



## AL2992 - The Jonathan Klaaren Collection

Call Number: AL2992  
Title: The Jonathan Klaaren Collection  
SubTitle:  
Creator: Inventory prepared by Sello Hatang, November 2005, updated by Elizabeth Nakai Marima, October 2008  
Origination: Jonathan Klaaren  
Inclusive Dates: 1997-2008  
Bulk Dates:  
Extent: 2.7 linear metres (27 archival boxes)  
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Access Restrictions: This collection is open for research  
Use Restrictions: Copyright restrictions may apply. See SAHA copyright statement for Use Restrictions.  
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Abstract: Jonathan Klaaren has numerous publications (chapters, articles, book reviews, books) to his name on an array of subjects including human rights, forced migration, the electoral process, constitutional law, and freedom of information legislation. Most notably, he is co-editor of the South African Journal on Human Rights and of Chaskalson et al., Constitutional Law of South Africa (1999) and was editor-in-chief of the Columbia Human Rights Review. He is co-author of The Promotion of Access to Information Act Commentary (2002) and The Promotion of Administrative Justice Act Benchbook (2001). Most of the records in this collection (section A - F) were collected during Klaaren's participation in Open Democracy Advice Forum (ODAF) and the Open Democracy Working Group. Klaaren has donated these records with a view to opening some of the history of the processes underlying the drafting of the Promotion of Access to Information Act (PAIA).

### Introduction

Jonathan Klaaren was born in the United States in 1963. He was educated at Harvard College and the University of Cape Town before studying law at Columbia School of Law and at the University of the Witwatersrand. He is currently (2003) a professor of law at the University of the Witwatersrand, a Director of the Research Unit for Law and Administration (RULA), a member of the Centre for Applied Legal Studies (CALS), one of the founding staff of the Wits Institute for Social and Economic Research (WISER), and on the board of the Open Democracy Advice Centre (ODAC) in Cape Town. At present he is also enrolled for a PhD at Yale University.

Klaaren has extensive legal experience in both South Africa and the U.S.A. He was a law clerk to Judge A. Leon Higginbotham, Jr. in the United States Court of Appeals for the Third Circuit, is a member of the State Bar in both Connecticut and New York, and is an advocate in the South African High Court.

Klaaren has numerous publications (chapters, articles, book reviews, books) to his name on an array of subjects including human rights, forced migration, the electoral process, constitutional law, and freedom of information legislation. Most notably, he is co-editor of the South African Journal on Human Rights and of Chaskalson et al., Constitutional Law of South Africa (1999) and was editor-in-chief of the Columbia Human Rights Review. He is co-author of The Promotion of Access to Information Act Commentary (2002) and The Promotion of Administrative Justice Act Benchbook (2001).

One of Klaaren's main concerns in the last decade has been with the process of creating and refining freedom of information legislation for South Africa. This is necessary to enact the Constitutions provision of right of access to



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information. This concern was a primary one with Professor Etienne Mureinik. This process began in 1994 with the appointment (by then Deputy President Thabo Mbeki) of a task team on open democracy. This team used prior comparative research conducted by CALS (including Klaaren) and consulted widely with government bureaucrats and interested members of the public to form a set of principles on which to base the legislation. The draft Open Democracy Bill, which was presented to Cabinet in 1996, was the result.

After considering the draft Bill, a modified version was introduced to Parliament by Cabinet in 1998. During the parliamentary process, the Ad Hoc Joint Committee on the Open Democracy Bill made substantial changes to the Bill. The sections on whistle blowers and protection of privacy were removed and the right of access to information of private bodies was expanded upon. The Bill was passed by Parliament in 2000 as the Promotion of Access to Information Act.

Not only was Klaarens research used by the task team on open democracy, he was also a member of the Open Democracy Advice Forum (ODAF) and the Open Democracy Working Group. The ODAF was a consultative body that dissolved before the Open Democracy Bill was passed. The Working Group was a precursor academic group to the task team that also disbanded before passage of the Open Democracy Bill.

