

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

CASE NO: 2025-181893

In the matter between—

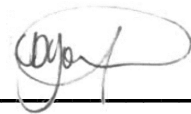
TREATMENT ACTION CAMPAIGN	1st Applicant
MÉDECINS SANS FRONTIERES	2nd Applicant
KOPANANG AFRICA AGAINST XENOPHOBIA	3rd Applicant
and	
FACILITY MANAGER AT YEOVILLE CLINIC	1st Respondent
FACILITY MANAGER AT ROSETTENVILLE CLINIC	2nd Respondent
CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY	3rd Respondent
ACTING MUNICIPAL MANAGER: CITY OF JOHANNESBURG	4th Respondent
MEMBER OF THE MAYORAL COMMITTEE: HEALTH AND SOCIAL DEVELOPMENT, CITY OF JOHANNESBURG	5th Respondent
MEMBER OF THE MAYORAL COMMITTEE: PUBLIC SAFETY, CITY OF JOHANNESBURG	6th Respondent
MEMBER OF THE EXECUTIVE COUNCIL: GAUTENG DEPARTMENT OF HEALTH	7th Respondent
HEAD OF DEPARTMENT: GAUTENG DEPARTMENT OF HEALTH	8th Respondent
MINISTER OF HEALTH	9th Respondent
DIRECTOR GENERAL, DEPARTMENT OF HEALTH	10th Respondent
NATIONAL POLICE COMMISSIONER	11th Respondent
PROVINCIAL POLICE COMMISSIONER: GAUTENG PROVINCE	12th Respondent
STATION COMMANDER, YEOVILLE POLICE STATION	13th Respondent

STATION COMMANDER, MOFFATVIEW POLICE STATION	14 th Respondent
STATION COMMANDER, BOOYSENS POLICE STATION	15 th Respondent
SOUTH AFRICAN HUMAN RIGHTS COMMISSION	16 th Respondent

FILING SHEET – APPLICANTS’ HOA & PRACTICE NOTE

BE PLEASED TO TAKE NOTICE THAT the first, second, and third applicant hereby file their Heads of argument and Practice Note.

DATED AT **BRAAMFONTEIN** ON THIS THE **6TH** DAY OF **MARCH 2026**.



SECTION27

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16th Respondent

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APPLICANTS' PRACTICE NOTE

1 NAMES OF PARTIES, CASE NUMBER AND SET-DOWN

- 1.1 The names of the parties and the case number appear above.
- 1.2 Pursuant to a directive from the Acting Deputy Judge President, the matter has been set down for hearing before the Honourable Acting Justice G Myburgh on **16 March 2026**.

2 NAMES AND CONTACT DETAILS OF COUNSEL

- 2.1 Applicants
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2.2 First to Sixth Respondents

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2.3 Seventh to Fifteenth Respondents

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Sechaba Mamoepa

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2.4 Sixteenth Respondent

No appearance.

3 NATURE OF THIS URGENT APPLICATION

3.1 This is an urgent contempt application to compel compliance with an order granted by Wilson J on 4 December 2025 (the “**Wilson J order**”).

3.2 This application is effectively unopposed as the respondents have failed to file any answering affidavits, in breach of the Acting Deputy Judge President’s directives.

3.3 In the proceedings before Wilson J, undisputed facts were placed before the Court showing that Yeoville and Rosettenville clinics in Johannesburg were sites of significant xenophobic vigilante activity. Unidentified vigilante groups were blocking patients’ access to these clinics unless they could produce South African identity documents.

- 3.4 Wilson J granted an interim interdict, pending the determination of the application for final relief in Part B, requiring the first to fifteenth respondents to take urgent steps to restore safe and unhindered access to the clinics.
- 3.5 In paragraph 29.4 of the Wilson J order, the applicants were granted leave to approach this Court on the same papers, duly supplemented to the extent necessary, for any further relief necessary to enforce the order. This application was launched on this basis.
- 3.6 The applicants allege that the first to fifteenth respondents are in ongoing breach of the Wilson J order and that this breach is contemptuous.

4 ISSUES

- 4.1 Urgency.
- 4.2 The requirements for civil contempt:
- 4.2.1 An order was granted;
- 4.2.2 The alleged contemnor was served with the order or had knowledge of it; and
- 4.2.3 The alleged contemnor failed to comply with the order.
- 4.3 The appropriate remedy;
- 4.4 The appropriate order as to costs.

5 CHRONOLOGY

- 5.1 The applicants have prepared a procedural chronology, attached as **Annexure A**.

6 SUMMARY OF APPLICANTS' SUBMISSIONS

- 6.1 **Urgency:** Urgency is addressed in the founding affidavit at **pp 012-34 to 012-36 paragraphs 50 – 56**; in the applicants' supplementary affidavit at **pp 003-278 to 003-279 paragraphs 40 – 45**; and in the applicants' heads of argument. In summary:

- 6.1.1 The Wilson J order was sought and granted on an urgent basis. The lawlessness and vigilantism that the order sought to address remains ongoing. On that basis, the enforcement of the order is equally urgent.

- 6.1.2 Moreover, the ongoing disregard of this Court's order renders this matter urgent.

- 6.2 **The requirements for civil contempt:** This is addressed in the founding affidavit at **pp 012-20 to 012-34 paragraphs 20 – 49**; in the applicants' supplementary affidavit at **pp 003-264 to 003-278 paragraphs 14 – 39**; and in the applicants' heads of argument. In summary:

- 6.2.1 The applicants have established that the respondents were aware of the Wilson J order.

- 6.2.2 The respondents have failed to comply with the Wilson J order.

- 6.3 **Remedy:** This is addressed in the founding affidavit at **pp 012-36 paragraphs 57 to 59**; in the applicants' heads of argument. In summary:

6.3.1 The applicants seek a declaration that the first to fifteenth respondents are in contempt, alternatively in breach of the Wilson J order, coupled with further mandatory orders directing the respondents to comply without delay.

