broader criminal justice context in South Africa, a worrying trend toward increased incarceration has compounded racial inequalities and, according to activists, constitutes a major impediment to the creation of a democratic society.²⁸

INTERNET USAGE IN SOUTH AFRICA



SHOW THAT 2/3 ARE BLACK, 42% LOW-INCOME

Building Community, Breaking Silence Online

For LGBTI South Africans, going online is an invaluable way to connect to broader services and communities.²⁹ In 2012, according to the South African Network Society Survey, nearly one third of the country used the Internet, though only infrequently. Two out of three Internet users were black, and 42% were low-income or living below the poverty line. By 2014, more than half of adults are estimated to use the Internet, and women account for a majority of new users.³⁰

With data like this in mind, **Iranti-org**, a media advocacy collective, knows the Internet is becoming an increasingly powerful tool for reaching marginalized populations, like LGBTI people in rural areas, and serves to target a larger online community to stand up for LGBTI rights.³¹

Today, Iranti-org is making strategic use of the Internet to raise the visibility of LGBTI people's stories and struggles, to connect LGBTI people with one another and to generate public support for LGBTI rights.³² Iranti-org has led the charge to document human rights abuses and is the only local CSO to monitor and publish reports of hate crimes. Iranti-org also trains LGBTI activists in documentation and media techniques, and recently launched a groundbreaking new African LGBTIQ Media Makers Network.³³

