

Case name	Court name	Court level	Brief summary of ruling
<p>CASA v LEVEY-CILLIERS (2020/30278) (Opperman J)</p>	<p>Gauteng Division, Johannesburg</p>	<p>High Court</p>	<p>Appointment of curator ad litem for children under s 279 of Children's Act and appointment of expert to facilitate voice of the child. Meaning of habitual residence and application to facts. Acquiescence of applicant to children remaining in requested state considered. Application of the best interests of the child principle in the Children's Act in the context of Hague cases: court rejected the submission that the best interests of the child principle trumps the specific provisions governing child abductions under Article 12. Held the principles are complimentary. The application for the return of the children was refused.</p>

			The judgment was delivered within 6 weeks of the Deputy Judge President assigning it to the allocated Judge.
CASA v Calderon (2022/0001) (Dippenaar J)	Gauteng Division, Johannesburg	High Court	Curator ad litem appointed for children. Voices of the children expressed in Curator's report. Habitual residence established. Article 13(b) defences considered. Defences upheld. Parties agreed that the Convention time-lines could not be met. Voluminous record (over 2 500 pages). Consequently, the matter took nine months to finalise as a consequence.
CASA v Engelenhoven and Another (43352/21) (Van der Schyff J)	Gauteng Division, Pretoria	High Court	Curator ad litem appointed for children. Court issued case management directive to facilitate

			<p>hearing the wishes of the children regarding whether they wished to return to the left state.</p> <p>Habitual residence established.</p> <p>Exceptions under article 13(b) considered.</p> <p>Held: 'I am of the view that the cumulative effect of the children's past experience in Germany, the absence of integration into the German community, the language barrier, their respective ages and stages of development, their fear of the second applicant's aggressive behaviour, and their successful integration back into the South African community since their return in October 2020, will render it unbearable and thus intolerable</p>
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			<p>for C, M and L to return.’</p> <p>The matter was finalised within 3 weeks.</p>
<p>Paul Graham Ball/ Central Authority of the Republic of South Africa v Claire Mechthilde Colyn (188/2021)</p>	<p>Supreme Court of Appeal</p>	<p>Supreme Court of Appeal</p>	<p>In terms of the judgement, the Applicant have failed to discharge the onus in terms of article 13(b) defence. The court was of the view that there was not sufficient protective measures in place to return the child to the UK. The Court had in the circumstances upheld the appeal with costs. The appeal was against a decision of the Western Cape High Court to return the minor child to the UK. The Applicants have lodged an appeal at the Constitutional Court, which appeal is due to be heard on 9 May 2023.</p>