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**Response to the judgment of the SCA in:
The Minister of Justice and Correctional Services, The Minister of Health, The
National Director of Public Prosecutions, The Health Professions Council of South
Africa v Estate Late Stransham-Ford, Robert James (SCA case no.: 531/2015)**

Cause for Justice (CFJ) agrees with the judgment of the Supreme Court of Appeal (SCA) and with the reasoning of Justice Wallis, writing for a unanimous court:

Firstly, as the late Mr Stransham-Ford died two hours before the order was made in the court *a quo* (the Pretoria High Court), the basis for the relief sought by Mr Stransham-Ford ceased to exist. As a result of this, no order should have been made. The fact that Mr Stransham-Ford passed away, meant that his estate did not have any interest or standing in law in taking the matter forward.

Secondly, the court *a quo* failed to conduct a complete and extensive examination of the present state of the law regarding this controversial and complex matter. The court *a quo* did not properly consider local and international authority or the constitutional directives regarding the interpretation of the Bill of Rights and the development of the common law.

Lastly, the order was made on a false and limited factual basis, failing to comply with the Uniform Rules of Court and not allowing for all interested parties to address the court appropriately.

The matter was therefore moot and the circumstances of this case were of such a nature that it was not suitable for the court *a quo* to engage in reconsidering the common law crimes of murder and culpable homicide.

CFJ welcomes the judgment of the SCA and the court's acknowledgement and protection of the right to life, as entrenched in our Constitution.

For further queries, contact Ms Michelle Davin

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Yours sincerely,

Per: **M Davin**
Legal Administrator and Media Liaison
Sent on behalf of Cause for Justice: Management Committee

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