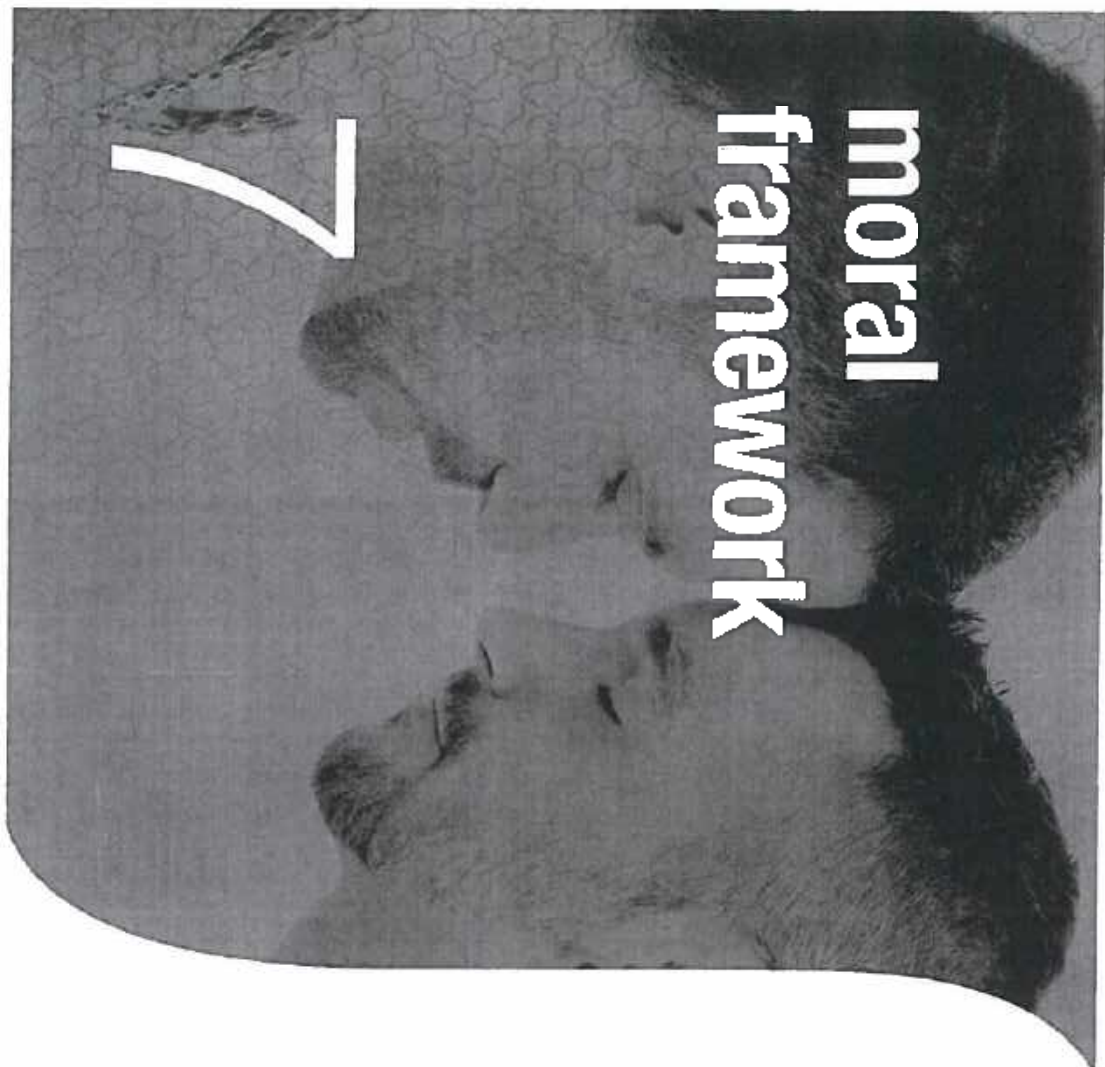


progressive prudes

A survey of attitudes towards
homosexuality & gender
non-conformity in South Africa

Other^{SA}
THE OTHER FOUNDATION

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moral framework

7

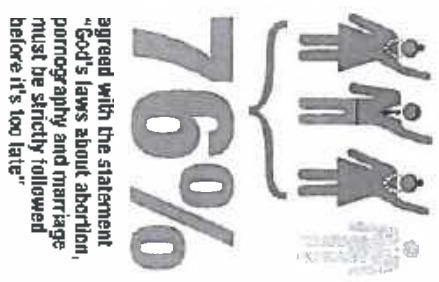
progressive finds a survey of attitudes towards homosexuality & gender non-conformity in south africa



South Africa is considered a religious society, as the survey results confirm, with 84 percent of adults reporting that they belong to a religion and 45 percent considering themselves to be 'highly religious' (values of between 8 and 10 on a 0-10 scale, with a national mean of 6.92). It is only a small minority (about 1 person in 10) who are not "very religious" and who never attend a regular religious institution. This religious attachment finds expression in the moral beliefs of South Africans.

Three quarters (75 percent) of respondents agreed with the statement "God's laws about abortion, pornography and marriage must be strictly followed because it is too late", with one in three people voting "very strong" support. A very similar pattern of response was recorded for the statement "Women should obey their husbands", demonstrating the continuing strength of patriarchal norms and values in South Africa.

The strength of these opinions, across all demographic categories, shows that a very large majority, if not the majority, of the South African population hold conservative moral beliefs about individual social activity and gender roles, which correspond with their religious opinion. This suggests that engagement of the population about equality, safety and social inclusion for LGBTI people should necessarily pay attention to religious attitudes and raises questions about the efficacy of advancing LGBTI equality and freedom at a social level through a moral argument based on individual social rights.



Violence

10

progressive provides a survey of attitudes towards homosexuality & gender non-conformity in south africa



