

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Division, Pretoria

CASE NO: **2023-068694**

In the matter between:

Liberty Fighters Network

Plaintiff / Applicant / Appellant

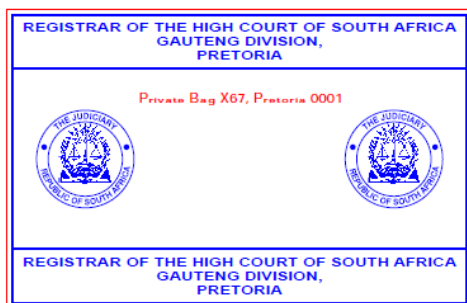
and

**President of the Republic of South
Africa, Minister of Police, National Police
Commissioner**

Defendant / Respondent

Notice of Motion (Long Form)

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ELECTRONICALLY SIGNED BY:

**Registrar of High Court of South
Africa , Gauteng Division, Pretoria**



REPUBLIC OF SOUTH AFRICA

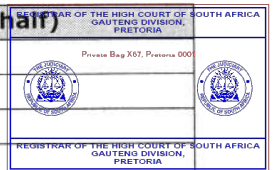
FORM 2

**INSTITUTION OF PROCEEDINGS IN TERMS OF SECTION 20 OF THE PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT (ACT NO. 4 OF 2000)
[Regulation 6 (1)]**

- Note: 1. Affidavits of other persons or other documentary evidence in support of the matter must be attached.
2. Your attention is drawn to the fact that the equality court may refer the matter to an alternative forum. If the matter is referred back to the equality court the clerk will inform you accordingly.

[If the space provided is inadequate, submit information as an Annexure to this form and sign each page.]

PART A: PARTICULARS OF COMPLAINANT (to be completed if lodging complaint on own behalf)					
Surname:					
Full names:					
ID. No./Date of birth:					
Residential address:					
		Code ()			
Residential telephone number:					
Cellular telephone number:					
Work address:					
		Code ()			
Work telephone number:					
Fax number:					
Physical address (where documents can be served):					
		Code ()			
Preferred method in which the form is to be served:	Registered post	E-mail	Fax	Sheriff	Clerk
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correspondence contact details (In terms of above):					
E-mail address:					
Other relevant information (such as financial position, availability of transport, socio-economic status, if an interpreter will be needed and if special requirements are needed e.g. wheelchair access) which may assist the presiding officer to make a decision regarding the forum which must deal with the complaint in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000):					



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PART B: PARTICULARS OF PERSON ACTING IN TERMS OF SECTION 20(1)(b) - (f) ON BEHALF OF ANOTHER PERSON/ASSOCIATION/BODY (Proof of capacity of person acting in terms of section 20(1)(b) - (f) to be attached)					
Surname:	LIBERTY FIGHTERS NETWORK				
Full names:	LIBERTY FIGHTERS NETWORK				
ID. No./Date of birth:	N/A				
Capacity of person acting in terms of section 20 (1) (b) - (f):	On behalf of members and public				
Registration number of corporate body:	Voluntary Association without Gain (Universitas)				
Residential address:	[REDACTED]				
	Code (0182)				
Residential telephone number:	012 023 1976				
Cellular telephone number:	[REDACTED]				
Work address:	[REDACTED]				
	Code (0182)				
Work telephone number:	012 023 1976				
Fax number:	N/A				
Physical address (where documents can be served):	[REDACTED]				
	Code (0182)				
Preferred method in which the form is to be served:	Registered post <input type="checkbox"/>	E-mail <input checked="" type="checkbox"/>	Fax <input type="checkbox"/>	Sheriff <input type="checkbox"/>	Clerk <input type="checkbox"/>
Correspondence contact details (In terms of above):	Reyno De Beer				
E-mail address:	reyno@libertyfighters.co.za [REDACTED]				
Name(s) and address(es) of person(s) on whose behalf you are acting. On behalf of members and interest of the public	[REDACTED]				
	Code ()				



[Handwritten signature]

