

**IN THE HIGH COURT OF THE REPUBLIC OF SOUTH AFRICA
(GAUTENG PROVINCIAL DIVISION, JOHANNESBURG)**

CASE NO : _____/2020

IN THE MATTER BETWEEN :

HOLA BON RENAISSANCE FOUNDATION

APPLICANT

AND

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

1ST RESPONDED

MINISTER OF COOPERATIVE GOVERNANCE

AND TRADITIONAL AFFAIRS

2ND RESPONDED

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the applicants will be made to the above honorable Court on Tuesday 10th September 2020 at 10h00, or so soon thereafter may be heard, for an Order in the following terms:

1. That the applicant non-compliance with the Uniform Court Rules and Practice Directives regarding forms, service and time periods to be condoned and that this application is being heard as urgent in terms of Rule 6(12) of the uniform rules of the Court
2. Enroll this application on the urgent roll

3. Declaring the classification of the national disaster is irrational, vague and unconstitutional
4. Declaring the classification of the national disaster as not procedural and misleading
5. Executive decision to declare Covid19 a national disaster being irrational and unconstitutional
6. Declaring the Disaster Management regulation unconstitutional
7. Declaring the COVID19 a health related matter rather than a disaster in its nature
8. Declaring the classification of the national disaster as unconstitutional
9. Nullifying the lockdown as invalid and unconstitutional
10. Order the State to withdraw its COVID19 compulsory, statements and request entities to remove Covid19 on all platform of communication be it website, including the withdrawal of the State derivative instituted on companies, Institutions and media relating to Covid19
11. To nullify the COVID19 reports declared by the State as baseless, untruth, unethical, untruth and unfounded
12. Instructing the high Court to Setup an independent committee of enquiry on Covid19 related activities:
 - i. Setup with at least 30 Experts within the 15 days
 - ii. With powers to independent to investigate all cause of death associated with Covid19 and obtain any report
 - iii. Report on all deaths associated with Covid19

- iv. Mandate to verify and qualify any tests and/or database
 - v. To report to this court every month for a period of two year
 - vi. any other mandate the court deems it fit
13. The State to proceed with all the relief for the next 6 six months from date of order cancelling the October 2020 deadline.
 14. The Every Department and/or Agency with a Covid19 Social Relief must have an open system and a report presented to the court within the next 15 days of every month
 15. Setup an in depended panel of auditors, led by the Auditor General of South Africa be assigned to audit every COVID19 Social Relief packages, funds allocated to banks and including the processes and systems, whereby to report to the court by 15 November 2020
 16. State to maintain its promises and commitment with relief as initially declared to the nation and any Minister that fails to disperse funds as mandated must be declared delinquent
 17. Parliament to review a process of identifying and validating any disaster to be followed that includes restructuring and capacitation of the national disaster management
 15. Withdraw and/or revoke any instruction and/or communication that is/was instructed and/or enforced on companies and/or entities to conform to covid19 regulations including media and on any other communication platform
 16. The Court to declare that the disease referred to as COVID19 known as Corona Virus possess no serious threat however a health caution to people with underline health condition must be observed

17. Setting up a Commission of Enquiry into COVID 19 funds, and furthermore instructing the State Investigating Unit to investigate any findings of the Audit on the Social Relief Fund and procurement of the Covid19 and the report be given to the Court by 1st December 2020
18. The court to Subpoenaing parliament to report of the findings and updates of the Covic-19 in the country and advice back to the court on quarterly basis
19. The court to order the reallocate of any funds and /or loans dedicated to Covid19 as a priority, be priorities to essential service delivery matters and programmes including payment of SMME and any other suppliers the State owes, this excludes funds and resources allocated to COVID19 Social Relief Package
20. Remove and clear all criminal records obtained by anyone who was arrested and/or fined for infringing Lockdown “Disaster Management” regulations
21. To order that any ban on alcohol and cigarettes be uplifted with immediate effect.
22. Order the State to exempt all rates and taxes incurred during the unlawful lockdown period for all commercial, industrial and residential.
23. To initiate a process to determine whether the President is fit to hold office
24. to provide an order that nullify the President action on proceeding with the lockdown and resulted in him neglecting to carry his constitutional obligation that his actions were unconstitutional and baseless,
25. to declare that President has abused his executive powers and violated the constitution and the people rights

26. in alternative to point 23 and 24, and in addition 25, that may the court outcomes declare that the President actions constitute the removal of the President with relevant sections of the constitution must apply.
27. In addition to point 26 then initiating the process of executing the Constitution Chapter 5, section 89 (a)(b)(c) as he would have abuse his Executive powers and violated the constitution and the people rights
28. Ordering the State to carry out its constitutional obligation including to working with African countries to provide services and goods and/or assistance to the countries in need throughout world
29. The economy be re stimulated, open international and African trades and borders, under health and security guidelines
30. The constitution and application be resorted and restore the aspiration and future building of this Great Nation called South Africa
31. Costs of Suit
32. Further or alternative relief;

BE PLEASED TO TAKE NOTICE FURTHER that the founding affidavit of **Hola Bon Renaissance Foundation**, 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 Applicants shall be represented by **Bontshitswe Preddy Mothopeng Msieleng, c/o 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.

BE PLEASED TO TAKE NOTICE FURTHER that if you intend to oppose this application then you must:-

- a) On or before the closing business on the 1st day September 2020, serve and file a notice to oppose in which you must appoint an address within 15 kilometers of the court house at which address you will accept services of all process and pleadings in this matter; and
- b) On or before closing of business on the 4th day of August 2020, serve and file your answering affidavit if any

Kindly place the matter on the roll accordingly.

DATED AT JOHANNESBURG ON THIS THE 31st DAY OF AUGUST 2020.



Applicant
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TO: The Registrar of the Honorable Court
Pretoria

AND TO:
1st Responded
President of the Republic of South Africa

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ANDTO:

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C/O State Attorney
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