6.4 **Costs:** This is addressed in the founding affidavit at **p 012-36 paragraph 60**; in the applicants heads of argument. In summary:

6.4.1 The applicants seek the costs of this application from the first to fifteenth respondents, jointly and severally, in the event that they are successful. Such costs should include the costs of two counsel, on Scale C.

7 **ESTIMATED DURATION OF HEARING**

7.1 1 hour.

8 **RELEVANT PORTIONS OF THE RECORD**

8.1 It is necessary to read the following portions of the record:

8.1.1 The order by Wilson J pp 011-49 to 011-51 paragraph 29;

8.1.2 Notice of motion in the contempt application at pp 012-1 to 012-6;

8.1.3 Founding affidavit in the contempt application at pp 012-11 to 012-37;

8.1.4 Supplementary affidavit in the contempt application at pp 003-257 to 0003-279;

- 8.2 The remaining annexures and documents are sufficiently addressed in the applicants' heads of argument.

9 MODE OF HEARING

- 9.1 The parties have no preference as to the mode of hearing (virtual or in-person).

CHRIS MCCONNACHIE

RUTH KRÜGER

THAMSANQA MALUSI

JON HUNTER-PARSONAGE

Applicants' counsel

**Chambers, Sandton
6 March 2026**

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15th Respondent

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

16th Respondent

**APPLICANTS' HEADS –
CONTEMPT OF COURT APPLICATION**

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INTRODUCTION

- 1 This is an urgent contempt application to compel compliance with an order granted by Wilson J on 4 December 2025 (the “**Wilson J order**”).
- 2 This application is effectively unopposed as the respondents have failed to file any answering affidavits, in breach of the Acting Deputy Judge President’s directives.¹
- 3 In the proceedings before Wilson J, undisputed facts were placed before the Court showing that Yeoville and Rosettenville clinics in Johannesburg were sites of significant xenophobic vigilante activity.² Unidentified vigilante groups were blocking patients’ access to these clinics unless they could produce South African identity documents.³ Amongst the vulnerable people denied access to clinics were pregnant women, lactating women, and young children⁴ – a group that has previously been recognised to deserve special protection.⁵ These unidentified vigilante groups were permitted to operate with impunity, without intervention from the clinic staff, the police, or other state bodies.⁶
- 4 Wilson J granted an interim interdict, pending the determination of the application for final relief in Part B, requiring the first to fifteenth respondents to take urgent steps to restore safe and unhindered access to the clinics. The judgment and order stated, in unambiguous terms, the duties and responsibilities of the first to

¹ Supplementary Affidavit in the contempt application, Annexure “MSSA2”, pp003-311 to 003-312

² Judgment in Part A, p011-37, at para 5

³ Founding Affidavit in Part A, p001-35 at para 66 to 001-36 at para 69

⁴ Founding Affidavit in Part A, p001-18 at para 6

⁵ *SECTION27 v MEC, Gauteng Department of Health* Case number 22/19304 [14 April 2023] ZAGPJHC

⁶ Founding Affidavit in Part A, p001-18 at paras 7 – 9

fifteenth respondents.⁷ The respondents did not seek leave to appeal.

5 In paragraph 29.4 of the Wilson J order, the applicants were granted leave to approach this Court on the same papers, duly supplemented to the extent necessary, for any further relief necessary to enforce the order.⁸ This application was launched on this basis.

6 This application is necessary because the first to fifteenth respondents are in ongoing breach of the Wilson J order.⁹ As is detailed below:

6.1 In the period since Wilson J's order was delivered, unidentified vigilantes continue to be observed at the clinics, and the first to fifteenth respondents continue to fail to meet their obligations¹⁰ to ensure safe and unhindered access to the clinics.¹¹

6.2 The respondents have not informed the applicants and this Court of the concrete steps that they have taken to comply with the order, despite their reporting obligations.¹²

6.3 In the circumstances, vigilantes present an ongoing threat to the rights of vulnerable people, and the applicants remain in the dark as to the steps, if any, that the respondents may have taken to address the

⁷ Judgment in Part A, order, pp011-49 to 011-51, at para 29

⁸ Judgment in Part A, order, p011-51, at para 29.4

⁹ Founding Affidavit in the contempt application, p012-23 to 012-29, at paras 33 to 42; Supplementary Affidavit in the contempt application, p003-277 to 003-278, at paras 38 to 39

¹⁰ These responsibilities were confirmed in the Judgment in Part A, order, pp011-38 to 011-44, at paras 6 to 18

¹¹ Founding Affidavit in the contempt application, pp012-24 to 012-26, at paras 34 to 36; Supplementary Affidavit in the contempt application, p003-277 to 003-278, at paras 38 to 39

¹² Founding Affidavit in the contempt application, p012-26 to 012-28, para 37; Supplementary Affidavit in the contempt application, p003-273 to 003-277, at paras 31-37

problem.

7 In the absence of any explanation for these ongoing breaches of the Wilson J order, the presumption of contempt has not been disturbed. The applicants accordingly seek a declaration that the first to fifteenth respondents are in contempt, alternatively in breach of the Wilson J order, coupled with further mandatory orders directing the respondents to comply without delay.

8 These heads of argument demonstrate the respondents' contempt in three parts:

8.1 First, we provide the relevant background facts and the history of this litigation;

8.2 Second, we address the requirements for contempt of Court;

8.3 Third, we address the urgency of this contempt application.

RELEVANT BACKGROUND, LITIGATION HISTORY AND THE ORDER

Background and litigation history

9 The facts and circumstances leading to Wilson J's order are set out in that judgment¹³ and in the record in support of that application,¹⁴ supplemented by the affidavits submitted in support of this contempt application. We will give only a brief summary of these facts here.

