

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICACCT CASE NUMBER: **72/2021**SCA CASE NUMBER: **12/2021**GDP CASE NUMBER: **21542/2020**

In the matter between:-

REYNO DAWID DE BEER

Applicant

AND

MINISTER OF COOPERATIVE GOVERNANCE1st Respondent**AND TRADITIONAL AFFAIRS****LIBERTY FIGHTERS NETWORK**2nd Respondent**HOLA BON RENAISSANCE FOUNDATION**3rd Respondent*In Re:***REYNO DAWID DE BEER**1st Applicant**LIBERTY FIGHTERS NETWORK**2nd Applicant

AND

MINISTER OF COOPERATIVE GOVERNANCE

Respondent

AND TRADITIONAL AFFAIRS

(Application for Leave to Appeal)

NOTICE OF MOTION IN TERMS OF RULE 12 AND RULE 11**(APPLICATION FOR RESCISSION OF COURT ORDER)**

TAKE NOTICE THAT the Applicant intend to make application to the Constitutional Court for an order in the following terms:

- 1 That the non-compliance with the Constitutional Court Rules regarding forms, service and time periods be condoned and that this application be heard as urgent in terms of Rule 12; and
- 2 In the event that the matter is directed to not proceed on an urgent basis as per paragraph 1 *supra*, that the Court then proceeds with the matter in the normal Court process in relation to Rule 11; and
- 3 That Paragraph 2 of the order dated 10 March 2021 which refused leave to appeal to this Court under the above-mentioned case number CCT 72/2021, be set aside;
- 4 In the event the prayer in terms of paragraph 3 *supra* being granted, that the Court provides directives how to proceed further with the Application for Leave to Appeal lodged under the above-mentioned case number CCT 72/2021 on 3 March 2021;
- 5 Costs, or necessary expenses as the case may be, against 1st Respondent only in case of opposition;
- 6 And/or alternative relief.

TAKE FURTHER NOTICE that the Applicant will use the Affidavit of **REYNO DAWID DE BEER**, together with annexures, in support of this application.

TAKE FURTHER NOTICE that the Applicant has provided *inter alia* the service address and email address and/or facsimile number hereunder as the addresses he

is going to use for service of any process or document during course of this application, in particularly will prefer service by way of electronic mail.

TAKE FURTHER NOTICE that, unless the Chief Justice directs otherwise in relation to Rule 12, that any person opposing the granting of an order sought in the notice of motion shall-

- (i) On or before **Monday, 10 May 2021** notify the Applicant and the Registrar in writing of his or her intention to oppose the application and shall in such notice appoint an address within 25 kilometres of the office of the Registrar at which he or she will accept notice and service of all documents in the proceedings; and/or
- (ii) Within 15 days of notifying the Applicant of his or her intention to oppose the application lodge his or her answering affidavit, if any, together with any relevant documents, which may include supporting affidavits.
- (iii) The Applicant may lodge a replying affidavit within 10 days of the service upon him of the affidavit and documents referred to in paragraph (ii) *supra*.

TAKE FURTHER NOTICE THAT where no notice of opposition is given or where no Answering Affidavit is lodged within the time referred to in paragraphs (i) and (ii) *supra* the Registrar shall place the application before the Chief Justice to be dealt with in terms of Rule 11(4).

TAKE FURTHER NOTICE that in urgent applications, the Chief Justice may dispense with the forms and service provided for in the rules and may give directions for the matter to be dealt with at such time and in such manner and in accordance with such

procedure, which shall as far as is practicable be in accordance with the rules, as may be appropriate.

KINDLY ENROLL THE MATTER ACCORDINGLY.

SIGNED at **PRETORIA** on this **3RD** day of **MAY 2021**.



REYNO DE BEER

APPLICANT

c/o MRS. N OLIPHANT

13 HECTOR STREET

ROSETTENVILLE, JOHANNESBURG

CELLULAR: 0781745878

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EMAIL(2): debeerreyno@gmail.com

TO: REGISTRAR OF THE CONSTITUTIONAL COURT
JOHANNESBURG

AND TO: OFFICE OF THE STATE ATTORNEY
ATTORNEYS FOR 1ST RESPONDENT
GROUND FLOOR SALU BUILDING
PRETORIA
REF: MR. SUNNYBOY ZULU

CELL. 083 507 4221

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[BY EMAIL]

AND TO: LIBERTY FIGHTERS NETWORK

2nd Respondent

13 HECTOR STREET

ROSETTENVILLE, JOHANNESBURG

CELLULAR: 0781745878

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[BY EMAIL]

AND TO: HOLA BON RENAISSANCE FOUNDATION

3RD RESPONDENT (*Amicus Curiae* in Court *a quo*)

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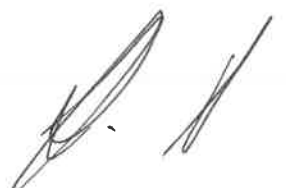
AND

MINISTER OF COOPERATIVE GOVERNANCE

Respondent

AND TRADITIONAL AFFAIRS

(Application for Leave to Appeal)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESCISSION OF COURT ORDER

I, the undersigned,

REYNO DAWID DE BEER

(ID NO. 760623 5089 080)

Declare under oath as follows:

INTRODUCTION (paras. 1 – 6)

1. I am a major male, South African citizen, the Applicant, also member and the President of **LIBERTY FIGHTERS NETWORK (LFN)** the 2nd Respondent, both of business address Plot 473 Dewar Street, Derdepoort, Pretoria, and for purposes of jurisdictional requirements 13 Hector Street, Rosettenville, Johannesburg is the *domicilium citandi et executandi* for the Applicant. However, service by way of electronic mail is preferred.
2. Where I attach any annexure, I humbly request that the Court reads such content in with this Affidavit. A reference to “***Leave Application***” in any footnote herein, refers to the Application for Leave to Appeal lodged with this Court on 3 March 2021 under the same case number CCT 72/2021 in which this Court, *inter alia*, made a dismissal order on 10 March 2021.
3. The facts contained in this affidavit are, to the best of my knowledge and belief, both true and correct.
4. Where words are indicated in ***bold italics***, those words are abbreviations of other phrases as specifically defined in the ***Leave Application***, elsewhere in this Affidavit or footnotes contained in it.
5. A reference to SCA, not in ***bold italics***, refers to the Supreme Court of Appeal, while ***SCA***, in ***bold italics***, refers to the Superior Courts Act, 2013 (Act No. 10 of 2013).
6. This Court is respectfully requested to read this entire application with the ***Leave***



Application and that the latter's content should be incorporated herein where applicable.

CITATION OF RESPONDENTS (paras. 7 – 9)

7. The 1st Respondent is the **MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, DR. NKOSAZANA CLARICE DLAMINI-ZUMA**. She has been further cited and described in the **Leave Application**.
8. The 2nd Respondent is **LIBERTY FIGHTERS NETWORK (LFN)**, the 2nd Applicant in the **Leave Application** and during the proceedings in the Court *a quo*. It has been further described in all previous processes and has the same address and contacts as the Applicant.
9. The 3rd Respondent is **HOLA BON RENAISSANCE FOUNDATION (HBRF)**, a voluntary association with address and contact details as indicated in the Notice of Motion. HBRF has an interest in this matter as it was the admitted *amicus curiae* in the Court *a quo* and is cited here for information purposes only with no order sought against it.

PURPOSE OF THIS APPLICATION (paras. 10 – 12)

10. The purpose of this application is to request an order from this Court as follows:-
 - 10.1 That the non-compliance with the Constitutional Court Rules regarding forms, service and time periods be condoned and that this application be heard as urgent in terms of Rule 12; and
 - 10.2 In the event that the matter is directed to not proceed on an urgent basis as per paragraph 10.1 *supra*, that the Court then proceeds with the matter in the normal Court process in relation to Rule 11; and



10.3 That paragraph 2 of the order dated 10 March 2021 refusing the **Leave Application**, be set aside;

10.4 In the event the prayer in terms of paragraph 10.3 *supra* is granted, that the Court provides directives how to proceed further with the **Leave Application** lodged under the above-mentioned case number CCT 72/2021 on 3 March 2021;

10.5 Costs, or necessary expenses as the case may be, only against the 1st Respondent in the event of opposition;

10.6 And/or alternative relief.

11. Rescission of the refusal order dated 10 March 2021 are requested in terms of Rule 29 of the Rules of the Constitutional Court, read with Rule 42 of the Uniform Rules of Court and/or in terms of the common law.

12. The right to lodge this application has previously been confirmed by this Court in other matters¹ where this Court has, *inter alia*, allowed reconsideration of its judgments on the following grounds, which the Applicant respectfully submits are also present in this matter:

12.1 The judgment was erroneous;²

12.2 There are exceptional circumstances present favouring the granting of rescission;³

12.3 The appeal has reasonable prospect of success;⁴

12.4 The interest of justice is clearly leaning towards granting rescission.⁵

¹ Molaudzi v S [2015] ZACC 20; Daniel v President of the Republic of South Africa and Another (CCT 34/13) [2013] ZACC 24; 2013 (11) BCLR 1241 (CC) (27 June 2013); Ka Mtuze v Bytes Technology Group South Africa (Pty) Ltd and Others CCT53/13 [2013] ZACC 31; 2013 (12) BCLR 1358 (CC); Baphalane Ba Ramokoka Community v Mphela Family and Others CCT75/10 [2011] ZACC 15; 2011 (9) BCLR 891 (CC)

² Ka Mtuze fn 1, para. 16

³ Roberto Building Material Pte Ltd and Others v Oversea-Chinese Banking Corp Ltd and Another [2003] 2 SLR 353 at para 17 the Court of Appeal held that the Court's inherent jurisdiction may only be invoked in "exceptional circumstances where there is a clear need for it and the justice of the case so demands" (Referenced in Molaudzi fn 1, para. 27)

⁴ Ka Mtuze fn 1, para. 16

⁵ Molaudzi fn 1, para. 31



SUMMARY OF ISSUES RAISED (paras. 13 – 15)

13. This Court is empowered to deal with matters summarily and without hearing of oral evidence. However, this Court has previously conceded that it can come to erroneous conclusions. The Applicant respectfully submits that this Court erred in refusing leave to appeal and humbly requests the Court to reconsider its order in the interest of justice as indicated *infra*.
14. In addition, the Applicant further humbly submits that the Court order should be rescinded because:-
- 14.1 the right of the 2nd Respondent (then 2nd Applicant) to have been represented by the Applicant (then 1st Applicant) had not been confirmed by the Chief Justice, neither was the Applicant informed about any directive issued in relation to the urgency in terms of Rule 12; (The “*Absence of Confirmation by Chief Justice*”) ⁶; and
- 14.2 the 1st Respondent’s opposition was not considered by the Court when the order was made on 10 March 2021 and the 1st Respondent was denied filing such opposition and in doing so, *inter alia*, Rule 19(4) was not complied with; (The “*Absence of Opposition*”) ⁷;
- 14.3 the Record was never requested which **LFN** and the Applicant have specifically stated contained further merits – consequently, certain information was not before the Court; (The “*Absence of Record*”) ⁸ and

⁶ Paras. 44 – 50 *infra*

⁷ Paras. 51 – 54 *infra*

⁸ Paras. 55 – 59 *infra*



14.4 the Court granted condonation for late lodgement of the **Leave Application**, which had to have confirmed the presence of at least some merits; (The “*Granted Condonation*”)⁹

14.5 the format of the Court Order does not correspond to the order intended and is, *inter alia*, vague and embarrassing; (The “*Format of Order*”)¹⁰