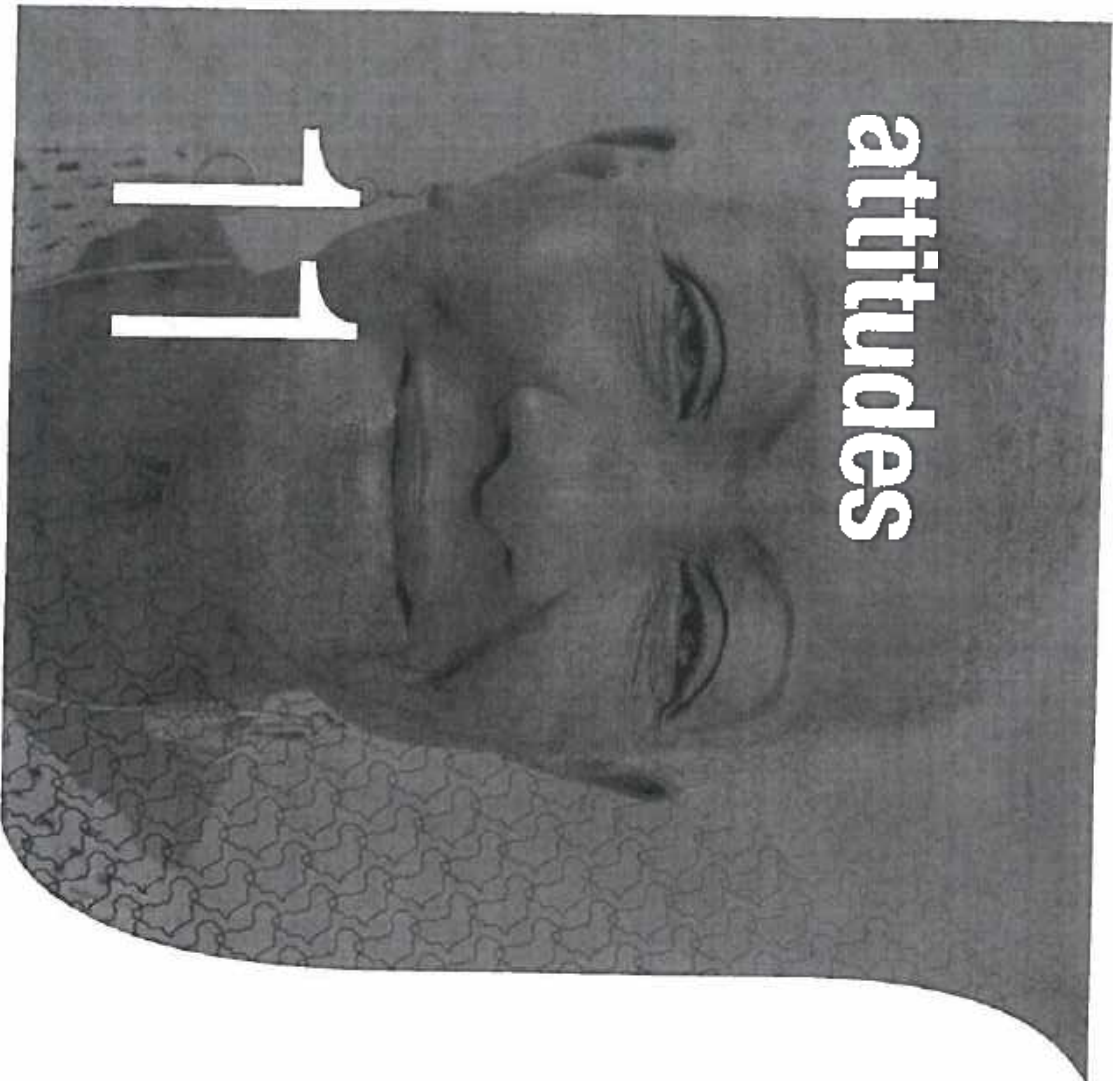
Although almost 90 percent of respondents say that they have not been physically violent against gender non-conforming people and “would never do that”, there are still disturbingly high levels of self-reported prejudice, abuse and violence against people who are gay and lesbian, and in particular those who do not conform to gender norms in South Africa.

Based on the survey,¹ it is estimated that over the previous 12 months, around half a million (450,000) South Africans have physically harmed women who dressed and/or behaved like men or girls,² and 240,000 have beaten up men who dressed like women.³ Approximately 700,000 South Africans verbally abused (bulied or harassed) gender non-conforming people.⁴ Perhaps of most concern is that between 6.2 and 7.4 percent of South Africans feel that they might use violence against gender non-conforming people in the future. This is about three million South Africans who think that they might commit acts of violence against gender non-conforming people.⁵

A uniformly high number (about 90 percent) of black African, white, and coloured adults say that they have not physically hurt gender non-conforming women,⁶ and would never do it!⁷

¹ The 95% confidence interval on the number of adults reporting that they had sexually abused a woman who dressed and behaved like a man is the 95% confidence interval between 240,000 and 450,000.
² The 95% confidence interval for the number of adults reporting that they had beaten up a man who dressed like a woman is the 95% confidence interval between 180,000 and 300,000.
³ The 95% confidence interval spans between 440,000 and 500,000.
⁴ The figure may in fact be higher if you include in possible future acts of violence those who did not participate in the survey as a likelihood.

attitudes



progressive prides a survey of attitudes towards homosexuality & gender non-conformity in south africa



A large majority (about 7 out of 10 South Africans) feel strongly that homosexual sex and breaking gender dressing norms is simply "wrong" and "disgusting".

TABLE 5. ATTITUDES TOWARDS HOMOSEXUALITY AND GENDER NON-CONFORMITY (COLUMNS PERCENTAGES)

Question:	Men between two men is just plain wrong.	Men between two women is just plain wrong.
Strongly agree	48.2	44.8
Agree	28.2	28.3
Neither agree nor disagree	7.5	8.0
Disagree	12.0	11.8
Strongly disagree	5.7	7.5
(Do not know)	1.2	0.9
(No answer provided)	1.1	1.0
Total	100.0	100.0

In terms of people who are 'disgusted' by homosexual or gender non-conforming people, the numbers are smaller than the more neutral view of these behaviours being 'wrong'.



My LOVE

23/12/13

Flickering lights

The happiness dims as quickly as it burns in
my soul

Flashes of what I could have had

Who I could have been

But I am not,

And never can be.

