



# Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

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Date: 7 February 2021

## VERY URGENT

ATTENTION: JUSTICE DUNSTAN MLAMBO

JUDGE PRESIDENT GAUTENG DIVISION

Palace of Justice, Pretoria

Email: [nwalkinshaw@judiciary.org.za](mailto:nwalkinshaw@judiciary.org.za)

[BY EMAIL]

ATTENTION: JUSTICE NORMAN DAVIS

(GAUTENG DIVISION)

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[BY EMAIL]

Dear Justice Mlambo JP,

**URGENT: OUTSTANDING JUDGMENT - CONTEMPT OF COURT *et al* - DE BEER & ANOTHER v. MINISTER OF COGTA – HIGH COURT PRETORIA CASE NO. 21542/2020)**

1. Writer directs this letter to Your Lordship on behalf of the Applicants, Liberty Fighters Network (LFN) and writer in person, in the above-mentioned matter before Justice Davis.
2. In particular writer refers to a letter addressed to Justice Davis dated 4<sup>th</sup> instant, as well as a letter in reaction thereto, by the Office of the State Attorney, dated 5<sup>th</sup> instant. Both these letters are attached to and circulated with this letter and self-explanatory.
3. The hearing of the above urgent application was held on Tuesday, 12 January 2021, which was nearly four weeks ago.
4. It appears from the reaction by the State Attorney, that writer was not entitled to direct a polite letter to Justice Davis in order to request him to kindly consider speeding up the delivery of the judgment due to the reasons contained therein.
5. There are simply just too many unwritten rules and practices of the legal fraternity and writer merely assumed in good faith as a layperson litigant that, having experienced several incidents over the years where legal practitioners wrote similar letters to the judges in those matters, that the Applicants were entitled to do the same. Clearly from the reaction of the State Attorney, writer did not have such an equal right.
6. Based on the reaction of the State Attorney, writer hereby humbly requests Your Lordship as the Head of this Division, to kindly ascertain why the judgment in our matter is taking longer than expected seeing that the matter was heard as one of urgency.
7. Our matter seems to have been “seized” by Justice Davis from an initial allocation to our matter by Your Lordship yourself, and previously in our Section 18(3) application, which was also urgent, we had to wait for two months and, it just happen to be, that instead of the Court granting us justified relief the Respondent in fact gradually de-measured the restrictive DMA Regulations from a Level 3 to a Level 1 where the Court’s intervention somewhat became moot. The judgment came out to be a very simple dismissal, which we

respectfully found odd and believed that Justice Davis, being aware of his masterful capabilities to deliver judgments swiftly.

8. Writer has reached a point, not fearing the implications at all, to report to Your Lordship, that it is unacceptable that such highly important public matter seems to have to been stalled as if Government's reaction is awaited and must be satisfied first. Thus it would appear as if the judiciary is “expecting” some form of response from Government's end to somehow react before the Court is positioned to deliver judgment. If that was indeed the case, and writer dearly hopes his assessment to be incorrect, the judiciary would resolve to be an executive arm of Government. While Government is always quick to announce its concerns about Courts allegedly interfering with its duties this is, however, not a one-way-street: it is up to the Courts themselves to show that fears that they may have become aligned with the interests of Government, are entirely unfounded.
9. Many members of the public have openly reported to us that they have lost faith in our Courts and, sadly, that is exactly what our Government wants in order to continue with its *modus operandi* to “boil the frog”. Writer wishes to remind the judiciary, respectfully, that if our Courts are not in a position to serve the Constitution independently and to do so without fear or favour, our Constitution will immediately become worthless and our country will then have collapsed into a full dictatorship. In difference to many others, writer still believes – and makes no bones about it – that, particularly in these extraordinary times, of the pillars our democracy is settled on the judiciary itself may well be the last one which, by and large, remains untainted as an institution. By the same token, writer grows somewhat impatient in having to constantly defend Courts and members of the judiciary in the eyes of a public which has become, and very understandably so, rather impatient.
10. The Applicants, irrespective the outcome, simply require that their urgent application receives a judgment within a timeframe which is in line with the urgency the matter was heard at, and thus in the interest of the public.

11 Your kind urgent response or release of the judgment will be highly appreciated.

Yours Faithfully,

**Reyno D. De Beer**

President: Liberty Fighters Network

[ELECTRONICALLY SUBMITTED WITHOUT A SIGNATURE]