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PART C: PARTICULARS OF RESPONDENT(S) (The under mentioned particulars should be furnished in respect of each respondent.					
Name of person(s)/organization(s) against whom/which proceedings are instituted: 1ST RESPONDENT: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA 2ND RESPONDENT: MINISTER OF POLICE 3RD RESPONDENT: NATIONAL POLICE COMMISSIONER					
ID. No./Date of birth/ Registration No.:	N/A				
Residential address (if applicable): N/A Code ()					
Residential telephone number:	N/A				
Cellular telephone number:	N/A				
Work/Business address: See paragraphs 19.1 to 19.3, Annexure "A" Code ()					
Work telephone number:	See paragraphs 19.1 to 19.3, Annexure "A"				
Fax number:	See paragraphs 19.1 to 19.3, Annexure "A"				
Preferred method in which the form is to be served:	Registered post <input type="checkbox"/>	E-mail <input checked="" type="checkbox"/>	Fax <input type="checkbox"/>	Sheriff <input type="checkbox"/>	Clerk <input type="checkbox"/>
Correspondence contact details (In terms of above):	See paragraphs 19.1 to 19.3, Annexure "A"				
Physical address (where documents can be served): See paragraphs 19.1 to 19.3, Annexure "A" Code ()					
E-mail address:	See paragraphs 19.1 to 19.3, Annexure "A"				



PART D: PARTICULARS OF PERSON APPEARING ON BEHALF OF COMPLAINANT	
Full names and surname of person appearing on your behalf: (representative) REYNO DAWID DE BEER	
ID. No./Date of birth:	[REDACTED]
Postal address of representative: [REDACTED] Code (0182)	
Residential telephone number:	012 023 1976
Cellular telephone number:	[REDACTED]
Fax number:	N/A
E-mail address:	reyno@libertyfighters.co.za / [REDACTED]

PART E: PARTICULARS OF COMPLAINT AND RELIEF SOUGHT

Nature of complaint: (Please give full details of the complaint, the date of the incident(s) and the particulars of possible witnesses. Also indicate which right has been violated and the reasons why you think such right was violated.)	See Annexure "A"
How has it affected you?	See Annexure "A"
Documents: Are there any documents to substantiate your complaint (e.g. pay slips, references, records of conversations) to substantiate your claim? (If so please attach.):	See Annexure "A"
Relief sought: (Please indicate what assistance you require. The court may make an interim order, declaratory order, an order for the payment of damages, an order that an unconditional apology be made etc.)	Any appropriate order in terms of Section 21 of the Act, and in particular, as follows:- 1) That it be declared that the VIP Protection, or other special protection services by the South African Police Service and other security services referred to in Chapter 11 of the Constitution of the Republic of South Africa, 1996, rendered to the 1st Respondent and other members of the cabinet, national government, provincial government, local government, judiciary and/or Chapter 9 institution members, be declared as discriminatory on one or more of the prohibited grounds against the Complainant's members and other inhabitants of the Republic; 2) That the VIP Protection Unit of the South African Police Service, and other similar units of the security services, be disbanded within such period as the Court finds fit and proper; 3) And/or alternative relief

**PART F: PARTICULARS OF INSTITUTIONS/BODIES APPROAVHED**

Particulars of institutions/bodies previously approached in respect of the complaint:	None
The response of the institutions/bodies mentioned above:	N/A

Signed at **PRETORIA** this **10** day of **JULY** year **2023**

[Handwritten Signature]
Signature of Complainant/Representative of class of persons/institution/organisation

RD De Beer

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SM

PART G: AFFIDAVIT

I certify that before administering the oath/affirmation, I asked the deponent the following questions and wrote down his/her answers in his/her presence:

(1) Do you know and understand the contents of the declaration?

Answer: YES

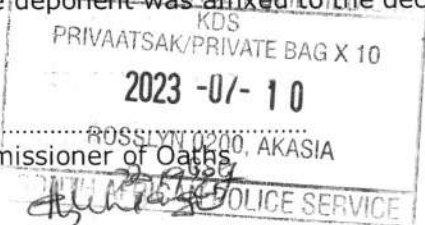
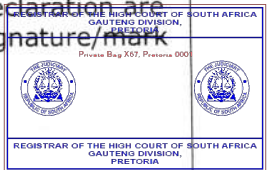
(2) Do you have any objection to taking the prescribed oath?

