



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

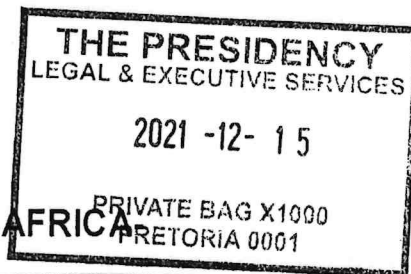
CA 392/21

CASE NO:

HOLA BON RENAISSANCE FOUNDATION NPO

Applicant

and



PRESIDENT OF SOUTH AFRICA

CYRIL RAMAPHOSA

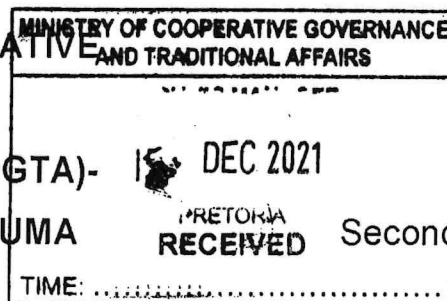
First Respondent

THE MINISTER OF COOPERATIVE GOVERNANCE

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

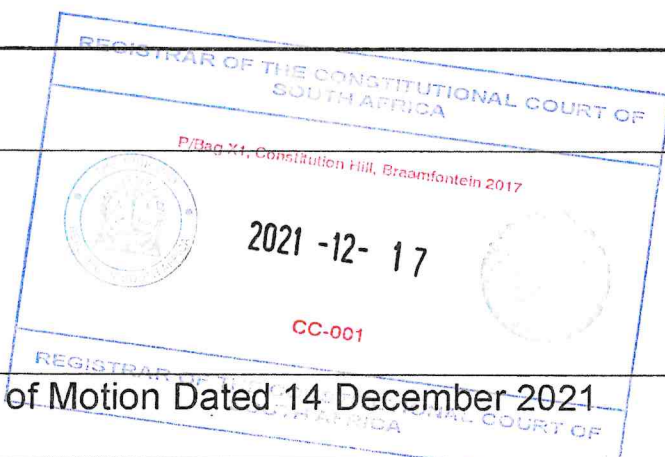


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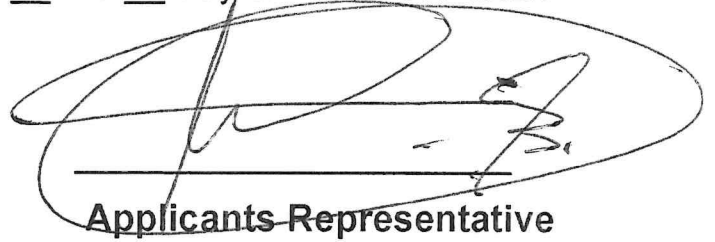
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DATED at Johannesburg on this the __14th__ day of December 2021



Applicants Representative

Hola Bon Renaissance Foundation

88 MARSHALL STREET

2ND FLOOR, MARSHALLTOWN

JOHANNESBURG

Mobile : 0840544733

TEL:0681596956

EMAIL:INFO@HBRFOUNDATION.ORG.ZA

EMAIL: HBRFOUNDATION@GMAIL.COM

REF NO:VC2021/7

TO: THE FIRST RESPONDENT

President of the Republic of South Africa,

Union Buildings, Government Avenue, East Wing,

1st Floor, Arcadia, PRETORIA

C/O Office of the State Attorney

85 Albertina Sisulu Road

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Kensington
Johannesburg, 2101

TO: THE SECOND RESPONDENT

Minister of Cooperative Governance and Traditional Affairs,

Dr. Nkhosazana Dlamini-Zuma

87 Hamilton Street, Arcadia

PRETORIA, 0083,

alternatively Union Buildings, Government Avenue, East Wing,

1st Floor, Arcadia, PRETORIA

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

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 respondent

316 Thabo Sehuma Street

Pretoria Central

Email: ichowe@justice.gov.za

Ref :Mr I Chowe

AND

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

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REGULATORY AUTHORITY**

Fifth Respondent

NOTICE OF MOTION

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

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.

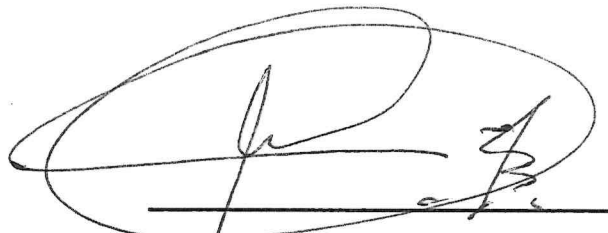
Take notice further that the Applicant has appointed **BOUTSHITSWE PREDDY MOTHOPENG MSIELENG**, 88 Marshall Street, 2nd floor Samanco, Johannesburg, Gauteng, South Africa, email: hbrfoundation@gmail.com as the address at which they will accept Notice and Service of all process in these proceedings.

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.**

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by 'outshitswe Precdy Mothopeng Msieleng' in a cursive script.

Boutshitswe Precdy Mothopeng Msieleng
Applicants Representative

Hola Bon Renaissance Foundation

88 Marshall Street

2nd Floor Samanco House

Johannesburg

Gauteng, South Africa

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Web: www.hbrfoundation.org.za

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
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TO: STATE ATTORNEY JOHANNESBURG

Attorneys of the respondent

316 Thabo Sehuma Street

Pretoria Central

Email: ichowe@justice.gov.za

Ref :Mr I Chowe

AND

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APPLICANT'S FOUNDING AFFIDAVIT

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