

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

Case No: 46869/2020

In the matter between:

MINISTER OF HOME AFFAIRS

Applicant

and

THE ASSOCIATION AND COALITION FOR THE
RESTORATION OF THE BOER REPUBLICS (ACRBR)

Respondent

In re: the main application between:

THE ASSOCIATION AND COALITION FOR THE
RESTORATION OF THE BOER REPUBLICS (ACRBR)

Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
MINISTER OF HOME AFFAIRS
MINISTER OF AGRICULTURE, LAND REFORM
AND RURAL DEVELOPMENT

First Respondent

Second Respondent

Third Respondent

MINISTER OF CORPORATE GOVERNANCE AND
TRADITIONAL AFFAIRS

Fourth Respondent

MINISTER OF INTERNATIONAL RELATIONS AND
COOPERATION

Fifth Respondent

APPLICANT'S FILING NOTICE

KINDLY TAKE NOTICE THAT the second respondent hereby files the following:

DOCUMENTS:

1. Notice of motion to strike out
2. Founding affidavit to strike out by - Mpho Orphan Letsoko

FILED BY: **State Attorneys, Pretoria**

**DATED AND SIGNED AT PRETORIA ON THIS THE 24TH DAY OF
NOVEMBER 2021.**



**ATTORNEY FOR APPLICANT
STATE ATTORNEY, PRETORIA
SALU Building, Ground Floor
316 Thabo Sehume Street,
PRETORIA, South Africa/Z19**

REF:3057/2020/Z14/LR
Email: MLetsoko@justice.gov.za
Tel: (012) 309 1672
Cell: 083 673 0000

**AND TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
GAUTENG DIVISION, PRETORIA**

**AND TO: LOMBARD INCORPORATED
RESPONDENT'S ATTORNEY
76 SKILPAD AVENUE
MONUMENT PARK
PRETORIA
Suite 7a Monpark Building
Tel: (012) 346 4612
Fax: (012) 346 4997
Ref: ACBR 777**

In the main application

**AND TO: THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
THE FIRST RESPONDENT
C/O STATE ATTORNEY, PRETORIA
SALU Building, Ground Floor
316 Thabo Sehume Street,
PRETORIA**

**AND TO: MINISTER OF AGRICULTURE, LAND REFORM
AND RURAL DEVELOPMENT
THE THIRD RESPONDENT
C/O STATE ATTORNEY, PRETORIA
SALU Building, Ground Floor
316 Thabo Sehume Street,
PRETORIA**

**AND TO: MINISTER OF CORPORATE GOVERNANCE AND
TRADITIONAL AFFAIRS
THE FOURTH RESPONDENT
C/O STATE ATTORNEY, PRETORIA
SALU Building, Ground Floor**

316 Thabo Sehume Street,
PRETORIA

AND TO: **MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION**
THE FIFTH RESPONDENT
C/O STATE ATTORNEY, PRETORIA
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MINISTER OF INTERNATIONAL RELATIONS AND
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Fifth Respondent

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SIGNED AT PRETORIA ON THIS THE 24TH DAY OF NOVEMBER 2021.



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Fifth Respondent

NOTICE OF MOTION TO STRIKE OUT

KINDLY TAKE NOTICE THAT an application will be brought on behalf of the applicant at the hearing of the main application for an order in the following terms:

1. That the paragraphs: 2.1.2 to 2.1.8; 2.1.9 to 2.1.10; 2.1.11, 2.1.12, 2.1.13, 2.1.13.1 to 2.1.13.6 and 4.2 to 4.4.8 of the founding affidavit deposed to by **PHILLIPUS ROELOF SWANEPOEL** on behalf of the respondent (applicant in the main application) hereto be and are hereby struck out;
2. Costs of this application; and
3. Further and/or alternative relief.

On the grounds that the averments contained in the paragraphs identified in the applicant's founding affidavit are scandalous, vexatious and irrelevant to the current proceedings and therefore constitute inadmissible evidence.

KINDLY TAKE NOTICE THAT the affidavit of MPHO ORPHAN LETSOKO as annexed hereto will be used in support hereof.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AND SIGNED AT PRETORIA ON THIS THE 24TH DAY OF NOVEMBER 2021.