### **Acronyms**

AJA: Administrative Justice Act

GTZ: German Technical Co-operation

ODAC: Open Democracy Advice Centre

PAIA: Promotion of Access to Information Act

PAJA: Promotion of Administrative Justice Act

RULA: Research Unit on Law Administration

SAHRC: South Africa Human Rights Commission

### **Notes**

The records in this collection were collected during Klaaren's participation in ODAF and the Open Democracy Working Group. Klaaren has donated these records with a view to opening some of the history of the processes underlying the drafting of the Promotion of Access to Information Act.

The records cover three periods of the drafting process of freedom of information legislation in South Africa: the period of constitutional drafting in which the idea of the Bill was introduced (1992-1994); the periods of presidential drafting and ODAF (1994-1998); and the period of the legislative drafting of the Promotion of Access to Information Act (1998-2000).

### **Classification**

A: Constitution Drafting Process

B: Open Democracy Advice Forum (ODAF)

B1: Correspondence

B2: Submissions



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### Inventory

- A: Constitution Drafting Process
  - A1: Open Democracy Act for South Africa
    - A1.1: Open Democracy Act for South Africa: Freedom of Information, Open Democracy Bill, draft discussion document, prepared by Task Group on Open Democracy appointed by Executive Deputy President T. M. Mbeki
    - A1.2: Open Democracy Act for South Africa: Freedom of Information: Policy proposals, prepared by Task Group on Open Democracy
    - A1.3: Address of Deputy President Thabo Mbeki at the Consultative Workshop on Freedom of Information Legislation, Johannesburg, 28 November 1994  
[28 November 1994]
    - A1.4: Open Democracy Act for South Africa: Freedom of Information: Provisional policy framework
    - A1.5: Transitional Executive Council (Draft) Bill: Final, as adopted by the negotiating council and subsequently corrected, Prof. N. Haysom, Adv. J. Heunis, Mr E. Mapheto, Adv. K. Renene, Ms. Z. du Toit, Prof. D. Van Wyk. Prepared by the Technical Committee on the Transitional Executive Council in the Multi-Party Negotiating Process, 9 September 1993  
[9 September 1993]
    - A1.6: Freedom of Information: Suggested principles and practice, memorandum by the Human Sciences Research Council (HSRC) and Community Information Resource Centre (CIRC) to the Gumbi Task Force on the Freedom of Information, Pretoria, December 1994  
[December 1994]
    - A1.7: Open Democracy Bill (B67-98) as introduced in the National Council of Provinces
    - A1.8: Draft Open Democracy Bill, Government Gazette, Vol. 388, No. 18381, October 1997  
[October 1997]
    - A1.9: Open Democracy Bill, Revised draft for Cabinet meeting on 18 June 1997  
[18 June 1997]
    - A1.10: Open Democracy Bill, Preliminary draft - not for distribution, 18 March 1997  
[18 March 1997]
    - A1.11: Annexure: List of substantial amendments to Open Democracy Bill submitted to Cabinet in May 1996 (in



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this 'the 1996-Bill')

[May 1996]

A1.12: Open Democracy Bill (Revised Draft), prepared by the Task Group on Open Democracy appointed by Executive Deputy President T. M. Mbeki

A1.13: Legislation pertaining to transport and public permits (pre-1994 example of openness in SA Law)  
[1994]

### B: Open Democracy Advice Forum (ODAF)

#### B1: Correspondence

B1.1: Fax from J. Minnie, FXI Co-ordinator to M. Byrne, National Security Archive on grant application, 27 February 1995  
[27 February 1995]

B1.2: Fax from J. Klaaren to G. Bengon on memorandum of agreement, 13 December 1994  
[13 December 1994]

B1.3: The Freedom of Information Act: A practical user's guide, National Security Archive

B1.4: Fax from W. Wright, Citizen Advocacy Center to J. Klaaren on South Africa's draft open government legislation, 15 August 1994  
[15 August 1994]

B1.5: Agency responses to U.S. Department of Justice request for FOILA backlog data, 29 April 1994  
[29 April 1994]

B1.6: Fax from S. Walter, National Security Archive to J. Klaaren on assisting with drafting of South Africa's freedom of information act, 14 July 1994  
[14 July 1994]

