



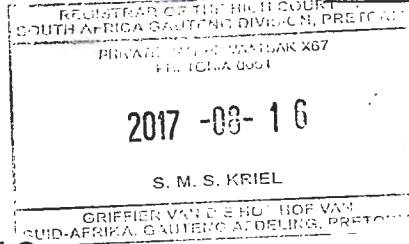
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case No:

56576/17

In the matter between:

HUME, JOHN FREDERICK



APPLICANT

And

MINISTER OF ENVIRONMENTAL AFFAIRS N.O.

RESPONDENT

INDEX – URGENT APPLICATION

COMPLETED – 16 August 2017
(Provisional – for pagination purposes)

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Signed at Pretoria on Wednesday, August 16, 2017.

SEYMORE DU TOIT & BASSON INC
ATTORNEYS FOR THE APPLICANT
Ref: I DU TOIT
Tel: (013) 752 4459
Fax: (013) 755 3897
C/O DYASON INCORPORATED
134 Muckleneuk Street
Nieuw Muckleneuk
Pretoria
Ref: J GOUS / D Lowe / MAT86724

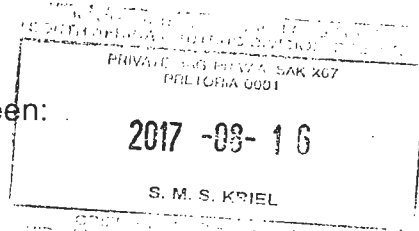
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**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

56574/17

CASE NO.

In the matter between:



JOHN FREDERICK HUME

APPLICANT

ID NUMBER 420125 5482 085

and

THE MINISTER OF ENVIRONMENTAL AFFAIRS

OF THE REPUBLIC OF SOUTH AFRICA N.O.

RESPONDENT

NOTICE OF MOTION

TAKE NOTICE THAT application will be made on behalf of John Frederick Hume, hereinafter referred to as "the Applicant", on **Friday 18 August 2017 at 10h00** or as soon thereafter as counsel may be heard for an order in the following terms:-

1. That this application be heard as an urgent application in accordance with the provisions of Rule 6(12) and that the requirements pertaining to forms, service and time periods be dispensed with;

2. That the Respondent be ordered to hand over to the Applicant the original permit which the Respondent has already approved and issued, authorizing the selling of 264 rhinoceros horns by way of online auction, within 12 hours of the granting of this order;
3. That the Respondent be ordered to pay the costs of this application, including the costs consequent upon the employment of senior counsel, only in the event of same being opposed; and
4. That such further and / or alternative relief be granted to the Applicant as this Court may deem reasonable and / or appropriate under the prevailing circumstances.

TAKE NOTICE FURTHER that the founding affidavit of **JOHN FREDERICK HUME**, together with the annexures attached thereto, will be used in support of this application.

TAKE NOTICE FURTHER that the Applicant has appointed the offices of Seymore Du Toit & Basson Inc., C/O Dyason Inc., 134 Muckleneuk Street West, Nieuw Muckleneuk, Pretoria **and the e-mail address jdutoit@sdblaw.co.za** as the address where the Applicant will accept notice and service of all process in these proceedings.

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

required:

- (a) to notify the Applicant's attorney in writing **and by e-mail** on or before **17h00 on Wednesday 16 August 2017**; and
- (b) that you are required to appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings and that **the Applicant shall accept an e-mail address** for such service; and
- (c) to deliver your opposing affidavits, if any, on or before **17h00 on Thursday 17 August 2017**;

TAKE NOTICE FURTHER THAT the Applicant will deliver his replying affidavit, if necessary, on or before **10h00 on Friday 18 August 2017**;

NOW KINDLY place the application on the **URGENT roll** for hearing accordingly.

DATED at PRETORIA on this 16th day of AUGUST 2017



**SEYMORE DU TOIT & BASSON INC.
ATTORNEYS FOR APPLICANT**

Tel: (013) 752 4459 or Cell: 083 290 6024

Ref: Izak du Toit

E-mail: idunt@sdblaw.co.za

C/O DYASON INC.