ATTORNEY FOR APPLICANT
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PRETORIA, South Africa/Z19
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6

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MINISTER OF AGRICULTURE, LAND REFORM
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First Respondent

Second Respondent

Third Respondent

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MINISTER OF COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS

Fourth Respondent

MINISTER OF INTERNATIONAL RELATIONS AND
COOPERATION

Fifth Respondent

AFFIDAVIT IN SUPPORT OF APPLICATION TO STRIKE OUT

I, the undersigned,

MPHO ORPHAN LETSOKO

do hereby make oath and state that:

INTRODUCTION

1. I am an adult male attorney and in the employ of the State Attorney (Pretoria).
C/o Salu Building, Ground Floor, 316 Thabo Sehume Street, Pretoria.
2. I am the attorney of record in this matter on behalf of the applicant (second respondent in the main application) and I am duly authorised to depose to this affidavit.
3. Save where otherwise indicated, the facts to which I depose are based on my personal knowledge and are to the best of my belief, both true and correct. To

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the extent that I rely on the facts which are not within my personal knowledge, I verily believe them to be true and correct.

4. To the extent that I make submissions in respect of law, I am guided by the advice of the applicant's legal representatives in this matter and make submissions in reliance on such advice.

BACKGROUND

5. On 17 September 2020, the respondent (applicant in the main application brought an application against the applicant and other government co-respondents.¹ The respondent' application is supported by the founding affidavit deposed to by **PHILLIPUS ROEDOLF SWANEPOEL**, a member and convenor of the respondent. On 9 October 2020, the respondents in main application filed notice of opposition.
6. In its notice of motion, the respondent primarily seeks an order directing to be restored in the ownership of right, title and sovereignty of the land previously known as the Boer Republics and its borders as in 1902.²

THE LEGAL PRINCIPLES

¹ The President of the Republic of South Africa (first respondent) and Ministers of Agriculture, Land Reform and Rural Development, Corporate Governance and Traditional Affairs and International Relations and Cooperation (third, fourth and fifth respectively).

² The Boer Republics referred to in the respondent's affidavit are the former Republics of Transvaal and Orange Free State.

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7. This application is for an order of striking out a myriad of paragraphs in the founding affidavit filed on behalf of the respondent as being scandalous, vexatious and irrelevant. The relevant provision in terms of which the applicant approached this court for the relief sought is Rule 6(15) of the Uniform Rules of Court.

8. Rule 6(15) deals primarily with the striking out from the affidavit of any matter that is scandalous, vexatious or irrelevant. This list is not intended to be exhaustive as to the grounds upon which a court will strike out certain allegations as a court still has inherent jurisdiction where the rules of court do not make provision for it. Courts have struck out allegations that attack the credibility of a party as these are usually considered irrelevant matters³.

9. Rule 6(15) provides:

"The court may on application order to be struck out from any affidavit any matter which is scandalous, vexatious or irrelevant, with an appropriate order as to costs, including costs as between attorney and client. The court shall not grant the application unless it is satisfied that the Applicant will be prejudiced in his case if it be not granted."

(Underlining supplied)

³ Skin Renewal CC v Brigit Filmer Spa and skin (Pty) Ltd, Case number: 13701 /13 (unreported) para 22.

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10. The starting point in exercising the discretion whether to strike out any matter is that an applicant must in terms of Rule 6(15) surmount two hurdles⁴:

10.1 First, the matter sought to be struck out must indeed be scandalous, vexatious or irrelevant; and

10.2 Second, the court must be satisfied that the applicant would be prejudiced if the application is not granted.

11. In the premises, this application to strike out offending matter from the affidavit of the respondent is therefore, in the strict sense, an objection to scandalous, vexatious and irrelevant evidence that a respondent intends to tender in the main application.

GROUND FOR STRIKING OUT

12. Most of the averments raised in the respondent's founding affidavit are argumentative, scandalous, vexatious and irrelevant. For most part, the averments raised in the founding affidavit have no connection with the relief sought and the current main proceedings.

