

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 1357 /2021

IN THE MATTER BETWEEN:

HOLA BON RENAISSANCE FOUNDATION **1ST APPLICANT**

AND

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA **1ST RESPONDENT**

**MINISTER COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS** **2ND RESPONDENT**

MINISTER OF HEALTH **3RD RESPONDENT**

MINISTER OF FINANCE **4^H RESPONDENT**

SOUTH AFRICAN MEDICAL RESEARCH COUNCIL **5TH RESPONDENT**

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the application will be made to the above Honourable Court on 2nd February 2021 at 10H00 or so soon thereafter may be heard, for an Order in the following terms:

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 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.

BE PLEASED TO TAKE NOTICE FURTHER that the Founding Affidavit of **BOUTSHITSWE PREDDY MOTHOPENG MSIELENG**, together with the supporting documents and supporting and confirmatory affidavits annexed thereto, will be used in support of this application.

BE PLEASED TO TAKE NOTICE FURTHER that the Applicant shall be represented by 88 Marshall Street, 2nd floor, Marshalltown, Johannesburg, 2107 at the address set out hereunder, as the address at which they will accept notice and service of all process in these proceedings.

- (a) The Respondents must file their notices of opposition, if any, 19th January 2021;

- (b) The Respondents must file their Answering Affidavits, if any, by 26th January 2021;
- (c) The Applicant must file their replying affidavits, if any, by 29 January 2021; and
- (d) Any time after the Applicant has filed their Replying Affidavit, but before the hearing of the application, the parties may exchange their Heads of Argument.

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.

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DATED at Pretoria on this the __14th__ day of JANUARY 2021



Applicants Representative
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JOHANNESBURG
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REF NO:UNLOCK2021/25

TO: THE REGISTRAR OF THE HONORABLE COURT
PRETORIA

AND TO:

1st RESPONDENT --

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

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Government Avenue,

PRETORIA

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AND TO :

2nd RESPONDENT -

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TRADITIONAL AFFAIRS**

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AND TO:

3RD RESPONDENT – MINISTER OF HEALTH

Civitas Building, Floor 20,
cnr Struben and Thabo Sehume Streets,
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Tel No: 012 395 8086

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AND TO:

4TH RESPONDENT – MINISTER OF FINANCE

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AND TO:

5TH RESPONDENT -

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AND TO:

STATE ATTORNEY

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Pretoria, 0001

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