

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg

CASE NO: **2026-213709**

In the matter between:

**Sekolotsa Abram Mofokeng ,Paulina
Ntsoaki Mathinye ,Solobatsi Ishmael
Poho**

Plaintiff / Applicant / Appellant

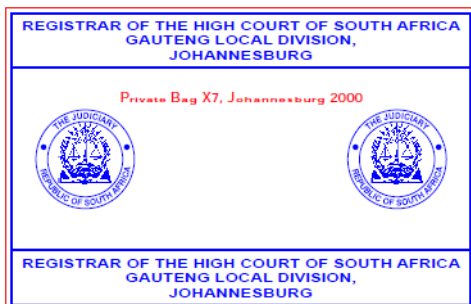
and

**President of the Republic of South
Africa ,Minister of Police ,Minister of
Justice Constitutional Development**

Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 2/9/2026 at 11:52:32 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

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

Case Number: _____

In the matter between:

SEKOLOTSA ABRAM MOFOKENG

First Applicant

PAULINA NTSOAKI MATHINYE

Second Applicant

SOLOBATSI ISHMAEL POHO

Third Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

First Respondent

MINISTER OF POLICE

Second Respondent

**MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

Third Respondent



NOTICE OF MOTION

KINDLY TAKE NOTICE that the Applicants will make application on a date to be determined by the Registrar for an order in the following terms:

1. Declaring that the Indemnity Act 61 of 1961 is inconsistent with the Constitution and invalid;
2. Declaring that the order in paragraph 1 above shall not apply retrospectively but shall operate with prospective effect from the date of this order;

3. The following classes are certified:

3.1. The class of surviving victims, comprising those persons alive at the date of institution of this certification application who were shot in the Sharpeville Massacre of 21 March 1960; and

3.2. The class of dependants, comprising those persons alive at the date of institution of this certification application who were the dependants of persons shot and killed in the Sharpeville Massacre of 21 March 1960;

4. The Applicants are granted leave to act as class representatives on behalf of these classes defined in paragraph 1 in a class action against the First and Second Respondents.



5. The Applicants' attorneys, Lawyers for Human Rights, are certified as the legal representatives of the members of the classes for the conduct of the class action.

6. It is directed that the Applicants' legal representatives shall give notice of the class action to members of the classes by publishing a notice or announcement substantially in accordance with the contents of **Annexure A**:

6.1. as an advertisement in the South African and Lesotho newspapers listed in **Annexure B** hereto. The notice shall be published in each such newspaper once per week for a period of four weeks; and

6.2. as a radio announcement, broadcast on each of the South African and Lesotho radio stations listed in **Annexure B** and in the languages stipulated therein. Such broadcasts are to be made twice daily on alternate days for a period of four weeks;

7. It is ordered that the members of the classes will be bound by the judgment or judgments in the first stage of the class action against the Respondent, if they give written notice to the Applicants' attorneys by not later than eight weeks from the date of this notice that they wish to join as members of either of the classes in the class action against the Respondents.
8. The Respondents are directed to pay the costs of publicising the notice as set out in paragraph 6 above.
9. The costs of this application are to be paid by the Respondents.
10. Further and/ or alternative relief.



TAKE NOTICE FURTHER that the affidavits of **SEKOLO TSA ABRAM MOFOKENG**, **PAULINA NTSOAKI MATHINYE** and **SOLOBATSI ISHMAEL POHO** together with the accompanying affidavits and annexures, will be used in support of this application.

TAKE NOTICE FURTHER that the Applicants have appointed the offices of their attorneys, as set out below, as the address at which they will accept service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application, you are required to:

- (a) Notify the Applicants' attorneys of your intention to oppose in writing no later than fifteen-days after service of this application.
- (b) Appoint an address that complies with the requirements of rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

(c) File your answering affidavit, if any, within fifteen days of filing your notice of opposition.

SIGNED AT JOHANNESBURG ON THIS 2ND DAY OF SEPTEMBER 2026.

C Tracey
LAWYERS FOR HUMAN RIGHTS

Attorney for the Applicants
3rd Floor, Metalbox Building
25 Owl Street
Braamfontein Werf
JOHANNESBURG
2000

Enq: Ms C Tracey-Mamoo

Ref: 50SLP24

Email: charne@lhr.org.za



**TO: THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG**

AND TO: THE STATE ATTORNEY
Attorney for the Respondents
10th Floor, Northstate Building
99 Albertina Sisulu Street
Johannesburg
2001

ANNEXURE A: NOTICE TO CLASS MEMBERS

NOTICE OF CLASS ACTION TO:

Persons who were shot in the Sharpeville Massacre of 21 March 1960 and survived;

and

Persons who were the dependants of persons shot and killed in the Sharpeville Massacre of 21 March 1960;

PLEASE TAKE NOTICE THAT:

1. If you fall in either of the above classes of persons, you may join the class action class action by sending a written notice to the attorneys representing the class, to be received by no later than [date].
2. Please include your name, address and telephone number in the notice, and send it by post or email to the class action Attorneys:



LAWYERS FOR HUMAN RIGHTS

3rd Floor, Metal Box building

25 Owl Street

Braamfontein Werf

JOHANNESBURG

2000

ATT: Ms C Tracey-Mamdoo

Email: charne@lhr.org.za

Tel: +27 11 339 1960

3. TAKE NOTE THAT: Each class member who joins the class action by (DATE) will be bound by any Judgment or settlement, whether favourable or not, and will not be allowed to proceed with an independent action.