⁴ **Beinash v Wixley**, (457/95) [1997] ZASCA 32; 1997 (3) SA 721 (SCA); [1997] 2 All SA 241 (A) paras 23 to 24.

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13. In broad terms, the applicant's averments attacked as scandalous, vexatious and irrelevant in the main application are but not limited to:

13.1 allegations relating to the government's effort in combating and reducing the spread of Covid, contraventions of the Disaster Management Regulations, cure of corona virus and related vaccines;

13.2 allegations of corruption, commission of high treason by the applicant and government co-respondents in the main application;

13.3 the role of South Africa on international plane or new world order and the regime of "new normal"; and

13.4 the allegations regarding the role of the World Health Organization ("**WHO**") and its protocols and methods of combating the spread of Covid 19, Global Preparedness Monitoring Board ("**GPMB**") and Bill and Melinda Gates Foundation.



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14. All the above allegations have no connection with the respondent's claim and bear no relation and relevance to the relief sought or what the respondent seeks to achieve in its main application. Moreso, these averments are mainly speculative, argumentative and abstract. The allegations are further tainted with distortions of high proportions.
15. I am advised and submit that in motion proceedings, the affidavits filed by the parties essentially constitute evidence. Therefore, the affidavit of the respondent serves not only to place evidence before the court but also to define the issues between the parties. This is usual and routine. Most of the averments, however, raised in the respondent's founding affidavit places irrelevant and inadmissible evidence before this court.
16. In the premises, the following specific paragraphs of the founding affidavit introduce scandalous, vexatious and irrelevant or superfluous matters calculated to cause prejudice to the applicant and by, extension, to government co-respondents.
17. Therefore, the following paragraphs are liable to be struck out.

Paragraph 2.1.2 to 2.1.8

18. The following allegations are irrelevant and not connected to the current proceedings:

"2.1.2 The announcement of the outbreak of the COVID 19 virus.

2.1.3 *The announcement of the outbreak of the COVID 19 virus in South Africa.*

2.1.4 *The announcement of the national state of disaster on the 15th of March 2020 by the respondents and the accompanying peremptory regulations governing the state of disaster promulgated on 18 March 2020.*

2.1.5 *The ongoing attempt by the World Health Organisation to create a cure vaccine for the virus. It is furthermore common cause and public knowledge that the ingredients of the proposed vaccine contain blood plasma cells from donors. The fact that the vaccine will become peremptory as set out hereunder is against the applicant and its members religion that inter alia prescribes that they are not allowed to fornicate their blood. The effect of the vaccine will exactly entail this.*

2.1.6 *The fact that the vaccine will become peremptory in South Africa in order to qualify for participation in the so called new normal national and international economy. The aforesaid calibrates with the respondent's periodic public announcement of their proposed radical economic*

transformation that includes radical technological transformation.

2.1.7 The fact that the vaccine component includes a track and trace electronic device [tattoo/Nano technology] that will have the ability to monitor and control freedom of movement.

2.1.8 The device in 2.1.7 includes an identity implant technology”.

19. In view of the above, I submit that the evidence tendered by the respondent in its affidavit is ordinarily inadmissible. The assailed averments do not define the issues between the parties and relate to the respondent’s case.
20. The announcement of the outbreak of Covid 19, the allegations of Covid-19 vaccination, the announcement of Disaster Management Regulations and the role of WHO in combating and reducing the spread of Covid 19 have nothing to do with the respondent’s claim in the main application. Therefore, the allegations introduce irrelevant evidence calculated to cause prejudice to the applicant.

21. I further submit that allegations which do not apply to the matter in hand and do not contribute one way or the other to a decision of such matter constitute irrelevant evidence.⁵

Paragraph 2.1.9 to 2.1.10

22. The following allegations levelled against the applicant and government co-respondents in the main application are liable to be struck out:

“2.1.9 The respondent’s alliance and their financial dependence from and with the Republic of China, who already implemented the aforesaid measures and technology in their country.

2.1.10 the subsequent loans that the respondents received from China in return for security of the respondents’ land and property. The respondents thereafter admitting that they misappropriated these funds and other grants by way of corruption. These actions of the respondents furthermore threaten the applicant’s rights as set out herein”.