134 MUCKLENEUK STREET WEST,
NIEUW MUCKLENEUK,
PRETORIA

Ref: J GOUS / D LOWE / MAT86724

TO: **THE REGISTRAR OF THE HIGH COURT**
GAUTENG DIVISION
PRETORIA

AND TO: **THE RESPONDENT**
ENVIRONMENT HOUSE
473 STEVE BIKO STREET
PRETORIA

BY SHERIFF: RETURN OF SERVICE

AND BY E-MAIL: Okumalo@environment.gov.za
nmbedzi@environment.gov.za
Smeintjes@deat.gov.za
SMunzhedzi@environment.gov.za

AND BY HAND:

ALSO: C/O THE STATE ATTORNEY: PRETORIA
GROUND FLOOR
SALU BUILDING
316 THABO SEHUME STREET
CORNER FRANCIS BAARD AND THABO SEHUME STREET
PRETORIA

5

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NUMBER:

In the matter between:

JOHN FREDERICK HUME
ID NUMBER 420125 5482 085

APPLICANT

and

THE MINISTER OF ENVIRONMENTAL AFFAIRS
OF THE REPUBLIC OF SOUTH AFRICA N.O.

RESPONDENT

FOUNDING AFFIDAVIT

I the undersigned,

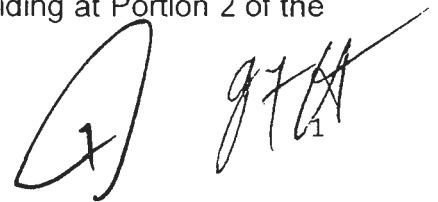
JOHN FREDERICK HUME

do hereby declare under oath as follows:

PARTIES:

1.

1.1. I am an adult businessman and a breeder of rhino, residing at Portion 2 of the

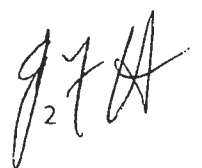
Handwritten signatures and initials. On the left, a large, stylized signature that appears to be 'JFH'. To its right, another signature that looks like 'JFH' with a subscript '1' below it.

Farm Doornplaat, district of Klerksdorp, North West Province. I am the Applicant in this application.

- 1.2. The facts hereinafter deposed to fall within my own personal knowledge, unless otherwise indicated by the context hereof, and are to the best of my knowledge and belief both true and correct.

2.

- 2.1. The Respondent is the Minister of Environmental Affairs of the Republic of South Africa in her official capacity, with address at ENVIRONMENT HOUSE, 473 STEVE BIKO STREET PRETORIA, GAUTENG PROVINCE and c/o The State Attorney: Pretoria, Ground Floor, SALU Building, 316 Thabo Sehume Street, cnr Francis Baard and Thabo Sehume Street, Pretoria.
- 2.2. The Respondent is the Minister responsible for the management of National Environmental affairs in South Africa, including the Administration of the National Environmental Management: Biodiversity Act, 10 of 2004, as amended ("NEMBA"), read with the Threatened or Protected Species Regulations, 2007, as amended ("TOPS").
- 2.3. The Respondent is the issuing authority responsible for the issuing of permits for the carrying out of restricted activities as envisaged in NEMBA. This is provided for in section 87 read with 87A of NEMBA.



AUTHORITY, LOCUS STANDI AND JURISDICTION

3.

I am duly authorised to depose to this Affidavit and I do so in my personal capacity, more specifically in my capacity as a registered and approved breeder of Black- and White rhinoceros. My Captive Breeding Operation ("CBO") is situated in the area of Klerksdorp in the North West Province. I am a passionate conservationist, breeder and protector of rhino and this Court may accept, without fear of contradiction that the Respondent is thoroughly familiar with my status and position as such.

4.

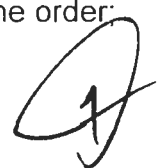
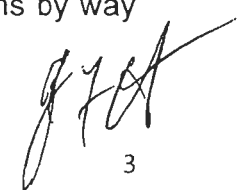
The Respondent's main office falls within the geographical area of jurisdiction of this Court. I submit that this Court has the required jurisdiction to adjudicate this matter.