Answer: NO

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer: YES

I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. The deponent uttered the following words: "I swear that the contents of this declaration are true, so help me God." / "I truly affirm that the contents of the declaration are true." The signature/mark of the deponent was affixed to the declaration in my presence.



Commissioner of Oaths

Full first names and surname

SYLVIA MAHLANGU

(Block letters)

Designation (rank) EST Ex Officio Republic of South Africa

Business address 02 PIETRAUTENBACH ROSSLYN SAPS AKASIA Code 0200

(Street address must be stated)

Date: 2023 - 07 - 10

Place: AKASIA SAPS

ANNEXURE "A"

SUMMARISED STATEMENT OF COMPLAINT TO THE EQUALITY COURT
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**SUCCINT SUMMARY**

1. The Complainant, on behalf of its members and in the interest of the public, lodges a complaint against the Respondents, in their representative capacities holding such office for the state, in that they are discriminating against, and harassing, the Complainant's members and the public on one or more of the prohibited grounds, by reserving exclusive protection rendered by the state's security services to certain politicians and/or other office bearers

called the VIPs, an abbreviation of the phrase used for some people who believe that they are more equal than others called, "*Very Important Person(s)*".

2. The Complainant opines that the Constitution of the Republic of South Africa, 1996 ("*Constitution*") does not allow such exclusive protection services be rendered to anyone, in particular VIPs, and that such a protection service must then, otherwise, be made available to all inhabitants and not only to VIPs.
3. The discrimination *via* these protection services rendered by the state security services exclusively to these VIPs, imposes burdens, obligations or disadvantage on, or withholds benefits, opportunities or advantages from, the Complainant's members and other People on one or more of the prohibited grounds.
4. Further, this exclusive protection service rendered to these VIPs, harasses by being unwanted conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which relates to the identifiable group of the public which is excluded from this exclusive service rendered to these VIPs.
5. Resultantly, the Complainant requests corrective relief from this court to end this ongoing discrimination and harassment.



INTRODUCTION

6. Where reference is made to the singular the plural may also, *mutandis mutatis*, apply; also where one gender is used, the other gender or neutral form may, *mutandis mutatis*, apply as well.
7. This serves as the summarised statement of the Complainant, **LIBERTY FIGHTERS NETWORK ("LFN")**, on behalf of and in the interest of all its members and the public, included as an attachment (this Annexure "A") to the supporting affidavit submitted as part of the completed shortened J693 form, in instituting proceedings which purpose is to only deal with those points necessary for this court to determine whether the Complainant makes out a

prima facie case of discrimination and/or harassment, and further to confirm jurisdiction in terms of s13, read with s16(1), of the *Equality Act*.¹

8. This matter is being instituted in the High Court sitting as an Equality Court for the reason that the relief sought from this court² falls within the jurisdiction of the High Court. Further, the court will be requested to enquire into or rule on the constitutionality of applicable executive practices which the Magistrates Court is prohibited of doing in terms of s170 of the *Constitution*. (See "**Jurisdiction**" *infra*)
9. For reason of *brevitatis causa*, unless the court directs otherwise, only mention, without attachment, is made by the Complainant of the respective key documents as proof during these proceedings. The Complainant reserves the right to submit the referenced documents, additional/alternative documents, summon witnesses or other proof at the inquiry of this matter.
10. In the event that jurisdiction is confirmed, the Complainant further reserves the right to amend this summarised statement, if required, in line with any direction to be sought from court at that point in time.
11. Where required or otherwise directed by the court, argument will be presented in support of parts or of the entire content of this statement at the inquiry.



JURISDICTION

12. The Complainant submits that every division of the High Court or local seat thereof is an Equality Court for the area of its jurisdiction.³ Thus, this very division of this High Court is also an Equality Court.
13. The Complainant also makes the respectful submission that the fact that some of the relief sought could normally be dealt with by the High Court as a Superior Court, this very court

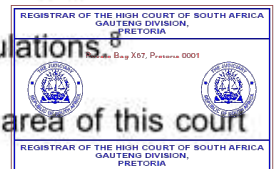
¹ Promotion of Equality and Prevention of Unfair Discrimination Act, 2004 (Act No. 4 of 2000)

² A reference to "court" shall also refer, *mutatis mutandis*, to a "judge" where applicable.