23. The averments contained in the above paragraphs are irrelevant on the basis that they are unrelated to the current proceedings.

⁵ **Vaatz v Law Society of Namibia**, 1990 NR 332 (HC).

- 24. The averments are also scandalous and vexatious in the sense that the respondent makes disturbing allegations of corruption against the applicant including government co-respondents. Essentially, the allegations are “troubling, alarming and discomfoting”. The perception created is that the applicant and government co-respondents in the are “crooks” and “corrupt” government leaders. These allegations are defamatory and lack *bona fides*.
- 25. Such a perception will be of prejudice to the applicant and government co-respondents in this case as it goes beyond the merits of this case and creates a perception in one’s mind that the applicant and government co-respondents are capable of such actions and are continually performing them.

Paragraph 2.1.11, 2.1.12, 2.1.13, 2.1.13.1 to 2.1.13.6

- 26. The following averments are totally irrelevant to the current proceedings and shockingly bad and excessive. Therefore, they are liable to be struck out.

“2.1.11 on the 27th of April 2018 the respondents announced the initiation of the new proposed one world order and their support thereof. The aforesaid statement reflects the respondent’s intention to participate with the rest of the world and is the respondent’s intentions furthermore amplified as set out herein. These actions of the respondents are in contrast with the Constitution of South Africa and an offence against the applicant’s

members in that the respondent's actions constitute high treason and an attempt to overthrow the current sovereign regime.

2.1.12 The Covid-19 Disaster Management Regulations (clause 11 (6) thereof provides inter alia for the sanction of criminal prosecution should these regulations be violated. The murder penalty may be imposed when the provisions of the regulations are contravened. It is however submitted that the respondents in its cooperation with the rest of the world and their compliance and willingness to implement the regime of the new world order are primarily responsible for the spread of the virus and subsequently responsible for all the deaths caused by the virus as will appear more carefully hereunder.

2.1.13 the respondents associate themselves with the World Health Organization, the Global Preparedness Monitoring Board (GPMB) and their protocols, which inter alia entail the following:

2.1.13.1 To conduct at least two worldwide training and simulation exercises, including one covering the deliberate release of a lethal respiratory pathogen.

2.1.13.2 To monitor the community's response and the various government's implementation methods of the imposed peremptory regulations.

2.1.13.3 The outcome thereof to be reported to the WHO.

2.1.13.4 The above monitoring process is applicable until September 2020.

2.1.13.5 The respondents are a participants in the above mentioned ideal.

2.1.13.6 These ideals are nothing other than a biological warfare against all citizens with the primary objective to enforce the ideals and objections of the new world order upon all citizens. These ideals are in contrast with the applicant's member's objections".

27. The allegations contained in the above paragraphs do not apply to the matter in hand and do not contribute one way or the other to the present matter. The averments are mainly opinion and hearsay evidence and/or not relevant to the proceedings. Therefore, the allegations contained in these paragraphs are inadmissible.

28. The allegations that "the murder penalty may be imposed when the provisions of Disaster Management Regulations are contravened" are not only irrelevant but they are also patently false. The respondent further creates false impression that the applicant and government co-respondents connive with WHO to launch the biological warfare against all citizens of the Republic. This allegation is not only irrelevant and scandalous but it is alarming and startling.

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29. Furthermore, the allegations that the actions of the applicant and government co-respondents in the main application “constitute high treason” are frightening, inherently abusive, grossly defamatory and irrelevant. These allegations create the perception that the applicant and government co-respondents are committing treason against the sovereign State and a crime of betraying the country and its people. These allegations are liable to be struck out.

30. The test for irrelevance is whether the allegations do not apply to the matter at hand or do not contribute one way or another to a decision of that matter. The above averments have no connection with the relief sought or these proceedings and are liable to be struck out. Inadmissible evidence is by its very nature irrelevant.⁶

Paragraph 4.2 to 4.4.8

31. The following averments fall to be struck out.

“4.2 The first cluster of the outbreak of the Corona virus was first reported on the 31st of December 2019 when the World Health Organization in China informed the Chinese authorities that they identified a new type (novel) corona virus. The first case of the virus was confirmed to have spread to South Africa on the 5th of March 2020, with the known first patient being a South African

⁶ National Director of Public Prosecutions v Zuma, 2009 (2) SA 277 SCA para 23

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returning from Italy. The outbreak of the virus effected an international lockdown protocol. The South African and world economy basically came to a standstill.