THE PURPOSE OF THIS URGENT APPLICATION:

5.

The purpose of this urgent application is the following:

5.1. To apply for an order in terms whereof the Respondent be ordered to hand over to the Applicant the original permit which the Respondent has already approved and issued, authorizing the selling of 264 rhinoceros horns by way of online auction, within 12 hours of the granting of the order:

 
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5.2. I pause to emphasize the fact that the permit forming the subject matter of this urgent application has already been approved and issued by the Respondent. The Respondent has however inexplicably failed and / or refused to actually hand over the original permit to me. The Respondent has also refused and/or failed to furnish me with a copy of the said permit.



6.

This is therefore not a review application, nor an appeal application, nor do I seek to question a decision taken by the Respondent. Instead I simply seek an order compelling the Respondent to physically hand over to me the permit that she has already issued and approved.

RELEVANT BACKGROUND

7.

I will for the sake of brevity stipulate the factual background of this application without unnecessary elaboration and without attaching voluminous documents and / or supporting papers. The facts that I stipulate herein are common cause and I state without fear of contradiction that the Respondent cannot dispute, nor disprove such facts.



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8.

Officials of the Respondent on a number of occasions informed me that the relevant permit has been issued and is ready for collection. Each time, however, that my attorney and/or a representative on behalf of myself attended the offices of the relevant department for collection they indicated that I should wait. No logic reason for their refusal to handover the permit has been provided.

9.

This application therefore does not stand to be adjudicated by interpreting or even considering whether or not I am in fact entitled to a permit. On the contrary, the Respondent has already communicated to me, in no uncertain terms, that the permit has already been issued and approved. The Respondent went even further by informing me that I may collect the permit from her offices in Pretoria.

10.

I do not wish to unnecessarily burden this Court with an elaborate explanation of my personal conservation history, but it is important and significant to direct this Court's attention to the following facts, which facts are common cause:

10.1. I am the world's largest private breeder of white rhino and the Respondent is thoroughly aware of my position as such;

 
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- 10.2. My CBO is registered and approved in terms of NEMBA and TOPS;

- 10.3. My CBO spans approximately 7 800 hectares and I conserve, breed and protect in excess of 1 500 Black and White rhino at my CBO;

- 10.4. I conduct my CBO entirely with my own funding and I receive zero financial assistance from any third parties, specifically not from the Respondent or any other government department. I have been breeding with rhino for more than 20 years;

- 10.5. Rhino poaching have been publicly described by the Respondent as a national crisis in recent months and years and many private rhino owners, including myself and many national and provincial nature reserves have suffered horrible losses at the hands of rhino poachers in South Africa. This onslaught is ongoing and the threat that it presents is imminent, ongoing and urgent;

- 10.6. The financial burden of rhino protection, rhino security and anti-poaching is substantial. In my specific instance, I expend approximately R5 million per month in order to protect, conserve, breed, feed and in general to keep my rhino alive and healthy. The Respondent is aware of these facts.



10.7. The domestic trade in rhino horn in South Africa is legally permissible, subject to the permitting system provided for in NEMBA and TOPS. The Respondent has already approved and issued my permit to so trade (i.e. to offer for sale) 264 rhino horns by way of auction.

10.8. I respectfully submit that this Court may accept, without fear of contradiction, that I am a recognised, approved and registered, passionate and law abiding rhino conservationist and that the Respondent is fully and thoroughly aware of my position and status as such.

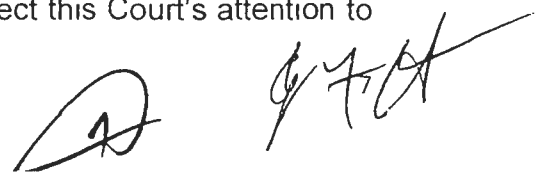
THE MERITS OF THIS APPLICATION:

11.

As I have stated herein above, there is in fact no need to adjudicate the legal merits of this urgent application, because the Respondent has already received my permit application, she has already had the opportunity to thoroughly scrutinise, evaluate and consider it and, most significantly, officials on her behalf already informed me that the permit that I have applied for has been issued and that I may collect it from the offices of the Department of Environmental Affairs ("DEA").