15. The Applicant submits that the public interest in this matter is of overwhelming nature. The measures meted out to almost every single member of the South African public on the basis of the **NSD** have caused immeasurable harm to the health and safety of the country and its economy¹¹ on the one hand while the 1st Respondent appears to have no idea whether the country is dealing with a natural illness or, say, an act of war or bio-terrorism.¹² In this context, we mention that, *inter alia*, general health, human rights and economic rights in South Africa are considered issues of National Security.¹³

EXCEPTIONAL CIRCUMSTANCES (paras. 16 – 29)

16. COVID-19 created exceptional circumstances never experienced before in our entire history. This application thus should, respectfully, be adjudicated against this background;

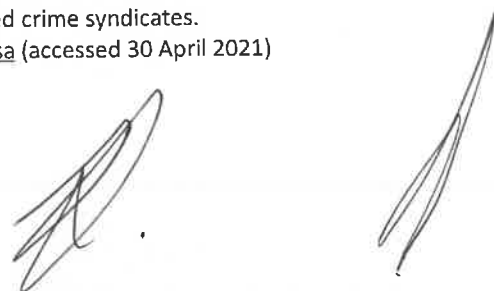
⁹ Paras. 60 – 65 *infra*

¹⁰ Paras. 66 – 69 *infra*

¹¹ PANDA, Quantifying Years of Lost Life in South Africa Due to COVID-19, 11 May 2020; <https://www.pandata.org/wp-content/uploads/2020/06/PANDA-Research-Report-Quantifying-Years-of-Lost-Life-PDF.pdf>; (accessed 30 April 2021)

¹² News24, Covid-19: We are fighting 'a biological warfare war' – SANDF, 24 June 2020, <https://www.news24.com/news24/southafrica/news/covid-19-we-are-fighting-a-biological-warfare-war-sandf-20200624> (accessed 30 April 2021)

¹³ Section 198 of **Constitution**; SANDF, White Paper: Ministry of Defence, 1995; The mandate of the State Security Agency (SSA) is to provide the government with intelligence on domestic and foreign threats or potential threats to national stability, the constitutional order, and the safety and well-being of our people. This allows the government to implement policies to deal with potential threats and better understand existing threats, and, thus, improve their policies. Among the areas of focus of the SSA are the following matters of national interest: terrorism, ...; sabotage, ...; subversion, ...; espionage, ...; and organised crime, which includes analysis of the origins and reasons behind organised crime, the identification of key role-players, the nature and extent, as well as the *modus operandi*, of organised crime syndicates. <https://nationalgovernment.co.za/units/view/42/state-security-agency-ssa> (accessed 30 April 2021)



in particular since the Applicant's **Leave Application** is the only Application in South Africa which has followed the complete process through the legal system to have reached the doorsteps of this Court as the Court of final instance.

17. The declaration of the **NSD** provided the opportunity for the 1st Respondent to invoke the **DMA** and to then promulgate and implement the **DMA** Regulations. The Applicant believes it appropriate to state here that these measure were the most restrictive measures of individual freedoms ever experienced by the people of this country, following the abolition of the past segregation in South Africa.
18. These rights are enshrined in our **Constitution** in order to, *inter alia*, prevent precisely such restrictions in the democratic future of South Africa. While the 1st Respondent tries to justify the measures implemented by her, and the restrictions on human rights along with it, by claiming that same would "save lives", this claim must be judged by this Court against her complete and utter failure to produce any of the assessments which are required to declare and execute the **NSD** in a legally correct and efficient manner. In this respect, the Applicant highlights exceptionality for argument.
19. In adjudicating this application, the Court's objective eye must be focussed on upholding our **Constitution**. In this context the public, whose rights have - and continue to be - infringed upon beyond measures previously imaginable, must be assured that all prescribed processes have been followed by the 1st Respondent when declaring the **NSD**. Yet, when Dr. Tau, the Head of the National Disaster Management Centre (NDMC), and thus being under the supervision of the 1st Respondent, classified COVID-19 as a "national disaster" the **National Centre** had not determined that the COVID-19 occurrence was indeed a disaster as per the definition contained in the **DMA**. **LFN** and the Applicant, for the first time, have highlighted this exceptional circumstance for argument; something which no other Court has been in a position to address.



20. In the view of the Applicant, the final assurance to the general public that the independence of the judiciary in South Africa has not been breached and that, *inter alia*, this Court, has not become an extension of Government, is paramount. The Applicant respectfully submits that the peoples' Court system would otherwise have become dysfunctional, leaving South Africans with a **Constitution** enshrining individual rights which would no longer be capable of being enforced. In this context, the Applicant argues that the 1st Respondent must be given the opportunity to answer to our averments and argue her case.
21. While COVID-19 was and still is a unique occurrence, as time passes more indication is coming to light that the declaration of the **NSD** was flawed in that seemingly no assessment was undertaken as required. Such would have been capable of being updated with new scientific information to be incorporated. In this respect the Applicant refers to a recent international Court Judgment in Austria¹⁴ which, not unlike the Supreme Court of Portugal¹⁵ in an earlier ruling, confirmed that the interpretation of case figures used to justify lockdown measures are highly questionable. This very problem also affects South Africa. The **WHO** on 20 January 2021 addressed this problem in its directive in that it reminds health care personnel that "... as disease prevalence decreases, the risk of false positive increases [which] means that the probability that a person who has a positive result (SARS-CoV-2 detected) is truly infected with SARS-CoV-2 decreases as prevalence decreases."¹⁶
22. In the result, the term "laboratory confirmed case" in the **DMA** Regulations is ill defined as no PCR is capable any longer of confirming COVID-19 on the basis of a positive laboratory

¹⁴Freedom Party of Austria, Regional Group Vienna VGW—103/048/3227/2021-2 (Administrative Court, Vienna) (23 March 2021) – English Translation available on request.

¹⁵Supreme Court Portugal (Lisbon), Case No. 1783 / 20. 7T8PDL.L1, 10 November 2020. An English translation hereof can be found under Item 35 in our filed Authority Bundle (SCA), submitted with our Heads of Argument in the main appeal.

¹⁶ WHO Information Notice for IVD Users 2020/05, Nucleic acid testing (NAT) technologies that use polymerase chain reaction (PCR) for detection of SARS-CoV-2, <https://www.who.int/news/item/20-01-2021-who-information-notice-for-ivd-users-2020-05> (accessed 30 April 2021)



test result alone.¹⁷ The Applicant humbly submits that the current practice to the contrary is in breach of the Health Practitioners Act, 1974 (Act No. 56 of 1974).¹⁸

23. The Applicant further humbly submits that it is not simply in the interest of justice as stated in paragraphs 73 to 75 *infra* to grant rescission of the order. In respect of current and future practices of utilising the **DMA**, this application further raises arguable points in law of general public importance which this Court ought to take into account when it reconsiders the **Leave Application**.
24. This application further connects constitutional rights, *inter alia*, in terms of Section 34 of the **Constitution**, which were violated as a direct result of the order of 10 March 2021 having been made in the absence of any one of the parties present; and without the full set of documents.
25. The Applicant specifically questions the practice of both this Court and the SCA to not provide reasons for judgments when summarily adjudicating an application.¹⁹ With South Africa being a party to various international treaties, permitting the adjudication of human rights complaints to be challenged before international bodies, the Applicant humbly submits that it would be prejudicial to any party to not receive proper reasoning for a judgment in matters concerning human rights aspects in order to enable such party to motivate a challenge to an international body – if such further process is considered after having exhausted all local remedies.

¹⁷Administrative Court, Vienna: "The health service of the City of Vienna uses the words "case numbers", "test results", "case events" and "number of infections". This confusion of concepts does not do justice to a scientific assessment of the disease situation. For the WHO (WHO Information Notice for IVD Users 2020/05, Nucleic acid testing (NAT) technologies that use polymerase chain reaction (PCR) for detection of SARS-CoV-2, 20 January 2021) the decisive factor is the number of infections/sick and not the positively tested or other "case numbers". This leaves it open to the figures from which the "information" is based. The "Information" refers to the recommendation of the Corona Commission of 21.1.2021. In the absence of information, it is not clear whether the figures underlying this recommendation contain only those persons who have been examined in accordance with the WHO guidelines for the interpretation of PCR tests of 20.01.2021."

¹⁸Section 17(1)(b)(ii)

¹⁹Mphahlele v First National Bank of South Africa Ltd 1999 3 BCLR 253 (CC); Greenfields Drilling CC and others v Registrar of the Supreme Court of Appeal and others 2010 11 BCLR 1113 (CC)

26. The Applicant wishes to report to this Court, that while he himself and **LFN** were considering to challenge the (by then) latest extension of the **NSD**, two letters, dated 11 March 2021 and 19 March 2021, were sent to the 1st Respondent to, firstly, remind her to follow due processes when deciding to extend the **NSD** and, secondly, after the **NSD** was extended for the tenth time as gazetted on 11 March 2021, to request the required information prescribed by the **Framework** and the **Guideline**. Same, by default, had to have been available to her by the time such decision was made as otherwise the lawfulness of that (and any other) extension would come into question. Not only did the 1st Respondent decline to answer to these letters; again the 1st Respondent also failed to provide any of the compelling information to support the decision to extend the **NSD**. Both letters are attached as Annexures "**RES1**" and "**RES2**". A clear pattern is obvious.
27. Further to this, a recent scientific report dated 8 April 2021,²⁰ shows that the assessments made by the 1st Respondent were flawed when, for example, liquor bans were considered to form part of the procedures as set out in the **Framework**. When taking into consideration the reasoning of the Court *a quo* in the 2 June 2020 judgment (reference) and in the BATSA case²¹ before a Full Court it, will be found that the tobacco ban was unconstitutional and invalid. Not only the passing of the **DMA** Regulations, but also the declaration of the **NSD** using the very reasoning, were thus tainted.
28. A further exceptional circumstance is that there is the widely propagated narrative according to which a lack of mortality surplus should be attributed to the **NSD** and its measures. The reality, however, is that the 1st Respondent has failed to produce any

²⁰BusinessTech, 'New research highlights major flaws in South Africa's lockdown alcohol bans', 8 April 2021, <https://businesstech.co.za/news/business/481721/new-research-highlights-major-flaws-in-south-africas-lockdown-alcohol-bans/> (accessed 30 April 2021). This article reference the full report by Prof. M Murray and I McGorian, Silverfox Consulting, 'A deep dive into the relationship between trauma admissions and lockdown measures during the COVID-19 pandemic in South Africa'.

²¹British American Tobacco South Africa (Pty) Ltd and Others v Minister of Co-operative Governance and Traditional Affairs and Others (6118/2020) [2020] ZAWCHC 180 (11 December 2020)



evidence in that respect as well. **LFN** and the Applicant have continuously referred to undisputed evidence by PANDA according to which the very measures will result, at best, in the loss of around 30 years of life for every 1 year saved²². Further, this Report confirms that irrespective the measures taken, no significant change in actual cases can be arrived at by restrictions as imposed by the 1st Respondent. In this respect, the Applicant wishes to reiterate the findings of *Teddy Bear Clinic* before this Court, referred to in the **Leave Application**, which are of clear and instructive nature.²³

29. The Applicant respectfully wishes to refer this Court to the observation made by the Administrative Court in Austria according to which an increase in case numbers is linked to an increase in tests. To the Austrian court it further appeared logic that a test which in itself is flawed and unsuited for the purpose, cannot solely be relied on to publish factual COVID-19 case numbers.²⁴ Thus, the 61 “cases” which allegedly existed countrywide and instigated the declaration of the **NSD** on 15 March 2020, was unconfirmed.