³ s16(1)(a) *Equality Act*

also functions as a High Court with additional, and / or alternative, powers as set out in the *Equality Act*.⁴

14. Thus, the fact that this Equality Court, sitting at the High Court, all powers normally entrusted to the High Court will remain in force as such powers stem directly from the *Constitution* itself.⁵
15. The provisions made in the *Superior Courts Act*⁶ and the rules made thereunder; as well as the provisions made within the rules under the *Rules Board for Courts of Law Act*⁷ apply *mutatis mutandis* in so far as these provisions relate to *inter alia* these very jurisdictional matters and addressing instances not provided for in the *Equality Act Regulations*.⁸
16. The addresses of all the parties are also situated within the jurisdictional area of this court and the incidents of discrimination and harassment also occur in the Gauteng Province, and all over the country.
17. Furthermore, the Complainant submits that the Constitutional Court⁹ has recently confirmed a judgment by the Supreme Court of Appeal which ruled that a court, inclusive of this very court, is obliged by law to hear any matter that falls within its jurisdiction and has no power to exercise discretion to decline hearing such matter on the ground that another court has concurrent jurisdiction.¹⁰



PARTIES

18. The citation, further particulars with addresses, and contacting details of the Complainant and the Respondents are as set out in the completed shortened J693 form.
19. Additionally, the Respondents are cited and identified as follows:-

⁴ s21 *Equality Act*

⁵ s169(1) *Constitution*

⁶ Act No. 10 of 2013

⁷ Act No. 107 of 1985

⁸ s19(1)(e) *Equality Act*

⁹ *South African Human Rights Commission v Standard Bank of South Africa Ltd and Others* [2022] ZACC 43

¹⁰ *The Standard Bank of SA Ltd and Others v Thobejane and Others* (38/2019 & 47/2019); *The Standard Bank of SA Ltd v Gqirana N O and Another* (999/2019) [2021] ZASCA 92 (25 June 2021)

- 19.1 The First Respondent is the **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**, currently Mr. Matamela Cyril Ramaphosa, hereafter referred to as the "**President**", the head of state and of the national executive for the Republic as envisaged in Section 83 of the *Constitution*, and also for purposes of this complaint, the Commander-in-Chief of the defence force in terms of Section 202 of the *Constitution*, with full and further particulars unknown and address and contacting details as follows:-

Address: Union Buildings, Government Avenue, Pretoria, 0002

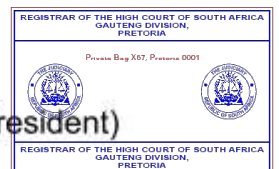
Contact Person (1): Ms. Malebo Sibiya (Personal Assistant to the President)

Contact Person (2): Mr. Mike Louw (Director: Support Services)

Telephone: 012 300 5271

Email (1): presidentrsa@presidency.gov.za

Email (2): malebo@presidency.gov.za



- 19.2 The Second Respondent is the **MINISTER OF POLICE**, currently Gen. Bhekokwakhe "Bheki" Hamilton, hereafter referred to as the "**Police Minister**", the member of the cabinet as per Sections 91 and 206 of the *Constitution* responsible for the South African Police Service ("SAPS") with full and further particulars unknown and address and contacting details as follows:-

Address: 231 Pretorius Street, 756-7th floor Wachthuis Building, PRETORIA, 0002

Contact Person (1): Ms. Sharon Gaehler (Private Secretary)

Contact Person (2): Ms. Nonkululeko Phokane (Chief of Staff)

Telephone: 012 393 2810

Email (1): GaehlerSMK@saps.gov.za

Email (2): PhokaneN@saps.gov.za

19.3 The Third Respondent is the **NATIONAL POLICE COMMISSIONER**, currently Gen. Sehlahle Fannie Masemola, hereafter referred to as the "**Commissioner**", as referred to in Section 207 of the *Constitution* to control and manage SAPS, with full and further particulars unknown and address and contacting details as follows:-

Address: Maupa Naga Building, 3rd Floor, 3 Troye Street, PRETORIA

Contact Person (1): Lt Gen. Francina Ntombenhle Vuma (Deputy National Commissioner: Asset and Legal Management)

Contact Person (2): Brig. Mashadi Selepe (Spokesperson)

