

**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

**CASE NO: 1357 /2021**

IN THE MATTER BETWEEN:

**HOLA BON RENAISSANCE FOUNDATION**

**1<sup>ST</sup> APPLICANT**

AND

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

**1<sup>ST</sup> RESPONDENT**

**MINISTER COOPERATIVE GOVERNANCE AND**

**TRADITIONAL AFFAIRS**

**2<sup>ND</sup> RESPONDENT**

**MINISTER OF HEALTH**

**3<sup>RD</sup> RESPONDENT**

**MINISTER OF FINANCE**

**4<sup>H</sup> RESPONDENT**

**SOUTH AFRICAN MEDICAL RESEARCH COUNCIL**

**5<sup>TH</sup> RESPONDENT**

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**NOTICE IN TERMS OF RULE 16A**

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**TAKE NOTE THAT** the Applicant raises the following constitutional issues in this application:

The Applicant seeks an order-

PART A:

1. That the non-compliance to the Uniform Court Rules and Practice Directives regarding the forms, time period be condoned and any other procedural referred to the Rule 6 of the Uniform Rules of the Court("The Rules") and that this application is being heard on a semi- urgent basis in terms of the provision of Rule 6(12) of the Rules
2. Interdict the respondents from procuring and/ or Sourcing and/or paying and/or obtaining Covid19 Vaccine
3. Interdict the respondents from implementing and/ or deploying and/ or vaccinating any human being in the Republic of South Africa
4. Withdrawal of Visa and/or withdrawal of work permit of WHO (World Health Organization) delegation in the Republic of South Africa
5. Declaring the sourcing and/or procurement of COVID19 vaccine for the 10%(percent) of the South African population is irrational, unlawful and unconstitutional
6. Declaring that the classification Coronavirus and/or COVID19 as the national disaster in terms of National Disaster Management Act 57 of 2002 is irrational, unlawful and unconstitutional.
7. Declaring that the Disaster Management regulations of Coronavirus lockdown from level five (5) to level one (1), issued in terms of section

27(2) of National Disaster Management Act are irrational, unlawful and unconstitutional.

8. Declare to set aside the Disaster Management regulations of Coronavirus lockdown from level five (5) to level one (1), issued in terms of section 27(2) of National Disaster Management Act, which violates sections 12 (1), 15(1), 21(1), 23(1), 27 and 28 of the Constitution of the Republic of South Africa Act 108 of 1996.
9. Directing the first to second respondents to review, adjust, align and update the threshold that classifies a National disaster within the National Disaster Management Act.
10. Directing the first to second respondents to classify, priorities and categorizes all national disaster under the South African material condition and context
11. Declaring that the respondent has failed to consider the limitation of their imposed regulation on the rights guaranteed in the Bill of Rights of the constitution
12. Declaring that the Coronavirus and/or COVID19 is a health-related matter and not a disaster in its nature, within the definition and meaning in terms of the National Disaster Management Act.

13. Declaring the establishment of an independent committee made up of panel of experts both in the country and international to compile and validate a country and a global report on Covid19, and be tabled before the executive , legislature and the nation

14. That the order be with effect from delivery of judgment shall not retrospectively

15. Directing that this application be referred to oral evidence in an open court on any point cannot be decided on papers alternatively be referred to trial, if material disputes arises on papers.

16. No relief is sought against the 5th Respondent

17. Costs of Suit; and

18. Further or alternative relief.

## PART B

### TAKE NOTICE FURTHER THAT:

1. Under Rule 53(1)(a) of the Uniform Rules of Court, the respondents are called upon to show cause why the aforementioned decisions should not be reviewed and corrected or set aside.

2. Under Rule 53(1)(b) of the Uniform Rules of Court, the first to second respondents are required, within 15 days after receipt hereof, to dispatch to the Registrar of this Honourable Court the record of the proceedings sought to be reviewed and set aside (including all plans, correspondence, reports, memoranda, documents, evidence and other information which were before the respondents at the time when the decisions in question were made), together with such reasons as they are by law required to give or desire to make, and to notify the applicants that they have done so.

3. Within 10 days of receipt of the record from the Registrar, the applicants may, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of their notice of motion and supplement their founding affidavit in terms of Rule 53(4) of the Uniform Rules of Court;

4. If any of the respondents intend to oppose the application, they are required, under Rule 53(5):

(a) within 15 days after the receipt of this notice of motion or any amendment thereof, to deliver notice to the applicants that they intend to oppose and in such notice to appoint an address within fifteen kilometres of the office of the

Registrar at which they will accept notice and service of all process in these proceedings; and

(b) within 30 days after the expiry of the time referred to in Rule 53(4), to deliver any affidavit they may desire in answer to allegations made by the applicants.

5. If no such notice of intention to oppose is given, application will be made to this Honourable Court for an order in terms of the notice of motion on 19th January 2021 at 10h00 or so soon thereafter as counsel may be heard.

TAKE NOTICE FURTHER THAT the relevant respondent is required to appoint in the notice of opposition an address referred to in rule 6(5)(b) at which such respondent will accept notice and service of all documents in these proceedings.

**TAKE FURTHER NOTE THAT** any interested party in a constitutional issue raised in this application may, with written consent of all the parties to the proceedings (given less than twenty court days after the date of this notice) be admitted as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

**TAKE NOTICE FURTHER THAT** the written consent referred to above shall be lodged with the Registrar of this court within five days of being obtained and that the *amicus* shall, in addition to any other provision, comply with the times agreed upon for the filing of pleadings and written argument.

**TAKE NOTICE FURTHER THAT** times agreed upon may be amended by this Court.

**KINDLY** place this notice on the notice board designed for the purpose and ensure that the notice remains on the notice board for twenty (20) days, where after you shall endorse the notice to state on which day the notice was placed on the notice board and, on expiry of the twenty (20) days period, place such endorsement notice in the court file.

**DATED AT PRETORIA\_\_ ON THIS 14\_\_ JANUARY 2021**



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