Every light casts a shadow

Darkening my soul

Leaving me alone.

Why can I not just be normal?

Why can I not just be happy?

What have I done to deserve this?

These unanswered questions flash through my
mind

Taunting me

Tired of the tears no-one sees

Permanently staining my face - making their
presence known even when I have ceased
crying.

Please can't you make me whole?

I cannot endure this pain any longer

The urge to disappear grows larger

As more and more people can see through me

Choose to look past me

Because there is nothing left other than the

CERTIFIED A TRUE COPY OF THE ORIGINAL



11/8/2020

JASON DE KLERK

COMMISSIONER OF OATHS

PRACTISING ATTORNEY R.S.A.

15th FLOOR, CONVENTION TOWER

HEERENGRACHT, FORESHORE

CAPE TOWN, 8001



remnants of a person that could have been
I'm sorry I've become so worthless.
I'm sorry I feel I have no reason to stay.
I'm sorry for how I know I'm going to hurt
you.

But please. Just let me go
And never let me go.

I'm ready to be freed from this cage
Ready enough to risk the fiery depths of Hell
Because no pain could be worse than this
Please forgive me for what I want to do
And pray the Lord my soul to take
So that some day I can be reunited with you

I love you

And I know you'll be fine without me
Just keep my memory safe in your heart,
Live for me
And I'll see you again some day.
I'll see you again,
My Love.