Telephone: 012 400 6934 / 012 393 1268

Email (1): selepemashadi@saps.gov.za

Email (2): dnc.policing@saps.gov.za



20. **LFN**, *inter alia*, is a voluntary association without gain, otherwise referred to as a *universitas*, with perpetual succession and existence separate from its founding members, ability to own assets in its own name and which can sue or be sued in its own name as well.
21. The Power of Attorney authorising its President, Mr. Reyno De Beer, as an official, to lodge these proceedings is attached as Annexure "**B**".
22. **LFN** is the Complainant in these proceedings and it acts in the interest of both the Complainant's members as well as in the interest of the public.
23. The interest of the Complainant to institute these proceedings stems, *inter alia*, from the following:-
- 23.1 **LFN** not only has the right, but is obliged, to serve and to protect the rights and interests of its members as well as the interests of the broader public.

23.2 **LFN** respectfully submits that it has a genuine and *bona fide* interest in this matter as the very purpose of its foundation as stipulated in the *LFN Founding Constitution* ("FC") – same to be submitted at the hearing or made available on request – is to "...advance and give inputs to the necessary authorities and role players regarding the Constitutional rights and responsibilities of all our citizens as contained in the Bill of Rights and the African Charter";¹¹ and

23.3 **LFN** has been involved in numerous reported Superior Courts cases and therefore has a well-founded record of approaching courts on constitutional grounds.

REPRESENTATION



24. **LFN** is represented by Mr, Reyno Dawid De Beer as its President and official.
25. The rights of the Complainant to lodge this complaint with this court stems from the *Equality Act*¹², alternatively and in addition, from the *Constitution*¹³, permitting as follows:-
- 25.1 acting in own interest; and/or
 - 25.2 acting on behalf of the Complainant's members who cannot act in own name; and/or
 - 25.3 acting in the interests of a group or class of persons; and/or
 - 25.4 acting in the public interest; and/or
 - 25.5 acting by an association in the interests of its members.
26. The said representative further has a right of appearance in this court in terms of the regulations as promulgated in terms of the *Equality Act*¹⁴, and/or is allowed to represent in terms of the common law applicable to representation.

¹¹ para. 2(o) FC

¹² s20

¹³ s38

¹⁴ r10(9)(a); GN R764 GG 25065 dated 13 June 2003

DISCRIMINATION

27. At some point after 1994, the SAPS has established a special unit allegedly called the VIP Protection Unit ("Unit") responsible for the static and in-transit protection of the president, deputy president, former presidents and deputy presidents, cabinet ministers, MECs and other office bearers as self-proclaimed VIPs.
28. The past weeks, this Unit has again come under scrutiny after some of its members, apparently allocated to protect Deputy President Mr. Paul Mashatile, allegedly assaulted members of the public on the highway while he was not even transported and they had no reason for having acted in such way. This incident is under investigation and awaiting an outcome.
29. The basis of this complaint is not to address the conduct of those claimed police officers and their right to be exempted from certain traffic laws under emergencies which are currently said to be probed, but whether these politicians and other office bearers, the VIPs, are entitled to special protection by any of the Republic's security services? And if they are not, whether this constitutes discrimination against the Complainant's members and the rest of the public on one or more of the prohibited grounds, and harassment?
30. This recent incident was but a glimpse into the multitude of complaints lodged against this Unit, as noted by the Independent Complaints Directorate (ICD) and its successor, the Independent Police Investigative Directorate (IPID).¹⁵ Various reports are available in the public domain which can prove this fact.
31. VIPs include the **President** and former presidents, current and former deputy presidents, members of Cabinet, foreign heads of state, their spouses and "other identified VIPs", where the Complainant is of the view that by classifying these people as "very important" in the first instance, apparently deserving such exclusive protection service by the state, implies that



¹⁵ Lee Rondganger, AM Editor, IOL, <https://www.iol.co.za/news/south-africa/blue-light-brigade-a-timeline-of-infamy-10-incidents-involving-south-africas-vip-protection-services-74fe30d6-0295-4309-a53d-914902ec9309> (dated 4 July 2023)

they are regarded as more superior to all others who are supposed to be constitutionally equal in status.