12.

In confirmation of the above I attach hereto marked **Annexures "JH1" and JH2"** respectively, two e-mail communications received by my attorney of record from the Respondent's office relating to my permit application. I direct this Court's attention to



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these e-mail communications, the content of which is self-explanatory. I deem it appropriate to quote the following phrase from these e-mails:

“Kindly note that the permit authorising the selling of 264 horns has been issued. We would have loved to send you copy of the permit unfortunate the scanning machine is not working. The original permit can be collected at the Department.”

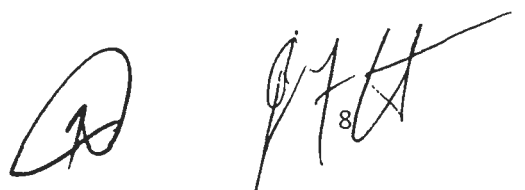
13.

I submit that the above communication is clear and unambiguous. The permit has been issued and I may collect it.

URGENCY

14.

In dealing with the reasons for the urgency of this application, I have no option but to respectfully request this Honourable Court's indulgence to allow me the opportunity to outline the history leading up to this permit. This matter is critically urgent. I will illustrate that the Respondent's refusal to hand over the permit at the absolute eleventh hour, after she already approved and issued the said permit, will cause irreparable harm, which harm is incapable of remedy.



15.

At the outset I wish to inform the Honourable Court that in view of the enormous financial burden to protect these rhinos in my possession I urgently need to proceed with the auction. Since 2009 the Respondent unlawfully prohibited any sale of rhino horn and that had the effect that I had to carry the financial burden for the past 8 years to feed and protect the large number rhinos in my breeding operation. It was only after the Constitutional Court finally ruled in my favour relating to the invalidity of the prohibition to sell rhino horn that I am now entitled to legally deal and finance this operation. If this Honourable Court does not come to my assistance I have to emphasise that I am basically at a crucial point of decision whether I can further financially afford it to sustain the operation under these circumstances.

16.

I will furthermore illustrate that the Respondent's refusal to hand over the (already issued) permit constitutes a flagrant injustice and a severe prejudice to my rights. I respectfully submit that this Court can simply not allow this unlawful conduct.

17.

In a further attempt not to burden these papers, I will again stipulate the historical facts in a summarised manner without attaching supporting documents. These facts are undeniable and common cause. These facts are as follows:

17.1. Prior to 2009 I sold rhino horn in South Africa after obtaining the necessary

Handwritten signature and initials in black ink, including a large stylized 'D' and '97A' with a subscript '9'.

authorisation and permits from the Respondent. I have to emphasise that the sale of rhino horn was one of the mains to finance the breeding operation. It should also be mentioned that it is an extremely costly operation not only to feed these rhinos but more so to protect them from poachers.

17.2. I also wish to inform the Honourable Court that I obtain the rhino horn by dehorning rhino and/or to collect the horns from animals that died from natural causes. I do not allow the hunting or killing of rhinos in my operation.

17.3. On 13 February 2009 the Respondent imposed a Moratorium on the trade in rhino horn, which meant that I was unable to apply for or obtain permits to trade in rhino horn;

17.4. During May 2015 I instituted an application to this Court wherein I challenged the validity of the aforementioned Moratorium. On 23 November 2015 this Court, sitting as a full bench, found in my favour and declared the Moratorium invalid. It therefore once again became legally permissible for me to trade in rhino horn;

17.5. The Respondent however applied for leave to appeal to this Court, which meant that the Moratorium was *de facto* still valid, pending the outcome of the application for leave to appeal. Leave to appeal was refused by this Court on 21 January 2016;

