

108

1  
K X  
7/7/2020

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

**PRETORIA this 7<sup>th</sup> day of JULY 2020  
BEFORE Her Ladyship Ms Justice Neukircher  
Via Videoconferencing**

*Order granted electronically in accordance with the directives regarding special arrangements during the National State of Disaster*

**Case no: 27316/20**

In the matter between:

**JUSTICE SHABANGU**

**FIRST APPLICANT**

**GEORGE MPHOTSHE**

**SECOND APPLICANT**

and

**HEAD OF CENTRE: KGOSI MAMPURU (NEW LOCK)  
CORRECTIONAL CENTRE**

**FIRST RESPONDENT**

**MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES**

**SECOND RESPONDENT**

**NATIONAL COMMISSION OF  
CORRECTIONAL SERVICES**

**THIRD RESPONDENT**

**NATIONAL COMMISSIONER OF POLICE**

**FOURTH RESPONDENT**

---

**ORDER**

---

**HAVING HEARD** counsel for ll the parties, and having read the papers filed of record,

**IT IS HEREBY ORDERED THAT:**

- 1.1. That the above Honourable Court dispenses with the forms and time periods for service as required by the rules of this Honourable Court in terms of Rule 6(12) and hear this application as a matter of urgency.
- 1.2. The detention of the Applicants is declared unlawful and unconstitutional.
- 1.3. The Respondents are directed to immediately release the Applicants on Tuesday, 7 July 2020 from detention at Kgosi Mampuru (New Lock) Correctional Centre, or any other place the Applicants may be held.
- 1.4. The First, Second, Third and Fourth Respondents are ordered to pay the Applicants' costs of the application.

**BY ORDER OF COURT**

---

**THE REGISTRAR**

Counsel for Applicants: Ms de Vos SC  
Counsel for 1<sup>st</sup> to 3<sup>rd</sup> Respondents: Mr Mojo  
Counsel for 4<sup>th</sup> respondent: Mr Sekwakane