10 Briefly:

10.1 The applicants are three organisations that, *inter alia*, seek to expand

¹³ Judgment in Part A, p011-34 to 011-52

¹⁴ Founding Affidavit in Part A, p001-34, at paras 63 to 93

access to healthcare and to fight xenophobia.¹⁵

10.2 The Yeoville and Rosettenville clinics provide essential healthcare services and are operated by the City of Johannesburg pursuant to section 32 of the National Health Act;¹⁶

10.3 The clinics are “hot spots” of vigilante action, with unauthorised individuals controlling access to the two clinics and refusing access to patients who are unable to provide a South African identity document.¹⁷ The applicants and their attorneys started receiving a growing number of reports of these vigilante activities around June 2025;¹⁸

10.4 The vigilantes are suspected of belonging to or of being affiliated with anti-migrant organisations;¹⁹

10.5 Following several monitoring visits at the clinics by the third applicant and the applicants’ attorneys,²⁰ conducted on 17 and 19 September 2025, the applicants addressed urgent correspondence to the respondents to demand that they act to ensure access to healthcare for all patients.²¹

¹⁵ Founding Affidavit in Part A, p001-20 to 001-22, at paras 15 to 22

¹⁶ Founding Affidavit in Part A, p001-34 to 001-22, at paras 63 to 65

¹⁷ Founding Affidavit in Part A, p001-18, at para 6; p001-35 at para 66 to p001-36 at para 69

¹⁸ Founding Affidavit in Part A, p001-35 at para 66

¹⁹ Founding Affidavit in Part A, p001-35 at para 67

²⁰ Founding Affidavit in Part A, p001-36 at para 71 to p001-41 at para 74

²¹ Founding Affidavit in Part A, Annexures “MSM12” and “MSM13”, pp001-119 to 001-131

- 10.6 This correspondence further called upon the respondents to formulate and implement a coordinated plan to address vigilante action at public healthcare establishments.
- 10.7 The respondents provided no meaningful response to the letters, either before or after the 26 September 2025 deadline set through the correspondence.²²
- 10.8 After the deadline had passed, the applicants conducted further monitoring visits at the two clinics.²³ During the course of these visits, they observed the ongoing presence of unauthorised and unidentified individuals, who were actively involved in obstructing or refusing access to the clinics to people who did not produce South African identity documents. The applicants also observed that:
- 10.8.1 the unauthorised individuals were frequently positioned inside the clinic premises;
- 10.8.2 security guards at the clinics were either failing to intervene in the activities of the unauthorised individuals, or were actively collaborating with them;
- 10.8.3 police presence was rare, and no intervention by any policing entity was observed.

²² Founding Affidavit in Part A, pp001-44 to 001-45 at paras 83, 85 and 86

²³ Founding Affidavit in Part A, p001-45 at para 88 to p001-48 at para 93.3

- 11 The observations from various monitoring visits to the two clinics prior to the Part A hearing are recorded in the supporting affidavits deposed to by the applicants and their attorneys in the Part A application,²⁴ and supporting affidavits from the second and third applicants in the Part A application.²⁵ Media reports included in the founding papers provide additional context,²⁶ as do first-hand reports from migrant and undocumented patients who were denied access to the clinics.²⁷
- 12 In summary, before this application was launched, the respondents failed to engage with the applicants' attorneys in any meaningful manner, despite the persistent obstruction of access to the clinics by unidentified vigilantes and the resultant harm to migrant and undocumented patients, as described in the founding affidavit.²⁸ This meant that the applicants had no choice but to bring an urgent application – Part A of these proceedings – seeking urgent interim relief pending the finalisation of proceedings in Part B.

The Order

- 13 The applicants were successful in Part A of these proceedings. In terms of the interim order handed down by Wilson J in the Part A urgent application:²⁹

13.1 The first to fifteenth respondents were directed, pending the final determination of the Part B application, to:

²⁴ Founding Affidavit in Part A, Annexure “MSM14”, pp001-132 to 001-149; Supplementary affidavit in Part A, 003-39 to 003-50

²⁵ Founding Affidavit in Part A, pp001-234 to 001-305; Supplementary affidavit in Part A, pp 003-51 to 003-58

²⁶ Founding Affidavit in Part A, Annexures “MSM19” and “MSM20”, pp001-155 to 001-163

²⁷ Founding Affidavit in Part A, Annexure “MSM4” to “MSM11”, pp 001-86 to 001-118

²⁸ Founding Affidavit in Part A, pp001-55 to 001-56 paras 127 – 129

²⁹ Judgment in Part A, order, pp011-49 to 011-51, at para 29

- 13.1.1 immediately take all reasonable measures to ensure safe and unhindered physical access to the Yeoville and Rosettenville clinics;
 - 13.1.2 confront and take all reasonable steps to secure the removal of any unauthorised persons from the clinics' premises or immediate surrounds who are hindering or obstructing physical access to and the provision of health services within the clinics;
 - 13.1.3 ensure that adequate numbers of trained security personnel are stationed at all access points to the clinics to ensure compliance with this order.
- 13.2 The first and second respondents were directed to:
- 13.2.1 post notices at all public access points to the clinics within 5 days of the order, each notice stating that:

“No unauthorised person may obstruct or hinder physical access to this clinic or the provision of healthcare services within the clinic. Any person violating this instruction will be removed from the premises and its surrounds and reported to the police.”
 - 13.2.2 report all incidents and unauthorised persons on the clinics' premises or in the immediate surrounds who are hindering or obstructing physical access to and the provision of health services within the clinics, and, to enable this, to take all reasonable steps to ascertain the identities of the unauthorised persons.

13.3 The South African Police Service was directed to provide all necessary assistance to ensure compliance with this order, including taking all reasonable steps to respond to and investigate any reports received from the first and second respondents about incidents or unauthorised people on the clinics' premises or their immediate surrounds who are hindering or obstructing physical access to the clinics.

13.4 The first to fifteenth respondents were collectively directed to file a report, on affidavit, within 10 court days of the decision, detailing the actions taken to comply with the interim order, detailed above.

EVENTS SINCE THE ORDER

The applicants' efforts to ensure compliance with the order

14 The applicants have repeatedly sought to engage with the first to fifteenth respondents, to draw their attention to the order and encourage compliance. This engagement has involved the following:

14.1 The applicants' attorneys wrote to the respondents on 10 December 2025 to draw their attention to the contents of the order.³⁰

14.2 The first to sixth respondents requested a brief extension of time to comply with the Wilson J order requiring that notices be placed at the entrance to the clinics, indicating their knowledge and awareness of the order and its demands.³¹ In order to allow the respondents time to

³⁰ Founding Affidavit in the contempt application, Annexure "CA2", pp012-54 to 012-57

³¹ Founding Affidavit in the contempt application, Annexure "CA7", pp012-65

comply, the applicants acceded to this request.