4. If you do not join the class action you will be entitled to proceed with your own independent action but you will not benefit from any judgment made in the class action.
5. To get more information about the class action, or to obtain assistance in opting in you may contact the legal representative, Charné Tracey-Mamdoo (details listed above)
6. **SEKOLO TSA ABRAM MOFOKENG, PAULINA NTSOAKI MATHINYE, and SOLOBATSI ISHMAEL POHO** have been certified as the class representatives, and will act on behalf of the class in the action.



Why Is this notice Important?

A class action has been commenced in the High Court of South Africa by the above-mentioned representative plaintiffs against the President and the Minister of Police. The action arises out of the harm suffered by victims of the Sharpeville Massacre on 21 March 1960.

The High Court of South Africa has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action. **If you are a potential class member, you should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court.** If there is anything in it that you do not understand, you should contact the legal representatives identified in this notice

What Is a class action?

A class action is an action that is brought by one person or persons ("**Representative plaintiffs**") on his or their own behalf and on behalf of a class of people ("**class members**") against another person ("**Defendant**") where the Representative plaintiffs and the class members have similar claims against the Defendant.

Class members in a class action are not individually responsible for the legal costs associated with bringing the class action. In a class action, only the Representative plaintiffs are responsible for the costs.

This class action is an "opt-in" class action. Class members will be "bound" by the outcome in the class action, only if they have chosen to join the class action by notifying the attorneys for the class. A binding result in the class action can happen in two ways being either a *judgment* following a trial, or a *settlement* at any time. If there is a judgment or a settlement of a class action class members who have joined the class action *will* not be able pursue the same claims and *may not* be able to pursue similar or related claims against the Defendants in other legal proceedings. Class members should note that in a *judgment* following trial, the Court will decide various factual and legal issues in respect of the claims made by the Representative plaintiffs and class members. Unless those decisions are successfully appealed, they bind the Representative plaintiffs, class members and the Defendants;



If you consider that you have claims against the Defendant which are based on your individual circumstances or otherwise additional to the claims described in the class action, then it is important that you seek independent legal advice about the potential binding effects of the class action before the deadline for joining the class action (see below).

What is this class action?

This class action, the Sharpeville Massacre class action is brought by the above-named Representative plaintiffs on their own behalf and on behalf of all persons who are "class members" as defined in the proceeding.

The Representative plaintiffs allege in the particulars of claim that the defendants are legally responsible for the injuries and deaths of all persons shot in the Sharpeville Massacre and that they must accordingly pay damages to the surviving victims who were shot on 21 March 1960 and to the dependants of people who were killed on that day.

What will happen If you join the class action?

If you join the class action, you will be bound by any settlement or judgment of the class action. If the class action is successful you will be entitled to share in the benefit of any order, judgment or settlement in favour of the Representative plaintiffs and class members, although you may have to satisfy certain conditions before your entitlement arises. If the action is unsuccessful or is not as successful as you might have wished, you will not be able pursue the same claims and may not be able to pursue related claims against the Defendant in other legal proceedings.

What class members need to do

(a) *How you can join the class action?*

In order to join the class action, you must notify the class action attorneys **in writing**

The class action attorneys are:

LAWYERS FOR HUMAN RIGHTS

3rd Floor, Metal Box building

25 Owl Street

Braamfontein Werf

JOHANNESBURG

2000

ATT: Ms C Tracey-Mamdoo

Email: charne@lhr.org.za

Tel: +27 11 339 1960



(b) *How you can opt out of the class action?*

If you do not wish to join the class action, you do not need to do anything. Unless you notify the class action attorneys of your desire to join the class action, you will not be bound by or entitled to share in the benefit of any order, judgment or settlement in the class action, but you will be at liberty to bring your own claim against the Defendants, provided that you issue Court proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the Defendants, you should seek your own

legal advice about your claim and the applicable time limit prior to deciding whether to join the class action.

PLEASE CONTACT LAWYERS FOR HUMAN RIGHTS ON +27 11 339 1960 IF YOU NEED ANY FURTHER INFORMATION ABOUT THIS CLASS ACTION



ANNEXURE B - LIST OF NEWSPAPERS AND RADIO STATIONS

1. NEWSPAPERS

- 1.1. *Sowetan* (in English)
- 1.2. *Sunday World* (in English)
- 1.3. *The Citizen* (in English)
- 1.4. *Lesotho Times* (in English)

2. RADIO STATIONS

- 2.1. Vaal Community Radio / Vaal Yarona (in English and in SeSotho)
- 2.2. Lesedi FM (in SeSotho)
- 2.3. Umhlobo Wenene FM (in isiXhosa)
- 2.4. Ukhozi FM (in isiZulu)
- 2.5. Lentsoe la Basotho / Radio Lesotho (in English and SeSotho)