ESSENTIAL FACTS (paras. 30 – 43)

30. The **Leave Application** was lodged on 3 March 2021. See Annexure “**RES3**”, same being the confirmation email from the Registrar’s Office per Mr. Dumisani Mathiba and the accompanied front page of the **Leave Application** as Annexure “**RES4**”.
31. Following lodgement, the Applicant immediately hand-delivered a request to the Office of the Chief Justice for the attention of Chief Justice Mogoeng, wherein the Applicants

²²PANDA, Quantifying Years of Lost Life in South Africa Due to COVID-19, 11 May 2020; https://www.pandata.org/wp-content/uploads/2020/06/PANDA-Research-Report-Quantifying-Years-of-Lost-Life-PDF_.pdf; (accessed 30 April 2021)

²³ *Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another* (CCT 12/13) [2013] ZACC 35; 2013 (12) BCLR 1429 (CC); 2014 (2) SA 168 (CC); 2014 (1) SACR 327 (CC) (3 October 2013) para. 84

²⁴Fn 14, “Reference is made to AGES (Austrian Agency for Health and Food Security GmbH) and to GÖG (Health Austria GmbH). Communications From these are apparently used unaudited and the scientific sources used by them and statistically prognostic methods are not mentioned. It was particularly noteworthy that the sharp increase in the number of cases was due in no small part to the sharp increase in tests.”




requested the Chief Justice to direct, as is prescribed by Rule 6 of the Rules of the Constitutional Court, that the right of the 1st Applicant to represent the 2nd Respondent before this court be confirmed. Same is a requirement under Rule 6 of the Rules of this Court as the 1st Applicant is not entitled to appear before the High Court on behalf of another. This letter is attached as Annexure "**RES5**". In order to assist the Chief Justice to arrive at his decision swiftly, a copy of the full **Leave Application** was included in the delivery for which the Office of the Chief Justice confirmed reception.

32. On 8 March 2021, the Applicant emailed the said request to the Chief Justice (for good order) and to the Registrar; as well as to the State Attorney for the 1st Respondent. The Applicant received read receipts from all the interested parties, more specifically from the 1st Respondent's attorney, from the representative for the Chief Justice and from the Acting Registrar, Ms. Mmabatho Ngobeni. The email is attached as Annexure "**RES6**", together with the three (3) read receipts as Annexures "**RES7**" to "**RES9**".
33. On Wednesday, 10 March 2021 the nine Judges Jafta, Khampepe, Madlanga, Majiedt, Mhlantla, Theron and Tshiqi JJ together with Pillay and Tlaetsi AJJ, made the order for which rescission is requested herein. The order granted condonation for late lodgement of the appeal while refusing leave to appeal for the sole reason "... *that the application for leave to appeal be dismissed as it bears no reasonable prospects of success.*"
34. By 10 March 2021, the day the order was made, no direction had been given by the Chief Justice, either confirming or denying the right of the 2nd Respondent to be represented by the 1st Applicant before this Court. In consequence, the 2nd Respondent was not properly before the Court, as the 2nd Applicant in the **Leave Application**, when the order was made.
35. Furthermore, the direction by the Chief Justice as to whether or not rules and services may be dispensed with under Rule 12(1), as per the urgency requested under the original Application in accordance with Rule 12(2), had not been given.



36. Notwithstanding that the order was made on 10 March 2021, the Applicant herein was only notified thereof by the Registrar, Ms. Ngobeni, on 15 March 2021. See attached Annexure **"RES10"**.
37. By the time **LFN** and the Applicant were served with the order, no direction had been received from the Chief Justice in relation to the letter dated 3 March 2021. In this context, the Applicant is of the view that either Rule 11(3)(c)(i) was applicable even though the order of 10 March 2021 had been made or that, alternatively, said order was made in violation of this rule as it prevented the Chief Justice to act in accordance with Rule 11(4).
38. On 17 March 2021 **LFN** and the Applicant herein delivered a letter to the Chief Justice by Sheriff, in which the Chief Justice was requested to respond to various matters they had noted at the time in respect of the Court order. The Chief Justice was kindly requested to revert to **LFN** and the Applicant herein accordingly by no later than Monday, 22 March 2021. This letter is attached as Annexure **"RES11"** and the Sheriff's return of service as Annexure **"RES12"**.
39. On 19 March 2021 the letter referred to in paragraph 38 *supra* was emailed to all interested parties. Again, the Applicants have received read receipts from the 1st Respondent's attorney, the representative for the Chief Justice and the Acting Registrar. This email is attached as Annexure **"RES13"**, together with the three (3) read receipts as Annexures **"RES14"** to **"RES16"**.
40. On 26 March 2021, in absence of receiving any response from the Chief Justice, **LFN** and the Applicant addressed another letter to him in which they requested Mogoeng CJ to kindly confirm the representation of the Applicant for the 2nd Respondent for purposes of this rescission application only. This letter is attached as Annexure **"RES17"** with the read receipts as Annexures **"RES18 to RES20"**.

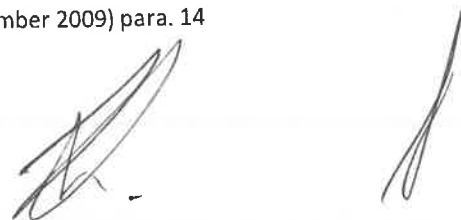


41. The Acting Registrar responded with communication dated 26 March 2021 in which she incorrectly indicated that following dismissal of a **Leave Application** it would be practice by this Court to generally ignore any further correspondence. Same irrespective of the fact that the requests made by **LFN** and the Applicant therein were in respect of this rescission application. This letter by Ms. Ngobeni is attached as Annexure “**RES21**”.
42. In reaction to above letter by the Acting Registrar, another letter was sent to the Chief Justice dated 31 March 2021 in which **LFN** and the Applicant gave Mogoeng CJ opportunity until close of business that very day to confirm the representation and that, in the alternative, they would accept that the right of the 2nd Respondent, the 2nd Applicant in the **Leave Application**, to be represented by the Applicant herein had not been confirmed. This letter is attached as Annexure “**RES22**” and the read receipts by all parties concerned as Annexure “**RES23**” to “**RES25**”.
43. Neither the Applicant nor **LFN** received any further response, leaving the Applicant herein with no alternative but to approach this Court for an order in terms of the Notice of Motion.

1ST REASON: ABSENCE OF CONFIRMATION BY CHIEF JUSTICE (paras. 44 – 50)

44. It is trite practice that any person other than a legal practitioner wishing to appear in the High Court on behalf of a *persona ficta* like the 2nd Applicant, must be granted such right by the Court; it is not an automatic right.²⁵
45. The Court *a quo* did permit the Applicant to represent the 2nd Respondent, but no formal order to that effect was granted. The Applicant needs to emphasize that proper application was made to the High Court for every appearance by the Applicant on behalf of the 2nd Respondent since 30 June 2020 under case number 21542/2020. However, the Court a

²⁵Manong v Minister of Public Works (518/2008) [2009] ZASCA 110 (23 September 2009) para. 14



quo permitted those appearances without formally addressing the representation application.

46. When the **Leave Application** was lodged on 3 March 2021 in this Court, in accordance with Rule 6 of the Rules specifying that only a person who had the right to appear before the High Court may represent another party, the Applicant and 2nd Respondent were obliged to seek the directive by the Chief Justice as to whether this Court would accept the Applicant appearing on behalf of the 2nd Respondent; due to the absence of either a Court order confirming the right to represent or sufficient qualification by the Applicant. Thus, the Chief Justice was formally requested to direct, as prescribed by Rule 6.
47. Since authority prescribes that no application is valid if signed off by a non-legal practitioner unless the Court allows it²⁶, this request to the Chief Justice was clearly procedurally required and therefore not frivolous or vexatious.
48. Nowhere does the 10 March 2021 Court order even suggest or indicate that the right of the 2nd Respondent to be represented by the Applicant herein, had been confirmed. Not even the 1st Respondent in the **Leave Application** could have been assured whether same was properly before this Court in respect of **LFN** as the parties had not been notified about the outcome of the formal request to the Chief Justice. By the same token, if the request by the Applicant and **LFN** to represent the latter in the **Leave Application** would have been denied, **LFN** would then have been brought into a position to act thereon and to, for instance, consider to be represented by someone entitled to appear before the High Court, i.e. by someone other than the Applicant.
49. Applicant humbly submits that as a result of the absence of a directive, by either the Chief Justice or by the Court, specifically granting such a right of appearance, **LFN** was not properly before this Court. Consequently, no order in respect of the **Leave Application**

²⁶*Ibid*



could have been made, affecting both the Applicant and the 2nd Respondent in this Application. Thus, the Court order of 10 March 2021 was granted in error.

50. Further to the afore, there was no determination in respect of the urgency in terms of Rule 12 and, if granted, in terms of the directives to have followed. As a result of this determination also being unavailable by the time the Court order of 10 March 2021 was made, none of the parties were certain of the procedures to apply. In this context the Applicant refers specifically to Rule 11(4) which, if applied, would have placed the Chief Justice in a position to direct in accordance with the Rules of this Court. Resulting that the order of 10 March 2021 procedurally emasculated the Chief Justice in terms of Rule 11(4). In consequence, the order is erroneous.

2ND REASON: ABSENCE OF OPPOSITION (paras. 51 – 54)

51. The **Leave Application** was lodged on 3 March 2021, and in terms of the Notice of Motion the 1st Respondent had been afforded ten (10) days in accordance with Rules 19(4)(a) and (5)(a) to submit her opposition and/or Application for Leave to Cross-Appeal, unless the Chief Justice would determine otherwise in terms of Rule 12.
52. No determination in respect of urgency was made in terms of Rule 12, implying that the 1st Respondent had time, *ad minimum*, until Wednesday, 17 March 2021, to lodge her opposition and, possibly, cross-appeal. The Court, however, had already made the order on 10 March 2021 in absence of either a notice of opposition or any other opposing papers, including cross-appeal.
53. The Applicant respectfully submits that this Court, when making the order of 10 March 2021, was not in a position to rule on the prospect of success of the **Leave Application** as the Court's ruling is based solely on the **Leave Application**. However, this Court has



previously found that an application for leave to appeal to be adjudicated by this Court must consist of three sets of papers: one set of papers from each party as well as the judgment from the Court from which an appeal is sought; to enable this Court to adjudicate such an application.²⁷ It is common knowledge that one set, more specifically the opposing papers by the 1st Respondent, was not before Court. Consequently, the Court was not in a position to adjudicate the matter. Thus, the decision of 10 March 2021 was erroneous.

54. Further to the afore, the 1st Respondent still had a right to file opposing notices and to cross-appeal. However, the Court arbitrarily emasculated this right of the 1st Respondent by making the order hastily and prematurely. In a matter that accuses a party of doing wrong to more than 60 million people it simply cannot be in the interest of justice to deny such party the right to file its opposition notices, or to lodge its cross-appeal if it so wishes. However, this was the effect of the order of 10 March 2021 on the 1st Respondent herein. For this reason, the order is erroneous.

