

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

HELD AT BRAAMFONTEIN

CASE NO: _____

CCT 52/20

In the matter between

HOLA BON RENAISSANCE FOUNDATION

APPLICANT

AND

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA



NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that **HOLA BON RENAISSANCE FOUNDATION** (hereinafter called the applicant), intends to makes application to this Honorable Court for an order:

1. The applicant seeks the honorable court to grant relief in the following:
 - i. To granted me an application for direct access as contemplated in section 167(6)(a) of the constitution
 - and
 - ii. The matter be grated as an urgent on the Application in terms of rule 12

Furthermore the ancillary relief sought in the notice of motion and the applicant asks this Honorable court to grant leave to:

2. Declaring the classification of the national disaster is irrational, vague and unconstitutional
3. Declaring the classification of the national disaster as not procedural and misleading
4. Executive decision to declare Covid19 a national disaster being irrational and unconstitutional
5. Declaring the Disaster Management regulation unconstitutional
6. Declaring the COVID19 a health related matter rather than a disaster in its nature
7. Declaring the classification of the national disaster as unconstitutional
8. Nullifying the lockdown as invalid and unconstitutional
9. Order the State to withdraw its COVID 19 compulsory, statements and request entities to remove Covid19 on all platform of communication be it website,
10. Withdraw the State derivative instituted on companies, Institutions and media relating to Covid19 etc...
11. 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

12. The State to proceed with all the relief for the next 6 months and with a report presented to the court within the next 15 days of every month irrespective of the deadline of October 2020
13. State to maintain its promises and commitment with relief as initially declared to the nation and any minister that fails be declared delinquent
14. 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. Revoke on any instruction and/or communication that instructed and/or enforced companies 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 Corana 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
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 dedicated to Covid19 as apriority and priorities of essential service delivery issues
20. Remove and clear any criminal records obtained for infringing Lockdown regulations
21. To order that any ban on alcohol and cigarettes be uplifted with immediate effect
22. To initiate a process to determine whether the President is fit to hold office

23. Determine the President action on proceeding with the lockdown and neglecting to carry his constitutional obligation, if it does constitute the removal of the President as per constitution chapter 5,89 (a)(b)(c) as he would have abuse his Executive powers and violated the constitution and the people rights
24. That the government and order of the day be resorted to normality
25. Order the State exempt any rates and taxed uncured during the unlawful lockdown for commercial, industrial and residential
26. 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
27. The economy be re stimulated, open international and African trades and borders, under health and security guidelines
28. The constitution and application be resorted and restore the aspiration and future building of this Great Nation called South Africa
29. The responded who oppose the relief herein, jointly and severally the one paying the other to be absolved, are to pay the costs
30. Any and all costs incurred by the any responded in the course of these proceedings, but which were in fact paid by another responded or any public entity on behalf of the responded or either and/or any of the responded, will be repaid to that responded or entity by the responded in their personal capacity

31. TAKE NOTICE FURTHER THAT the applicant has appointed **BOUTSHITSWE PREDDY MOTHOPENG MSIELENG ID NO:770323546088**, 88 Marshall Street, 2nd floor, Marshalltown, Johannesburg, 2107, Tel No: 0681596956, Email:

hbrfoundation@gmail.com or/and Email :info@hbrfoundation.org.za, Fax No: as the address at which he will accept notice and service of all the process in these proceedings.

32. **BE PLEASED TO TAKE NOTICE FURTHER** that the accompanying affidavit of Hola Bon Renaissance Foundation, with annexures there to will be used in support of this application.
33. **TAKE FURTHER NOTICE** that if you intend opposing this application you are required to notify applicants in writing within 10 days after the lodging of such application, notify the applicant and the Registrar in writing of his or her intention to oppose
34. **TAKE FURTHER NOTICE** that on matters of urgency rule 13 of the Constitutional Court shall apply and your urgency to notify the applicant and registrar on whether you oppose or not is of high importance because the period of reply may be shortened
35. **TAKE FURTHER NOTICE** that your respond thereto must be in writing from the date upon which the applicant is launched, indicating whether or not you oppose the application, and if so, to file your answering affidavit
36. **TAKE FURTHER NOTICE** 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.
37. **TAKE FURTHER NOTICE** that if not such response is given, the applicant will request the registrar to place the matter before the Chief Justice in order to be dealt with in terms of Rule 11(4).