- 14.3 The applicants' attorneys wrote to the respondents on 15 December 2025, expressing their concerns about the fact that the respondents had not fulfilled the obligations imposed on them by the Wilson J order.³² They had not taken all reasonable measures to ensure safe and unhindered access to the clinics, including placing notices at all entrances to warn against vigilantism. They had also not confronted and taken all reasonable steps to remove any unauthorised persons from the clinics.
- 14.4 On 16 January 2026, a letter of demand was sent to the respondents, placing the first to fifteenth respondents on notice to comply with the Wilson J order, and noting their various failures to comply.³³
- 14.5 The applicant delivered a further letter on 28 January 2026, calling on the respondents to comply with the Wilson J order and noting their various failures to comply.³⁴
- 14.6 On 2 February 2026, the applicants met with the facility manager at Rosettenville clinic to engage with her about the Wilson J order and encourage her full compliance.³⁵
- 14.7 Throughout February 2026, the applicants' attorneys conducted monitoring visits at the two clinics, and reported the vigilantism they

³² Founding Affidavit in the contempt application, Annexure "CA9", pp012-70 to 012-73

³³ Founding Affidavit in the contempt application, Annexure "CA13", pp012-88 to 012-94

³⁴ Founding Affidavit in the contempt application, Annexure "CA14A", pp012-97 to 012-100

³⁵ Supplementary Affidavit in the contempt application, p003-265 at para 16.3

observed at Rosettenville clinic to the SAPS.³⁶

14.8 On 23 February 2026, the first applicant met with officials from the offices of the MMC for Public Safety and the MMC for Health and Social Development, to ascertain what steps they had taken to comply with the Wilson J order, and encourage their full compliance.³⁷

The ongoing threat of vigilantes at the clinics

15 Despite the applicants' extensive efforts to engage with the respondents, they have not complied with the Wilson J order.

16 The Wilson J order made clear that the respondents were to take "*all reasonable steps to ensure safe and unhindered access to the Yeoville and Rosettenville clinics*" and to "*confront and take all reasonable steps to secure the removal of any unauthorised persons from the clinics' premises or immediate surrounds who are hindering or obstructing*" access to the clinics.³⁸

17 In the days, weeks and months since that order, the applicants have monitored the clinics to assess whether people are able to gain safe and unhindered access and, where they cannot, to ascertain whether the respondents are fulfilling their responsibility to remove those interfering with such access.³⁹

18 Over the course of these monitoring visits, the presence of vigilantes has been

³⁶ Supplementary Affidavit in the contempt application, Annexure "MSSA4", p003-319 at para 4

³⁷ Supplementary Affidavit in the contempt application, pp003-270 to 003-272, at paras 22 to 29

³⁸ Judgment in Part A, order, pp011-49 to 011-50, at paras 29.2.2 and 29.2.3

³⁹ Founding Affidavit in the contempt application, pp012-18 to 012-22, at paras 22 to 28; Supplementary Affidavit in the contempt application, pp003-264 to 003-269, at paras 14 to 18 – please note that an error in numbering has resulted in two para 18s. The reports on the monitoring visits end on 003-269, where the second para 18 can be found (the first para 18 is on 003-267)

observed at the Rosettenville clinic on numerous monitoring visits.⁴⁰ Furthermore, the respondents' have taken no visible action at either clinic to prevent vigilantism and ensure access to the clinics, despite their obligations to do so under the Wilson J order. The facility manager at Rosettenville clinic has confirmed that she has not been given any support to address the problem, and considers herself to be at risk of attack by the vigilantes.⁴¹

19 In particular, it is notable that the South African Police Service ("**SAPS**") was not present during any of the monitoring visits. The applicants have reported vigilantism at Rosettenville clinic to the police,⁴² but this does not appear to have led to any sustained intervention by the SAPS.

20 Beyond noting their absence at the clinics, the applicants have received the following further confirmations that the SAPS' interventions at the clinics have been limited and unhelpful:

20.1 SAPS' employees at Moffatview Police Station – which has jurisdiction over Rosettenville clinic – have confirmed that they are not involved in proactive monitoring;⁴³

20.2 The facility manager in Rosettenville has failed to report incidents to the SAPS as she fears the vigilantes, given that the SAPS are not involved in any form of ongoing monitoring at the clinic and she cannot be assured

⁴⁰ Founding Affidavit in the contempt application, p012-18, at para 22.2; p012-19, at paras 24 and 25; p012-21, at para 27; Supplementary Affidavit in the contempt application, pp003-264, at para 14 to 003-266, at para 16.6; Supplementary Affidavit in the contempt application, Annexure "MSSA4", pp003-321 to 003-322, at paras 7 to 9

⁴¹ Supplementary Affidavit in the contempt application, pp003-265 to 003-266, at paras 16.3 to 16.6

⁴² Supplementary Affidavit in the contempt application, Annexure "MSSA4", p003-319 at para 4

⁴³ Supplementary Affidavit in the contempt application, pp003-266 to 003-267, at paras 16.7 to 16.9

of her safety.⁴⁴

- 21 Worryingly, the monitoring visits seem to indicate that Yeoville clinic staff members themselves have begun to prevent patients without documentation from receiving medical attention.⁴⁵

The respondents' reporting obligations

- 22 The Wilson J order directed that the first to fifteenth respondents, collectively, were to file a report by 18 December 2025, which must:

22.1 Be on affidavit;

22.2 Report on compliance with the Wilson J order;

22.3 Relate specifically to Yeoville and Rosettenville clinics, being the clinics on which Part A of this matter was focused;

