

**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**

CASE NO: **2026-024184**

In the matter between:

**LIBERTY FIGHTERS NETWORK**

First Applicant

(A voluntary association without gain *universitas*)

**REYNO DAWID DE BEER N.O.**

Second Applicant

(cited *nomine officio* as executive official of 1<sup>st</sup> Applicant)

and

**PREMIER OF THE WESTERN CAPE,**

First Respondent

**MR. ALAN WINDE N.O., OR HIS**

**SUCCESSOR IN TITLE**

**SPEAKER OF THE WESTERN CAPE**

Second Respondent

**PROVINCIAL PARLIAMENT, MR.**

**DAYLIN MITCHELL N.O., OR HIS**

**SUCCESSOR IN TITLE**

**WESTERN CAPE PROVINCIAL  
MINISTER FOR LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND  
DEVELOPMENT PLANNING, MR.  
ANTON BREDELL N.O., OR HIS  
SUCCESSOR IN TITLE**

Third Respondent

**OFFICE OF THE COMMISSIONER OF  
THE ENVIRONMENT**

Fourth Respondent

(a constitutional office established in terms  
of section 71 of the Constitution of the  
Western Cape, 1997, currently vacant)

**SOUTH AFRICAN NATIONAL PARKS**

Fifth Respondent

**CAPENATURE**

Sixth Respondent

**CITY OF CAPE TOWN METROPOLITAN  
MUNICIPALITY**

Seventh Respondent

**CHAIRPERSON OF CAPE PENINSULA  
BABOON MANAGEMENT JOINT TASK  
TEAM, MR. ROBERT McGAFFIN N.O.,  
OR HIS SUCCESSOR IN TITLE**

Eighth Respondent

JUDITH ANNE SOLE

Ninth Respondent

WILDLIFE ANIMAL PROTECTION

Tenth Respondent

FORUM OF SOUTH AFRICA

BABOON ADVISORY GROUP

Eleventh Respondent

**RULE 16A NOTICE**

**TAKE NOTICE THAT** the following constitutional issues and other matters of interest to the public are *inter alia* raised in the above-mentioned application to be heard as urgent on **Tuesday, 17 February 2026 at 10h00** as follows:-

**PART A: URGENT INTERIM RELIEF**

1. That the forms and service provided for in the Rules are dispensed with and that this application be heard as one of urgency in terms of Rule 6(12), or alternatively as semi-urgent in terms of the Western Cape Practice Directives;
2. That a *rule nisi* do issue calling upon the Respondents to show cause on a return date to be heard with PART “B” *infra* as determined by the Court why an order as set out in Items 3 to 5 *infra*, should not be made final;
3. That it is confirmed that the First Applicant, **LIBERTY FIGHTERS NETWORK** (“**LFN**”), as a voluntary association not for gain (*universitas*) be represented by

the Second Applicant, its nominated official Mr. **REYNO DAWID DE BEER N.O.** ("**De Beer**");

4. That the Applicants are permitted to bring this application in their own capacities, also in the interests of LFN's members and in the interests of the public;
5. Pending the finalisation of the referral for an investigation by the Applicants dated 9 December 2025 to the Fourth Respondent, interdicting and restraining the Third Respondent, and Fifth to Eighth Respondents, and all persons acting through them, under their authority, or as their agents, contractors or delegates, from taking any steps to implement, give effect to, or operationalise the Final Cape Peninsula Baboon Management Action Plan (2025) dated 31 October 2025, or as amended (hereafter referred to as the "Final Action Plan"), insofar as such steps are permanent, irreversible, or create a *fait accompli*, including *inter alia*:
  - 5.1. capture, removal, relocation, translocation, confinement in any sanctuary or enclosure, or any forced movement of any baboon troop;
  - 5.2. any vasectomy programme or any reproductive intervention;
  - 5.3. any euthanasia, lethal control, destruction, or lethal authorisation in respect of any baboon;
  - 5.4. concluding, signing, implementing, or giving effect to any agreement with any third party concerning a baboon sanctuary and/or enclosure programme;

- 5.5. commencing or continuing any construction, installation, electrification, fencing, enclosure building, or other infrastructure works aimed at sanctuary confinement;
  - 5.6. taking any step that directly or indirectly renders the Applicants' complaint to the Fourth Respondent nugatory.
6. That paragraphs 2 to 5 *supra* operate with immediate effect as interim relief pending the return date.
  7. Directing that the Respondents as per Item 5 *supra*, deliver within 10 (ten) court days, their separate affidavits under oath, and providing their records, setting out:
    - 7.1. every decision relied upon as lawful authority to implement the Final Action Plan;
    - 7.2. the identity and capacity of each decision-maker;
    - 7.3. the date of each decision;
    - 7.4. the reasons and record relied upon; and
    - 7.5. all permits and/or authorisations obtained or applied for (including any CapeNature permitting process referred to in public statements).
  8. The Applicant, or any other party, may apply to this Court for the extension of the *rule nisi* (if necessary) pending the determination of PART "B" and/or any review proceedings prosecuted in due course.