3RD REASON: ABSENCE OF RECORD (paras. 55 – 59)

55. Although this Court does not specifically require the record of proceedings before the Court *a quo*, occasionally such record might be required for this Court to make a determination.
56. Due to the extent of the **Leave Application** and the erstwhile Applicants being required to restrict their Application to only the essential facts, they specifically requested this Court to kindly take the record into consideration should this Court have any query as to the prospect of success when considering to dismiss the **Leave Application**.²⁸

²⁷Ka Mtuze fn 1, para. 15

²⁸**Leave Application**, para. 10 of Affidavit

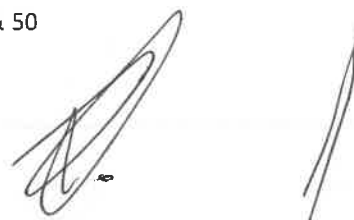


57. Notwithstanding that **LFN** and the Applicant specifically requested this Court to, in such instance, call for the record, due to the reasons stated in the **Leave Application**, this Court dismissed the leave in absence of reference to the record which information was not before the Court.
58. Taking into consideration that any question concerning the legality of the **NSD**, without a doubt, affects every single person in the country, it very clearly would have been in the interest of justice to obtain the record when a question of merits was considered by the Court as decisive when evaluating the **Leave Application's** prospect of success.
59. Resultantly, the Applicant humbly submits that since the record was crucial to have been taken into consideration in order to judge the merits of the **Leave Application** beyond granting the Condonation and for the Court to determine whether a reasonable prospect of success exists or not, in particular since no opposing arguments were before the Court when making the order, the Court was not in a position to conclude that "*no reasonable prospects of success*" existed. Therefore, the order was erroneous.

4TH REASON: GRANTED CONDONATION (paras. 60 – 65)

60. This Court did grant condonation for the late lodgement of the **Leave Application**.
61. Although the Applicant is satisfied with this decision, granting condonation contradicts the finding of this Court that the **Leave Application** "...*bears no reasonable prospects of success*".
62. This Court has previously found that in order to grant condonation for not adhering to rules there must be a possibility of success with the order sought which, in this case, was for the leave to appeal be granted.²⁹

²⁹Grootboom v National Prosecuting Authority & Another 2014 (2) SA 68 (CC) at paras. 22 & 50

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63. In *Brummer* this Court further stated that an application for condonation for late lodgement should be determined on the same basis as an Application for Leave to Appeal.³⁰
64. The Applicant respectfully submits that granting condonation and, thereby, confirming reasonable prospects of success in law with the **Leave Application**, and in the very same order dismissing the very **Leave Application** for the opposite reason, namely for "*bearing no reasonable prospects of success*" is a clear contradiction as 'reasonable prospect of success' must have existed when judging the question of condonation.
65. The Applicant submits that finding "reasonable prospects of success" in one aspect and ignoring such finding in another within the same order and thereby, not applying the same basis for its decision, the Court erred, which justifies a rescission of the order.

5TH REASON: FORMAT OF ORDER (paras. 66 – 69)

66. The outlay of the Order is, with respect, flawed and does not constitute a proper Court order. The Order appears to be a combination between a judgment setting out the reasons and a Court order.
67. As stated in paragraph 49 *supra*, the legal interpretation shows that **LFN** was not before the Court, yet the order refers to both **LFN** and the Applicant.
68. All other Superior Courts make reference to the adjudicating Judges at the top in the heading, however, this Order refers to '*coram*' contained in the Order itself. While this may have been done to create the impression, correctly or not, that all Judges were sitting at the same time to adjudicate the matter, in practice such judgment would be signed off by all the Judges in agreement. This is not so as no judge signed in agreement.

³⁰ *Brummer v Gorfil Brothers Investments (Pty) Ltd and Others* (CCT45/99) [2000] ZACC 3; 2000 (5) BCLR 465; 2000 (2) SA 837 (CC) (30 March 2000) para. 3



69. The format of the Court order simulates a default judgment. It appears if the Order had been proposed by the Acting Registrar (not being a presiding officer) who also is the only one who signed the Order. The Applicant submits, respectfully, this to be improper. For this reason, the rescission of the order of 10 March 2021 is justified.

FURTHER CONSTITUTIONAL MERITS (para. 70)

70. **LFN** and the Applicant have stated in paragraphs 69 to 72 of the Supporting Affidavit in their **Leave Application** the constitutional merits which are to remain applicable in this application and which, for brevity, are not repeated here. The Applicant respectfully requests that same be referred to again for purposes of this application.

DECISIONS AGAINST WHICH RESCISSION IS SOUGHT (paras. 71 – 72)

71. The Applicant seeks rescission against the decision to have refused the **Leave Application** as per Court order dated 10 March 2021, paragraph 2 thereof.
72. The Applicant would like to rely on his right to choose that the finding in the same Court order that granted condonation, to stay.

INTERESTS OF JUSTICE (paras. 73 – 75)

73. The Applicant has established that this matter is in the interest of justice on more than one ground and that the appeal has a reasonable chance of success.
74. The measures meted out to the South African public, and to almost every single member thereof, on the basis of the **NSD** under the helm of the 1st Respondent, have caused



immeasurable harm to the economy and safety of the country, and possibly even health, on the one hand while the 1st Respondent has not been able to provide a single iota of factual evidence proving the necessity or efficacy of the **NSD**, on the other.

75. The Applicant submits that South Africans have a right to know why they must now, *inter alia*, be forced to restrict their oxygen intake when in public and be constrained with a curfew while the responsible person, the 1st Respondent, appears to have no idea whether the country is dealing with an actual illness or, say, an act of war or bio-terrorism. In this context, the Applicant wishes to reiterate again that, *inter alia*, general health, human rights and economic rights in South Africa are considered issues of National Security³¹ while the 1st Respondent has never provided even one single iota of factual evidence proving either the necessity or efficacy of the **NSD**.

URGENCY (paras. 76 – 85)

76. **LFN** and the Applicant have addressed urgency extensively in paragraphs 87 to 92 of the Supporting Affidavit contained in the **Leave Application** and the Applicant respectfully requests that same be referred to again for purposes of this application.
77. In addition to the afore, the Applicant highlights that the 1st Respondent has extended the **NSD** recently for the 11th time. However, the 1st Respondent still fails to produce any one of the assessments, from initial to ongoing, as are prescribed to be produced by the **National Centre**, as per the **Framework** and **Guideline**, to give effect to the **DMA**. The Applicant submits that the information contained therein; more specifically from the initial risk analysis to the prescribed ongoing risk assessment which, for instance, must also

³¹Para. 13 *supra*



provide a socio-economic cost – benefit analysis of measures implemented, up to the ongoing monitoring of the risk reduction initiatives imposed.

78. The Applicant submits that only the full set of these assessment reports would represent the reality of the progression of the claimed disaster, from its initial assessment leading to the declaration of the **NSD**, up to the current, prevailing, circumstances of it and that same would thus be the account of the knowledge base of the authority, more specifically of the 1st Respondent, in respect of the **NSD**, its declaration and its termination.
79. In terms of the violation of human rights resulting from the **NSD** and the **DMA Regulations** that followed its declaration and which were, by and large, propagated to be risk mitigation measures, as detailed in the **Leave Application**, the Applicant submits that it would be impossible for the 1st Respondent, without having produced the reports as required, to comply with Paragraph 3.3.1.6 of the **Guidelines** which prescribes that such measures *"...must apply the precautionary principle of 'do no harm' [...] because [...] disaster risk reduction projects can inadvertently increase disaster loss potential..."*. It further states that the *"likelihood of negative consequences is reduced if a careful disaster risk assessment actively informs the planning process."* Above instruction requires the assessments in question to play a vital role in mitigating the effects of the disastrous occurrence. Thus, they must, by necessity, have been drafted. If this was not the event, the clear instruction to apply the cautionary principle cannot have been followed and as such, the **Guidelines** cannot have been complied with by the 1st Respondent.
80. The Applicant submits that the 1st Respondent's failure to comply with these provisions, as has become apparent, *inter alia*, during his own and **LFN's** matter before the Court *a quo*, was born out of her failure to produce the procedurally and legally required³² reports. If

³² **Framework** (GN 645 GG 27534 dated 29 April 2005), p. 12: The national disaster management framework is the legal instrument specified by the [**DMA**] to address such needs for consistency across multiple interest groups, by providing 'a coherent, transparent and inclusive policy on disaster management appropriate for the Republic as a whole' (Section 7(1)).



indeed they had been produced as prescribed, the 1st Respondent would have had no problem to provide same to the public, and especially to NGO's and political parties instead of engaging in literally hundreds of court cases and, nevertheless, not being able to provide anything of substance which could support the declaration of the **NSD** and, be the same token, the extensions thereof.³³

81. Community-based Organisations (CBO's) are stakeholders under the **DMA** and **Framework**, and **LFN** is such an organisation as branded in its Constitution addressed in the Court *a quo*.³⁴ By refusing to submit the required information to **LFN** or the Applicant - who is also the President of **LFN** - or to, alternatively declare not to have followed the procedure as set out under the **Framework** and **Guideline**, thus not to be in possession thereof, all **LFN** members and supporters' rights, including those of the Applicant, are violated under the equality principle. To end this injustice and prejudice the Court's utmost intervention is required.
82. The Applicant argues further that owed to the lack of the prescribed assessments having been produced which would have fully documented the factual reality of the development of the disaster – to be able to, at any point in time, consider the prevailing status of the hazard, the 1st Respondent was never in position to properly do so. Template H paragraph 14.8, p. 49 of the **Guideline**, however, poses precisely that very duty – and that duty alone – on the 1st Respondent in order to be able to legally affect the termination of the **NSD**. It also clearly instructs such consideration to be given prior to such termination, which is therefore a precondition.

³³ Giving effect to S19(e) of the **DMA**, the **Framework** prescribes under Key Performance Area 2 (Disaster Risk Assessment) para 2.1.3, p. 39 ("Undertaking a disaster risk assessment") four stages to be followed by the NDMC, operating under the helm of the 1st Respondent, whereby stage 4 specifically requires dissemination of the information "to all stakeholders".

³⁴ Record 1:35 – 44



83. It is impossible to give sufficiently appropriate consideration to a developing situation and to assess whether certain effects thereof, especially when such effects are initially assumed and primarily based on mathematical forecast models – as was the case when the 1st Respondent declared the **NSD** – are developing, until and unless the procedures have been complied with and all required initial and ongoing assessments are indeed undertaken and properly reviewed.
84. The Applicant is aware that the 1st Respondent is not in a position to reverse time which has passed. Consequently, the required ongoing assessments as well as the initial assessments and analyses cannot be produced as mere afterthoughts to satisfy prescribed procedural requirements in hindsight. While the 1st Respondent's apparent non-compliance in this respect may invite much further criticism elsewhere, the Applicant is primarily concerned that, as direct consequence of her non-compliance, the 1st Respondent will never be in a position to terminate the **NSD** in a legally proper manner as it will be impossible for her to give due consideration to a current status of the hazard without being able to assess same against previous assessments of the then prevailing and the initial status of the hazard and the risk it posed at that time.
85. Owed to the lack of assessments at hand, the real possibility exists that the 1st Respondent has given her incorrect consideration at least once during the 11 extensions she declared following the expiry of the initial **NSD**. It is therefore possible, if not likely or even certain, that for that reason alone the **NSD** has become invalid. The Applicant asks this Court's urgent intervention in the interest of the public.



COSTS (paras. 86 – 87)

86. The Applicant is not asking for a cost order against any one of the Respondents, besides in the event of opposition. If this Court should be requested to make an order as to costs, same should cover the necessary expenses only.
87. Further, in the event this Court considers granting a cost order against the Applicant, it needs to be modestly stated that this Court has as practice not to grant cost orders where there were clear constitutional issues to be considered and where the application was not frivolous or vexatious as per the *Biowatch* principle.
88. In this respect, the Applicant humbly submits that he raised clear and valid points to justify this Application and that, even if this Court would consider not agreeing with it, the lodging of this application was indeed justified.