22.4 Report on their efforts to work collaboratively to fulfil the terms of the order.

- 23 On 18 December 2025, the first to sixth respondents uploaded what purports to be a report, titled "First to Sixth Respondent Report on deployment of additional security at city's clinics" ("**the City's Report**").⁴⁶

- 24 However, this "report" is in breach of the Wilson J order, both in form and

⁴⁴ Supplementary Affidavit in the contempt application, pp003-265 to 003-266, at paras 16.3 to 16.6

⁴⁵ Founding Affidavit in the contempt application, p012-19, at para 24; Supplementary Affidavit in the contempt application, pp003-267 to 003-268, at para 20; Supplementary Affidavit in the contempt application, Annexure "MSSA4", pp003-320, at para 6; Supplementary Affidavit in the contempt application, Annexure "MSSA5", pp003-327 to 003-328, at para 4

⁴⁶ Founding Affidavit, Annexure "CA11"

substance:⁴⁷

- 24.1 The report is not on affidavit.
 - 24.2 The report is merely a request to the Municipal Manager for the deployment of additional security officers, not a report on actual steps taken in compliance with the Court order.
 - 24.3 The report does not detail whether the additional security officers were approved, how many were approved, whether they have been deployed, and how many are intended to be deployed to the Yeoville and Rosettenville clinics.
 - 24.4 The report indicates that the first to sixth respondents are seeking additional resources in order to be able to comply with the Wilson J order. This implies that, at the time of filing the report, they had not been able to comply with the report.
 - 24.5 The report only addresses the parts of the Wilson J order dealing with additional security measures at clinics. It does not address the remainder of the order.
- 25 Accordingly, the first to sixth respondents' report is wholly deficient and does not constitute compliance with the requirements of the Wilson J order. Further, the first to sixth respondents' have ignored the applicants' repeated and urgent

⁴⁷ Founding Affidavit in the contempt application, Annexure "CA11", pp012-80 to 012-83

demands that they file a compliant report.⁴⁸

26 The seventh to tenth respondents – the representatives of the provincial and national health departments – filed a report on 23 February 2026⁴⁹ (“**the health departments’ report**”). This report is similarly deficient.⁵⁰

26.1 The report was filed more than two months after the deadline of 18 December 2026, without any explanation for the delay.

26.2 This report seeks to adopt and endorse the City’s report, despite the fact that the City’s report is no report at all.

26.3 It does not detail any concrete steps to address the problem of vigilantism at Yeoville and Rosettenville clinics.

26.4 It is silent on whether the national and health departments have made any attempt to engage with their counterparts in the City to offer assistance and support in complying with the Wilson J order.

27 The eleventh to fifteenth respondents – the SAPS representatives – have failed to file any report, despite repeated demands that they do so.

28 In the circumstances, the applicants remain in the dark as to what actions, if any, the respondents have taken to comply with the Wilson J order and have reasonable grounds to believe that vigilantism will continue at the clinics.

⁴⁸ Founding Affidavit in the contempt application, Annexure “CA13”, pp012-88 to 012-94 and Annexure “CA14A”, pp012-97 to 012-100; Supplementary Affidavit in the contempt application, Annexure “MSSA3”, pp003-313 to 003-317 and Annexure “MSSA7”, pp003-358 to 003-362

⁴⁹ Supplementary Affidavit in the contempt application, Annexure “MSSA6”, pp003-333 to 003-357

⁵⁰ Discussed in detail in the Supplementary Affidavit in the contempt application, pp003-273 to 003-277 at paras 34-37

The contempt application

- 29 The applicants launched this contempt application on 2 February 2026, initially seeking an urgent hearing date in the week of 24 February.⁵¹
- 30 After receiving no response and no answering affidavits, the applicants wrote to the Acting Deputy Judge President seeking a special allocation and directives,⁵² which was duly granted on 16 February 2026.⁵³ The respondents were directed to file answering affidavits by 17 February 2026, but failed to do so.

URGENCY

- 31 The Wilson J order was sought and granted on an urgent basis. The lawlessness and vigilantism that the order sought to address remains ongoing. On that basis, the enforcement of the order is equally urgent.
- 32 Moreover, contempt of court proceedings are, in general, inherently urgent. This long-standing principle was affirmed by the Constitutional Court in *Zuma*—⁵⁴

“[31] It is not insignificant that his assaults and his alleged contempt are ongoing and relentless, as this underscores the urgency. In Protea Holdings, the court said that ‘if there was no continuing contempt of court . . . then the hearing of this application as a matter of urgency in the court vacation would not be justified’. It held that —

‘the element of urgency would be satisfied if in fact it was shown that [the] respondents were continuing to disregard the order If this be so, the applicant is entitled, as a matter of urgency, to attempt to get the respondents to desist by the penalty referred to being imposed.’

⁵¹ Notice of Motion in the contempt application, p012-1

⁵² Supplementary Affidavit in the contempt application, Annexure “MSSA1”, pp003-281 to 003-310

⁵³ Supplementary Affidavit in the contempt application, Annexure “MSSA2”, pp003-311 to 003-312

⁵⁴ *Zuma* at [31]-[33]

[32] *A similar point was made in Victoria Park Ratepayers' Association, in which it was said that —*

'(c)ontempt of court has obvious implications for the effectiveness and legitimacy of the legal system and the judicial arm of government. There is thus a public interest element in each and every case in which it is alleged that a party has wilfully and in bad faith ignored or otherwise failed to comply with a court order. This added element provides to every such case an element of urgency.'

[33] *In that case, the court went further to state that —*

'it is not only the object of punishing a respondent to compel him or her to obey an order that renders contempt proceedings urgent: the public interest in the administration of justice and the vindication of the Constitution also render the ongoing failure or refusal to obey an order a matter of urgency. This, in my view, is the starting point: all matters in which an ongoing contempt of an order is brought to the attention of a court must be dealt with as expeditiously as the circumstances, and the dictates of fairness, allow.'"

33 The urgency of contempt of court proceedings arises from the public interest in ensuring that courts, and court orders, are respected.

