

**NOTICE OF MOTION
IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
CASE NO:**

In the matter between:

RICARDO MARMAN **Applicant**

**MORE THAN EIGHT THOUSAND
EIGHT HUNDRED SOUTH AFRICANS** **Co-applicants**

And

**THE PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA** **First respondent**

THE SPEAKER OF PARLIAMENT **Second Respondent**

**THE GOVERNOR OF THE SOUTH AFRICAN
RESERVE BANK** **Third respondent**

**NOTICE OF MOTION: AN APPLICATION FOR EXCLUSIVE JURISDICTION AND OR
DIRECT ACCESS**

KINDLY TAKE NOTICE that the abovementioned Applicants intend to apply to this Court for an order in the following terms:

1. Declaring that this application falls within the exclusive jurisdiction of this Court in that it alleges the failure of the respondents to discharge their constitutional obligations as per section 167(4)(e) of the Constitution.
2. Alternatively, should the Court adjudicate that this application does not fall within its exclusive jurisdiction, the Constitutional Court should grant the Applicants direct access as per section 167(6)(a) of the Constitution, due to the importance of the matter, the

interest of justice, it is a Constitutional matter, it involves the interpretation of the Constitution, the exceptional circumstances, due to the nature of the recourse sought and the Western Cape High court found it to be of public interest.

3. Declaring that the First Respondent did not provide reliable proof of the existence of the SARS-COV2 virus, to the public, for more than 18 months as reasonable justification for him having declared a national state of disaster, in accordance with an open democratic society, as he should have done in terms of sections 36(1) and 32(1) of the Constitution.
4. Declaring the conduct of the First Respondent to be invalid and inconsistent with the Constitution insofar as he limited and continues to limit rights in the Bill of Rights without having produced the isolated and purified SARS-COV2 virus in order to have justified such limitations in terms of sections 36(1) and 32(1) of the Constitution.
5. Declaring that, in addition to having violated sections 36(1) and 32(1) of the Constitution, the First Respondent's conduct set out in paragraph 3 above violated section 83(b) of the Constitution.
6. Declaring the conduct of the First Respondent set out in paragraph 3 to have been unreasonable and irrational insofar as him having instituted measures to restrict Constitutional Rights without having provided justification that passed constitutional muster (i.e. he should have provided proof of the existence of the isolated and purified SARS-COV-2 virus).
7. Declaring that the Second Respondent failed in its duty to have instituted all processes and mechanisms in place in order to have held the First Respondent accountable to his oath of office, to protect, defend and uphold the Constitution when he declared a national state of disaster without Parliamentary oversight as it should have been done as per section 55(2) of the Constitution.
8. Declaring that the Second Respondent failed in its duty to have instituted all processes and mechanisms in place in order to have held the First Respondent accountable when the First Respondent refused and or failed to have produced the isolated and purified, SARS-COV-2 virus.

9. Declaring that the Second Respondents' failures stated at paragraphs 7 and 8 above violated sections 37(1), 42(3), 48 and 55(2) read with sections 1(a), 1(c) and 1(d) of the Constitution.
10. Declaring that the Second Respondent in particular Ms Modise, former Speaker of Parliament, was conflicted when the Second Respondent failed in its duties as per paragraph 7, 8 and 9 above.
11. Declaring that the Third Respondent, as independent and sole authority under the Constitution over the money and credit of the nation, failed to have independently verified and provided public proof of such, the validity and justification of the declaration made by the First Respondent (i.e. should have independently verified the existence of an isolated and purified SARS-COV-2 virus) before it effectively directly and or indirectly financed the implementation of such declaration with the tax-payer ultimately responsible for the financial obligations incurred, as he should have done as per section 224(2) of the Constitution.
12. Declaring that the Third Respondent failed to have independently verified the validity of the declaration of national state of disaster before it made adjustments to the nations monetary policy, as it should have done, which in turn had negative consequences on the people of South Africa.
13. Declaring that the Third Respondent was conflicted (a conflict of interest existed), in particular Mr Kganyago when he participated in the measures which incurred financial obligations on the people of South Africa as per paragraph 11 above.
14. Directing the First, Second and Third Respondents to accede to the request of the Applicants to voluntarily resign and dissolve themselves in an orderly manner, because these harms occurred under their direct and personal supervision and authority.
15. Directing the Third Respondent to compensate and to set up such measures in order to do so in an orderly fashion, all South Africans who have suffered financial losses as a result of the declared national disaster.
16. Directing and declaring the national state of disaster declaration and the lockdown measures declared and implemented by the First Respondent's conduct set out in paragraph 3, to be invalid and set aside, because he acted without any reasonable justification as he should have done in an open democratic society.