B1.7: Fax from S. Walter to J. Klaaren on assisting with drafting of South Africa's freedom of information act, 15 August 1994  
[15 August 1994]

#### B2: Submissions

B2.1: The Open Democracy Bill: A critical review, December 1997  
[December 1997]

B2.2: Draft comments on present ODA draft prepared for use by the Open Democracy Advisory Forum by J. Klaaren, 27 July 1995  
[27 July 1995]

B2.3: Fax from J. Klaaren, University of the Witwatersrand, Johannesburg to A. Nontje, Freedom of Information Group, on Access to Information Act: Overview of exemptions, 8 December 1994  
[8 December 1994]

B2.4: Access to personal files held by government, Centre for Applied Legal Studies

B2.5: Research into the issue of the Cabinet exemption

B2.6: Enforcement mechanisms in the proposed legislation of India and the United Kingdom

B2.7: Briefing from J. Klaaren to Wits Constitutional Law participants on access to information, 16 April 1994  
[16 April 1994]

B2.8: Draft memorandum by J. White: The mechanics of access to information legislation

B2.9: Article in De Rebus by D. Griessel: The right to information: The applicability of Section 23 of the Constitution to statutory bodies and institutions, December 1995  
[December 1995]

B2.10: Article by K. Govender: Access to information: Enforcement mechanisms and fees, 1995  
[1995]

B2.11: National information management project, South Africa: Report of the preparatory mission by N. Harfoush



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and K. Wild, Johannesburg, May 16-31,1994

[May 16]

B2.12: National information project, South Africa: Report of an IDRC mission by S. Akhtar, W. Melody and D. Naidoo, 14-25 November 1994

[14-25 November 1994]

### B3: Conferences/Workshops

B3.1: Secrecy and liberty: National security, freedom of expression and access to information by xix article 19, 28 September-1 October 1995

[28 September-1 October 1995]

B3.2: International Conference of Lawyers' Committee for Civil Rights Under Law, Ensuring government accountability, accessibility and transparency in the new South Africa, Community Law Centre, Cape Town, 18-20 February 1994 (including Miscellaneous correspondence and invoices)

[18-20 February 1994]

B3.3: South African Human Rights Commission Workshop on open and accountable democracy, Cape Town, 15-17 July 1999

[15-17 July 1999]

B3.5: Open Democracy Act (Freedom of Information) Consultative Workshop, Durban, 6 December 1994

[6 December 1994]

B3.6: Freedom of Information Conference, Rhodes University, 7-9 February 1995

[7-9 February 1995]

B3.7: Open Democracy Act Workshop, 21 June 1996

[21 June 1996]

### C: Open Democracy Working Group

#### C1: Correspondence

C1.1: Letter to J. Klaaren from E. van Schoor, 28 October 1997. Attached is an opinion on the requirements of Section 32 of the Constitution regarding access to state information and the Open Democracy Bill published in the Government Gazette on 18 October 1997

[28 October 1997]

#### C2: Minutes of meetings

C2.1: Minutes of meeting by Open Democracy Bill Working Group, 10 August 1999

[10 August 1999]

#### C3: Submissions

C3.1: Fax from Parliament Committee Section to J. Klaaren on programme for public hearings on Open Democracy Bill, 23-24 March 1999

[23-24 March 1999]

C3.2: Comment on the Open Democracy Bill with reference to national security, defence and arms trade by L. Nathan, Centre for Conflict Resolution, Commissioned by the Ceasefire Campaign for submission to the Portfolio Committee on Justice, 14 August 1998

[14 August 1998]

C3.3: The right of access to information in the context of state commercial confidentiality and national security interests

C3.4: The right of access to information and national security and commercial confidentiality concerns: A brief survey of foreign legislation and jurisprudence

C3.5: Ministry for Intelligence Services, Comments on the Open Democracy Bill, 23 March 1999

[23 March 1999]

C3.6: The Open Democracy Bill, Justice Committee public hearing, Submission from IDASA, 23 March 1999



