

# **Pembele v Appeal Board for Refugee Affairs**

Case No. 15931/96

10 December 1996

## **JUDGEMENT**

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IN THE SUPREME COURT OF SOUTH AFRICA  
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)  
Before the Honourable Mr Justice Desai on Tuesday 10 December 1996  
Case No. 15931/96

In the matter between:

JOAO PEMBELE

First Applicant

KABUYA MULAMBA

Second Applicant

PHILLIPE GOMES KUTENGALA

Third Applicant

MANZAMBI FERNANDO

Fourth Applicant

CARLOS JOAQUIM

Fifth Applicant

JOAO MIGUEL MBALA

Sixth Applicant

THE HUMAN RIGHTS COMMISSION

Seventh Applicant

and

APPEAL BOARD FOR REFUGEE AFFAIRS

First Respondent

THE MINISTER OF HOME AFFAIRS

Second Respondent

THE DIRECTOR GENERAL OF THE MINISTRY OF HOME AFFAIRS  
Third Respondent

THE MINISTER OF JUSTICE  
Fourth Respondent

THE MINISTER OF FOREIGN AFFAIRS  
Fifth Respondent

THE DIRECTOR GENERAL OF THE MINISTRY OF FOREIGN AFFAIRS  
Sixth Respondent

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ORDER

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By agreement between the parties it is order as follows:

1. The Second and Third Respondents shall forthwith ensure that asylum seekers are given the reasons in writing for any adverse decisions by the Standing Committee For Refugee Affairs ("the Standing Committee").
2. All pending appeals against decisions of the Standing Committee involving asylum seekers who have not been furnished with reasons in writing shall be suspended until such reasons are furnished whereupon they shall be entitled to supplement and/or amplify their appeal to the First Respondent within a reasonable time to be determined by the Second and/or Third Respondents.
3. The Second and Third Respondents shall jointly and severally pay the Applicants= disbursements, including the costs of two Counsel, as taxed or agreed.

BY ORDER OF THE COURT REGISTRAR  
WR Kerfoot  
c/o 84 Legal Resources Centre

J Moffatt  
c/o 48 CK Friedlander Shandling & Volks  
Cape Town

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