4.3 The said occurrence synchronizes with the events as set out in Matthew 24 and the book of Revelations in that nations shall rise against nations, and Kingdom against kingdom and there shall be fairness, and pestilences, and earthquakes at various places.

4.4 The ongoing attempt by the World Health Organization hereinafter called the WHO, to create a cure vaccine for the virus seems noble, but when one analyses and consider the participation and relationship of the renowned information technology company Microsoft and the owners Bill & Melinda Gates with the World Health Organisation (WHO), then the following becomes evident:

4.4.1 The Bill & Melinda Gates Foundation is a funding organization based in Seattle, Washington USA and are they currently the world's second largest donor to the WHO.

4.4.2 They are guided by the belief that every life has equal value and does their foundation focus on improving people's health and

giving them a chance to lift them out of extreme hunger and poverty.

4.4.3 Their primary priorities are that they focus on discovering new insights to fight serious diseases and other health problems, developing effective and affordable vaccines and medicines and to deliver proven health solutions to those who need them most.

4.4.4 The WHO lobbies for a new world economy and entails that the world will become a new world order with a one world government. The respondents support the WHO protocol and on various occasions publicly announced that it supports the aforesaid ideals. The respondents and its leadership support the United Nations, SADC, BRICS, G20, the Commonwealth and other international organisations, in order to participate in the international objection to form a new world order. The fact, that the respondents are a role player and participate in forming this new regime, remains their prerogative. The problem is however that the applicant and its members are not allowed to participate in this objection and cannot be part thereof. Therefore, the prayers as set out in the notice of motion that will entitle the applicants members protection from this regime in their own sovereign land.

4.4.5 Although the idea of the one world order is an ongoing ideal, it became prominent in the modern era when the late President of the United States of America George Bush announced the initiation thereof on or during the Iraq war in 1991. The United Nations furthermore published a development plan in 2016 setting out various goals in order to achieve the objections of the one world. One of the goals as set out in the development plan goal 16.9, specifically refers to radio frequency identification. This will entail electronic identity by way of a technological chip in the hand and forehead. The goal is that this form of identity will become peremptory for all citizens in the world by 2030. According to a 2017 publication the Chinese leader Xi Jinping vowed to lead a new world order.

4.4.6 The current Covid-19 pandemic and the serious need of a vaccine will accompany the 16.9 goal as set out in 4.4.5 above, in that the cure vaccine for the pandemic will be in the form of a radio frequency identification. The logic behind this form of identification and accompanying vaccine is that each member of public will be chipped // marked and regulated in order to participate in public space inclusive of socio-economic activity (The new normal). The device will enable all citizens to carry personal identity, banking, and health details on this device. The aforesaid is also a goal of the WHO and the respondents in that

they support this goal in reasoning that all citizens will remain safe in public spaces as a result of the ability of the device.

4.4.7 The applicant and its members are not allowed to participate in the regime as set out in the prophesy of Revelations 13, that state that all citizens on earth both small and great, rich and poor, free and enslaved, to receive a mark in their right hand, or in their foreheads and that no one might buy or sell except he that had the mark. The applicant and its members are of the people who are prohibited from taking the mark.

4.4.8 The respondents received financial assistance on or during March 2020 from China and secured assets of the Republic of South Africa as a condition of loan. China also supports the United Nations development plan and work hand in hand with the WHO. China developed technology as a result of the Covid-19 pandemic that inter alia entails track and trace and radio frequency identification of their citizens that has the functionality and ability to carry data of any form of vaccine. The aforesaid is indicative of the motive of the respondents to participate with China and other organization in order to form the new world order”.

32. The respondent in the above paragraphs raises multiple averments which are deeply flawed, confusing and irrelevant. The allegations relating to Bill and

Melinda Foundation, former President of United States of America George Bush, the Chinese authorities, Matthews 23 and book of Revelations, and matters relating to WHO and Covid 19 are patently irrelevant and therefore inadmissible evidence. These averments are also argumentative and/or hearsay.