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- [23 March 1999]
- C3.7: Submission to the Portfolio Committee on Justice on the Open Democracy Bill (B67-98), 23 March 1999  
[23 March 1999]
- C3.8: Black Sash Trust National Office submission with regard to the Open Democracy Bill (No. 67-98)
- C3.9: Open Democracy Bill, submission by the Human Rights Committee of South Africa, 23 March 1999  
[23 March 1999]
- C3.10: South African Human Rights Commission comments to Parliamentary Portfolio Committee on Justice on Open Democracy Bill (B67-98), March 1999  
[March 1999]
- C3.11: Submission on the Open Democracy Bill (B67-98) by the Direct Marketing Association
- C3.12: National Postal Forum submission on the Open Democracy Bill to Justice Portfolio Committee, 14 August 1998  
[14 August 1998]
- C3.13: Comments on the Open Democracy Bill to Portfolio Committee on Justice by Transnet Limited
- C3.14: Memo from Commission on Gender Equality on submission, 9 April 1999  
[9 April 1999]
- C3.15: Submission to the Portfolio Committee on Justice regarding the Open Democracy Bill: Provisions relating to the Protection of the Environment and the Open Democracy Bill
- C3.16: The Black Sash submission in response to the South African Law Commission's discussion paper 81, project 115, Administrative Law, January 1999  
[January 1999]
- C3.17: Cosatu submission on the Open Democracy Bill (B67-98) presented to the Portfolio Committee on Justice, 23 March 1999  
[23 March 1999]
- C3.18: National Association of Democratic Lawyers: Human Rights Research and Advocacy Project, submission on the Open Democracy Bill to the Portfolio Committee on Justice, 23 March 1999  
[23 March 1999]
- C3.19: The conclusion of Angela Andrews long memo on Open Democracy Bill, 17 June 1999  
[17 June 1999]
- C3.20: Open Democracy Bill (B/98): The right to have access to information and consumer rights, Bafana Makhubo, Reseacher: Consumer Institute South Africa
- C3.21: Preliminary comments on the Open Democracy Bill for submission to the consulative meeting on the Open Democracy Bill, 14 November 1997  
[14 November 1997]
- C3.22: Overheads from Freedom of Expression Institute
- C3.23: Report prepared by Freedom Expression Institute (FXI) researcher I. Hloka looking at some of the changes effected to the recent draft of the Open Democracy Bill
- C3.24: Access to the information and the corporate sector: Briefing paper: Going quietly about their business: Access to corporate information and the Open Democracy Bill, G. Pimstone, FXI
- C3.25: Freedom of Expression Institute (FXI) on Open Democracy Bill submission on press freedom (An annexure to FXI's August 1998 submission), February 1999  
[August 1998]
- C3.26: Written submission: Justice Portfolio Committee by J. Klaaren, Centre for Applied Legal Studies, Faculty of Law, University of Witwatersrand, 24 March 1999  
[24 March 1999]
- C3.27: Call for submission on the Administrative Justice Bill, press statement issued by Adv. J. de Lange, MP,



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Chairperson of the Portfolio Committee on Justice and Constitutional Development and Mr J. L. Mahlangu, MP, Chairperson of the Select Committee on Security and Constitutional Affairs

C3.28: Memorandum on the Open Democracy Bill from J. Klaaren, Associate, Constitutional Litigation Project, Centre for Applied Legal Studies to The Justice Portfolio Committee, 11 August 1998  
[11 August 1998]

C3.29: Fax from A. Tilley, Black Sash Trust to J. Klaaren, Wits on call for submissions on the Open Democracy Bill, September 1999  
[September 1999]

C3.30: Email from Freedom of Expression Institute to MISA, Access to Information Bill published in Government Gazette, 24 October 1997  
[24 October 1997]

### C4: Conferences/Workshops

C4.1: Workshop on Open and Accountable Democracy : Generating recommendations on the Open Democracy Bill and the Administrative Justice Bill, Cape Town, 15-17 July 1999  
[15-17 July 1999]

C4.2: Introduction to an access to Information Act: What does South Africa need? - Some suggestions

C4.3: Very draft discussion document on selected topics about the introduction of access to information legislation in South Africa, Centre for Applied Legal Studies, Judge's Conference, July 1994  
[July 1994]