THEREFORE we pray for this Court to grant the Applicant an order in terms of the Notice of Motion in this Court.

THUS signed at **PRETORIA** on this 3rd day of **MAY 2021**.



REYNO DAWID DE BEER

Deponent



Signed and sworn to me at Kameeldrift on this 03 day of **MAY 2021** the deponent having acknowledged that he knows and understands the contents of this affidavit and that he has no objection against taking the prescribed oath, which oath he regards as binding on his conscience and all other prescribed formalities have been complied with.

DKA 2017/16KNAL6
SA

COMMISSIONER OF OATHS

Address: Plot 650 Moloto Road Kameeldrift

Designation: Sgt





Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

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Date: 11 March 2021

VERY URGENT

ATTENTION: MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS

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[BY EMAIL]

ATTENTION: STATE ATTORNEY PRETORIA

Attorneys for the Respondent

TEL. 012- 309 1528

FAX. 086 406 6194

EMAIL: SZulu@justice.gov.za

REF: MR S ZULU/2020/Z76

[BY EMAIL]

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae

c/o Sigama Attorneys

Email: info@sigamaattorneys.co.za

Email(2): letumile@sigamaattorneys.co.za

Email(3): info@hbrfoundation.org.za

Email(4): preddy.mothopeng@gmail.com

[BY EMAIL]

Dear Minister,

**EXTENSION OF NATIONAL STATE OF DISASTER - DE BEER & ANOTHER v. MINISTER OF
COGTA – HIGH COURT PRETORIA CASE NO. 21542/2020)**

1. The country is only a day or two away from you, Minister, announcing the 10th extension of the National State of Disaster (NSD).
2. As you are aware, as the Applicants in the above matter, we have recently lodged an Application for Leave to Appeal to the Constitutional Court. Our Argument, in a nutshell, is that the declaration of the NSD was legally flawed. You, Minister, have been afforded opportunity to oppose the application should you wish to do so.
3. Should, however, the arguments brought in our application prevail, the country could find itself in a constitutional dilemma and we trust that you, Minister, have already been briefed in that respect.
4. The compulsory processes as set out in the Framework and Guideline are extensive and will result in comprehensive information being made available to us in the event that your

decision should, indeed, be to extend the NSD. In that event, we would like to request that you have at hand all procedurally required information which would put us in the position to challenge the extension in Court. *Inter alia*, we shall require full copies of the four-staged assessments that were undertaken to determine the magnitude or potential magnitude of the severity of COVID-19.

5. The purpose of this letter is to simply remind you, Minister, that you must follow the correct processes when making the decision as to whether or not the NSD should be extended.
6. The Afrikaans author and poet, PG Du Plessis, once said that: "*One is not remembered for one's mistakes, but how one rectifies them.*" Let these words guide you, Minister, in this important decision.
7. We would like to confirm that our sole interest in this matter is the protection of the Constitution and to ensure that justice is ultimately served in a democratic and fair way. Just like yourself as a fellow South African, we also want the best for this country and its people. We truly hope that one day all of us can sit around a table and enjoy a cup of tea.

Yours Faithfully,

Reyno D. De Beer

President: Liberty Fighters Network

[ELECTRONICALLY SUBMITTED WITHOUT A SIGNATURE]



Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

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Date: 19 March 2021

VERY URGENT

ATTENTION: MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS

EMAIL: MandisaMB@cogta.gov.za

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[BY EMAIL]

ATTENTION: STATE ATTORNEY PRETORIA

Attorneys for the Respondent

TEL. 012- 309 1528

FAX. 086 406 6194

EMAIL: SZulu@justice.gov.za

REF: MR S ZULU/2020/Z76

[BY EMAIL]

A handwritten signature in black ink, appearing to be 'S. Zulu', written over a horizontal line.

A handwritten signature in black ink, appearing to be 'S. Zulu', written over a horizontal line.

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae

c/o Sigama Attorneys

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[BY EMAIL]

Dear Minister,

**EXTENSION OF NATIONAL STATE OF DISASTER - DE BEER & ANOTHER v. MINISTER OF
COGTA – HIGH COURT PRETORIA CASE NO. 21542/2020)**

1. Our letter dated 11th instant refers.
2. Writer has noted that you, Minister, gazetted the 10th extension of the National State of Disaster (NSD) on the same day as our referenced letter. Our records show that the extension was executed several hours after reception of our letter.
3. By having extended the NSD, writer is of the respectful view that you, Minister, were obliged to follow the processes required at the time the NSD was declared on 15 March 2020.
4. In line with the Framework and the Guideline, the Applicants in the above matter hereby request that you, Minister, to make available the following information which had to have been available when the decision to extent the NSD was made. Kindly note that you are obliged to provide such requested information.

Information Requested

5. In terms of Section 23 of the Act the National Disaster Management Centre (NDMC) must determine whether the national disaster classification remains valid. We kindly request the record of this determination.
6. You are aware and have yourself been instrumental in formulating aspects of same, that alternative legislation exists, to be utilised by the national executive, to deal with the disastrous event and which was never before rebutted as being insufficient. Nevertheless, you, Minister, continued to extend the NSD on the basis of your claim that there are "*other special circumstances*" to warrant such extension. We hereby request from you the following, as per your assessment prior to extending the NSD:-
 - 6.1 All and any information relating to "special circumstances", inclusive of when and how and by whom you were made aware of same;
 - 6.2 All and any information relating to the "other special circumstances", inclusive of when and how and by whom you were made aware of same;
 - 6.3 All and any evidentiary proof that paragraph (b) of the definition of "disaster" as per Section 1 of the Act had been met at the point of your declaration to extend the NSD on 11 March 2021;
 - 6.4 The BUR of each Province of South Africa, as taken into account in the decision-making process to extend the NSD on 11 March 2021;
 - 6.5 The BUR of each Municipality, as taken into account in the decision-making process to extend the NSD on 11 March 2021; and
 - 6.6 All and any of the compulsory assessments that assisted you, Minister, in your decision to extend the NSD on 11 March 2021.




7. Since all of the above information must have been available to you at the point of deciding whether to extend the NSD we trust that you will not find it difficult to provide us with your suitable response to this letter by no later than Tuesday, 23 March 2021. In the event of your failure to do so, we will have no other alternative but to challenge the latest extension of the NSD in the High Court on the urgent roll.

Yours Faithfully,

Reyno D. De Beer

President: Liberty Fighters Network

[ELECTRONICALLY SUBMITTED WITHOUT A SIGNATURE]



Subject: RE: URGENT - RULE 12 - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (SCA NO. 12/2021 & HCGDP NO. 21542/2020)

From: Dunisani Mathiba <mathiba@concourt.org.za>

Date: 3/3/2021, 13:05

To: Reyno De Beer <debeerreyno@gmail.com>, GeneralOffice <GeneralOffice@concourt.org.za>

CC: Reyno <reyno@libertyfighters.co.za>, Sunnyboy Zulu State Attorney <SZulu@justice.gov.za>, "info@sigamaattorneys.co.za" <info@sigamaattorneys.co.za>, "letumile@sigamaattorneys.co.za" <letumile@sigamaattorneys.co.za>

Good day

I hereby confirm receipt of the application.

Kindly find the attached stamped filing notice with a case number.

Regards

Dunisani Mathiba

From: Reyno De Beer [mailto:debeerreyno@gmail.com]

Sent: Wednesday, 03 March 2021 12:52 PM

To: GeneralOffice <GeneralOffice@concourt.org.za>

Cc: debeerreyno@gmail.com; Reyno <reyno@libertyfighters.co.za>; Sunnyboy Zulu State Attorney <SZulu@justice.gov.za>; info@sigamaattorneys.co.za; letumile@sigamaattorneys.co.za

Subject: URGENT - RULE 12 - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (SCA NO. 12/2021 & HCGDP NO. 21542/2020)

Dear Sir,

KINDLY FIND ATTACHED the Application for Leave to Appeal.

THE REQUIRED copies have been left at Security, with proof of personal service.

KINDLY acknowledge receipt with case number.

Kind Regards
Reyno De Beer
For Applicants
Cell. 0781745878

----- Forwarded message -----

From: "Fotonet ZambesiMall" <fotonetpta@live.com>

Date: 02 Mar 2021 16:47

Subject:

To: "reyno@libertyfighters.co.za" <reyno@libertyfighters.co.za>

Cc: "debeerreyno@gmail.com" <debeerreyno@gmail.com>

—Attachments:—

Scanned from a Xerox Multifunction Printer.pdf

88.4 KB

"RES4"

1

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT CASE NUMBER:

12021

SCA CASE NUMBER:

12/2021

GDP CASE NUMBER:

21542/2020

In the matter between:-



REYNO DAWID DE BEER

LIBERTY FIGHTERS NETWORK

AND

MINISTER OF COOPERATIVE GOVERNANCE

AND TRADITIONAL AFFAIRS

REGISTRAR OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA		
Private Bag X1, Constitution Hill, Braamfontein 2017		
	2021 -03- 03	
	CC-003	Applicant
		2nd Applicant
GRIFPIER VAN DIE GRONDWETLIKE HOF SUID-AFRIKA		

Respondent

NOTICE OF MOTION IN TERMS OF RULE 12 AND RULE 19

TAKE NOTICE THAT the Applicants intend to make application to the Constitutional Court for an order in the following terms:

- 1 That the non-compliance to the Constitutional Court Rules regarding forms, service and time periods be condoned and that this application be heard as urgent in terms of Rule 12; and
- 2 In the event that the matter does not proceed on an urgent basis in terms of paragraph 1 *supra*, that the Court proceeds with the matter in the normal Court process in relation to Rule 19; and
- 3 Condonation be granted for the late lodgement of this application;




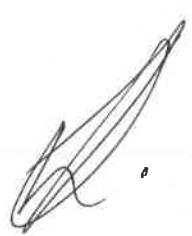

- 4 Leave to appeal be granted against certain parts of the Court Order made by
Davis J on Tuesday, 2 June 2020, in respect of the failure of the Court *a quo* to
grant an order in terms of paragraph 3 (the constitutionality and validity of the
National State of Disaster) of the Notice of Motion lodged by the Applicants on
14 May 2020 in the Court *a quo*;
- 5 Costs, or necessary expenses as the case may be, only in case of opposition;
- 6 And/or alternative relief.

TAKE FURTHER NOTICE that the Applicants will use the Affidavit of REYNO DAWID
DE BEER, together with annexures, in support of this application.

TAKE FURTHER NOTICE that the Applicants have *inter alia* provided the email
address and/or facsimile number hereunder as the addresses they are going to use
for service of any process or document during course of this application, in particularly
will accept service by way of electronic mail.

TAKE FURTHER NOTICE that, unless the Chief Justice has directed otherwise in
case this matter is being heard as urgent in terms of Rule 12 of the Rules of the
Constitutional Court, in terms of Rule 19(4) of the Constitutional Court Rules you may
within 10 (ten) days from the date upon which this application is lodged respond hereto
in writing, indicating whether or not the application for leave to appeal is being
opposed, and if so the grounds for such opposition.

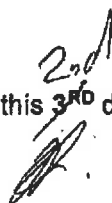
TAKE FURTHER NOTICE that in urgent applications, the Chief Justice may dispense
with the forms and service provided for in the rules and may give directions for the



matter to be dealt with at such time and in such manner and in accordance with such procedure, which shall as far as is practicable be in accordance with the rules, as may be appropriate.

KINDLY ENROLL THE MATTER ACCORDINGLY.