CERTIFIED A TRUE COPY OF THE ORIGINAL

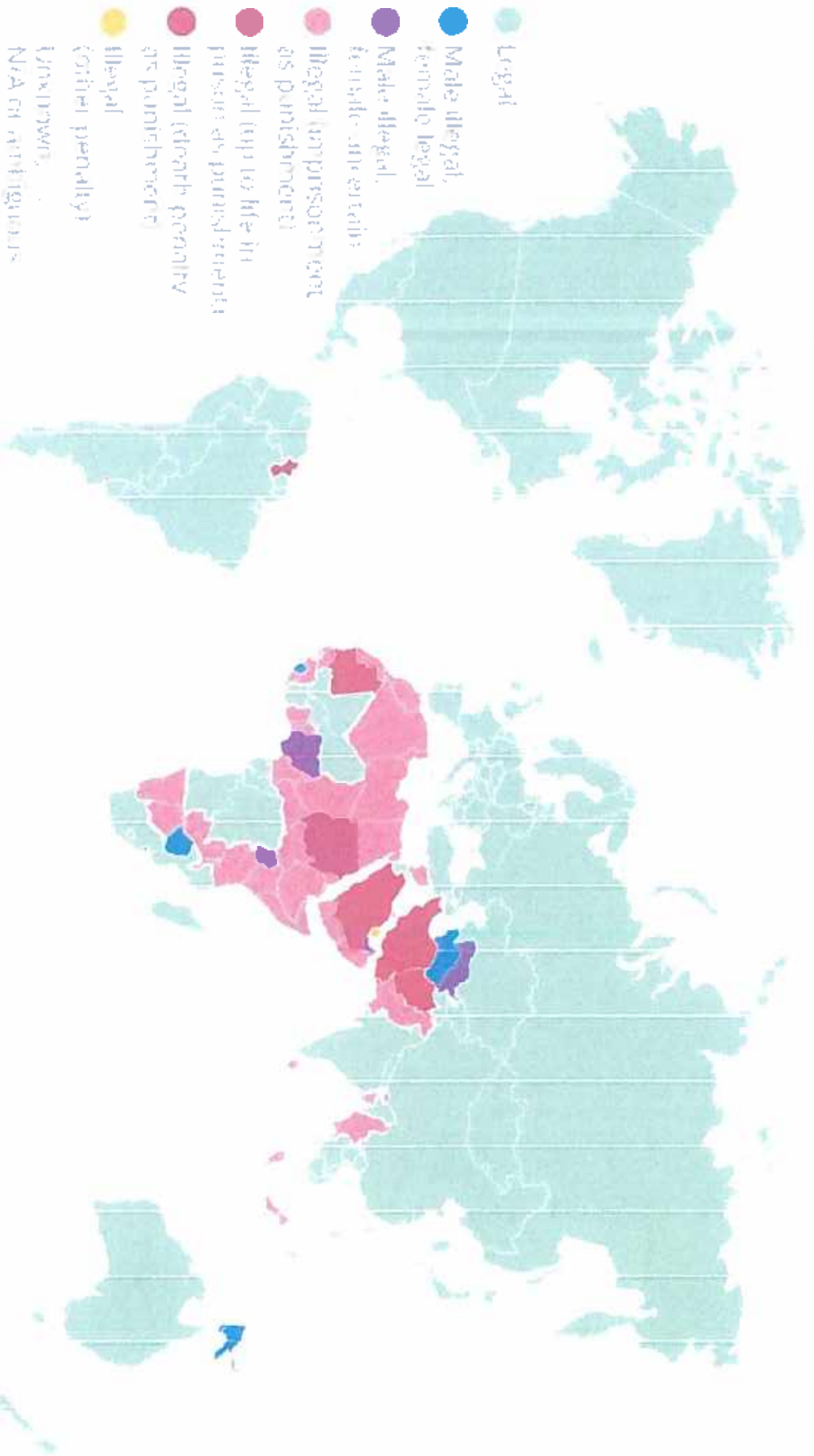
J de Klerk 11/18/2020

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J de Klerk

The Legal Status Of Homosexuality Worldwide

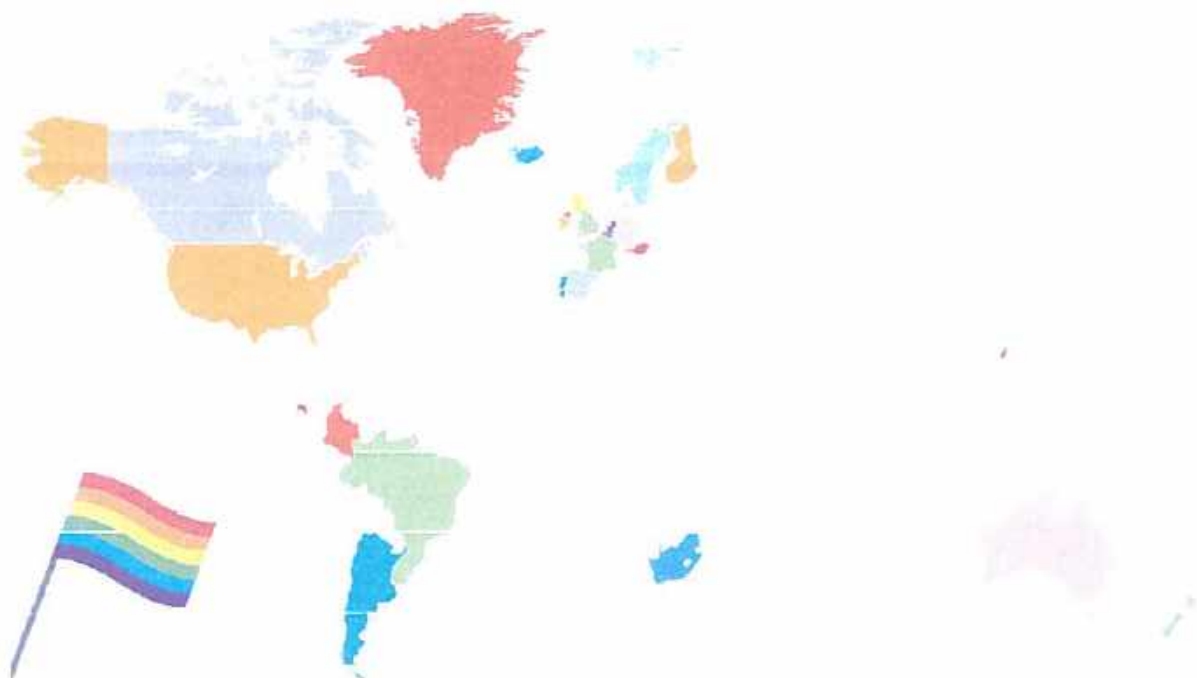
Infographic by Statista, based on data from the International Human Rights Law Center



Statista Research Department

Where Gay Marriage Is Legal

Countries with national laws allowing same-sex couples to marry*



- 2000
 - The Netherlands
- 2003
 - Belgium
- 2005
 - Canada
 - Spain
- 2006
 - South Africa
- 2009
 - Norway
 - Sweden
- 2010
 - Argentina
 - Iceland
 - Portugal
- 2012
 - Denmark
- 2013
 - Brazil
 - England/Wales
 - France
 - New Zealand
 - Uruguay
- 2014
 - Luxembourg
 - Scotland
- 2015
 - Finland
 - Ireland
 - United States
- 2016
 - Colombia
 - Greenland
- 2017
 - Australia
 - Malta
 - Germany
- 2019
 - Austria
 - Taiwan
 - Northern Ireland
- 2020
 - Costa Rica

* As of June 22, 2020 - also legal in some jurisdictions in Mexico

Source: Pew Research Center

