

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
(HELD IN BRAAMFONTEIN)

CASE NO:

HOLA BON RENAISSANCE FOUNDATION NPO

Applicant

and

PRESIDENT OF SOUTH AFRICA-
CYRIL RAMAPHOSA

First Respondent

THE MINISTER OF COOPERATIVE
GOVERNANCE AND
TRADITIONAL AFFAIRS (COGTA)-
DR NKOSAZANA DLAMINI ZUMA

Second Respondent

MINISTER OF HEALTH- SOUTH AFRICA

Third Respondent

SOUTH AFRICAN NATIONAL
DISASTER MANAGEMENT CENTRE.

Fourth Respondent

SOUTH AFRICAN HEALTH PRODUCT
REGULATORY AUTHORITY

Fifth Respondent

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NOTICE OF MOTION

PLEASE TAKE NOTICE that HOLA BON RENAISSANCE FOUNDATION NPO(hereinafter called the Applicant) intends to make an application to this Court for an order stating that:

1. Section 129 of the Children's Act 38 of 2005, is inconsistent with the Constitution of the Republic of South Africa, 1996 ('the Constitution') and invalid insofar as it excludes informed consent under pandemic scenarios when *en masse* medical experiments are conducted on an entire children populace (under the age of 18 and above the age of 12- 'the children'), in the absence of medium and or longitudinal effects of a medical procedure that is unclear and or yet to be determined.
2. In terms of Section 129(2), children cannot give informed consent to a medical procedure during pandemic circumstances in *en masse* medical experiments that do not comply with the Declaration of Helsinki as well as the Second Respondent's 2020. *South African Good Clinical Practice: Clinical Trial Guidelines*, as

the benefits, risk, social implications of a newly tested medical procedure has not been fully realised and or lack imperative medium to long term study data on the real benefits, risk and social implications, and thus it is against the Constitutional best interest of a child in terms of Section 28(2) of the Constitution which states that '*A child's best interests are of paramount importance in every matter concerning the child*'.

And for such other ORDER or ORDERS as shall be just and equitable including an order for costs.

The accompanying Affidavit with attached annexures of **BOUTSHITSWE PREDDY MOTHOPENG MSIELENG** will be used in support thereof.

Take notice further that the Applicant has appointed **BOUTSHITSWE PREDDY MOTHOPENG MSIELENG**, 88 Marshall Street, 2nd floor Samanco, Johannesburg, Gauteng, South Africa, email: hbrfoundation@gmail.com as the address at which they will accept Notice and Service of all process in these proceedings.

Take notice further that if you intend opposing this application you are required to notify Applicant's Attorney/representative within 10 days after receipt of this Notice and within 15 days after you have so given Notice of your Intention to Oppose the application to file your Answering Affidavit,

if any; and further that you are required to appoint in such notification an address at which you will accept Notice and Service of all documents in these proceedings.

If no such Notice of Intention to Oppose is given, the Applicant will request the Registrar to place the matter before the President to be dealt with in terms of Rule 10(4).

DATED AT JOHANNESBURG THIS....14th...DAY OF DECEMBER
2021.



Boutshitswe Preddy Mothopeng Msieleng
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TO: THE FIRST RESPONDENT

President of the Republic of South Africa,
Union Buildings, Government Avenue, East Wing,
1st Floor, Arcadia, PRETORIA

TO: THE SECOND RESPONDENT

Minister of Cooperative Governance and Traditional Affairs,
Dr. Nkhosazana Dlamini-Zuma
87 Hamilton Street, Arcadia
PRETORIA, 0083,

TO: THE THIRD RESPONDENT

Minister of Health
Dr. Mathume Joseph Phaahla
Civitas Building, Floor 20, corner Struben and Thabo Sehume Streets,
PRETORIA

TO: THE FOURTH RESPONDENT

South African National Disaster Management Centre
Riverside Office Park, Letaba House, 2nd Floor
1303 Heuwel Avenue
Centurion
PRETORIA
0001

TO: THE FIFTH RESPONDENT

South African Health Product Regulatory Authority

Building A, Loftus Park, 402 Kirkness Street

Arcadia
PRETORIA
0001

AND

TO: STATE ATTORNEY JOHANNESBURG

Attorneys of the Applicant

316 Thabo Sehuma Street

Pretoria Central

Email: ichowe@justice.gov.za

Ref :Mr I Chowe

AND

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

BPMM

BPMM