- 17.6. The Respondent then applied for leave to appeal to the Supreme Court of Appeal, which meant that the Moratorium was *de facto* still valid, pending the outcome of the Respondent's second application for leave to appeal. Leave to appeal was refused by the Supreme Court of Appeal on 16 May 2016;
- 17.7. The Respondent then applied for leave to appeal to the Constitutional Court of South Africa. Leave to appeal was refused by the Constitutional Court on 5 April 2017;
- 17.8. On 12 May 2017 I applied to the Respondent as the relevant issuing authority for a permit to be authorised to sell rhino horn by way of auction.
- 17.9. During June 2017 I launched a marketing campaign to advertise the auction that I intended to host for the sale of rhino horn.
- 17.10. I pause at this juncture to point out that I specifically scheduled the planned auction well in advance of my permit application. The prescribed time period according to Regulations 8 and 9 of TOPS within which the relevant issuing authority (i.e. the Respondent in this case) is supposed to consider and decide on a permit application of this nature is 20 working days.

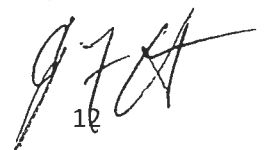
11

17.11. I planned the auction to commence on 21 August 2017. This date is more than 3 months after the date of submission of my permit application. I submit that, in light of Regulations 8 and 9 of the Threatened or Protected Species Regulations, GN R152 of 2007 ("TOPS"), it is fair and reasonable to expect a permit to be granted within 3 months (i.e. within 60 working days) after the date of application.

17.12. On Thursday 10 August 2017 my attorney of record was informed that the permit had been issued and that same may be collected from the offices of DEA. I refer to Annexures "JH1" and JH2" herein above.

17.13. On Friday morning, 11 August 2017 at approximately 7h15 my attorney of record, Izak du Toit, received a phone call from Ms Olga Kumalo of the Respondent's office, during which he (Du Toit) was informed that the permit could only be collected once the Respondent (i.e. the Minister herself) had been briefed. My attorney was however assured that the Minister would be briefed during the course of the morning (Friday 11 August 2017) and that the permit could be collected later during the day.

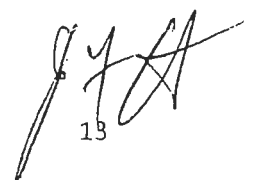
17.14. On Friday afternoon, 11 August 2017 at approximately 16h00 my attorney of record (Du Toit) again enquired telephonically to Ms Olga Kumalo of the Respondent's office. During this telephone call he (Du Toit) was informed that the permit could only be collected during the evening of Friday 11 August 2017 or at the latest during the morning of Saturday 12 August 2017.


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17.15. On Sunday 13 August 2017, after receiving no further communication from the Respondent's office, my attorney of record transmitted an e-mail communication to the Respondent's office wherein he demanded that the permit be handed to a representative of my contracted auctioneers by 9h00 on Monday morning, 14 August 2017, failing in which I will approach this Court for urgent relief.

17.16. On Monday morning 14 August 2017 a representative of my contracted auctioneers duly attended at the offices of the Respondent. Ms Olga Kumalo informed such representative that the permit was not available to be collected.

17.17. On Tuesday 15 August 2017 my attorney of record (Du Toit) contacted Mr Shoni Munzhedzi, who is known to Du Toit as being Ms Olga Kumalo's direct superior. During this telephone call Mr Munzhedzi was unwilling to indicate, either positively or negatively, whether or not the permit may be collected. He (Munzhedzi) in fact avoided the issue altogether and simply informed Du Toit that he must wait. Du Toit insisted on an answer, with specific reference to the written confirmation (via e-mail) from Ms Olga Kumalo and Mr Thomas Mbedzi (Annexures JH1 and JH2) but Mr Munzhedzi refused to commit to any form of response.



13

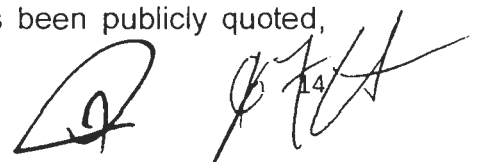
17.18. I attach hereto marked **Annexure "JH3"** a confirmatory affidavit deposed to by my attorney of record, Izak du Toit.

18.

