

1. I, the undersigned

.....

2. state under oath / declare that

I am an adult aged..... years with identity number,
residing at

3. The facts contained herein, save where indicated otherwise, are within my own personal knowledge and are to the best of my knowledge and belief both true and correct.

4. CASES OF ILLEGAL ABORTIONS AND ILLEGAL ADVERTS AND PAMPHLETS FOR THE SAME IN The whole city is riddled and soiled with pamphlets on many walls, structures, lamp posts, trees, etc. advertising abortions. These adverts and the abortions offered are all illegal according to the Acts quoted below and have been continuing for several years.

5. I hereby lay criminal charges against the illegal abortionists for contravening the following Acts of the RSA.

- a. They contravene Section 2 (2) of the CTOP Act no 92 of 1996 as amended in Section 1 of the Choice on Termination of Pregnancy Amendment Act, No1 of 2008 by advertising and performing abortions whilst not registered as medical practitioners, midwives or nurses as required in the Act.
- b. They contravene all of the following stipulations in Section 2 of the Choice on Termination of Pregnancy Amendment Act, No1 of 2008 by initiating and / or performing abortions at facilities which do not comply with the following requirements in the Act:

Section 2. (1) Termination of a pregnancy may take place only at a facility which—

- (a) gives access to medical and nursing staff;*
 - (b) gives access to an operating theatre;*
 - (c) has appropriate surgical equipment;*
 - (d) supplies drugs for intravenous and intramuscular injection;*
 - (e) has emergency resuscitation equipment and access to an emergency referral centre or facility;*
 - (f) gives access to appropriate transport should the need arise for emergency transfer;*
 - (g) has facilities and equipment for clinical observation and access to in-patient facilities;*
 - (h) has appropriate infection control measures;*
 - (i) gives access to safe waste disposal infrastructure;*
 - (j) has telephonic means of communication; and*
 - (k) has been approved by the Member of the Executive Council by notice in the Gazette.. have not been designated by the Minister by notice in the Gazette required by the Act.*
- (3) (a) Any health facility that has a 24-hour maternity service, and which complies with the requirements referred to in subsection (1)(a) to (j), may terminate pregnancies of up to and including 12 weeks without having to obtain the approval of the Member of the Executive Council.*

- c. They contravene Section 7. (1) of the CTOP Act no 92 of 1996 by not recording the prescribed information in the prescribed manner.
- d. They contravene Section 7. (2) of the CTOP Act no 92 of 1996 by not giving notice as prescribed of every termination of a pregnancy carried out in that facility.
- e. They contravene Section 7. (3) of the CTOP Act no 92 of 1996 by not collating and forwarding the prescribed information within one month of termination of a pregnancy to the Director General by registered post as stipulated in the Act.
- f. These illegal abortionists are liable to the following **offences and penalties** as stated in Section 10 of the CTOP Act of 1996 and as amended in Section 6 of Choice on Termination of Pregnancy Amendment Act, No1 of 2008 which state:
 - (1) *Any person who—*
 - (a) *is not a medical practitioner, or a registered midwife or registered nurse who has completed the prescribed training course, and who performs the termination of a pregnancy referred to in section 2(1)(a);*
 - (b) *is not a medical practitioner and who performs the termination of a pregnancy referred to in section 2(1)(b) or (c); [or]*
 - (c) *prevents the lawful termination of a pregnancy or obstructs access to a facility for the termination of a pregnancy; or*
 - (d) *terminates a pregnancy or allows the termination of a pregnancy at a facility not approved in terms of section 3(1) or not contemplated in section 3(3)(a), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 10 years.’’.*
 - (2) *Any person who contravenes or fails to comply with any provision of section 7 shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.*
- g. They contravene Section 18 of the MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965 by illegally obtaining, keeping and dispensing medicines causing abortions.

Section 18: LICENCE TO COMPOUND AND/OR DISPENSE MEDICINES states:

 - a. Section 18. (1) Only persons registered in terms of the Health Professions Act, 1974 (Act No. 56 of 1974) may dispense medicines after obtaining a licence to dispense.
 - b. Section 18. (4) A supplementary course as contemplated in section 22C of the Act has to be completed before someone may dispense.
 - c. *Section 18. (8) A person that dispenses shall: (a) keep sales records either in hard copy or electronically relating to medicines compounded and dispensed for a period of 5 years from the date of sale; (b) ensure that the dispensary and any premises where medicines are kept are suitable for dispensing or compounding and dispensing in accordance with good pharmacy practice; (j) conspicuously display the licence in the premises referred to in paragraph(b);*
- h. Case Law: The Supreme Court of Appeal *Stewart v Botha* (340/2007) [2008] ZASCA 84 (3 JUNE 2008) concluded that “*Making the choice in favour of non-existence not only involves a disregard for the sanctity of life and the dignity of the child, but involves an arbitrary, subjective preference for some policy considerations and the denial of others.*” And “*that it is impossible ... that the court finds that non-*

existence is preferable to life.” And “to adjudicate ... whether the particular child should have been born at all. That is a question that goes so deeply to the heart of what it is to be human that it should not even be asked of the law.”

These pregnant mothers and abortionist contravene the ruling of the Supreme Court of Appeal by disregarding the sanctity of life and the dignity of the child and by deciding that the unborn child is better off dead than alive for arbitrary and subjective preferences. It is impossible even for a court to adjudicate that. Therefore, no person may even consider or decide that a child should rather be aborted than be born.

- i. They contravene the Municipal By-Laws by:
 - i. advertising an illegal activity.
 - ii. illegally advertising in the municipality and on municipal property without permission as required by Municipal By Laws. ??? references.
 - iii. disfiguring, littering, damaging and tainting public areas and municipal property with their pamphlets which is prohibited by Municipal By Laws.

6. I attach prints of digital photographs of some of their adverts taken in Street , Suburb of and, etc.

7. In attach a list of cell phone numbers compiled from these photographs.

8. I report these criminal activities that the SAPS can fulfill their duty and mandate by arresting the illegal abortionists and by prosecuting them accordingly.

9. I know and understand the contents of this declaration.
I have no / have objection to taking the prescribed oath.
I consider the prescribed oath / confirmation as binding on my conscience.

It is hereby certified that the aforesaid declaration was signed and sworn / confirmed in my presence on this the ___ day of _____ 201..., at _____, the deponent having confirmed and acknowledged:-

- a) That he knows and understands the contents of this declaration;
- b) that he has no / has objection to taking the prescribed oath;
- c) and that he considers the prescribed oath / confirmation as binding on his conscience.

COMMISSIONER OF OATHS

Full names: _____

Address: _____

Rank/office held: _____

Area for which appointed: _____