32. The fact that the Republic is a neutral state, not involved in any war or armed conflict and generally regarded not to be an aggressive state, unlike expansionist countries like the United States of America (USA) and the United Kingdom (UK), the reason why this Unit is required renders the entire idea behind the exclusive allocation of state security services discriminatory compared to the fact that all our country's inhabitants equally face the elements of crime, forcing us to enhance our own security at own expense, and that those VIPs as fellow human beings have no right to be treated superior.
33. As far as Complainant could determine, in the entire history of the Republic since 1994, not once was there any incident facing the **President** or member of the cabinet where one could truly say that it was a terrorist act directed to destabilise the country's security, or otherwise, which could not have been attended to by private security officers employed to protect these VIPs.
34. The existence of the Unit, or otherwise its infamous blue light brigades, are just another regalia of arrogance for the state's dignitaries. Former police commissioner General Khehla Sithole admitted in Parliament that in 2017/18, for every VIP protected, there are 81 officers assigned. In contrast, there was one police officer for every 369 South Africans.¹⁶
35. While VIPs are safely protected, millions of South Africans live in constant fear of being the next victims of a violent crime in our country at similar or greater risk than any VIP and while our People are constantly being unarmed unable to protect ourselves against criminals.
36. The VIPs are supposed to render service, not a status symbol. Imagine how much could be spent on solving the housing problem and the *zama zama* problem if all these VIPs had to ride bicycles or get stuck in traffic to work instead of the luxury, over armoured, imported cars that the few taxpayers that are still left, pay for? Maybe it could make them to better



¹⁶ Nico Gouws, TimesLive, <https://www.timeslive.co.za/politics/2018-07-12-ramaphosa-and-other-vips-have-81-bodyguards-on-average-each/> (dated 12 July 2018)

understand the Peoples' daily challenges we have to face due to their, many times incompetent, executive decisions.

37. A few months ago, to the surprise of my family and I, we witnessed the **President**, on his own and apparently without any protection nearby, travelling in an eastern direction on the Bakwena (N4) highway in a privately marked luxurious vehicle. The **President** would probably not confirm this incident, however, we were all sure that it was him and waved friendly at him and he even returned the friendship gestures. Clearly the President feels safe enough to travel on his own, or at least, even if it was his doppelganger, he had been treated by us and all other road users, who recognised him, the same like any other celebrity in our country who, like the citizens, also does not have the luxury of exclusive protection by this Unit. Besides, and luckily for us obedient South Africans, we are not like the Americans and British about their celebrities and still treat ours' like human beings.
38. The former president of Uruguay between 2010 and 2015, Mr. José Alberto "Pepe" Mujica, during his reign lived, and still lives, in a tiny house rather than the presidential palace, and gave away 90% of his salary and chose to drive around on his own in his unarmoured 1987 VW Beetle enjoying fun times with his people at taverns without any need of special protection. He proved that leaders whom are loved by their people, do not have to worry about their safety at all, unlike, mafia members who have to be protected from the onslaught of other rival mafia mobs. The **President** and his deputy in particular, need to revisit their reasons why they require, or otherwise deserve, this special protection unlike the rest of our People, and if it is necessary at all.
39. The Complainant emphasises that the policy/practice is discriminatory in that exclusion had been, and still is, inflicted, or is intended, on the Complainant's members and all others of the public as an identifiable group(s), in that the policy/practice fails to accommodate them equally as they are all entitled.



40. The Complainant further confirms that our society values dignity, equality and freedom and that, therefore, the Respondents would have been required to act positively to accommodate diversity, which the Respondents have failed to do.

EXAMINATION

41. This court is required to examine the policy/practice in accordance with prevailing law and to determine whether it passes procedural and constitutional muster. The Complainant submits that it discriminates on one or more of the prohibited grounds of treating the identifiable group(s) different from the VIPs who are benefitted by this exclusive protection service.
42. The Complainant submits that the policy does not only violate the *Bill of Rights*¹⁷, but also international law which has to be considered when interpreting the *Constitution*¹⁸ in relation to the fact that all persons are equal and have the same benefits and protection of the law.
43. This policy/practice undermines full respect for the dignity, human rights and fundamental freedoms of persons and infringes on the Peoples' right, *inter alia*, as follows:-
- 43.1 Everyone is equal before the law and has the right to equal protection and benefit of the law, in so far this policy/practice establishes a VIP group – This policy/practice establishes a "*All animals are equal, but some animals are more equal than others*"¹⁹ principle;²⁰
- 43.2 Everyone has inherent dignity and the right to have their dignity respected and protected, in so far the VIPs and this Unit disrespect the People;²¹
- 43.3 Everyone has the right to life, in so far these VIPs and this Unit threatens the lives of the People;²²



