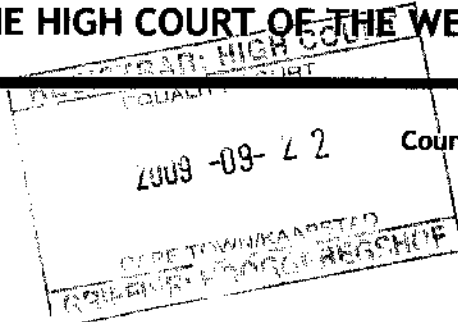


IN THE HIGH COURT OF THE WESTERN CAPE



Lara Johnstone
And
Magistrate Louw

Court File No: 19963/09
Applicant

Nat. Dir. Of Public Prosecutions¹
» Hon. Patricia de Lille, MP, ID
» Mr. Thabo Mbeki, Former President
» Mr. Bulelani Ngcuka, Former NPA Nat. Dir.
» Mr. J.S. Selebi, Former SAPS Comm.
» Mr. BM Skosana, Former Min. Corrections
» Mr. Nelson Mandela, Former President

First Respondent
Second Respondent
Third Respondent
Fourth Respondent
Fifth Respondent
Sixth Respondent
Seventh Respondent
Eighth Respondent

Minister of Citizenship & Immigration, Canada
Per: Deputy Attorney General of Canada
Per: United Nations High Commissioner for Refugees
Per: Consulate General of Switzerland, Capetown

Ninth Respondent
See [10], [11], [12] & [13]

The Nobel Institute: Norwegian Nobel Committee
Per: Royal Norwegian Consulate, Capetown

Tenth Respondent
See [10], [11], [12] & [13]

NOTICE OF INTENTION: APPLICATION FOR LEAVE & FOR JUDICIAL REVIEW:

ITO § 309B (1)) & 304A of Criminal Procedure Act ("CPA"); with § 24(1) of the Supreme Court Act:

Please Take Notice That:

- [1] An Application for Leave to Commence an Application for Judicial Review under § 309B (1)) & 304A of Criminal Procedure Act ("CPA"); and § 24(1) of the Supreme Court Act has been commenced by the Applicant.
- [2] In terms of § 304A of the Criminal Procedure Act, *Review of Proceedings Before Sentence*, if a magistrate after conviction but before sentence is of the opinion that the proceedings in respect of which he brought in a conviction are not in accordance with justice, he shall, without sentencing the accused, record the reasons for his opinion and transmit them, together with the record of proceedings to the registrar of the provincial division having jurisdiction, inform the accused accordingly, and postpone the case to some future date pending the outcome of the review proceedings. Such registrar shall, as soon as is practicable, lay the same for review in chambers before a judge, who has the same powers as under § 303.
- [3] In terms of § 309 B, when in any application for Leave to Review, it is shown by affidavit, that further evidence which would presumably be accepted as true, is available; that if accepted the evidence could reasonably lead to a different decision or order; and save in exceptional

¹ See: *State v. Johnstone: Legal Argument, 11 August 2009: Legal Argument: Facts Not In Dispute*: (I) At 15:23; 15:32 and 18:32 hrs, on 10 July 2007, the Defendant sent three SMS's to the Plaintiff, for the attention of: (i) Mr. Thabo Mbeki, (ii) Mr. Bulelani Ngcuka, (iii) Mr. J.S. Selebi, (iv) Mr. B.M. Skosana, (v) Mr. Nelson Mandela, and (vi) Mrs. Patricia de Lille; all c/o Plaintiff, in her capacity as *Non Sub Judice Executive, Opposition Party*; (II) At 10:23 and 11:32 hrs on 16 July 2007, the Defendant sent two SMS's to the Plaintiff, for the attention of (i) RSA Legislature; (ii) RSA Judiciary; (iii) RSA Executive Officials; all c/o Plaintiff, in her capacity as *Non Sub Judice Executive, Opposition Party*

Answer KK

IN THE HIGH COURT OF THE WESTERN CAPE

Court File No: 19963/09

Lara Johnstone
And

Applicant

Magistrate Louw

First Respondent

Nat. Dir. Of Public Prosecutions¹

Second Respondent

- » Hon. Patricia de Lille, MP, ID
- » Mr. Thabo Mbeki, Former President
- » Mr. Bulelani Ngcuka, Former NPA Nat. Dir.
- » Mr. J.S. Selebi, Former SAPS Comm.
- » Mr. BM Skosana, Former Min. Corrections
- » Mr. Nelson Mandela, Former President

- Third Respondent
- Fourth Respondent
- Fifth Respondent
- Sixth Respondent
- Seventh Respondent
- Eighth Respondent

Minister of Citizenship & Immigration, Canada

Ninth Respondent

- Per: Deputy Attorney General of Canada
- Per: United Nations High Commissioner for Refugees
- Per: Consulate General of Switzerland, Capetown

The Nobel Institute: Norwegian Nobel Committee

Tenth Respondent

- Per: Royal Norwegian Consulate, Capetown

Affidavit of Lara Johnstone in Support of Proof of Service of Notice of Intention: Application for Leave and for Judicial Review; in terms of § 309B (1) & 304A Criminal Procedure Act ("CPA"); § 24(1) Supreme Court Act

I, the undersigned, Lara Johnstone, do hereby make oath and say that:

The **Notice of Intention: Application for Leave and For Judicial Review**, herein served on upon Respondents, consists of the Notice of Motion: **Notice of Intention: Application for Leave and For Judicial Review** (Pages: 12) [PDF:80K²], and its enclosures, submitted for paper and financial saving purposes on an Attached DATA DVD.

1. DATA DVD: **Notice of Intention: Application for Leave and for Judicial Review, dated 11 September 2009**, which consists of the following written evidentiary documents and video documentaries:

A. **Annexure AA: Legal Argument**: which consists of:

[AA.01] **State v. Johnstone: Legal Argument dated 11 August 2009³**, as per 13 August 2009, Request to Cape Bar Human Rights and Pro Bono Committees: **Request for:**

¹ See: *State v. Johnstone: Legal Argument, 11 August 2009: Legal Argument: Facts Not In Dispute*: (I) At 15:23; 15:32 and 18:32 hrs, on 10 July 2007, the Defendant sent three SMS's to the Plaintiff, for the attention of: (i) Mr. Thabo Mbeki, (ii) Mr. Bulelani Ngcuka, (iii) Mr. J.S. Selebi, (iv) Mr. B.M. Skosana, (v) Mr. Nelson Mandela, and (vi) Mrs. Patricia de Lille; all c/o Plaintiff², in her capacity as *Non Sub Judice Executive, Opposition Party*; (II) At 10:23 and 11:32 hrs on 16 July 2007, the Defendant sent two SMS's to the Plaintiff, for the attention of (i) RSA Legislature; (ii) RSA Judiciary; (iii) RSA Executive Officials; all c/o Plaintiff³, in her capacity as *Non Sub Judice Executive, Opposition Party*

² <http://docs.google.com/fileview?id=0B4TzWfmsUmX9YTRiODdmZTgtZTk1OS00ODQzLTg1NGItY2NkODM5NzYwZjAz&hl=en>

³ <http://crimeninuria.blogspot.com/2009/08/court-proceedings-of-12-august-2009.html>

Impartial Record Keeping of Documentation: State v. Johnstone: Legal Argument, dated 11 August 2009 (PDF:1154K⁴), and two DATA DVD's:

[AA.02a] DATA DVD: *Alternative Perspectives: 'Crimen Inuria' Concepts*⁵, and

[AA.02b] DATA DVD: *Legalizing Evil II: Disobedience to Authority: A Political Necessity: P-al'Qaeda + TARBush = Catch 22*⁶

B. **Annexure BB: Conviction Unofficial Written Reasons: Paraphrased (99% accurate) of Decision of Court A Quo/First Respondents Finding of Guilt in Capetown Magistrates Court, on 12 August 2009 (PDF:4060K⁷); in Magistrate's Court File 14/1198/08 (previously # 17/1384/07), also known as SAPS File: CAS: 1340/7/07 (previously George: 572/02); received by the Applicant on 12 August 2009, during court proceedings, wherein the Magistrate found the Defendant/Applicant Guilty on three charges of Crimen Injuria.**

C. **Annexure CC: Necessity & 'Citizens Privilege' Defence:** which consists of:

[CC.01] *SA Law Commission: Issue Paper 6: Simplification of Criminal Justice Procedure (PDF:58K⁸), 1997, documenting Legitimacy Crisis & Inefficiency of Criminal Justice System: Ch: 2, 3 & 5;*

[CC.02] *Civil Disobedience and the Necessity Defence (PDF:281K⁹), by John Alan Cohan, Pierce Law Review, Vol 6, No 1; which includes 'Citizens Privilege' and Nuremberg Principles Defence, et al;*

[CC.03] *The Right to a Meaningful and Informed Participation in the Criminal Process, by Fawzia Cassim, Unisa, Doctorate of Law Thesis, 2003: [a] Ch.3 Meaningful Informed Participation (PDF:68K¹⁰); [b] Ch.5 Right to Information (PDF:967K¹¹); [c] Ch 6 The Right to Understand (PDF:198K¹²); [d] Ch 10 Right to Present One's Case (PDF:321K¹³), etc.*

D. **Annexure DD: Jury Nullification Defence:** which consists of:

[DD.01] *The International Development of the Jury: The Role of the British Empire (PDF:400K¹⁴), by Richard Vogler, Sussex University, UK;*

[DD.02] *Lay Participation in South Africa: From Apartheid to Majority Rule (PDF:229K¹⁵), by Milton Seligson, S.C., Senior Counsel of the High Court of SA, Member of Cape Bar, Capetown, SA;*

[DD.03] *A Juror's Handbook: Citizens Guide to Jury Duty (PDF:96K¹⁶), by James Joseph Duane, Associate Professor at Regent Law School in Virginia Beach, Virginia; which includes Jury Nullification: The Top Secret Constitutional Right.*

E. **Annexure EE: Canada IRB Ruling 27 Aug 2009:** The decision of Board Member William Davis of the Canadian Refugee Protection Division of the Immigration and Refugee Board (the "RPD") dated August 27, 2009, in file number MA8-04910: Brandon Carl Huntley¹⁷ (PDF:21K¹⁸) (Pages 11-16).

F. **Annexure FF: Why We Are White Refugees:** which includes:

⁴ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9Zm15NDBhMmUtOTY1Mj00NjgzLTBhNjMtMjFmMzU4Y2IyY2U2&hl=en>

⁵ <http://crimeninuria.blogspot.com/2009/08/1a-11-aug-data-dvd-12-alternative.html>

⁶ <http://crimeninuria.blogspot.com/2009/08/1a-11-aug-data-dvd-22-07-05-23.html>

⁷ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9OTlMOTjYtQmMl5MS00ZGZkLWFmN2ItNzY0Y2RkZGQ0MTQ5&hl=en>

⁸ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9ZTBmNDM2NTAtMGIZNi00ZjQ1LTgzNGEYtU4YtE4OTVjN2Nk&hl=en>

⁹ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9ZGMwMGVjOTctNjg4Mi00NmQ0LWFmOGItNzE3NjI1NTEyZmJl&hl=en>

¹⁰ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9YTUwODMwYzktMDIyMi00ZTMwLTg1MTU0NmVmMDEyN2NhZDY1&hl=en>

¹¹ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9ZjdMVTBjYmMjYjY5Yj00N2U1LWFmZmQ0MDJmNmFmMzFmMGE1&hl=en>

¹² <http://docs.google.com/fileview?id=0B4TzWFmSUmx9NTYzOWFmNGQ0NzhiNC00NDI2LTkzMDgtOTUxMwVjMTQ1Zjg0&hl=en>

¹³ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9NDZmZDZmNzgtMjE5ZC00ZDdkLWFmZGYtN2E3NmY2MjEzZm2Q4&hl=en>

¹⁴ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9NDQzZmRlZTktOTNmMy00MDM5LW10NTU0OTQ0OWRmZW11ZTlj&hl=en>

¹⁵ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9NmlyNzE0YWEtMwMyNi00NDM5LW10NTU0OTQ0OWRmZW11ZTlj&hl=en>

¹⁶ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9NDhmYTdjYjMtY2Y3MC00NmU2LTkxMjgtNjJiOTUzYTg0M2Ew&hl=en>

¹⁷ <http://why-we-are-white-refugees.blogspot.com/2009/09/transcript-of-irb-william-davis-ruling.html>

¹⁸ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9OGRmZTNkZDMtMzVlOS00Y2RlLWlyZDYtNzFkZWZkMzUzZTJi&hl=en>

illegitimate authority; and their application to the common law 'reasonableness test'.
(PDF:128K⁴³)

LANDDROS
KAAPSTAD
2009-09-22
CAPE TOWN
MAGISTRATE

1. **Annexure JJ: Affidavit of Lara Johnstone; in support of Notice of Intention: Application for Leave and for Judicial Review** (PDF:370K⁴⁴)

2. I served aforementioned **Notice of Intention: Application for Leave and For Judicial Review** and its enclosures DATA DVD, to the FIRST RESPONDENT (Magistrate Louw), by personal delivery, to his principal place of business, at 11:56 hours on the 22 day of September 2009, by hand delivering them to SHERLEEN DOLLIE, PERS ASSIST. The address to which I hand delivered the documents is **Magistrates Chambers Secretary, Capetown Magistrates Court, Capetown**, the correct address for the First Respondent.

Magistrates Capetown Secretary: Acknowledge Receipt: S. DOLLIE.

3. I served aforementioned **Notice of Intention: Application for Leave and For Judicial Review** and its enclosures DATA DVD, to the SECOND RESPONDENT (Director of Public Prosecutions: Snr. Prosecutor Jacobs), by personal delivery, to his principal place of business, at 2:00 hours on the 22nd day of September 2009, by hand delivering them to FATWA PERSONAL ASSIST. The address to which I hand delivered the documents is **Senior Prosecutor's Office, Capetown Magistrates Court, Capetown**, the correct address for the First Respondent.

Director of Public Prosecutions: Acknowledge Receipt:

2009-09-22
CAPE TOWN
SENIOR PROSECUTOR

4. I served aforementioned **Notice of Intention: Application for Leave and For Judicial Review** and its enclosure DATA DVD's, to the THIRD TO EIGHTH RESPONDENTS (Hon. Mrs. Patricia de Lille, Mr. Thabo Mbeki, Mr. Bulelani Ngcuka, Mr. Jackie Selebi, Mr. BM. Skosana, & Mr. Nelson Mandela), by personal delivery, to the Respondent's Legal Representative, SECOND Respondent (Snr. Pros. Jacobs) principal place of business, at 12:00 hours on 22nd September 2009, by hand delivering them to FATWA PERSONAL ASSIST. The address to which I hand delivered the documents is **Senior Prosecutor's office, Capetown Magistrates Court, Capetown**, the correct address of the Respondents Legal Representative.

Director of Public Prosecutions: Acknowledge Receipt:

2009-09-22
CAPE TOWN
SENIOR PROSECUTOR

5. I served aforementioned **Notice of Intention: Application for Leave and For Judicial Review** and its enclosures DATA DVD, to the NINTH RESPONDENT (Minister of Citizenship & Immigration, Canada), by personal delivery, to a legally and politically recognized Agent -- for official forwarding of official legal documentation, -- principal place of business, at 11:05 hours on 22nd September 2009, by hand delivering them to ANJA MUNGER, RECEPTIONIST. The address to which I hand delivered the

⁴³ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9YzRlZTE5Y2E0OWQ0Mj00YTA0LTk2YmU0OGI1NTcwMjBiZTAw&hl=en>

⁴⁴ <http://docs.google.com/fileview?id=0B4TzWFmSUmx9OTY4ODQxMGQlZWZWM3ZC00NTM4LWExNjQyYTRkYWQ0Yjk3OGQx&hl=en>

documents is *Consul General of Switzerland, No. 1 Thibault Square 26th Floor, Capetown, 8001.*

Consul General Irene Flückiger, is to take notice of the documentation, and act as Legal Agent, on behalf of *African White Refugees* referred to, by officially and legally forwarding the documentation to *United Nations High Commissioner for Refugees*, whose principal place of business is Case Postale 2500, CH-1211 Geneve 2 Depot, Suisse (Tel: 41-22-739 8111).

United Nations High Commissioner for Refugees, Mr. Antonio Guterres is to take notice of the documentation, and act as Legal Agent, on behalf of *African White Refugees*, referred to, by officially and legally forwarding the documentation to the NINTH RESPONDENT's, Official Legal Representative, *Deputy Attorney General of Canada* (John H. Sims, Q.C), at his principal place of business, *Ontario Reg. Office, Exchange Tower, 130 King St. West, Suite 3400; Toronto, Ontario, M5X 1K6* (Tel: 416-973 0965).

Consul General of Switzerland: Acknowledge Receipt:

DEL'S TO ANITA MURRAY
[Signature] @ 11:05
01/22/09/09

6. I served aforementioned **Notice of Intention: Application for Leave and For Judicial Review** and its enclosures DATA DVD, to the TENTH RESPONDENT (The Nobel Institute: Norwegian Nobel Committee), by personal delivery, to a legally and politically recognized Agent -- for official forwarding of official legal documentation, -- principal place of business, at *10:54* hours on *22* September 2009, by hand delivering them to *Adele Day*. The address to which I hand delivered the documents is *Royal Norwegian Consulate, 17th Floor, Southern Life Center, 8 Riebeek Street, Capetown* (Tel: 27-21-418 1276). (*ADELE DAY / RECEPTIONIST*)

HE Ambassador Tor Christian Hildan is to take notice of the documentation, and act as Legal Agent, on behalf of *African White Refugees* referred to, by officially and legally forwarding the documentation to TENTH RESPONDENT, at their principal place of business, *The Nobel Institute: Norwegian Nobel Committee, Henrik Ibsens Gate 51, No-0255 Oslo, Norway* (Tel: 47-22-129 300).

Royal Norwegian Consulate: Acknowledge Receipt:

[Signature]
DEPONENT: LARA JOHNSTONE

SIGNED and SWORN TO before me at Capetown on this the 22nd day of September, 2009; the Deponent having acknowledged that she knows and understands the contents of this affidavit, that she has no objection to taking the prescribed oath and that the oath is binding on her conscience.

[Signature] 54698233
SICST CORNELIUS
COMMISSIONER OF OATHS