17. Directing that the Supplementary Budget Review of 24 June 2020 in which fiscal policy was adjusted specifically for "COVID-19", to be invalid and set aside. Directing that national debt and financial obligations incurred by the Respondents on behalf of the people of South Africa, relating to "Covid-19" to be invalid and set aside.
18. Directing and declaring that the First and Second Respondents be held liable in their personal capacities for any or all financial losses suffered by the people as a result of the commissions and omissions of the Respondents. And that the Third Respondent be held liable in his representative as well as in his personal capacity for any or all financial losses suffered by the people as a result of the commissions and omissions of the Respondent.
19. Directing the First Respondent to call a referendum for the people to decide on:
 - a. A vote of no confidence in all the Respondents;
 - b. Liquidation of the SARB to cover all financial losses suffered as a consequence of its actions and failures to act in accordance with its constitutional obligations.
 - c. To decide on a metal-based currency and the abolition of interest, to prevent future unjustified and harmful manipulation of our national money and credit systems.
 - d. To decide on direct Presidential elections and individual candidates in our electoral system as opposed to a party based system, which has caused conflicts of interests and rendered separation of powers and checks and balances ineffective.
20. Directing and compelling the Respondents if they oppose this application to pay the costs jointly and severally, such costs to include the costs of two counsel.
21. Further and/or alternative relief.

TAKE NOTICE FURTHER that the affidavit of **RICARDO MARMAN** will be used in support of this application.

TAKE NOTICE FURTHER that the applicant has appointed JJS Manton Attorneys, Suite 716, 7th Floor, Marlborough House, 127 Fox Street, Johannesburg, Gauteng, as the address at which he will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that the Applicants has appointed the following email address (rainbownation2020@yahoo.com) as the address at which they will receive notices and service of all processes in this matter.

TAKE NOTICE FURTHER that if you intend opposing this application, you are required to notify the Applicants' designated attorneys via email at (rainbownation2020@yahoo.com) and further that you may file answering affidavits.

KINDLY ENROL THE MATTER ACCORDINGLY.

DATED AT JOHANNESBURG THIS 23 DAY OF SEPTEMBER 2021

JJS Manton Attorneys

Applicant's Attorneys

TO: **THE REGISTRAR**
Of the above Honourable Court

Constitutional Court
1 Hospital Street
Constitution Hill
Braamfontein
2017

General office: of the Constitutional Court (Registrar):
Tel: +27 11 359-7468 / 7460 / 7465
Email: generaloffice@concourt.org.za / registrar@concourt.org.za.

**AND TO: THE PRESIDENT OF
THE REPUBLIC OF
SOUTH AFRICA**

Union Buildings
Government Avenue,
Pretoria
Telephone: +27 (0)12 300 5200
Fax: +27 (0)12 323 8246
Email: PresidentRSA@presidency.gov.za

AND TO: THE SPEAKER OF PARLIAMENT

Parliament Street, Cape Town
PO Box 15, Cape Town, 8000
Tel : (021) 403-2911
Fax: (021) 403-8219
Email: speaker@parliament.gov.za

**AND TO: THE GOVERNOR OF THE
SOUTH AFRICAN RESERVE BANK**

370 Helen Joseph Street,
Pretoria, 0002
P O Box 427,
Pretoria, 0001
Telephone: 0861 127 272
Email: governor@resbank.co.za