**PART B: FURTHER / STRUCTURAL RELIEF**

9. Declaring that the failure of the First Respondent, and insofar as applicable the Second and Third Respondents, to operationalise the *Office of the Commissioner for the Environment*, the Fourth Respondent, as created in terms of section 71 of the *Constitution of the Western Cape, 1997*, read with section 237 of the *Constitution of the Republic of South Africa, 1996*, constitutes conduct inconsistent with the constitutional obligation to perform constitutional duties diligently and without delay.
  
10. Directing the First Respondent to:
  - 10.1. appoint a suitable man or woman, after a proper public participation process, to fill the Fourth Respondent within ninety (90) days of the date of this order; alternatively
  
  - 10.2. take all steps necessary to ensure the lawful appointment of either a man or woman to fill the Fourth Respondent by no later than 1 June 2026, and to file a report under oath with this Court within thirty (30) days thereafter, setting out in detail:
    - 10.2.1. the steps taken to comply with this order;
  
    - 10.2.2. the applicable appointment process and timeline; and
  
    - 10.2.3. the reasons for any delay or inability to comply sooner.
  
11. Granting leave to the Applicants, upon filing of the report referred to in paragraph 10 *supra*, alternatively on failure of the First Respondent to comply with Item 10 *supra*, to re-enrol the matter on the same papers, duly

supplemented if necessary, for this Court's consideration of the report and the granting of further and/or alternative relief, including structural, supervisory, or compliance-directed orders.

12. Declaring that the agreement, *inter alia* establishing the Eighth Respondent, together with his *Cape Peninsula Baboon Management Joint Task Team*, and giving rise to the Final Action Plan, entered into by and between the Fifth to Seventh Respondents on or about 6 July 2023, is invalid *ab initio*, alternatively unlawful and of no force and effect, whether in its entirety or in such parts as this Court may determine, alternatively, to order the Fourth Respondent, when the office has been appropriately filled, to investigate the legality of this agreement and to act accordingly within its authority.
13. Confirmation of the *rule nisi* as per PART "A".

### **COSTS**

14. In respect of PART "A" that the costs be costs in the cause.
15. In respect of the final consideration of both PART "A" and PART "B", costs, jointly and severally, the one paying the others to be absolved, or as occasioned costs as allowed for self-represented litigants in the event of opposition.
16. Further and/or alternative relief.

**TAKE FURTHER NOTICE THAT** the Applicants *inter alia* bring this Application in the public interest, since all South Africans have an interest in protecting the environment and just administration action.

**TAKE NOTE** that the Notice in terms of *Rule 16A* is hereby also filed with the Registrar of this Court which will be displayed on the notice board of this Court for a reasonable period of time taking the urgency into consideration.

**TAKE FURTHER NOTICE** that a copy of the Notice of Motion, Affidavits, Annexures and other relevant documents in support of this Application can be obtained from the Applicants by electronic mail request, or access granted to *Court Online*.

**TAKE NOTICE FURTHER** that any interested party may, with the written consent of all the parties to the proceedings, given not later than **Wednesday, 11 February 2026**, be admitted therein as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

**TAKE NOTICE FURTHER** that the written consent referred to above shall, by **Wednesday, 11 February 2026**, be lodged with the registrar on *Court Online* and the *amicus curiae* shall, in addition to any other provision, comply with the times agreed upon for the lodging of written argument.

**TAKE NOTICE FURTHER** that the terms and conditions agreed upon may be amended by the Court.

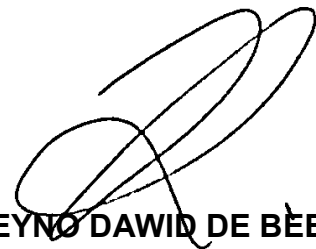
**TAKE NOTICE FURTHER** that if the interested party is unable to obtain the written consent as contemplated herein, he or she may apply to the Court to be admitted as an *amicus curiae* in the proceedings.

Such application shall:

- a) briefly describe the interest of the *amicus curiae* in the proceedings;
- b) clearly and succinctly set out the submissions which will be advanced by the *amicus curiae*, the relevance thereof to the proceedings and his or her reasons for believing that the submissions will assist the Court and are different from those of the other parties; and
- c) be served upon all the parties to the proceedings.

**TAKE FURTHER NOTICE** that any party to the proceedings who wishes to oppose an application to be admitted as *amicus curiae* shall file an answering affidavit upon such party. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.

SIGNED AT **PRETORIA** ON THIS **5<sup>TH</sup>** DAY OF **FEBRUARY 2026**.



**REYNO DAWID DE BEER**

Nomine Officio as 2<sup>nd</sup> Applicant and for 1<sup>st</sup> Applicant *Liberty Fighters Network*

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TO: REGISTRAR OF THE HIGH COURT  
CAPE TOWN

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