

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

*[Handwritten signature]*  
27/08/2014

CORAM: The Honourable Mr Acting Judge Weinkove

DATE: 27 August 2014

Case number: 15288/14

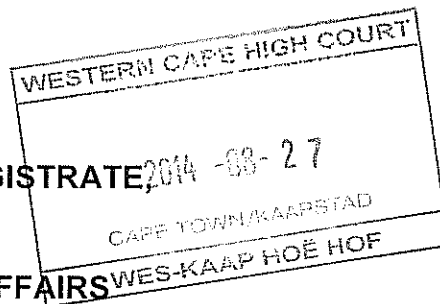
In the matter between:

HASSAN MOHAMUD HUSSEIN  
HASSAN MOHAMED HASSAN

First Applicant  
Second Applicant

and

THE ADDITIONAL MAGISTRATE  
CAPE TOWN  
THE MINISTER OF HOME AFFAIRS  
THE DIRECTOR-GENERAL OF THE  
DEPARTMENT OF HOME AFFAIRS



First Respondent  
Second Respondent  
Third Respondent

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**ORDER**

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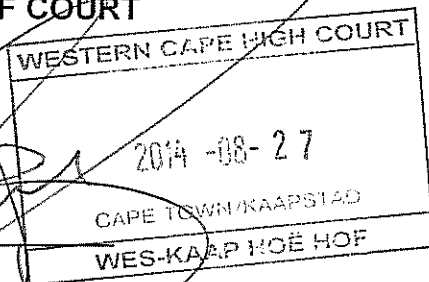
By agreement between the parties:

**IT IS ORDERED THAT:**

1. This application is heard as one of urgency in terms of Rule 6(12), and the rules relating to forms and service are dispensed with;

2. The decision of the First Respondent on 21 August 2014 to confirm the warrant of detention of the First Applicant in terms of section 34(1)(b) of the Immigration Act 13 of 2002 ("*the Act*") is reviewed and set aside;
3. The Second and Third Respondents are directed to release the First Applicant from detention as soon as reasonably possible;
4. Directing the First Applicant is to attend on any Refugee Reception Office within fourteen (14) days of the date of judgment to apply for asylum in terms of the Refugees Act 130 of 1998.
5. Directing that pending the expiry of the fourteen (14) day period referred to in paragraph 4 of this order, the Second and Third Respondents are not to detain, deport, or otherwise impede the First Applicant in his efforts to apply for asylum; and
6. The parties are to pay their own costs.

BY ORDER OF COURT



THE REGISTRAR