The debate regarding a domestic legal trade in rhino horn and more specifically the court battle that I have illustrated herein above have received widespread media coverage for several years. The anticipated first legal sale of rhino horn, i.e. my planned auction of 21 August 2017, has similarly received substantial and significant public attention. This attention and anticipation is the result of literally years of lobbying, campaigning and defended litigation. The Respondent herself took to the international stage during the CITES (Convention on the International Trade in Endangered Species of Wild Fauna and Flora) Conference of the Parties hosted by South Africa in October 2016 in Sandton, where she proclaimed South Africa's support for a proposal by the Kingdom of Swaziland to be allowed to trade, legally and subject to a regulated system, in rhino horn. This debate solicited substantial and significant international interest and controversy, but the Respondent stood firm in her position in support of the principle of sustainable use of natural resources, as enshrined on the South African Constitution (Section 24).

19.

It is therefore fair to state that the eyes of the world is poised on this auction. If this auction does not proceed, the reputational damage to me as a law abiding citizen and as the protector of the world's largest private breeding herd of rhino, will be immeasurable and irreparable. The value of rhino horn has been publicly quoted,

Handwritten signature and initials, possibly "Izak du Toit" and "JH3", with a date "14" written below.

speculated on and debated for many years. The common denominator between all such publicity, from the pro-trade as well as the anti-trade side of the debate, is that rhino horn is worth tens of thousands of US Dollars per kilogram. Even if this Court accepts the lowest of speculative values of rhino horn, which is in the region of US \$ 10 000 (ten thousand US Dollars) per kilogram, then the damages that I stand to suffer by the perception that a failed "first ever" legal rhino horn auction will create (considering that the Respondent has already issued a permit for 264 horns), will be catastrophic.

20.

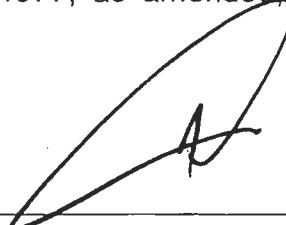
The Respondent has offered no explanation whatsoever for her failure to hand over the permit that she has already issued. Even if she attempted to offer an explanation, there can be no objective reasons for her refusal. I have a clear right. The permit that the Respondent issued constitutes the implementation of the order of this Court (confirmed by the Supreme Court of appeal and the Constitutional Court) that I have a right to trade in rhino horn. No legal prohibition exists against my auction. On the contrary, the Respondent herself has sanctioned the legal validity thereof by confirming that my permit has been issued. This auction and this permit is the culmination of many years denial of my rights. The only reasonable inference to be drawn from the Respondent's refusal to hand over my permit, at the eleventh hour, is that she is attempting to enforce the (invalid) Moratorium. I pray that this honourable Court will not tolerate such injustice.

WHEREFORE I humbly pray for an order as stipulated in the notice of motion.

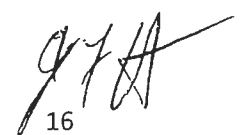

DEPONENT: JF HUME

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at Klerksdorp on this the 16th day of August 2017, the regulations contained in the Government Gazette Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.


COMMISSIONER OF OATHS

FULL NAMES:
DESIGNATION:
ADDRESS:

PIERRE CHRISTIAAN DU TOIT
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
5 Roma Street, Flamwood,
Klerksdorp, 2571
P.O. Box 7021, Flamwood, 2572


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Annexure "JH1"

Izak du Toit

From: Nkhumeleni Mbedzi <NMbedzi@environment.gov.za>
Sent: 10 August 2017 04:00 PM
To: Izak du Toit
Cc: Olga Kumalo
Subject: RE: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

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Dear Izak

Kindly note that the permit authorising the selling of 264 horns has been issued. We would have loved to send you copy of the permit unfortunatè the scanning machine is not working. The original permit can be collected at the Department.

Regards
Thomas

From: Olga Kumalo
Sent: 04 August 2017 11:26 AM
To: Izak du Toit
Cc: Nkhumeleni Mbedzi
Subject: FW: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

Dear Izak

Just more one thing that I forgot ask. Can please indicate the exact date or dates for the auction- this will assist in ensuring that we put the correct validity period for your permit.