¹⁷ Chapter 2 *Constitution*

¹⁸ s39(1)(b) *Constitution*

¹⁹ George Orwell, *Animal Farm* (1945), https://en.wikipedia.org/wiki/Animal_Farm

²⁰ s9 *Constitution*

²¹ s10 *Constitution*

²² s11 *Constitution*

43.4 Everyone has the right to freedom and security of the person, in so far the VIPs are provided with special freedoms and security not available to the general inhabitants;²³ and

43.5 Everyone has the right to administrative action that is lawful, reasonable and procedurally fair, unlike this very policy/practice.²⁴

44. International law, *inter alia*, the *African Charter*²⁵ contains similar articles which compels the state not to be discriminatory in respect of the fact that everyone is equal and that there cannot be any VIP when it comes to any policy/practice.

45. The Complainant submits that the introduction of this policy/practice resulting in harsh and drastic consequences for those affected by its implementation was grossly negligent and/or *mala fide*. Consequently, the policy/practice can neither be seen to be rational nor can it be valid.

46. The Complainant further states that the workplace(s) of the Respondents and the VIPs can never be perfectly safe, irrespective of existence of the Unit, and that the Respondents are not required to make it perfectly safe for them and the discriminatory group known as the VIPs, but only to take reasonable steps just like any other inhabitant of the Republic. In this regard the Complainant further submits that the policy/practice was not rationally connected to its purpose.

47. The Complainant also makes the submission, backed by multiple of evidence to be introduced at the inquiry, that if the Respondents had undertaken a proper risk assessment, it would have established that this policy/practice is pointless, including that the protection of the VIPs poses no greater threat to the safety and security of any one of them than a myriad other risks that have customarily not required the implementation of any such drastic measures as described under this policy/practice.



²³ s12 Constitution

²⁴ s33 Constitution

²⁵ African Charter on Human and Peoples' Rights

48. The Complainant submits that there were several less restrictive means which could have been implemented. By having implemented this policy/practice in the way the Respondents have, that there was a clear intention to discriminate and harass the **LFN** members, the People and others of the identifiable group(s).
49. The policy thus stands to be reviewed and/or examined and set aside on, *inter alia*, grounds of discrimination and constitutional invalidity.

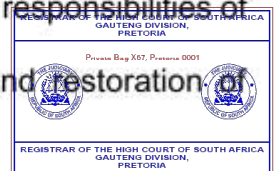
HARASSMENT

50. The Complainant will introduce evidence at the inquiry that, by having introduced this policy/practice, the conduct and actions of the Respondents in implementing or otherwise giving effect to same, created unwanted conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which is related to the identifiable group(s).
51. The **LFN** members, the People and others in the identifiable group(s) were, and continue to be, harassed to such extent that the environment this Unit operates in created an atmosphere of animosities between them and us.
52. The correct term to use is in fact a policy/practice of segregation which was introduced to the detriment of the Complainant's members, the People and the identifiable group(s), where the identifiable group(s) receives less of the services rendered by the security services than that rendered to the VIPs.



LEGAL MATRIX

53. The Republic of South Africa is one, sovereign, democratic state founded on, *inter alia*, the value of human dignity, the achievement of equality and the advancement of human rights and freedoms.²⁶
54. The *Constitution* is the supreme law of the Republic and law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.²⁷
55. There is a common South African citizenship. All citizens are equally entitled to the rights, privileges and benefits of citizenship; and equally subject to the duties and responsibilities of citizenship. National legislation must provide for the acquisition, loss and restoration of citizenship.²⁸
56. The *Bill of Rights* is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The Respondents, as representatives of the state, must respect, protect, promote and fulfil the rights in the *Bill of Rights*.²⁹
57. The *Bill of Rights* applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.³⁰ Thus, the Respondents are obliged to ensure that everyone enjoys the same status and benefit of the law.
58. Everyone is equal before the law and has the right to equal protection and benefit of the law.³¹ Thus, there is no space within our constitutional democracy for so called VIPs and their special protection in contrast to the low grade security services rendered to the People.
59. The Respondents, for the state, may not unfairly discriminate directly or indirectly against anyone on one or more prohibited grounds.³²