33. The averments are scandalous and vexatious on the basis that the respondent makes bald allegations that the applicant and co-respondents received financial assistance from China and secured assets of South Africa as a condition of loan. These averments are defamatory in a sense that they send a wrong message that the applicant and government co-respondents are reckless and irresponsible government leaders who do not exercise duty of care entrusted upon them to look after the assets of the State.
34. In this regard, the desired import of the offending paragraphs and statements is that the applicant and government co-respondents, have questionable leadership morals and no respect for constitutional democracy and fail to discharge their constitutional duties with due diligence.
35. Such a perception will be of prejudice to the applicant and government co-respondents in this case as it goes beyond the merits of this case and create the impression that the respondents are careless government leaders and put the assets of the Republic at risk. The averments attack the credibility of the applicant and government co-respondents. Therefore, the statements are irrelevant to the merits of the matter.

THE ELEMENT OF PREJUDICE

36. I submit that the above paragraphs are prejudicial to the applicant and government co-respondents. The decisive factor in determining whether to grant the application to strike out is the "existence" of prejudice to the applicant and by, extension, to the co-respondents in the main application.
37. This court is asked not to allow the above paragraphs to form part of the record of the present matter. In **Hellen Suzman Foundation**⁷, the Constitutional Court (“CC”) in determining whether the matter is scandalous, vexatious or irrelevant reminded us that:

“ ... “Scandalous” allegations are those which may or may not be relevant but which are so worded as to be abusive or defamatory; a “vexatious” matter refers to allegations which may or may not be relevant but are so worded as to convey an intention to harass or annoy; and “irrelevant” allegations do not apply to the matter in hand and do not contribute one way or the other to a decision of that matter. The test for determining relevance is whether the evidence objected to is relevant to an issue in the litigation ... Courts should not lightly allow vitriolic statements of this kind to form part of the record or as evidence. And courts should never

⁷ **Helen Suzman Foundation v President of the Republic of South Africa and Others; Glenister v President of the Republic of South Africa and Others**, (CCT 07/14, CCT 09/14) [2014] ZACC 32; 2015 (1) BCLR 1 (CC); 2015 (2) SA 1 (CC) (27 November 2014) paras 28 and 30.

be seen to be condoning this kind of inappropriate behaviour,
embarked upon under the guise of robustness. ... the additional
evidence is "troubling, alarming and discomfoting" ..."

(Underlining supplied)

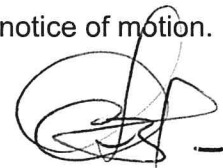
38. I submit that the words and statements contained in the above paragraphs are so worded as to be scandalous, vexatious and irrelevant; and convey the respondent's intention to annoy, harass and defame the applicant including government co-respondents, thus resulting in substantial prejudice.

COSTS

39. The general rule is that costs must follow the result. Therefore, I respectfully ask this court that there will be no reason for it to deviate from the general rule, with the result that the respondent must pay the costs of this application in case it opposes these proceedings.

CONCLUSION

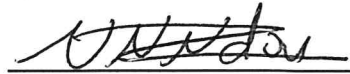
40. In view of the above, I submit that a strong case has been made out for the relief sought. I therefore pray for an order in terms of the notice of motion.



DEPONENT

I CERTIFY that the deponent has acknowledged that ~~she~~he knows and understands the contents of this affidavit, which was signed and sworn to,

before me, at Pretoria on this the 24th day of NOVEMBER 2021, the Regulations contained in Government Notice No. R.1258 dated 21 July 1972 (as amended) and Government Notice No. R.1648 dated 19 August 1977 (as amended) having been complied with.



COMMISSIONER OF OATH

NAME: NTEVHELENI NANCY MDOU

CAPACITY: Attorney

ADDRESS: _____

AREA: _____

PRACTISING ATTORNEY
COMMISSIONER OF OATHS
RAPEA ATTORNEYS INCORPORATED
250 PRETORIUS STREET, SUITE 111
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mm MM