Regards
Olga

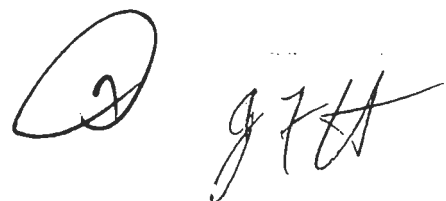
From: Olga Kumalo
Sent: 04 August 2017 10:16 AM
To: 'Izak du Toit' <jdutoit@sdblaw.co.za>
Cc: Nkhumeleni Mbedzi <NMbedzi@environment.gov.za>
Subject: RE: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

Dear Izak

We acknowledge the receipt of your application. However ,can you please indicate whether are you applying for the physical or online auction because your application is referring to the venue to be confirmed. Since you are applying for additional 200 horn that are not yet been verified, we therefore request you to send the 200 DNA certificate, separate from the 63 ones that were already sent and verified.

Regards
Olga

From: Nkhumeleni Mbedzi
Sent: 04 August 2017 08:53 AM
To: Olga Kumalo <Okumalo@environment.gov.za>



22

Subject: FW: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION
Importance: High

From: Izak du Toit [mailto:idutoit@sdbl.co.za]
Sent: 04 August 2017 08:30 AM
To: Olga Kumalo; Nkhumeleni Mbedzi
Subject: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION
Importance: High

The do's and don'ts

OF DIRECT MARKETING

[Read full article HERE](#)

Dear Olga and Thomas,

Please find attached hereto a letter together with Annexures.

Regards

Izak du Toit

Attorney | Litigation

t: (+27) 013 752 4459 Extension: 1040
f: (+27) 013 755 3897

12 Murray Street Nelspruit, 1200
Seymore du Toit & Basson Inc. | Level 4 BEE contributor

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Annexure "JH2"

Izak du Toit

From: motlalepule khumalo <motlalepulekhm@gmail.com>
Sent: 10 August 2017 03:47 PM
To: Izak du Toit; Olga Olga
Cc: nmbedzi@environment.gov.za
Subject: Re: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

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Dear Izak

Progressed has been made and your permit can be issued at anytime.

Regards
Olga

On Thu, Aug 10, 2017 at 1:11 PM, Izak du Toit <idutoit@sdblaw.co.za> wrote:

New FICA requirements for

ACCOUNTABLE INSTITUTIONS

[Read full article HERE](#)

Dear Olga,

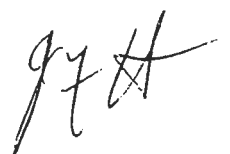
I trust that you had a very good Woman's day and that you have been spoilt by your loved ones!

With reference to your e-mail below, I am following up to ask if you have managed to work through the DNA certificates and whether can expect our permit today or maybe tomorrow?

Also, just to make sure that you do not need anything else from our side, or that we are perhaps able to assist you in any way.

I then kindly await your reply.

Regards



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Izak du Toit

Attorney | Litigation

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12 Murray Street Nelspruit, 1200
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From: motlalepule khumalo [mailto:motlalepulekhm@gmail.com]

Sent: 07 August 2017 04:01 PM

To: Izak du Toit <iduntuit@sdblaw.co.za>; nmbedzi@environment.gov.za; Olga Olga <okumalo@environment.gov.za>

Subject: Re: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

Dear Izak

We acknowledge the receipt of your amended application.

As indicated over our telephone conversation this afternoon, we have been struggling to download the 200 DNA rhino horn certificate, that you forwarded on Friday but at the end we only managed to download 187 in which we are busy verifying them. With that in mind please note that we are unable to meet a target of the 7th August to make a decision on your application, however we think that the decision will be made within this week.

Regards

Olga

On Mon, Aug 7, 2017 at 3:20 PM, Izak du Toit <iduntuit@sdblaw.co.za> wrote:

Hi Olga and Thomas,

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I refer to my telephone conversation with Olga this afternoon and attach hereto the amended application form as requested.

You will note that I have inserted the date of the online auction and I have removed the "venue".

Please acknowledge receipt hereof and let me know if you require anything else.

