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African Commission on
Human and Peoples' Rights

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COMMUNICATION 795/22

**Liberty Fighters Network and Reyno
Dawid de Beer (represented by Reyno
Dawid de Beer)**

V

The Republic of South Africa

*Adopted by the
African Commission on Human and Peoples' Rights
During the 84th Ordinary Session held virtually from 21 to 30 July 2025,*



Hon. Commissioner Idrissa Sow
Chairperson to the African Commission
on Human and Peoples' Rights



Ms. Abiola Idowu-Ojo
Executive Secretary to the African
Commission on Human and Peoples' Rights



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Decision of the African Commission on Human and Peoples' Rights on Strike Out

Communication 795/22 – Liberty Fighters Network and Reyno Dawid de Beer (represented by Reyno Dawid de Beer) v. The Republic of South Africa

Summary of facts

1. The Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) received a Communication on 6 October 2021, submitted by the Liberty Fighters Network and Reyno Dawid de Beer (the Complainants).
2. The Complaint was lodged against the Republic of South Africa (hereinafter referred to as the Respondent State), a State that became party to the African Charter on Human and Peoples' Rights (the African Charter) on 9 July 1996.
3. The First Complainant is Liberty Fighters Network, a common law voluntary association, functioning as a non-governmental organisation registered in terms of the laws of the Respondent State, and the Second Complainant is an adult male citizen of the Respondent State. The Second Complainant is also the legal representative of the association.
4. According to the Complainants, on 15 March 2020, the Minister of Cooperative Governance and Traditional Affairs, Dr Nkosazana Dlamini-Zuma, declared a national state of disaster after the emergence of the COVID-19 pandemic, in terms of Section 27 of the Disaster Management Act, 2002.
5. The Complainants state that on 18 March 2020, the same Minister promulgated the Disaster Management Act Regulations (hereinafter called the Regulations) specific to the pandemic.
6. However, the Complainants allege that the Regulations overstepped their threshold, resulting in grave human rights violations.





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7. The Complainants also allege the following violations: the restriction of the freedom of movement; invasion of privacy; coercing people to get vaccinated for COVID-19 or getting tested for it, including coercing employees to undergo forced vaccinations under false pretences; arrest and criminal prosecution of people for violating the Regulations; encroaching on the human rights of children, women and the elderly; interference with practising religion and other faiths; prevention of participation in protests and gatherings; disrupted access to the courts and other tribunals resulting in a lack of access to justice; discrimination against peoples' freedom of expression and opinion; economic abuse resulting in a loss of income and employment to millions of people and the prohibition of tobacco and alcohol resulting in psychological abuse of addicts without proper medical supervision.
8. The Complainants aver that they challenged the declaration of the national state of disaster in the Respondent State's courts. The Complainants also aver that there are five court challenges emanating from this.
9. The Complainants allege that the Respondent State continued applying the Disaster Management Act Regulations despite obtaining an order declaring them unconstitutional from the High Court, Gauteng Division in Pretoria on 2 June 2020.
10. Additionally, the Complainants allege a series of improprieties by the courts emanating from the dismissal of some of their applications before the Constitutional Court.

Alleged violations

11. The Complainants allege the violation of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 19, 20, 22, 23, 24, 25 and 26 of the African Charter.

Prayers

12. The Complainants request the Commission to find a violation of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 19, 20, 22, 23, 24, 25 and 26 of the African Charter.

Procedure

13. The Secretariat of the African Commission on Human and Peoples' Rights (the African Commission) received the Complaint on 6 October 2021 and acknowledged its receipt through a letter dated 27 June 2022.





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Human Rights our
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14. The Complaint was seized on 9 August 2022 as it fulfilled all the requirements of Rule 115(1) of the Rules of Procedure of the African Commission on Human and Peoples' Rights (ROP 2020), and the Secretariat also requested submissions on admissibility and merits from the Complainants.
15. On 1 November 2022, the Complainants wrote a letter to the Secretariat requesting an extension of time to file submissions on admissibility and merits by 13 December 2022 in terms of Rule 98 of ROP 2020.
16. By way of a letter dated 17 November 2022, the Secretariat granted the Complainants an extension of time to file its submissions on admissibility.
17. On 13 December 2022, the Complainants wrote a letter to the Secretariat, requesting the latter to suspend the Complaint as they had not exhausted local remedies and an opportunity to do so had arisen in the Constitutional Court of South Africa.
18. Regrettably, there has not been any communication or feedback from the Complainants since their last communication two years and seven months ago.

Analysis of the African Commission on Strike Out

19. Rule 124(2) of ROP 2020 provides that where a Complainant fails to pursue their Communication or show proper due diligence in prosecuting it, the Commission may at any stage of the proceedings decide to strike it out.
20. Additionally, Rule 98 states that either party may apply to the Commission for an extension of the period stipulated for a particular submission, prior to its expiry.
21. In the present Communication, the Commission notes that after the Complaint was seized, the Complainants were invited to present their Arguments and Evidence on the Admissibility and Merits of the Communication within sixty (60) days of receipt of the notification.
22. The Commission further notes that the Complainants did not present their Arguments and Evidence on Admissibility and Merits within the sixty (60) days' notice. The Commission also notes that the Complainants requested an extension of time, which was granted.
23. However, the Complainants wrote another letter on 13 December 2022, after the extension of time they had been granted in terms of Rule 98 of the ROP 2020 had





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African Commission on
Human and Peoples' Rights

Human Rights our
Collective Responsibility

lapsed, requesting the Commission to suspend the Complaint until the former had successfully exhausted local remedies.

24. The Complainants highlighted that they did not intend to withdraw the Complaint, instead requesting that the Commission suspend the matter, a procedure that is not catered for in the ROP 2020.
25. Since then, the Complainants have not made any strides or shown any interest in prosecuting their Complaint before the Commission, nor have they given any feedback or updates on their efforts in doing so.
26. The Commission notes that more than two years and seven months have lapsed since the extension of time the Complainants had requested and committed to submitting their Arguments and Evidence on Admissibility and Merits of this Communication, which they did not do.
27. In view of the foregoing, the Commission concludes that the Complainants have not shown any interest in pursuing the present communication.
28. The Commission draws attention to its case law, in particular in communications 735/19 Residents of the Mau Forest Complex (represented by the Centre for Comparative and International Law and the Institute for Human Rights and Development in Africa) v The Republic of Kenya; 594/15 Mohammed Ramadan Mahmoud Fayad Allah v. Arab Republic of Egypt; 612/16 Ahmed Mohammed Ali Subaie v. Arab Republic of Egypt; 412/16 Ahmed Mohammed Ali Subaie v. Arab Republic of Egypt. Arab Republic of Egypt; 412/12 Journal Echos du Nord v. Republic of Gabon and communication 387/10 Kofi Yamagnane v. Togo, which were also struck out for lack of diligent prosecution.

Decision of the African Commission

29. In view of the above, the Commission decides to strike out the present complaint for want of diligent prosecution.

Adopted at the 84th Ordinary Session of the African Commission, held virtually from 21 to 30 July 2025.