SIGNED at PRETORIA on this ^{2nd} 3rd day of MARCH 2021.



REYNO DE BEER

1ST APPLICANT AND REPRESENTATIVE FOR 2ND APPLICANT

PLOT 473 DEWAR STREET

DERDEPOORT

PRETORIA

CELLULAR: 0781745878

EMAIL(1): revno@libertyfighters.co.za

EMAIL(2): debeerrevno@gmail.com

**TO: REGISTRAR OF THE CONSTITUTIONAL COURT
JOHANNESBURG**



AND TO: OFFICE OF THE STATE ATTORNEY
ATTORNEYS FOR RESPONDENT
GROUND FLOOR SALU BUILDING
PRETORIA
REF: MR. SUNNYBOY ZULU
CELL. 083 507 4221
EMAIL: Szulu@justice.gov.za
[BY HAND]

AND TO: HOLA BON RENAISSANCE FOUNDATION
Amicus Curiae in Court a quo
c/o Sigama Attorneys
Waterford Court Block G34, Unit 2
Cnr. Rabie Street & Glover Ave.
Lyttelton, Centurion
Tel: (062) 362-4523
Cell: 0799444638
Fax: 0865682284
Email(1): info@sigamaattorneys.co.za
Email(2): letumile@sigamaattorneys.co.za
[BY EMAIL]





Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

Office of the President: Reyno De Beer

Landline: +27(0)12 023 1976 / Cellular: +27(0)78 174 5878

Electronic Mail: reyno@libertyfighters.co.za

Website: www.libertyfighters.co.za

Telegram: @libertyfightersnews / Twitter: @LFN_SouthAfrica / Facebook: Libertyfightersnetwork

Date: 2 March 2021

VERY URGENT

ATTENTION: CHIEF JUSTICE MOGOENG MOGOENG
CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA
Office of the Chief Justice, Midrand
[BY HAND]

ATTENTION: STATE ATTORNEY PRETORIA
Attorneys for the Respondent
TEL. 012- 309 1528
FAX. 086 406 6194
EMAIL: SZulu@justice.gov.za
REF: MR S ZULU/2020/Z76
[BY EMAIL]

Two handwritten signatures in black ink are visible at the bottom right of the page. The first signature is a large, stylized cursive mark, and the second is a smaller, more vertical cursive mark.

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae

c/o Sigama Attorneys

Email: info@sigamaattorneys.co.za

Email(2): letumile@sigamaattorneys.co.za

Email(3): info@hbrfoundation.org.za

Email(4): preddy.mothopeng@gmail.com

[BY EMAIL]

Dear Chief Justice Mogoeng CJ,

**URGENT: RULE 6 REPRESENTATION - DE BEER & ANOTHER v. MINISTER OF COGTA –
CCT CASE NO. UNKNOWN; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)**

1. Writer directs this letter on behalf of the Applicants, Liberty Fighters Network (LFN) and writer in person, in the above-mentioned Application for Leave to Appeal. A formal case number still have to be allocated to the matter in the Constitutional Court.
2. The purpose of this letter is to request confirmation in terms of Rule 6 of the Constitutional Court Rules that writer may continue to represent the Second Applicant as it's designated official as allowed in both the High Court and the Supreme Court of Appeal. The Respondent has not objected to same as well.
3. LFN is still not in a position to afford the services of a legal practitioner and, in any event, writer has been representing LFN with permission without any complications or opposition from either the Court or Respondent since around 30 June 2020. The fact that writer is

also an Applicant in person would then result in only one combined case and argument to be addressed, saving time and costs in the process for all parties, and the Court.

4. Writer humbly submits that the criteria in Rule 6 has been met when allowed by the High Court and later the SCA to represent LFN, but out of respect for the Constitutional Court writer is requesting You, Chief Justice Mogoeng, to kindly confirm this right of LFN to continue to be represented by writer as it's designated officer.
5. Writer respectfully is of the view that, by continuing to allow him to represent LFN, will enhance the workings of the Court and be in the interest of justice, otherwise the constitutional right of LFN to have access to the Court for it's members and in the interest of the public, will be infringed and immediately come to an end. The nature of the application is also of such nature that it is important for LFN to be heard.
6. Your kind urgent response will be highly appreciated.

Yours Faithfully,

Reyno D. De Beer

President: Liberty Fighters Network

[ELECTRONICALLY SUBMITTED WITHOUT A SIGNATURE]



Subject: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)

From: Reyno De Beer <reyno@libertyfighters.co.za>

Date: 8/3/2021, 7:50

To: Kutlwano Moretlwe <KMoretlwe@judiciary.org.za>, TPhaahlamohlaka@judiciary.org.za, gmoshoeu@judiciary.org.za, Desmond Moekoa <dmoekoa@judiciary.org.za>, nphakola@judiciary.org.za

CC: Sunnyboy Zulu State Attorney <SZulu@justice.gov.za>, "info@sigamaattorneys.co.za" <info@sigamaattorneys.co.za>, "letumile@sigamaattorneys.co.za"

<letumile@sigamaattorneys.co.za>, Reyno De Beer <debeerreyno@gmail.com>, Dunisani Mathiba <mathiba@concourt.org.za>, GeneralOffice <GeneralOffice@concourt.org.za>

BCC: reyno@libertyfighters.co.za, Strategic Team <stratfor@libertyfighters.co.za>

ATTENTION: CHIEF JUSTICE MOGOENG MOGOENG

CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

ATTENTION: STATE ATTORNEY PRETORIA

Attorneys for the Respondent

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae Court a quo

c/o Sigama Attorneys

ATTENTION: REGISTRAR OF THE CONSTITUTIONAL COURT

Dear Chief Justice Mogoeng CJ,

KINDLY FIND ATTACHED a letter also hand delivered to your office for your attention and action.

Kind Regards,

(WM) Reyno De Beer
President: Liberty Fighters Network
Cell. 0781745878
WhatsApp: 0727452869



Email: reyno@libertyfighters.co.za
Website: www.libertyfighters.co.za

— Attachments:

210302-F-LetterToMogoengCJ.pdf

816 KB

Subject: Read: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)
From: Zulu Sunnyboy <SZulu@justice.gov.za>
Date: 8/3/2021, 8:42
To: Reyno De Beer <reyno@libertyfighters.co.za>

Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person) you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply E-Mail. Please advise immediately if you or your employer do not consent to e-mail messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the Department of Justice and Constitutional Development shall be understood as neither given nor endorsed by it. All views expressed herein are the views of the author and do not reflect the views of the Department of Justice unless specifically stated otherwise.

— ForwardedMessage.eml —

Subject: Read: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)
From: Zulu Sunnyboy <SZulu@justice.gov.za>
Date: 8/3/2021, 8:42
To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Zulu Sunnyboy
Subject: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)
Sent: Monday, March 08, 2021 7:50:15 AM (UTC+02:00) Harare, Pretoria

was read on Monday, March 08, 2021 8:37:39 AM (UTC+02:00) Harare, Pretoria.

Final-recipient: RFC822; SZulu@justice.gov.za
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSEch-Correlation-Key: Csdhvo1XZEypfU7/TrIqbQ==
X-Display-Name: Zulu Sunnyboy

— Attachments: —

ForwardedMessage.eml

4.0 KB

Subject: Read: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)

From: Kutlwano Moretlwe <KMoretlwe@judiciary.org.za>

Date: 8/3/2021, 8:17

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Kutlwano Moretlwe

Subject: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)

Sent: Monday, March 8, 2021 7:50:15 AM (UTC+02:00) Harare, Pretoria

was read on Monday, March 8, 2021 8:16:50 AM (UTC+02:00) Harare, Pretoria.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

-- Attachments:

ATT00001

207 bytes

Subject: Read: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)

From: Mmabatho Ngobeni <Ngobeni@concourt.org.za>

Date: 8/3/2021, 9:39

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Mmabatho Ngobeni

Subject: URGENT - RULE 6 REPRESENTATION LETTER - APPLICATION FOR LEAVE TO APPEAL: DE BEER & LFN // MINISTER OF COGTA (CCT NO. 72/2021; SCA NO. 12/2021 & HCGDP NO. 21542/2020)

Sent: Monday, March 8, 2021 7:50:15 AM (UTC+02:00) Harare, Pretoria

was read on Monday, March 8, 2021 9:39:18 AM (UTC+02:00) Harare, Pretoria.

Final-recipient: RFC822; Ngobeni@concourt.org.za

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEch-Correlation-Key: P/NWgY3gAke0a79KZzcuMA==

X-Display-Name: Mmabatho Ngobeni

Subject: [Order] CCT 72 of 21 Reyno Dawid De Beer v Minister of Cooperative Governance and Traditional Affairs

From: Mmabatho Ngobeni <Ngobeni@concourt.org.za>

Date: 15/3/2021, 14:53

To: "reyn0@libertyfighters.co.za" <reyn0@libertyfighters.co.za>, "debeerreyno@gmail.com" <debeerreyno@gmail.com>, "szulu@justice.gov.za" <szulu@justice.gov.za>, "unfo@sigamaattorneys.co.za" <unfo@sigamaattorneys.co.za>, "letumile@sigamaattorneys.co.za" <letumile@sigamaattorneys.co.za>

CC: Thomas Rikhotso <Rikhotso@concourt.org.za>, GeneralOffice <GeneralOffice@concourt.org.za>

Dear All

Kindly find attached order.

Please acknowledge receipt of this email.

Kind regards,
Mmabatho Ngobeni



Constitutional Court of South Africa
Private Bag x1, Braamfontein, 2017
Tel (direct): 011 359 7560
Tel (switchboard): 011 359 7400
Email: ngobeni@concourt.org.za
Website: www.concourt.org.za

Attachments:

Scanned from a Xerox Multifunction Printer.pdf

45.8 KB



Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

Office of the President: Reyno De Beer

Landline: +27(0)12 023 1976 / Cellular: +27(0)78 174 5878

Electronic Mail: reyno@libertyfighters.co.za

Website: www.libertyfighters.co.za

Telegram: @libertyfightersnews / Twitter: @LFN_SouthAfrica / Facebook: Libertyfightersnetwork

Date: 17 March 2021

VERY URGENT

ATTENTION: CHIEF JUSTICE MOGOENG MOGOENG
CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA
377 – 14th Road, Noordwyk, Midrand, 1685
[BY SHERIFF & BY EMAIL]

ATTENTION: STATE ATTORNEY PRETORIA
Attorneys for the Respondent
TEL. 012- 309 1528
FAX. 086 406 6194
EMAIL: SZulu@justice.gov.za
REF: MR S ZULU/2020/Z76
[BY EMAIL]

A handwritten signature in black ink, appearing to be 'R.' followed by a flourish.

A handwritten signature in black ink, appearing to be a stylized 'A' or 'L'.

