

- 9.3 In the result, we submit that the criteria set out for a service to be regarded as an essential one was not met on many occasions or alternatively, were met by coincidence and not as a result of prescribed consideration. Consequently, for the *CoGTA Minister* to have declared certain services as essential and precluding others not only discriminated against certain groups of services; it was also irrational.
- 9.4 The *CoGTA Minister*, clearly, had no thought-through plan when she declared essential services. This is apparent in the continuously amended Essential Services List. At some stage, so it appeared, that any industry not linked to liquor or tobacco could have been included in the list if it had the means of sufficient lobbying. For example, notwithstanding that funerals became known as possible gatherings for infection, same were still allowed at the expense of other gatherings, inclusive of religious gatherings, which then suddenly were regarded as inferior constitutional assemblies.
- 9.5 I humbly refer the Court to some testimonies (Annexures "B" from paragraph 16) from our Bob Cuts Hair Salon members where they confirm the hardships they have to face due to the fact that their industry is not recognised as an essential service. I can confirm with my experience handling all those complaints that the processes provided to the people to receive grants and even UIF by the *CoGTA Minister* is not sufficient at all.
- 9.6 Being an essential service provider in terms of the Regulations has currently more become a situation where a service needs to compete with others whether it will soon be among those to be allowed to start generating an income again or not. This has absolutely nothing to do with whether that service will contribute to the collapse of our economy or any infection rate of the people. For example, notwithstanding that the mining sector contributes only around 8% to the annual GDP and the workers having a high risk of being infected, it was allowed to operate from the beginning of the Lockdown at the expense of far less risky and more economically contributing sectors for which I refer the Court respectfully to



Annexure "Z" which is a good recent reliable summary of what each industry contributes to our GDP.

10.

RE PARAGRAPH 3.11: BILL OF RIGHTS

We specifically challenge the right of the *CoGTA Minister* to have implemented law which had extensively violated our Bill of Rights in various ways which we shall argue at the hearing.

11.

FURTHER MERITS

- 11.1 In general, the Applicants believe that all raised matters have exceptional constitutional merits.
- 11.2 The declaration of the National State of Disaster and subsequently the issuing of delegated legislation which infringes substantially on the Bill of Rights and lacks procedure, has clearly violated the Applicants' rights and its members and other citizens and residents of our country. We humbly request that the Court evaluates all those processes followed in line with the *Constitution*, primary legislation and fairness.
- 11.3 The attorneys of record for the Applicants, have addressed a formal letter to the *CoGTA Minister* on 11 May 2020 as reminder requesting the Respondent to comply, which letter is attached hereto as Annexure "AA" and by the time of the expected reply set at 10h00 on 12 May 2020. We have received no substantial formal response and resultantly we have no further remedy but to approach this Court on an urgent basis.



11.4 We further humbly submit that we are aware that many people and organisations have been writing formal reminders as well to the *CoGTA Minister* and even the President over the period of the Lockdown requesting the re-evaluation of the *DMA* Regulations. We therefore humbly further submit that Government has been put on terms on many occasions before as per various reports in the media to uplift the Lockdown and have clearly not complied with any one of them. Sending a reminder to Government is therefore to comply with procedure, but has no impact on Government's overall response at all.

12.

INTERESTS OF JUSTICE

12.1 We are sure that we have established that our matter is in the interests of justice on more than one ground and have a reasonable chance of success.

12.2 As stated, these matters are like the elephant in the Court room that nobody wants to address, but this Court is now humbly requested to do so and to set the guidelines for future practices as well.

12.2.1 As far as we are aware, no person have approached this Court on the same principles, or otherwise lacked proper argument.

12.2.2 We are asking this Court to please set the record straight and finally bring an end to the Lockdown which was based on irrational decisions from the outset.



13.


URGENCY

- 13.1 The Lockdown is affecting everyone negatively and must be dealt with as urgent in the interest of justice at least and any postponement or enrolment in the normal course will bring extensive harm to most of our people and to our country's economy which would most probably lead to starvation and death.
- 13.2 Not only are the members of *LFN* suffering extensively because of the Lockdown, but even I am also affected without income or prospects of securing income any time soon. Same will likely lead to myself getting into arrears with rental payments as well as it will affect, for instance, my daughter's right to schooling or my family's ability to purchase sufficient and healthy food. Generally speaking, the hardship to be endured by everyone, low- or no-income earners in particular, is simply becoming enormous on many social and economic levels at a rapid rate.

14.

COSTS

The Applicants humbly submit that they are entitled to costs in case of their success, but in the event this Court considers granting a cost order against any one or all of the Applicants, it needs to be modestly stated that this Court has as practice not granted cost orders where there were clear constitutional issues to be considered and the application was not frivolous or vexatious, which I humbly believe is definitely not the case.



WHEREFORE we pray for this Court to grant us an order in terms of the Notice of Motion in this Court.

THUS signed at PRETORIA on this 12 day of MAY 2020.


REYNO DAWID DE BEER

Deponent

THUS DEPOSED TO AND SWORN TO BEFORE ME AT Kameeldrif ON THIS 12 DAY OF 05 2020, THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS DECLARATION, THAT HE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND THAT HE ACCEPTS SUCH OATH TO BE BINDING ON HIS CONSCIENCE. AFTER ESTABLISHING THIS, I PLACED THE DEPONENT UNDER OATH BY CAUSING THE DEPONENT TO DECLARE THE FOLLOWING: -

"I SWEAR THAT THE CONTENTS OF THIS DECLARATION ARE TRUE AND CORRECT SO HELP ME GOD."



FULL NAMES: Fabian

DESIGNATION: Sgt

FULL BUSINESS ADDRESS: Kameeldrif 5095

DESIGNATION AREA: Pot 690 11573 Marais road

Constitution

Liberty Fighters Network (LFN)

2018



"A1"

This is the Revised Constitution for the Liberty Fighters Network (LFN) as unanimously accepted by its original founding members and introduced to the public on 9 September 2018 at a Conference held in Johannesburg, Gauteng, Republic of South Africa. Hereby the previous Constitution is being repealed in its entirety.

E-Mail: admin@libertyfighters.co.za
Website: www.libertyfighters.co.za

A handwritten signature in black ink, followed by the year '2018' written below it.

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PREAMBLE

We, the members of the *Liberty Fighters Network*, hereby unite to establish a non-racial and non-sexist organisation for all South Africans with the vision to eradicate oppression, exploitation and discrimination within our country as well as the promotion, development and maintenance of an authentic citizenship for every one of us. We believe that a non-exploitative and democratic society depends on the unity of the citizens directed at the eradication of oppression. As citizens we unite to develop ourselves so that we can control our own destiny and take our historic role as the vanguard at the struggle for liberation.

We further in particular strive for a better controlled immovable property industry, driven by the citizens for the constant quest to provide a fair piece of land to all our citizens irrespective of our race and to create an environment where our farmers are protected and a true partnership exists between farmers and our people in general for the benefit of all.

We also strive for a total reformed judicial system where everyone will have the right to have his or her case heard in a Court by an independent and competent judicial officer where formal legal representation by a legal practitioner will not be required and historic British dress codes and practices have been done away with.

The Organisation represents:

- A fresh start for a new South Africa. It is an organisation uncontaminated by the past; and
- A multiracial leadership emanating from diverse political backgrounds, united behind common principles to bring hope to the nation; and
- A genuine federal framework of government with original constitutional powers at the lowest possible level.