



Liberty Fighters Network

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

Office of the President: Reyno De Beer

Landline: +27(0)12 023 1976 / Cellular: +27(0)67 735 7288

Electronic Mail: reyno@libertyfighters.org

Website: www.libertyfighters.org / Telegram: @libertyfightersnews / Twitter: @LFN_SouthAfrica /

Facebook: Libertyfightersnetwork / YouTube: @LibertyFighters

Date: 31 July 2024

URGENT

**KINDLY TAKE NOTE THAT OUR WEBSITE HAS CHANGED TO www.libertyfighters.org
AND ALSO OUR EMAIL ADDRESSES, ENDING WITH .org AND NOT .co.za ANYMORE**

ATTENTION: Justice Dumisani Hamilton Zondi JA
Chairperson of the Electoral Court
c/o Ms. Carmen De Wee / Ms. Denisile Nhlapho
Email(1): CDeWee@sca.judiciary.org.za
Email(2): DeNhlapho@sca.judiciary.org.za
Email(3): denhlapho.sca@gmail.com

cc. ELECTORAL COMMISSION OF SOUTH AFRICA (IEC)
c/o Harris Nupen Molebatsi Incorporated
Email(1): teneille@hnmattorneys.co.za
Email(2): pharris@hnmattorneys.co.za
Email(3): sereeka@hnmattorneys.co.za
Email(4): thobile@hnmattorneys.co.za

cc. ALL IEC COMMISSIONERS
c/o Adv. Rekha Raath (IEC Head Legal Advisor)
Email(1): raathr@elections.org.za
Email(2): dalyr@elections.org.za
Email(3): rambaum@elections.org.za
Email(4): lubbeg@elections.org.za

Dear Justice Zondi

**OBJECTION TO DIRECTIVES: ELECTORAL COURT: REYNO DAWID DE BEER v
ELECTORAL COMMISSION OF SOUTH AFRICA & OTHERS (CASE NO. 0027/24EC)**

1. I respectfully refer to this Court's Directives dated 30th instant, received by electronic mail after normal business hours at 18h10 last night from the Secretary of the Court, as well as to my previous letters and submissions dated 7 June 2024, 3 July 2024, and 17 July 2024, to which I have yet to receive a formal response.
2. Specifically, no outcome has been provided by the court regarding the handling of the highly confidential documents pertinent to this matter.
3. Meanwhile, I have noted with great appreciation to you, Justice Zondi, and your bench, that the electronic hearing in the matter between the IEC and the MK Party has indeed been postponed *sine die* as requested, pending the outcome of this investigation.
4. Notwithstanding that I remain flattered that the state's legal teams are continually expanding to oppose matters that I, as a so-called, using the derogatory term, "layperson" in their eyes, represent before our courts, and that the judiciary has acknowledged my God-given talent to be well-versed in the law without formal legal qualifications, it seems

unreasonable, Justice Zondi, to provide me with only less than three (3) days to prepare extensive Heads of Arguments, while the Respondents, with an extensive senior legal team and unlimited resources, are granted nine (9) days. Wouldn't you agree?

5. Although I am accustomed to working under extremely tight deadlines and could produce a satisfactory Heads of Argument by Friday, which even senior counsel would be proud of, I believe that given the unprecedented nature of the Electoral Court investigating all IEC commissioners for suspected misconduct, incapacity, or incompetence, and the limited South African case law on this issue, which requires me to research precedents from comparative international democracies, I respectfully request that I be granted at least the same amount of time as the Respondents to compile my arguments. This would help to ensure that the court at least appears impartial in this process, contrary to what the current deadlines suggest.
6. Furthermore, when faced with a unique legal situation such as this one, the Constitutional Court often invites other bodies and organisations to serve as *amici curiae* to ensure balanced arguments are presented, rather than relying solely on the submissions of a single, claimed unskilled, "layperson" like myself. In this case, there are six (6) sets of independent Heads of Argument expected from the Respondents, each representing their own case.
7. Justice Zondi, if one looks through yellow-tinted glasses from a bridge over the N1 highway, one would only see yellow cars. Similarly, if the court is presented with six (6) sets of arguments from the Respondents, my arguments risk being overshadowed and fading away into the background.
8. In light of these challenges, I respectfully request that this court grant me time to submit my Heads of Argument by 16h00 on Thursday, 8 August 2024. Allowing all parties to submit their Heads of Argument simultaneously would avoid any appearance of bias.

Otherwise, it might seem that the court favoured the Respondents by giving them six (6) days to prepare their submissions, with the advantage of referencing my Heads of Argument to craft their counter-arguments.

9. As is customary in the Constitutional Court, the applicant—in this case, myself as the Complainant – would normally be granted the opportunity to file replying submissions a few days after the Respondents' submissions are lodged. However, I recognise that this investigation has become complex and that the court, respectfully, may have overlooked this aspect.
10. Furthermore, I respectfully suggest that the court consider inviting organisations such as, *inter alia*, the Pan African Bar Association of South Africa (PABASA), the South African Human Rights Commission (SAHRC), the Socio-Economic Rights Institute (SERI), and/or the Hola Bon Renaissance Foundation (HBRF) to be admitted as *amici curiae*. Their participation would assist the court in deliberating these important legal questions and would demonstrate the court's commitment to independence and impartiality in the interest of justice.
11. The court has also not addressed my objection regarding its authority to make a finding solely based on the papers without conducting a judicial inquiry in the context of this investigation. Consequently, I respectfully reiterate my objection to paragraph 4 of the latest Directives, as I did previously.
12. As an additional matter of concern, this Court has yet to adjudicate on my objection that the IEC is not legally entitled to oppose the request to investigate the independent IEC Commissioners. Consequently, the issue of a potential conflict of interest remains unresolved, given that the attorneys representing the IEC also represent the individual IEC commissioners suspected of misconduct, incapacity, or incompetence.

13. In various ways, both the Economic Freedom Fighters (EFF) and I have a knack to anger our opposition – the EFF with right-wing citizens and myself with the British-colonial legal fraternity. Despite this, our opposition cannot deny that we consistently ask the right questions and raise important constitutional concerns, just like I am doing with this very letter of objection.
14. Finally, I would like to respectfully use the opportunity to record that the First Respondent, the IEC, is an organ of state and therefore obliged to respect, protect, and fulfill my constitutional rights, and effectively those of my fellow citizens, to not aggressively present arguments in favour of protecting the IEC commissioners suspected of misconduct, incapacity, or incompetence, and that it is constitutionally obliged to present balanced arguments, even if those arguments are not favourable to the IEC commissioners or any other IEC official who might have contributed to them being investigated.
15. Meanwhile, awaiting your response, if any, I shall commit myself to at least lodge some sort of a respectable Heads of Argument as directed on or before 16h00 on Friday, 2 August 2024 – in less than three (3) days to work on them from hence compared to the gracious nine (9) days given to the Respondents.
16. For the fact that the procedures followed in this court is not as strict as expected in another superior court, I respectfully request this court to condone any non-compliance with the rules or directions and to use its wisdom in directing a "layperson" like myself in achieving a fair outcome of his matter in the interest of the public.
17. Your urgent response to this reasonable objection in the interest of justice would be highly appreciated.
18. My rights remain reserved *in toto*.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Reyno D. De Beer', written over the printed name.

Reyno D. De Beer

Complainant

Also

President: Liberty Fighters Network