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae

c/o Sigama Attorneys

Email: info@sigamaattorneys.co.za

Email(2): letumile@sigamaattorneys.co.za

Email(3): info@hbrfoundation.org.za

Email(4): preddy.mothopeng@gmail.com

[BY EMAIL]

Dear Chief Justice Mogoeng CJ,

**COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021;
SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)**

- 1 Writer refers to his letter addressed to you, Chief Justice, dated 3rd instant and to the subsequent Constitutional Court Order dated 10th instant. Same order was sent *via* electronic mail on 15th instant (yesterday) by the Court's Acting Registrar, Ms. M Ngobeni.
- 2 In terms of the order of 10 March 2021 the following irregularities deserve your urgent intervention. The Applicants submit that these irregularities as listed hereunder render the order invalid:

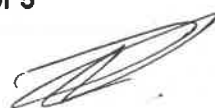
- 2.1 In their hand-delivered letter dated 3 March 2021, the Applicants required your office to confirm if writer would be permitted to continue to represent the 2nd Applicant as this determination as per Rule 6 of the Rules of the Constitutional Court requires your decision. In this context, and in terms of the requirements of Rules 12 and 19,




the Applicants also took the liberty to provide you with a copy of the complete Application. The Applicants, however, have not received your confirmation as to whether the representation has been confirmed. Neither is your decision in respect of the representation of the 2nd Applicant by the 1st Applicant referenced in the order. However, your decision had to have been available to the Judges in order to continue adjudicating the matter in terms of the 2nd Applicant. On the basis that no such decision was circulated, writer accepts that no determination regarding the representation of the 2nd Applicant had been made and that, therefore, the order of 10 March 2021 does not apply to the 2nd Applicant as same was not properly before the Court. Therefore the order is of no effect to the 2nd Applicant.

2.2 The Application was lodged as one of urgency. In terms of Rule 12, the Chief Justice is the only person entitled to grant urgency, or to allocate another Judge to attend to same, and to successively make further directives in relation as to how the matter is supposed to be dealt with to accommodate such urgency. Urgency was, however, not determined prior to making the order while the haste by which same was produced does not allow for any conclusion other than that the question of urgency was determined by the quorum. The Applicants find this to be improper; in particular as, effectively, the matter was dealt with as if unopposed. Same was never the intention of either Applicant.

2.3 In accordance with the Rules, the Notice of Motion provided 10 (ten) days to the Respondent, the Minister of Cooperative Governance and Traditional Affairs, to file opposing papers as well as an Application for Leave to Cross-Appeal, should the respondent wish to do so. This period only ends today, on Wednesday, 17 March 2021. We note that no such papers have been lodged by the Respondent. The order was made on the 10th instant. Writer humbly submits that the sitting judges were not in a position to, without having been able to peruse the other litigant's argument, emasculate that litigant's right to choose her course of action.



- 2.4 Any condonation application for late lodgement must be adjudicated with regard to its merits and following from same, in terms of its prospects of success in the event of condonation being granted. For the Court to condone the late filing, the Court must have been of the view that there were indeed sufficient merits in the Application. However, when denying access on the basis of the very same document, the Court ruled that the Application would bear no reasonable prospect to be successful, citing a lack of prospect as the sole reason for the denial. Writer submits this to be a paradox and thus improper.
- 2.5 The outlay of the Order is, with respect, flawed. All other Superior Courts clearly make reference to the adjudicating Judges at the top in the heading, however, this Order refers to '*coram*' contained in the Order itself. While this may have been done to create the impression, correctly or not, that all Judges were sitting at the same time to adjudicate the matter, in practice such judgment would be signed off by all the Judges in agreement. In this matter, however, it appears if the Order had been proposed by the Acting Registrar, who also is the only one to have signed the Order. Writer submits, respectfully, this to be improper.
- 2.6 The Applicants further refer to paragraph 10 of their Affidavit, stating as follows:-
- "All the filed papers in the Court a quo will confirm the merits in this matter relied on by the Applicants. This Court is humbly requested to kindly take the Record into consideration before making a ruling in the event that dismissal of this application may be considered."*
- 2.7 Without having the full Record available to it, the Court effectively ruled on the question of merit of the Leave Application (which, by necessity, cannot contain the full argument) without ever having had the full record at its disposal. Consequently, the actual merits of the Applicant's argument, and thereby the prospect of its failure or success, was not known to the court. Writer submits that, in consequence, the



Court's finding that "no reasonable prospects for success" exist, must thus be irregular.

- 3 You, Chief Justice, are kindly requested to attend to the discrepancies raised which are of grave concern to them. It would appear to the Applicants as if the Application was not circulated to you. Otherwise, the Applicants would value an explanation why they were not informed about your decisions in respect of the representation and urgency, prior to 10 March 2021.
- 4 Rule 29 of the Rules of this Court, *inter alia*, provides that the Constitutional Court may, in addition to any other powers it may have, *mero motu*, rescind or vary the Order.
- 5 Your kind urgent response by no later than Monday, 22 March 2021, will be highly appreciated.

Yours Faithfully,



Reyno D. De Beer

President: Liberty Fighters Network

On behalf of Applicants





In the matter between :

De Beer & Another

And

Chief Justice Mogoeng Mogoeng

Plaintiff

Defendant

SERVICE Letter

This is to certify that on 17 March 2021 at 4:10: by proper service, after the original document had been shown, a copy of the Letter was served on Ms Kutlwano Mocetke, Skilelaw Advisor at the place of business of Chief Justice Mogoeng Mogoeng, a person not less than 16 years of age, employed at 377 - 14th Road, Noordwyk, Midrand, after explaining the nature and contents thereof to the said person (RULE 9(3)(b)).

Mr E Moelich

(Duly appointed in terms of Sec. 6(1) of the Sheriff's Act 90/1986)

Signed at Halfway House - Alexandra - 18 March 2021

Tax Invoice Number : IN21-8397Client #: CAS0092
Cash Payment EU

V.A.T. # :

Email:

**Sheriff Charges/Expenses****Invoice Date : 18/03/2021**

Description	Tariff	Qty	Amount
Service	70,50	1	70,50
Travelling	6,00	14	84,00
Telephone	16,00	3	48,00
Postage	15,80	1	15,80
Registration	11,00	1	11,00
Return	42,50	1	42,50
E-mail	6,50	1	6,50
Photostats	5,00	6	30,00
Urgent	600,00	1	600,00

TC Siebert, Sheriff Halfway House - Alexandra

P.O. Box 2756 Halfway House 1685

087 330 1074

Fax: 086 750 7767

nicole@shha.co.za;sonja@shha.co.za

VAT: 4650133343

Docex 6 Halfway House

Nedbank Ltd 149745

1497137721 Business(Cheque) Account

Sub-Tot : R 908,30**V.A.T. : R 133,89****Total : R 1042,19**

You may require this account to be taxed and vouched before payment

Subject: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

From: Reyno De Beer <reyno@libertyfighters.co.za>

Date: 19/3/2021, 12:13

To: Kutlwano Moretlwe <KMoretlwe@judiciary.org.za>, TPhaahlamohlaka@judiciary.org.za, gmoshoeu@judiciary.org.za, Desmond Moekoa <dmoekoa@judiciary.org.za>, nphakola@judiciary.org.za

CC: Sunnyboy Zulu State Attorney <SZulu@justice.gov.za>, "info@sigamaattorneys.co.za" <info@sigamaattorneys.co.za>, "letumile@sigamaattorneys.co.za" <letumile@sigamaattorneys.co.za>, Reyno De Beer <debeerreyno@gmail.com>, Dunisani Mathiba <mathiba@concourt.org.za>, GeneralOffice <GeneralOffice@concourt.org.za>, Mmabatho Ngobeni <Ngobeni@concourt.org.za>

BCC: reyno@libertyfighters.co.za, Strategic Team <stratfor@libertyfighters.co.za>, Simple Mines <simplemines.inc@gmail.com>

ATTENTION: CHIEF JUSTICE MOGOENG MOGOENG

CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

ATTENTION: STATE ATTORNEY PRETORIA

Attorneys for the Respondent

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae Court a quo

c/o Sigama Attorneys

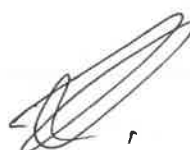
ATTENTION: REGISTRAR OF THE CONSTITUTIONAL COURT

Dear Chief Justice Mogoeng CJ,

KINDLY FIND ATTACHED a letter also recently delivered by the Sheriff to your office for your urgent attention and action.

Kind Regards,

Reyno De Beer
President: Liberty Fighters Network
Cell. 0781745878




WhatsApp/Telegram: 0727452869
Telegram News Channel: @libertyfightersnews
Facebook: libertyfightersnetwork
Twitter: @LFN_SouthAfrica
Website: www.libertyfighters.co.za
Email: reyno@libertyfighters.co.za

IMPORTANT: Liberty Fighters Network
is not a law clinic and none of it's
officials are legal practitioners.
By law we may not expect payment for
any service only a registered legal
practitioner may expect a fee. LFN only relies
on voluntary donations for funding.

— Attachments: _____

210317-F-LetterToMogoengCJ.pdf

897 KB

Subject: Read: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

From: Zulu Sunnyboy <SZulu@justice.gov.za>

Date: 19/3/2021, 13:33

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Zulu Sunnyboy

Subject: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

Sent: Friday, March 19, 2021 12:13:10 PM (UTC+02:00) Harare, Pretoria

was read on Friday, March 19, 2021 1:28:43 PM (UTC+02:00) Harare, Pretoria.

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Final-recipient: RFC822; SZulu@justice.gov.za

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEch-Correlation-Key: SZAHEfZ9gUwmrgVUwqNsEA==

X-Display-Name: Zulu Sunnyboy

Subject: Read: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

From: Kutlwano Moretlwe <KMoretlwe@judiciary.org.za>

Date: 24/3/2021, 9:43

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Kutlwano Moretlwe

Subject: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

Sent: Friday, March 19, 2021 12:13:10 PM (UTC+02:00) Harare, Pretoria

was read on Wednesday, March 24, 2021 9:38:25 AM (UTC+02:00) Harare, Pretoria.

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— Attachments: —

ATT00001

207 bytes

Subject: Read: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)
From: Mmabatho Ngobeni <Ngobeni@concourt.org.za>
Date: 23/3/2021, 9:32
To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Mmabatho Ngobeni
Subject: VERY URGENT: COURT ORDER - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)
Sent: Friday, March 19, 2021 12:13:10 PM (UTC+02:00) Harare, Pretoria
was read on Tuesday, March 23, 2021 9:31:36 AM (UTC+02:00) Harare, Pretoria.

Final-recipient: RFC822; Ngobeni@concourt.org.za
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSEExch-Correlation-Key: we0UPUd1jUqtsYBP9nP+zA==
X-Display-Name: Mmabatho Ngobeni



Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

Office of the President: Reyno De Beer

Landline: +27(0)12 023 1976 / Cellular: +27(0)78 174 5878

Electronic Mail: reyno@libertyfighters.co.za

Website: www.libertyfighters.co.za

Telegram: @libertyfightersnews / Twitter: @LFN_SouthAfrica / Facebook: Libertyfightersnetwork

Date: 26 March 2021

VERY URGENT

ATTENTION: CHIEF JUSTICE MOGOENG MOGOENG
CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA
377 – 14th Road, Noordwyk, Midrand, 1685
[BY EMAIL]

ATTENTION: MS. MMABATHO NGOBENI
ACTING REGISTRAR OF THE CONSTITUTIONAL COURT
Constitutional Hill, Braamfontein, Johannesburg
[BY EMAIL]

ATTENTION: STATE ATTORNEY PRETORIA
Attorneys for the Respondent
TEL. 012- 309 1528

Two handwritten signatures in black ink are visible at the bottom right of the page. The first signature is a large, stylized cursive mark, and the second is a smaller, more vertical cursive mark.

FAX. 086 406 6194

EMAIL: SZulu@justice.gov.za

REF: MR S ZULU/2020/Z76

[BY EMAIL]

ATTENTION: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae in Court *a quo*

c/o Sigama Attorneys

Email: info@sigamaattorneys.co.za

Email(2): letumile@sigamaattorneys.co.za

Email(3): info@hbrfoundation.org.za


Email(4): preddy.mothopeng@gmail.com

[BY EMAIL]

Dear Chief Justice Mogoeng CJ,

**REPRESENTATION CONFIRMATION I.T.O. RULE 6 FOR NEW URGENT APPLICATION - DE
BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO.
12/2021; HCGDP CASE NO. 21542/2020)**

-
1. Writer refers to his letters addressed to you, Chief Justice, dated 2nd and 17th instant. In order to assist with an urgent response, both letters are again circulated with this letter.