C4.4: Workshop manual: Bundle of documents, Workshop on the Open Democracy Bill organised by IDASA's Political Information and Monitoring Service, The Human Rights Committee, The Human Rights Commission (Cape Town office), and The Black Sash, Cape Town, 28 August 1997  
[28 August 1997]

### D: Publications and Articles

#### D1: Heads of Arguments

D1.1: Wiechers, The fundamental laws behind our constitution, in Essays in memory of Oliver Schreiner, 383, pp. 1-12

D1.2: Dietze, America and Europe: Decline and emergence of judicial review, 1959, SALJ, 398, pp. 13-49  
[1959]

D1.3: Kelsen, General theory of law and state, 181

D1.4: Dias, Jurisprudence, 4th edition, 1976 at pp. 493-495  
[1976]

D1.5: Wiechers, Die publieke subjektiewe reg, in Huldigingsbundel vir W. A. Joubert, 270 at 279, pp. 50-72

D1.6: Friedmann, Legal theory, 162, p. 73

D1.7: Stahl, Die Staatslehre und die prinzipien des staatsrechts, 1856

D1.8: Otto Bhr, Der rechtsstaat, 1864

D1.9: Gneist, Der rechtsstaat und die verwaltungsgerichte in Deutschland, 1872

D1.10: Darmstaedter, Die grenzen der wirksamkeit des rechtsstaates, 1930  
[1930]

D1.11: Jellinck, Verwaltungsrecht, 1930  
[1930]

D1.12: Forsthoff, Rechtsstaat in wandel, 1964  
[1964]

D1.13: Schmitt, Verfassungslehre, 126

D1.14: Jellinek, System der subjektiven offentlichen rechte, 1919  
[1919]





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- D1.15: Carl Doehring, *Allgemeine staatslehre*, 1991 at p.220  
[1991]
- D1.16: *Liyanage and others v. Reginam*, 1966 1 ALL ER 650 (PC), 660 C-G, pp. 74-85  
[1966]
- D1.17: *Publications Control Board v. William Heinemann Ltd and others*, 1965(4) SA 137 (A), at 160 E-G, pp. 86-114  
[1965]
- D1.18: *United Democratic Front (Western Cape Region) v. Van der Westhuizen NO*, 1987 (4) SA 926 (C), pp. 115-121  
[1987]
- D1.19: *United Democratic Front (Western Cape Region) v. Theron NO*, 1984 (1) SA 315 (C), at 320 E, pp. 122-133  
[1984]
- D1.20: *Estate Agents Board v. Lek*, 1979 (3) SA 1048 (A), pp. 134-137  
[1979]
- D1.21: *D. v. National Society for the Prevention of Cruelty to Children*, 1977, 1 ALL ER 589 (HL), pp. 140-168  
[1977]
- D1.22: Ridges, *Constitutional Law*, 259
- D1.23: Friedmann, *Law in a changing society*, 298
- D1.24: Wiechers, *Administrative law and benefactor state*, in *Administrative Law Reform*, 1993, 248, pp. 169-184  
[1993]
- D1.25: Marcus, *Interpreting the chapter of fundamental rights*, *South African Journal on Human Rights*, Part 1, 1994, 92, pp. 185-196  
[1994]
- D1.26: *Hunter v. Southam Inc.*, 1985, 11 DLR (4th) 641 (SCC), at 649, pp. 179-216  
[1985]
- D1.27: *S. v. Acheson*, 1991 (2) SA 805 (Nm HC), at 813 A-B  
[1991]
- D1.28: *Government of the Republic of Namibia and Another v. Cultura 2000 and Another*, 1994 (1) SA 407 (Nm SC), at 418 G-J  
[2000]
- D1.29: *James v. Commonwealth of Australia*, 1936, AC 578, at 614  
[1936]
- D1.30: *Minister of Defence, Namibia v. Mwandingi*, 1992 (2) SA 335 (NmS) at 361, 3  
[1992]
- D1.31: *S. v. Acheson* 1991 (2) SA 805 (Nm) at 813 A-C  
[1991]
- D1.32: *S. v. Marwane* 1982 (3) SA 717 (A) at 748 H-479 G  
[1982]
- D1.33: *Ex parte Cabinet for the Interim Government of South West Africa*, in *re Advisory Opinion in terms of S 19 (2) of Proc. R101 of 1985 (RSA)*, supra at 853 C-G  
[1985]
- D1.34: *Hewlett v. Minister of Finance and Another* 1982 (1), SA 490 (ZS)  
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- D1.35: *Minister of Home Affairs and Others v. Dabengwa and Another*, 1982 (4) SA 301 (ZS) at 306 E-H  
[1982]