²⁶ s1(a) *Constitution*

²⁷ s2 *Constitution*

²⁸ s3 *Constitution*

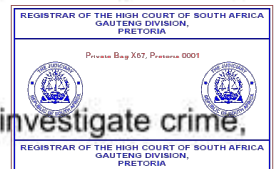
²⁹ s7 *Constitution*

³⁰ s8(1) *Constitution*

³¹ s9(1) *Constitution*

³² s9(3) *Constitution*

60. This discrimination and harassment, só Complainant, are automatically unfair unless the Respondents prove that the discrimination is fair.³³
61. National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.³⁴ This policy/practice by the state clearly undermines this right of all our People.
62. SAPS, and the security services must act, and must teach and require their members to act, in accordance with the *Constitution* and the law, including customary international law and international agreements binding on the Republic. This principle is currently at risk by utilising the Unit for this VIPs.
63. The objects of SAPS, and effectively this Unit, are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.³⁵ This service applies to all the inhabitants and not only the VIPs. Thus, this exclusive service must either be extended to all the People or made the same for the VIPs by disbanding this Unit and other exclusive state security services to them.
64. At present, there is no legislation authorising this policy/practice, or otherwise such legislation would be unconstitutional and invalid, and the *SAPS Act*³⁶ does not authorise VIP protection services either.



RELIEF SOUGHT

65. The Complainant will be seeking an order as per the shortened J693 form, or as the court might deem fit under these circumstances.

³³ s9(5) *Constitution*

³⁴ s198 *Constitution*

³⁵ s205(3)

³⁶ South African Police Service Act, 1995 (Act No. 68 of 1995)

66. If the court is satisfied that the Complainant's members and the Public have been subjected to discrimination and harassment, the Complainant then respectfully requests the court to make an appropriate order that is just and equitable in the circumstances, including:-

66.1 To order the Respondents to disband the Unit, and any other state security service unit responsible for the exclusive protection of any person, other than for witness protection purposes;

66.2 As a norm, each party to pay its own costs, unless the Respondents are conducting themselves in any frivolous or vexatious way at which instance the Complainant shall request costs as the court deems appropriate;

66.3 Any alternative and/or additional relief as the court may grant in accordance with the *Equality Act*.



WHEREAS the Complainant humbly requests this court for an order as stated.

THUS SIGNED AT PRETORIA ON THIS 10TH DAY OF JULY 2023.

Reyno De Beer

Official and Representative for Complainant

And also on behalf of its members and interests of the public

ANNEXURE "B"



Liberty Fighters Network

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

Office of the President: Reyno De Beer

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Website: www.libertyfighters.co.za / Telegram: @libertyfightersnews / Twitter: @LFN_SouthAfrica /

Facebook: Libertyfightersnetwork / YouTube: @LibertyFighters

Date: 7 July 2023

To Whom it May Concern



DECISION IN TERMS OF SECTION 38(1)(e) OF THE CONSTITUTION OF LIBERTY FIGHTERS NETWORK

I, the undersigned **REYNO DAWID DE BEER** (President) hereby confirm that in terms of the powers vested in the President as the leader of Liberty Fighters Network (LFN) in reference to Section 38(1)(e) of our Constitution, the President in consultation with his advisors hereby resolve today that it is reasonably necessary to lodge an application on behalf of LFN against the Respondents, **President of the Republic of South Africa, Minister of Police** and the **National Police Commissioner**, to ensure that the rights of our members and public interest are protected. This process is instituted in the Equality Court and LFN will be represented by the President in such court proceedings, and he may depose of all affidavits and sign all notices and documents on behalf of LFN and do everything necessary to bring such an application to finalisation, inclusive of prosecuting any appeal.

Reyno D. De Beer

LFN President