IN THE HIGH COURT OF SOUTH AFRICA

DURBAN AND COAST LOCAL DIVISION

CASE NO.

In the matter between:

EN	First Applicant
B M	Second Applicant
D M	Third Applicant
EJM	Fourth Applicant
L M 1	Fifth Applicant
MAZ	Sixth Applicant
MSM	Seventh Applicant
N D	Eighth Applicant
N S	Ninth Applicant
S E M	Tenth Applicant
ТЈХ	Eleventh Applicant
TS	Twelfth Applicant
V P M	Thirteenth Applicant
Z PM	Fourteenth Applicant
L M 2	Fifteenth Applicant
TREATMENT ACTION CAMPAIGN	Sixteenth Applicant

and

THE GOVERNMENT OF THE REPUBLIC OF	
SOUTH AFRICA	First Respondent
THE HEAD, WESTVILLE CORRECTIONAL	
CENTRE	Second Respondent
MINISTER OF CORRECTIONAL SERVICES	Third Respondent
AREA COMMISSIONER OF CORRECTIONAL	
SERVICES, KWAZULU NATAL	Fourth Respondent
MINISTER OF HEALTH	Fifth Respondent
MEMBER OF THE EXECUTIVE COUNCIL	
FOR HEALTH KWAZULU NATAL	Sixth Respondent

NOTICE OF MOTION

SIRS

TAKE NOTICE THAT the Applicants intend making urgent application to thisHonourable Court on theday of2006 at 09h30 or so soonthereafter as the matter may be heard for Orders in the following terms:

1.

That this application be heard in terms of Rule 6(12).

2.

That:

- (a) the First to Fifteenth Applicants are granted leave to be described in these proceedings only by their initials;
- (b) the names of the First to Fifteenth Applicants are to be provided to the Registrar of this Court, to be retained in a safe place and are not to remain

in the Court file; and

(c) the names of the First to Fifteenth Applicants are not to be disclosed or publicised in any manner or form by the Registrar, the respondents or any other person or entity.

3.

That the respondents be and are hereby ordered with immediate effect to remove the restrictions that prevent the First to Fifteenth Applicants, and any and all other similarly situated prisoners at Westville Correctional Centre, who meet the criteria as set out in the National Department of Health's *Operational Plan for Comprehensive HIV and AIDS Care, Management and Treatment for South Africa*, from accessing antiretroviral treatment at an accredited public health facility.

4.

That the respondents be and are hereby ordered with immediate effect to provide antiretroviral treatment, in accordance with the foresaid *Operational Plan*, to the First to Fifteenth Applicants, and any and all other similarly situated prisoners at Westville Correctional Centre, at an accredited public health facility; That the respondents are ordered on or before the day of 2006 to serve on the Applicants' attorneys and lodge with the Registrar of this Court, an affidavit setting out the manner in which it will comply with paragraph 2 of this order.

6.

That the respondents are directed to pay the Applicants' costs.

7.

Further, other or alternative relief.

TAKE NOTICE FURTHER THAT the affidavit of ANNELINE MICHELLE

GOVENDER will be used in support of this application.

TAKE NOTICE FURTHER THAT the Applicants have appointed the attorneys at the address set out hereunder as the address at which they will accept notice and service of all process in these proceedings.

KINDLY place the matter on the roll for hearing accordingly.

day of DATED at JOHANNESBURG this

2006.

Anneke Meerkotter

Applicants' Attorney Aids Law Project Centre for Applied Legal Studies University of the Witwatersrand Johannesburg

Locally represented by:

Pillay Nicholls Hlahane Floor, 6 Durban Club Place Durban Club Place Durban REF: Ms S Pillay

TO: THE REGISTRAR Durban and Coast Local Division

DURBAN

AND TO: THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA First Respondent c/o The State Attorney 3rd Floor Sangro House, 417 Smith Street

AND TO: **THE HEAD, WESTVILLE CORRECTIONAL CENTRE** Second Respondent c/o The State Attorney 3rd Floor Sangro House 417 Smith Street DURBAN

AND TO: MINISTER OF CORRECTIONAL SERVICES Third Respondent c/o The State Attorney 3rd Floor Sangro House 417 Smith Street DURBAN

AND TO: AREA COMMISSIONER OF CORRECTIONAL SERVICES, KWAZULU NATAL Fourth Respondent

c/o The State Attorney 3rd Floor Sangro House 417 Smith Street DURBAN

AND TO: **MINISTER OF HEALTH** Fifth Respondent c/o The State Attorney 3rd Floor Sangro House 417 Smith Street DURBAN

AND TO: MEMBER OF THE EXECUTIVE COUNCIL FOR HEALTH KWAZULU NATAL Sixth Respondent c/o The State Attorney 3rd Floor Sangro House 417 Smith Street DURBAN

SERVICE BY SHERIFF