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- D1.36: Minister of Home Affairs v. Bickle and Others, 1984 (2) SA 439 (ZS) at 447 C-G  
[1984]
- D1.37: Zimbabwe Township Developers (Pty) Ltd v. Lou's Shoes (Pty) Ltd 1984 (2) SA 778 (ZS)  
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- D1.38: Bull v. Minister of Home Affairs, 1986 (3) SA 870, (ZH & ZS) at 872 J-873 C and at 880 J-881 C  
[1986]
- D1.39: Johannesburg Consolidated Investment Co. v. Johannesburg Town Council, 1903 TS 111, at 115, pp. 217-236  
[1903]
- D1.40: Safcor Forwarding (Johannesburg) (Pty) Ltd v. National Transport Commission, 1982 (3) SA 654 (A), 668-669 B, pp. 237-261  
[1982]
- D1.41: Johannesburg City Council v. The Administrator, Transvaal (1), 1970 (2) SA 89 (T), 91 H, pp. 262-267  
[1970]
- D1.42: Woolman, Riding the push-me, pull-you: Constructing a test that reconciles the conflicting interests which animate the limitation clause, in South African Journal of Human Rights, 1994, Part 1, 60, pp. 268-300  
[1994]
- D1.43: R. v. Oakes, 1986, 26 DLR (4th) 200, pp. 301-331  
[1986]
- D1.44: Law Society of British Columbia v. Andrews, 1989, 56 DLR (4th) 1, pp. 332-376  
[1989]
- D1.45: Peter Hogg, Constitutional Law of Canada (3rd Ed), vol. 2, pp. 337-381
- D1.46: R. v. Whyte, 1988, 51 DLR (4th), 481, pp. 382-402  
[1988]
- D1.47: S v B & A, no. 1980 (2) SA 946 (A), pp. 403-410  
[1980]
- D1.48: R. v Steyn, 1954 (1) SA 324 (A) at 335 (A), pp. 411-424  
[1954]
- D1.49: Ex Parte Minister van Justisie, in re S. v. Wagner, 1965 (4) SA 507 (A) at 515 A, pp. 425-433  
[1965]
- D1.50: S. Alexander & Others, 1965 (2) SA 965 (A) at 811 G  
[1965]
- D1.51: S. v. Mavela, 1990 (1) SA CR 582 (A), pp. 434-444  
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- D1.52: Anderson v. Bank of British Columbia, 1876, LR 2 Ch D 644 at 656, pp. 445-463
- D1.53: Marais v. Lombard 1958 (4) SA 224 (E), pp. 464-471  
[1958]
- D1.54: S. v Fani & Others, ECD, Case No. CC14/94, unreported, pp.472-485
- D1.55: Conway v. Rimmer, 1968, 1ALL ER 874 (HL), pp. 486-528  
[1968]
- D1.56: Makanjuola v. Commissioner of Police of the Metropolis, 1992 3 ALL ER 617 (CA) at 623, pp. 529-536  
[1992]
- D1.57: R v. Horseferry Road Magistrates' Court, Ex Parte Bennett (No.2), 1994 1 ALL ER 289 (QBD), pp. 537-545  
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- D1.58: Neilson v. Laugharne, 1981, 1 ALL ER 829 at 838-840, pp. 546-560



