

Ian Levitt

ATTORNEYS & CONVEYANCERS

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Our Ref : A CHARALAMBOUS/MAT2648
Date : 22 FEBRUARY 2021

TO:

THE PRESIDENCY – REPUBLIC OF SOUTH AFRICA

PER EMAIL: presidentrsa@presidency.gov.za

PERSONAL ASSISTANT TO THE PRESIDENT

ATTENTION: MALEBO SIBIYA

PER EMAIL: malebo@presidency.gov.za

Dear Sirs,

RE: ECONOMIC FREEDOM FIGHTERS CALL FOR THE OPENING OF THE POLITICAL SPACE WITHIN THE REPUBLIC OF SOUTH AFRICA

1. We refer to the above.
2. We act on behalf of the Economic Freedom Fighters, the 3rd largest political party in South Africa (“**our client**”).
3. As you know, the political space including physically attending at political gatherings, municipal council sittings, offices of the legislature, as well as parliament and the National Assembly are currently prohibited in terms of the Adjusted Level 3 regulations as gazetted in Gazette 44044 of 29 December 2020, as amended by Gazette 44051 of 29 December 2020, Gazette 44066 of 11 January 2021, Gazette 44130 of 1 February 2021, Gazette 44158 of 13 February 2021 and Gazette 44159 of 13 February 2021 (“**the lockdown regulations**”). The lockdown regulations currently state as follows: “**36(4) Gatherings at - (a) political events; and (b) traditional community meetings (izimbizo), are prohibited.**”
4. These lockdown regulations prohibit a political party from engaging in programmes and activities to hold government accountable for their actions and furthermore prohibit the



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CONVEYANCER: IN ASSOCIATION WITH MICHELLE CHAVKIN ATTORNEYS

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campaigning of political programmes and activities in preparation of the 2021 Local Government Elections (which in all likelihood will take place in November 2021).

5. Further to the above, section 17 of our Constitution states as follows: *“Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.”*

6. Furthermore, section 19(1) provides that:

“Every citizen is free to make political choices, which includes the right–

...

(b) to participate in the activities of... a political party; and

(c) to campaign for a political party of cause.”

7. The lockdown regulations as they currently stand, constitute an unjustified limitation to the sections 17 and 19 political rights guaranteed by the Constitution.

8. We are accordingly writing to the office of the Presidency, on behalf of our client, to request that the lockdown regulations be amended to provide for political gatherings to be allowed in terms of and in compliance with all Covid 19 health protocols and social distancing measures including the wearing of masks and keeping a safe distance from other attendees.

9. To continue to ban these gatherings is arbitrary and irrational when one scrutinises the balance of the lockdown regulations which allow for gatherings in restaurants, large workspaces, faith-based institutions, museums, beaches etc. The prohibition of “political gatherings” is illogical and irrational, specifically when one can gather at a public beach or swimming pool, but are criminalised when they gather to challenge the government, to protest, or assemble peacefully.

10. There can be no cogent reason as to why social activities are worthy of greater protection and freedoms than the cited political rights, taking into account the nature of these rights and their jurisprudence.

11. Accordingly, and on behalf of our client, we hereby demand that the lockdown regulations be amended to allow for political gatherings which comply with all Covid 19 health protocols and social distancing measures.

12. We await your urgent response but by no later than close of business on Friday, 26 February 2021.

Yours faithfully,

IAN LEVITT ATTORNEYS
PER: A CHARALAMBOUS

Sent electronically and therefore unsigned