2. Due to the fact that the Applicants have not received any response to their letter dated 17th instant, the Applicants shall proceed with an urgent rescission application, ready to be lodged.
3. With reference to paragraph 2.1 of the letter dated 17th instant, writer specifically stated that one of the issues raised was the fact that your confirmation in relation to the representation of the 2nd Applicant was still outstanding on 10 March 2021; on the day the Order was made.
4. It is trite practice that any person other than a legal practitioner wishing to appear in the High Court on behalf of a *persona ficta*, like the 2nd Applicant, must be granted such right by the Court as it is not an automatic right.
5. Even though the 2nd Applicant was allowed to be represented by the 1st Applicant in the Court *a quo*, no formal order to that effect was made. One may reasonably accept that the Court *a quo* relied on its powers in terms of Section 173 of the Constitution to regulate its own processes in that respect.
6. Thus, for the Applicants to have requested you, Chief Justice, to decide on this technicality was a logical approach.
7. From writer's own experience in the past, the position in law is not clear in relation to whether the parties have to make the representation request only once during the adjudication of a case or whether permission must be granted for every court appearance. In December 2019, in a Full Court appeal in the High Court Gauteng Local Division, Johannesburg, Coppin J, sitting with Makume and Fisher JJ, stated during the hearing that notwithstanding that writer was allowed to appear for the 2nd Applicant in the Court *a quo*, such a right is not automatically applicable for the appeal and a new representation application had to be brought.



8. This is the approach the Applicants had been following for every step taken in the Court *a quo* as that view was held by a Full Court on appeal, until another higher court comes to a different finding.
9. With reference to the letter dated 2nd instant in which the Applicants humbly requested you, Chief Justice, to confirm that the 1st Applicant may represent the 2nd Applicant in this Court, the same merits are applicable. For brevity same are not repeated here but should, in writer's humble opinion, be utilised in consideration of this very request.
10. Without requesting you, Chief Justice, to make any statement in relation to the request dated 2nd instant, which will form part of the urgent Application for Rescission, the Applicants respectfully request that you consider the right of the 2nd Applicant to be represented by the 1st Applicant in line with Rule 6 for this new application only, seeing that the confirmation in relation to the earlier processes is in dispute.
11. As the Applicants are ready to lodge this new urgent rescission application, your kind and urgent response by no later than Tuesday, 30 March 2021, will be highly appreciated.

Yours Faithfully,

Reyno D. De Beer

President: Liberty Fighters Network

On behalf of Applicants

[SEND ELECTRONICALLY WITHOUT A SIGNATURE]



Subject: Read: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

From: Zulu Sunnyboy <SZulu@justice.gov.za>

Date: 26/3/2021, 12:53

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Zulu Sunnyboy

Subject: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

Sent: Friday, March 26, 2021 12:29:19 PM (UTC+02:00) Harare, Pretoria

was read on Friday, March 26, 2021 12:49:11 PM (UTC+02:00) Harare, Pretoria.

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Final-recipient: RFC822; SZulu@justice.gov.za

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEch-Correlation-Key: jJqc7tekWkemT7D9Nd06iA==

X-Display-Name: Zulu Sunnyboy

Subject: Read: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)
From: Kutlwano Moretlwe <KMoretlwe@judiciary.org.za>
Date: 26/3/2021, 13:16
To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Kutlwano Moretlwe
Subject: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)
Sent: Friday, March 26, 2021 12:29:19 PM (UTC+02:00) Harare, Pretoria

was read on Friday, March 26, 2021 1:16:14 PM (UTC+02:00) Harare, Pretoria.

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Subject: Read: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

From: Mmabatho Ngobeni <Ngobeni@concourt.org.za>

Date: 26/3/2021, 13:11

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Mmabatho Ngobeni

Subject: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

Sent: Friday, March 26, 2021 12:29:19 PM (UTC+02:00) Harare, Pretoria

was read on Friday, March 26, 2021 1:10:38 PM (UTC+02:00) Harare, Pretoria.

Final-recipient: RFC822; Ngobeni@concourt.org.za

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEch-Correlation-Key: k/uabupEQUyXTiyH367qZA==

X-Display-Name: Mmabatho Ngobeni



"RES21"**CONSTITUTIONAL COURT OF SOUTH AFRICA**

26 March 2021

TO: REYNO DAWID DE BEER

Representative for the Applicants

Plot 473 Dewar Street

Derdepoort

PRETORIA

Tel: 078 174 5878

Email: reyno@libertyfighters.co.za / debeerreyno@gmail.com

Dear Sir,

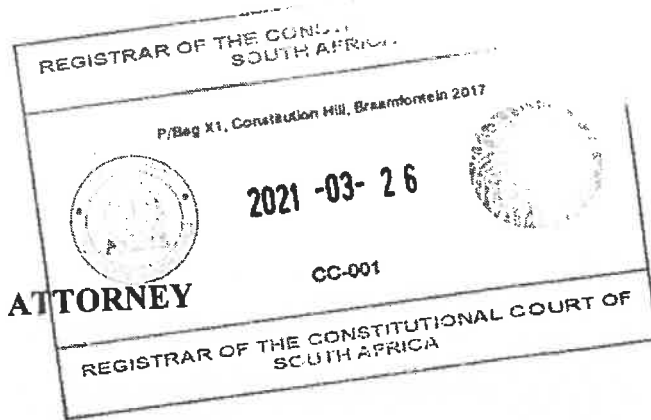
CCT 72-21 Reyno Dawid De Beer v Minister of Cooperative Governance and Traditional Affairs

1. Your letters of 17 March 2021 and 26 March 2021, and application of 3 March 2021, CCT 72/21, to appeal against the order of the High Court of South Africa, Gauteng Division, Pretoria refer.
2. The application CCT 72/21 for leave to appeal was dismissed by an order of this Court dated 10 March 2021.
3. The order made by the Justices of the Constitutional Court is final and not appealable.
4. Please be advised that the Constitutional Court does not engage in correspondence with litigants regarding orders it has issued. This Court will not engage in any further correspondence regarding this matter.

Yours faithfully



MR DUNISANI MATHIBA
REGISTRAR
CONSTITUTIONAL COURT



AND TO: OFFICE OF THE STATE ATTORNEY

Attorney for the Respondent
 Ground Floor Salu Building

PRETORIA

Ref: MR. SUNNYBOY ZULU

Tel: 083 507 4221

Email: szulu@justice.gov.za

AND TO: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae in the Court a quo

c/o **SIGAMA ATTORNEYS**

Waterford Court Block G34 Unit 2

Cnr Rabie Street and Glover Avenue

Lytellton

CENTURION

Tel: 062 362 4523/079 944 6384

Fax: 086 568 2284

Email: info@sigamaattorneys.co.za / letumile@sigamaattorneys.co.za





Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

Office of the President: Reyno De Beer

Landline: +27(0)12 023 1976 / Cellular: +27(0)78 174 5878

Electronic Mail: reyno@libertyfighters.co.za

Website: www.libertyfighters.co.za

Telegram: @libertyfightersnews / Twitter: @LFN_SouthAfrica / Facebook: Libertyfightersnetwork

Date: 31 March 2021

VERY URGENT

ATTENTION: CHIEF JUSTICE MOGOENG MOGOENG
CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA
377 – 14th Road, Noordwyk, Midrand, 1685
[BY EMAIL]

cc: MS. MMABATHO NGOBENI
ACTING REGISTRAR OF THE CONSTITUTIONAL COURT
Constitutional Hill, Braamfontein, Johannesburg
[BY EMAIL]

cc: STATE ATTORNEY PRETORIA
Attorneys for the Respondent
EMAIL: SZulu@justice.gov.za

A handwritten signature in black ink, appearing to be 'B. Zulu', written over a horizontal line.

A handwritten signature in black ink, appearing to be 'Reyno De Beer', written over a horizontal line.

REF: MR S ZULU/2020/Z76

[BY EMAIL]

cc: HOLA BON RENAISSANCE FOUNDATION

Amicus Curiae in Court *a quo*

c/o Sigama Attorneys

Email: info@sigamaattorneys.co.za

Email(2): letumile@sigamaattorneys.co.za

Email(3): info@hbrfoundation.org.za

Email(4): preddy.mothopeng@gmail.com

[BY EMAIL]

Dear Chief Justice Mogoeng CJ,

REPRESENTATION CONFIRMATION I.T.O. RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

1. Writer refers to his letter dated 26th instant which remains unanswered like the two others submitted to you prior.
2. Notwithstanding that writer kindly requested a response by your office regarding the representation of the 2nd Applicant by Tuesday 30 March 2021 (yesterday), specifically indicating that your direction is required for our urgent Rescission Application in this matter,



you did not answer to our communication, without giving any reason. Neither were we contacted by another Judge you might otherwise have requested to issue such directive.

3. Should we not receive your directive as to whether the 1st Applicant as a layperson would be permitted to represent the 2nd Applicant before this Court as he was allowed in the Court *a quo*, by no later than close of business today, Wednesday, 31 March 2021, the 2nd Applicant will then accept that no such directive will or has been made by your office.
4. LFN shall then proceed on that basis before this Court.

Yours Faithfully,

Reyno D. De Beer

President: Liberty Fighters Network

On behalf of Applicants

[SEND ELECTRONICALLY WITHOUT A SIGNATURE]

Subject: Read: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

From: Zulu Sunnyboy <SZulu@justice.gov.za>

Date: 31/3/2021, 10:34

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Zulu Sunnyboy

Subject: Re: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

Sent: Wednesday, March 31, 2021 10:03:24 AM (UTC+02:00) Harare, Pretoria

was read on Wednesday, March 31, 2021 10:16:06 AM (UTC+02:00) Harare, Pretoria.

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Final-recipient: RFC822; SZulu@justice.gov.za

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X-Display-Name: Zulu Sunnyboy



Subject: Read: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)
From: Kutlwano Moretlwe <KMoretlwe@judiciary.org.za>
Date: 31/3/2021, 10:08
To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Kutlwano Moretlwe
Subject: Re: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)
Sent: Wednesday, March 31, 2021 10:03:24 AM (UTC+02:00) Harare, Pretoria

was read on Wednesday, March 31, 2021 10:08:42 AM (UTC+02:00) Harare, Pretoria.

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From: Mmabatho Ngobeni <Ngobeni@concourt.org.za>

Date: 31/3/2021, 10:14

To: Reyno De Beer <reyno@libertyfighters.co.za>

Your message

To: Mmabatho Ngobeni

Subject: Re: VERY URGENT: REPRESENTATION CONFIRMATION ITO RULE 6 FOR NEW URGENT APPLICATION - DE BEER & ANOTHER v. MINISTER OF COGTA – CCT CASE NO. 72/2021; SCA CASE NO. 12/2021; HCGDP CASE NO. 21542/2020)

Sent: Wednesday, March 31, 2021 10:03:24 AM (UTC+02:00) Harare, Pretoria

was read on Wednesday, March 31, 2021 10:13:56 AM (UTC+02:00) Harare, Pretoria.

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Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEXch-Correlation-Key: xNWLFl1Z0kyj7o/48POCnA==

X-Display-Name: Mmabatho Ngobeni