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- [1981]  
D1.59: R. v. Van Schalkwyk, 1938 (AD) 543 at 548, pp. 561-574
- [1938]  
D1.60: Tranter v. Attorney-General, 1907 TS 415, pp. 575-586
- [1907]  
D1.61: Ex Parte Minister of Justice:, in re R. v. Pillay 1945 (AD) 653 at 658, pp. 587-608
- [1945]  
D1.62: Suliman v. Hansa, 1971 (2) SA 437 (D), pp. 609-613
- [1971]  
D1.63: Hoffman and Zeffert, South African Law of Evidence (4th Ed) at 614-634  
D1.64: Upjohn Co. v. United States 449 US 383, pp. 635-651  
D1.65: Fisher v. United States, 425 US 391, 403, 1976, pp. 652-653
- [1976]  
D1.66: Hunt v. Blackburn, 128 US 464, 470, 1888, pp. 654-657  
D1.67: US Justice Department's Guide to Freedom of Information Act at 107-151  
D1.68: R. v. Canadian Newspapers Co. Ltd, 1988, 52 DLR, (4th) 690, pp. 658-669
- [1988]  
D1.69: S. v. Safatsa and Others, 1988 (1) SA 868 (A), at 885 I-886 G, pp. 670-707
- [1988]  
D1.70: The State v. Smith and Another, unreported, (SECLD), dated 25 May 1994 per van Rooyen A.J. pp. 708-728
- [25 May 1994]  
D1.71: Richard Kaba Threshold requirements for the FBI under Exemption 7 of the Freedom of Information Act, 1987, Michigan Law Review 620, pp. 729-754
- [1987]  
D1.72: Michael Taggart, The impact of Freedom of Information legislation on criminal discovery in comparative common law prospective, 1990, 23, Vanderbilt Journal of Transitional Law, 235 at 297-8, pp. 755-818
- [1990]  
D1.73: National Labour Relations Board v. Robbins Tire and Rubber Company, 437 US 214, 57 Led 2d 159, pp. 819-846  
D1.74: Miller v. Bell, 1981, 661 F.2d 623 at 631, pp. 847-857
- [1981]  
D1.75: Chamberlin, Use of Freedom of Information Act (5 USCS Section 552) at substitute for, or as means of, supplementing discovery procedures available to litigants in federal, civil, criminal, or administrative proceedings, 57 ALR Fed 903, pp. 858-880  
D1.76: News Corporation Ltd v. National Companies and Securities Commission, 57 ALR 550 (Fed Ct 1984), pp. 881-913
- [1984]  
D1.77: Commissioner of Police v. Ombudsman, 1988, 1 NZLR 385, pp. 914-945
- [1988]  
D1.78: Michael Taggart, Courts, Ombudsmen and Freedom of Information: The Empire strikes back, 1990, 20, Victoria University of Wellington Law Review, Monograph 2, pp. 946-992
- [1990]  
D1.79: Corder & Others, A Charter for Social Justice, 1992, pp. 993-995
- [1992]  
D1.80: E Mureinik, A Bridge to Where? Introducing the Interim Bill of Rights, 1994, 10, South African Journal on



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Human Rights, 31 at 43; Footnote 38, pp. 996-1013

[1994]

D1.81: *The Sunday Times v. The United Kingdom* 2 EHRR 245. pp. 1014-1073

D1.82: *Rex v. Abelson*, 1933 TPD 227 at 231, pp. 1074-1079

[1933]

D1.83: *S. v. James* (EDC) 24 May 1994, unreported, pp. 1080-1100

[24 May 1994]

D1.84: *Naidoo v. Thomas*, 1979 (2) SA 505 (N), pp. 1101-1107

[1979]

D1.85: *R. v. Mofokeng*, 1953 (3) SA 629 (O) at 632 F-633 A, pp. 1108-1113

[1953]

D1.86: *Plascon-Evans Paints Ltd v. Van Riebeeck Paints (Pty) Ltd*, 1984 (3) SA 623 (A) at 634 H-635 C, pp. 1114-1137

[1984]

D1.87: *Ngqumba & 'n Ander v. Staatspresident & Andere*, 1988 (4) SA 224 (A) at 259 C-263D, pp. 1138-1186

[1988]

### D2: Publications

D2.1: FOIA Update, Vol. xvii, No. 2, Spring 1996

[1996]

D2.2: FOIA Update, Vol. xvii, No.3, Summer 1996

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