34 The urgency in this matter is heightened by the subject matter of these proceedings:

34.1 As organs of state, the respondents bear an even greater duty to comply with court orders;

34.2 The ongoing failure of the respondents to comply with the Wilson J order places a fundamental constitutional right in jeopardy – the right to access to healthcare – and affects women and children in particular, who are inherently vulnerable;

34.3 The respondents continue to allow unidentified and unauthorised individuals to take the law into their own hands and control access to public facilities and public resources.

- 35 The applicants did not delay in launching these proceedings, after all attempts to engage the respondents to secure compliance were disregarded.

CONTEMPT OF COURT

General principles: contempt and the rule of law

- 36 Orders of court must be obeyed – this is a constitutional injunction under section 165 of the Constitution.⁵⁵ Non-compliance with court orders is therefore a serious matter—

“Once court orders are disobeyed without consequence, and enforcement is compromised, the impotence of the courts and the judicial authority must surely follow. Effective enforcement to protect the Constitution earns trust and respect for the courts. This reciprocity between the courts and the public is needed to encourage compliance, and, progressively, common constitutional purpose.”⁵⁶

- 37 The importance of enforcement goes beyond the parties involved. There is a *“broader public interest in obedience to [a court’s] orders, since disregard sullies the authority of the courts and detracts from the rule of law.”⁵⁷*

- 38 The State owes a heightened obligation to obey orders of court, an onus described as *“no doubt . . . the most important and fundamental duty imposed upon the State by the Constitution.”⁵⁸* In terms of section 165(4) of the Constitution, the State is obliged to *“assist and protect the courts to ensure the*

⁵⁵ Section 165 of the Constitution

⁵⁶ *Municipal Manager, OR Tambo District Municipality and Another v Ndabeni* [2022] ZACC 3; 2023 (4) SA 421 (CC); 2022 (10) BCLR 1254 (CC) at [26]

⁵⁷ *Fakie N.O. v CCII Systems (Pty) Ltd* [2006] ZASCA 52; 2006 (4) SA 326 (SCA) (*“Fakie”*) at [8]

⁵⁸ *Mjeni v Minister of Health and Welfare, Eastern Cape* 2000 (4) SA 446 (Tkh) at 452E

independence, impartiality, dignity, accessibility and effectiveness of the courts.”

- 39 Breaches of this obligation by the state must therefore attract the strongest censure. As the SCA held in *Minister of Home Affairs v Somali Association of South Africa*:⁵⁹

“It is a most dangerous thing for a litigant, particularly a State department and senior officials in its employ, to willfully ignore an order of court. After all there is an unqualified obligation on every person against, or in respect of, whom an order is made by a court of competent jurisdiction to obey it unless and until that order is discharged.

. . .

As this Court stressed in Gauteng Gambling Board & another v MEC for Economic Development, Gauteng 2013 (5) SA 24 (SCA) para 52: ‘[o]ur present constitutional order is such that the State should be a model of compliance. It and other litigants have a duty not to frustrate the enforcement by courts of constitutional rights.’

- 40 Where the state is in breach of court orders, it also attracts heightened obligations of transparency and candour to explain its conduct. In this regard, the Constitutional Court has emphasised that—

“[t]he Constitution requires public officials to be accountable and observe heightened standards in litigation. They must not mislead or obfuscate. They must do right and they must do it properly. They are required to be candid and place a full and fair account of the facts before a court.”⁶⁰

- 41 Mechanisms to enforce compliance with court orders are thus of fundamental importance, particularly where – as in this case – the contemnor is the State. Contempt of court is one such mechanism.

⁵⁹ *Minister of Home Affairs v Somali Association of South Africa* 2015 (3) SA 545 (SCA) at [35] – [36].

⁶⁰ *Public Protector v South African Reserve Bank* [2019] ZACC 29; 2019 (9) BCLR 1113 (CC) at [153].

The requirements for civil contempt of court

42 Contempt of court, in civil matters, means “*the deliberate, intentional (i.e. wilful), disobedience of an order granted by a court of competent jurisdiction*”.⁶¹

Proceedings of this nature serve three primary purposes: to protect the integrity of the courts; to promote the right of access to courts through effective remedies; and to uphold the rule of law.⁶²

43 In order for an applicant to succeed in a civil contempt application, the applicant need only show, on a balance of probabilities,⁶³ that:⁶⁴

43.1 An order was granted;

43.2 The alleged contemnor was served with the order or had knowledge of it;

43.3 The alleged contemnor failed to comply with the order.

44 Once these three elements have been proven, the further elements of contempt of court – wilfulness and *mala fides* – are presumed.⁶⁵ The alleged contemnor bears an evidentiary burden to show that its breach of the order is neither wilful nor *mala fide*.⁶⁶ Should the contemnor fail to meet this burden, contempt is

⁶¹ *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others* [2021] ZACC 18; 2021 (5) SA 327 (CC); 2021 (9) BCLR 992 (CC) (“**Zuma**”) at [2] and fn 4; *Consolidated Fish Distributors (Pty) Ltd v Zive and Others* 1968 (2) SA 517 (C) at 522B-C

⁶² *Zuma* at [59] – [62]

⁶³ *Matjhabeng Local Municipality v Eskom Holdings Limited and Others; Mkhonto and Others v Compensation Solutions (Pty) Limited* [2017] ZACC 35; 2018 (1) SA 1 (CC); 2017 (11) BCLR 1408 (CC) at [67]

⁶⁴ *Zuma* at [37]; *Pheko v Ekurhuleni City* [2015] ZACC 10; 2015 (5) SA 600 (CC); 2015 (6) BCLR 711 (CC) (“**Pheko II**”) at para 32

⁶⁵ *Frankel Max Pollak Vinderine Inc v Menell Jack Hyman Rosenberg & Co Inc and Others* 1996 (3) SA 355 (A) at 377I-J

⁶⁶ *Zuma* at [37]; *Pheko II* at [36]; *Fakie* at [41] and [42]

established.⁶⁷

Contempt is established

The respondents were aware of the Wilson J order

45 In this matter, there can be no doubt that the first to fifteenth respondents were aware of the order delivered by Wilson J. The applicants' extensive engagement with the respondents, discussed above,⁶⁸ attests to this.