Regards

From: Izak du Toit
Sent: 07 August 2017 03:06 PM
To: 'Olga Kumalo' <Okumalo@environment.gov.za>; 'motlalepulekhm@gmail.com' <motlalepulekhm@gmail.com>
Cc: 'Nkhumeleni Mbedzi' <NMbedzi@environment.gov.za>
Subject: RE: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

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From: Izak du Toit
Sent: 04 August 2017 12:35 PM
To: 'Olga Kumalo' <Okumalo@environment.gov.za>
Cc: Nkhumeleni Mbedzi <NMbedzi@environment.gov.za>
Subject: RE: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

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Dear Olga,

I confirm that the total number of horn is 264, which is the first 63 plus another 201. I have sent you two separate e-mails with batches through Onedrive links.

I confirm that all these horn are intended for the **Online Auction** and the dates are **21 August 2017 to 24 August 2017**. The Auctioneers are **Van's Auctions of Gauteng**.

Please let me know if you require anything else.

Thanks again for assisting us.

Regards

From: Olga Kumalo [<mailto:Okumalo@environment.gov.za>]
Sent: 04 August 2017 11:26 AM
To: Izak du Toit <idutoit@sdblaw.co.za>
Cc: Nkhumeleni Mbedzi <NMbedzi@environment.gov.za>
Subject: FW: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

Dear Izak

Just more one thing that I forgot ask. Can please indicate the exact date or dates for the auction- this will assist in ensuring that we put the correct validity period for your permit.

Regards



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Olga

From: Olga Kumalo
Sent: 04 August 2017 10:16 AM
To: 'Izak du Toit' <idunt@sdblaw.co.za>
Cc: Nkhumeleni Mbedzi <NMbedzi@environment.gov.za>
Subject: RE: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION

Dear Izak

We acknowledge the receipt of your application. However, can you please indicate whether are you applying for the physical or online auction because your application is referring to the venue to be confirmed. Since you are applying for additional 200 horn that are not yet been verified, we therefore request you to send the 200 DNA certificate, separate from the 63 ones that were already sent and verified.

Regards

Olga

From: Nkhumeleni Mbedzi
Sent: 04 August 2017 08:53 AM
To: Olga Kumalo <Okumalo@environment.gov.za>
Subject: FW: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION
Importance: High

From: Izak du Toit [<mailto:idunt@sdblaw.co.za>]
Sent: 04 August 2017 08:30 AM
To: Olga Kumalo; Nkhumeleni Mbedzi
Subject: JOHN HUME // APPLICATION FOR ORDINARY PERMIT - RHINO HORN AUCTION
Importance: High



Dear Olga and Thomas,

Please find attached hereto a letter together with Annexures.

Regards

Izak du Toit

Attorney | Litigation

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Annexure "JH3"

IN THE HIGH COURT OF SOUTH AFRICA

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(GAUTENG DIVISION, PRETORIA)

CASE NUMBER:

In the matter between:

JOHN FREDERICK HUME
ID NUMBER 420125 5482 085

APPLICANT

and

THE MINISTER OF ENVIRONMENTAL AFFAIRS
OF THE REPUBLIC OF SOUTH AFRICA N.O.

RESPONDENT

CONFIRMATORY AFFIDAVIT

I the undersigned,

IZAK HERMANUS DU TOIT

do hereby declare under oath as follows:

1.

1.1. I am an adult male attorney practising as such at Seymore Du Toit and Basson Inc, attorneys of 12 Murray Street, Nelspruit.

  1

1.2. I am the attorney of record on behalf of the Applicant in this matter.

1.3. The facts hereinafter deposed to fall within my own personal knowledge, unless otherwise indicated by the context hereof, and are to the best of my knowledge and belief both true and correct.

2.

I have read the founding affidavit deposed to by the Applicant and I confirm the content thereof insofar as reference is made to me and / or my firm of attorneys and / or my instructions and communications with the Respondent's officials (DEA) and the designated Auctioneers.

DEPONENT: IH DU TOIT

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at _____ on this the _____ day of _____ 2017, the regulations contained in the Government Gazette Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

FULL NAMES:
DESIGNATION:
ADDRESS: