



19 April 2022

The Public Protector

Dear Adv. Mkwabani,

I wish to appeal to you to please investigate a case of human rights violations by the Minister of Health, Dr Joe Phaahla, for planning to amend the health act to incorporate the state of disaster act into the health act on a permanent basis.

The public are entitled to be given ninety (90) days to comment or object to such an amendment that gives sweeping and draconian powers to a minister that can have a serious and devastating impact on the lives of the citizens of this country.

1. The minister has unconstitutionally given the public a mere ten days to object.
2. The Department of Health (DoH) has not widely advertised the department's intentions to the public via all platforms to comment about the proposed amendments.
3. The person/people receiving the comments on the amendments have been deleting the emails without reading them.
4. The DoH has not given any reasons for making such an amendment.
5. The amendments, if accepted, will give the DoH the power to –
 - 5.1. declare an emergency at any time,
 - 5.2. take people who are suspected having of an infectious disease by force, against their will, into a state institution,
 - 5.3. through a state doctor, force the administration of any drug without a patient's consent, regardless of whether the drug is safe or not,
 - 5.4. indemnify doctors administering the drugs from litigation for adverse events, which is contrary to the Hippocratic Oath: "do no harm".
6. These powers are draconian and a gross violation of the public's constitutional rights when it comes administering drugs to the public. No one doctor or minister has the right to administer a drug without consent from the patient explaining the purpose of the drug, or the side effects of the drug.
7. Such a draconian law should not be made permanent if there is no emergency or threat to life.
8. Such a law/amendment could have a devastating effect on the survival of small, medium, and large businesses, because of complications as the law is shrouded with uncertainty.

Businesses can plan in uncertain times.

The death of small and medium enterprises will signal the death of entrepreneurship and the growing middle class. Small and medium enterprises provide 60% of the country's employment.

The ANC government, under President Cyril Ramaphosa, has made it clear that governments cannot provide jobs. According to him, it is up to big corporations to create jobs. He clearly omitted the role of small businesses to provide jobs, which makes one wonder if it was his plan to shut small businesses down as part of the new world order.

Kwanele. Genoeg. Enough.

If we do not stop the closure of small businesses, we will be committing economic suicide and lead to mass starvation.

9. Draconian laws that come with uncertainty will threaten job security and add to the misery endured by the citizens of this country for over two years.
10. The Minister is being histrionic by implying that, through this law, there is a danger from the mild virus infection. It borders on fearmongering, because most countries in the world have abandoned lockdowns, social distancing, masks, and have limited gatherings in indoor and outdoor venues.
11. South Africa has sufficient herd immunity, through superior natural immunity to still persist with the fear narrative.
12. Making the State of Disaster law permanent is going to have serious psychological impact on the public and a negative impact on our country's economy.
13. An emergency law can be invoked in the event of a serious emergency or disaster, so there is no reason to make such a law permanent, in the absence of an emergency.
14. The government's excessive focus on a mild disease like COVID has cost us dearly by neglecting the other serious illnesses that needed attention.
 - 14.1. These included: hypertension, diabetes, asthma, TB, HIV, children's vaccine programmes, urgent surgical procedures, cancer, and mental illness.
 - 14.2. It is impossible to quantify the loss as a result of these diseases being neglected.
15. I have come across several patients, who have not seen a doctor for two years with uncontrolled hypertension, diabetes, and mental illnesses like schizophrenia because the focus was on a mild self-limiting condition like Omicron.

I would also like to appeal to your offices on the conduct of big businesses, which are threatening their staff to take a vaccine that has serious side effects or face the threat of termination.

It is well known that the vaccines no longer protect, nor do they prevent, transmission. These vaccines have a number of side effects, that can affect anyone. This was discovered after Pfizer released its three-month data.

I will be more than happy to furnish your office with the references for my observations and comments.

On behalf of the suffering public of South Africa, millions of small businesses, I appeal to you look into this matter urgently.

We are fast becoming a dictatorship, that we did not envisage during our centuries of struggle for freedom and democracy. What is currently happening in China, where people are being locked and starved through a useless lockdown, could very well happen in our country if we do not act fast and responsibly.

We will never be forgiven by history and future generations for sitting back while our government damningly violated our cherished constitution on purpose.

Yours Sincerely,

Dr. E. V. Rapiti

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