46 Furthermore, the inadequate reports filed by the first to sixth and seventh to tenth respondents, demonstrate that these respondents are fully aware of the Wilson J order, even if they have not complied with it.

The respondents have failed to comply with the Wilson J order

47 The Wilson J order required the respondents to:⁶⁹

47.1 Take all reasonable steps to address and prevent vigilantism at Yeoville and Rosettenville Clinics (paras 29.2.1-29.2.6 of the order);

47.2 Coordinate with one another to ensure these steps are effective (paras 29.2.1-29.2.6 of the order);

47.3 Report the actions they have taken to the Court and the applicants, on affidavit (para 29.3).

48 The respondents have failed to comply with the Wilson J order.

⁶⁷ *Zuma* at [37]

⁶⁸ Above at paragraph 14

⁶⁹ Judgment in Part A, order, p 011-49 to 011-51, para 29

49 To date:

49.1 Unidentified vigilantes have continued to operate at the clinics, controlling access and obstructing migrant and undocumented patients, without any intervention from the respondents;⁷⁰

49.2 The respondents have failed to collaborate to develop effective interventions which will address the vigilante action at the clinics;⁷¹

49.3 The respondents' reports have failed to comply with the reporting requirements contained within the Wilson J order, as discussed above.⁷²

The presumption of contempt has not been overturned

50 In the absence of any answering affidavits from the respondents explaining their conduct, the presumption of contempt has not been rebutted.

51 Moreover, the respondents' failure to engage with these contempt proceedings and their failure to file answering affidavits, in breach of the Acting DJP's directives, is itself evidence of contemptuous disregard of this court and its orders.⁷³

⁷⁰ Founding Affidavit in the contempt application, pp012-24 to 012-25, at paras 34.1.1 to 34.1.3; Supplementary Affidavit in the contempt application, 003-264 to 003-269 at paras 15, 16.1; 21 and 17 (please note, that this para 17 refers to the para 17 on 003-269 of the record)

⁷¹ Supplementary Affidavit in the contempt application, 003-264 to 003-269 at paras 15, 16.1; 21 and 17 (please note, that this para 17 refers to the para 17 on 003-269 of the record)

⁷² Paragraphs 22 to 26

⁷³ Supplementary Affidavit in the contempt application, Annexure "MSSA2", pp003-311 to 003-312

REMEDY

52 For the reasons set out above, the applicants are entitled to relief set out in the notice of motion: that the first to fifteenth respondents be declared to be in contempt, alternatively in breach, of the order.

53 The applicants further seek a *mandamus* directing the first to fifteenth respondents to comply fully with the order.

54 This relief is essential both for applicants and to protect the integrity and effectiveness of this court, and all courts. This point is amplified by the following:

54.1 Pending the finalisation of Part B of this application, there is no other satisfactory remedy available to the applicants, and no way to ensure that migrant and undocumented patients are able to access healthcare at the Yeoville and Rosettenville clinics. They have engaged with the respondents extensively, to no avail. They have exhausted all possible non-litigious remedies.

54.2 Should the respondents be permitted to continue to disregard the orders of this court, the rule of law in South Africa will be undermined.

COSTS

55 This is a matter of great importance, which involves the vindication of fundamental constitutional rights and the authority of the courts.

56 Given its size and complexity, as well as its constitutional importance, the applicants seek the costs of this application from the first to fifteenth respondents, jointly and severally, in the event that they are successful. Such costs should

include the costs of two counsel, on Scale C.

- 57 Should the applicants not be successful, in any respect, they ought to be shielded from costs in line with the *Biowatch* principle.⁷⁴

CHRIS McCONNACHIE

RUTH KRÜGER

THAMI MALUSI

JONATHAN HUNTER-PARSONAGE

Applicants' counsel

Chambers, Sandton

6 March 2026

⁷⁴ *Biowatch Trust v Registrar Genetic Resources and Others* (CCT 80/08) [2009] ZACC 14; 2009 (6) SA 232 (CC); 2009 (10) BCLR 1014 (CC) at para 22

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

CASE NO: 2025-181893

In the matter between—

TREATMENT ACTION CAMPAIGN	1 st Applicant
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MÉDECINS SANS FRONTIERES	2 nd Applicant
---------------------------------	---------------------------

KOPANANG AFRICA AGAINST XENOPHOBIA	3 rd Applicant
---	---------------------------

and

FACILITY MANAGER AT YEOVILLE CLINIC	1 st Respondent
--	----------------------------

FACILITY MANAGER AT ROSETTENVILLE CLINIC	2 nd Respondent
---	----------------------------

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY	3 rd Respondent
---	----------------------------

ACTING MUNICIPAL MANAGER: CITY OF JOHANNESBURG	4 th Respondent
---	----------------------------

MEMBER OF THE MAYORAL COMMITTEE: HEALTH AND SOCIAL DEVELOPMENT, CITY OF JOHANNESBURG	5 th Respondent
---	----------------------------

MEMBER OF THE MAYORAL COMMITTEE: PUBLIC SAFETY, CITY OF JOHANNESBURG	6 th Respondent
---	----------------------------

MEMBER OF THE EXECUTIVE COUNCIL: GAUTENG DEPARTMENT OF HEALTH	7 th Respondent
--	----------------------------

HEAD OF DEPARTMENT: GAUTENG DEPARTMENT OF HEALTH	8 th Respondent
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MINISTER OF HEALTH	9 th Respondent
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DIRECTOR GENERAL, DEPARTMENT OF HEALTH	10 th Respondent
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NATIONAL POLICE COMMISSIONER	11 th Respondent
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PROVINCIAL POLICE COMMISSIONER: GAUTENG PROVINCE	12 th Respondent
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STATION COMMANDER, YEOVILLE POLICE STATION	13 th Respondent
---	-----------------------------

STATION COMMANDER, MOFFATVIEW POLICE STATION	14 th Respondent
---	-----------------------------

STATION COMMANDER, BOOYSENS POLICE STATION

15th Respondent

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

16th Respondent

**APPLICANTS' AUTHORITIES –
CONTEMPT OF COURT APPLICATION**

1. *Biowatch Trust v Registrar Genetic Resources and Others* [2009] ZACC 14; 2009 (6) SA 232 (CC); 2009 (10) BCLR 1014 (CC).
2. *Consolidated Fish Distributors (Pty) Ltd v Zive and Others* 1968 (2) SA 517 (C).
3. *Fakie N.O. v CCII Systems (Pty) Ltd* [2006] ZASCA 52; 2006 (4) SA 326 (SCA).
4. *Frankel Max Pollak Vinderine Inc v Menell Jack Hyman Rosenberg & Co Inc and Others* 1996 (3) SA 355 (A).
5. *Matjhabeng Local Municipality v Eskom Holdings Limited and Others; Mkhonto and Others v Compensation Solutions (Pty) Limited* [2017] ZACC 35; 2018 (1) SA 1 (CC); 2017 (11) BCLR 1408 (CC).
6. *Minister of Home Affairs v Somali Association of South Africa* 2015 (3) SA 545 (SCA).
7. *Mjeni v Minister of Health and Welfare, Eastern Cape* 2000 (4) SA 446 (Tkh).
8. *Municipal Manager, OR Tambo District Municipality and Another v Ndabeni* [2022] ZACC 3; 2023 (4) SA 421 (CC); 2022 (10) BCLR 1254 (CC).
9. *Pheko v Ekurhuleni City* [2015] ZACC 10; 2015 (5) SA 600 (CC); 2015 (6) BCLR 711 (CC).
10. *Public Protector v South African Reserve Bank* [2019] ZACC 29; 2019 (9) BCLR 1113 (CC).

11. *Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State v Zuma and Others* [2021] ZACC 18; 2021 (5) SA 327 (CC); 2021 (9) BCLR 992 (CC).
12. *SECTION27 v MEC, Gauteng Department of Health* Case number 22/19304 [14 April 2023] ZAGPJHC.

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STATION COMMANDER, BOOYSENS POLICE STATION 15th Respondent

SOUTH AFRICAN HUMAN RIGHTS COMMISSION 16th Respondent

APPLICANTS' PROCEDURAL CHRONOLOGY

DATE	EVENT	REFERENCE
6 October 2025	Urgent Part A application launched.	Urgent Part A application Notice of Motion, p001-1 to p001-14.
25 November 2025	Urgent Part A application heard by Wilson J.	Notice of set down for Part A application, p009-6 to p009-8.
4 December 2025	Judgment and order in Part A application handed down by Wilson J.	Judgment in Part A, p011-37.
10 December 2025	Applicants' letter sent to respondents, making them aware of Wilson J's order and calling for their compliance.	Founding affidavit, Annexure CA2, p012-54 to p012-57.
11 December 2025	First to sixth respondents' request for an extension to 12 December 2025, to comply with Wilson J's order.	Founding affidavit, Annexure CA7, p012-65.
15 December 2025	Applicants' letter sent to the respondents, calling for their	Founding affidavit, Annexure CA9, p012-72 to p012-73.

	compliance with Wilson J's order.	
18 December 2025	First to sixth respondents filed a document purporting to be a report of steps taken in compliance with the Wilson J order.	Founding affidavit, Annexure CA11, p012-80 to 012-83.
16 January 2026	Applicants' letter of demand sent to the respondents, requesting their compliance Wilson J's order.	Founding affidavit, Annexure CA13, p012-88 to p012-94.
22 January 2026	First to sixth respondents' letter to the applicants, alleging that they are in full compliance with Wilson J's order.	Founding affidavit, Annexure CA14, p012-95 to p012-96.
28 January 2026	Applicants' letter to the respondents, setting out the nature of their non-compliance with Wilson J's order, and calling for their compliance.	Founding affidavit, Annexure CA14A, p012-97 to p012-100.
2 February 2026	The applicants brought this urgent contempt application.	Contempt application Notice of Motion, p012-1 to p012-6
	Members of the first applicant conducted further monitoring visits at Rosettenville clinic and observed that vigilantes were obstructing access to the clinic.	Supplementary affidavit, p003-264 para 15 to p003-267 para 17.
13 February 2026	The applicants addressed correspondence to the Acting Deputy Judge President, requesting a special allocation.	Supplementary affidavit, Annexure MSSA1, p003-281 to p003-310.

16 February 2026	The Acting Deputy Judge President issued the following directives regarding the contempt application: 1. The respondents to file their answering affidavits by 17 February 2026; 2. The applicants to file their replying affidavit by 24 February 2026; 3. Heads of argument and practice note on behalf of both applicants and respondents to be filed by 6 March 2026; 4. The application is enrolled for hearing on 16 March 2026.	Acting DJP Directive, Supplementary affidavit, Annexure MSSA2, p003-311 to p003-312.
17 February 2026	The deadline for respondents' answering affidavits, as per the directive of the Acting Deputy Judge President. No answering affidavits were received.	

23 February 2026	Seventh to tenth respondents filed a document purporting to be a report on the steps they had taken in compliance with the Wilson J order.	Supplementary affidavit, Annexure MSSA6, p003-329 to p003-357.
24 February 2026	The applicants' legal representatives conducted a monitoring visit at Yeoville Clinic and were informed that some clinic staff were refusing to treat undocumented patients.	Supplementary affidavit, p003-267 to p003-268, para 20.
	The applicants' legal representatives conducted a monitoring visit at Rosettenville Clinic and observed that vigilantes were present at the clinic.	Supplementary affidavit, p003-268 para 21.
26 February 2025	The applicants' legal representatives conducted a monitoring visit at Rosettenville Clinic and observed that vigilantes were present at the clinic.	Supplementary affidavit, p003-269 para 17.
27 February 2026	Applicants filed a supplementary affidavit, to address the developments since the contempt application was launched.	Supplementary affidavit p003-257 to p003-280.
6 March 2026	Applicants filed heads of argument.	