

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

CASE NO.

In the matter between:

ESMARI VAN REENEN	1 st Applicant
MARTIN SENORE	2 nd Applicant
CASPER UYS	3 rd Applicant
SOUTH AFRICAN TARGET RIFLE ASSOCIATION	4 th Applicant

and

SOUTH AFRICAN SHOOTING SPORT CONFEDERATION	Respondent
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FOUNDING AFFIDAVIT

I, the undersigned

ESMARI VAN REENEN

do hereby make oath and say:

1. I am an adult female international sports athlete participating in the sport and discipline of target rifle shooting in the prone and three positional events as described by the International Shooting Sport Federation "ISSF" of which the 3 positional event is an Olympic event and both events I partake is

Commonwealth Games events, is also a farmer and is currently residing at Plot 92 Brandvlei, Randfontein. I have been selected to represent South Africa in 2008 at The Olympic Games in Beijing (China) where I ended in 16th position, in 2002 at the Commonwealth Games in Manchester (England) where I won a silver medal in the Prone event, in 2006 at the Commonwealth Games in Melbourne (Australia) where I won a silver medal in the 3 Positional event, in 2014 at the Commonwealth Games in Glasgow (Scotland) where I won a silver medal in the prone event. At the World Championships in 2014 I came third overall in the prone event and received a bronze medal. Copies of the aforesaid selection and of my results are attached hereto as annexure “**EVR 1**”. I am currently also the South African female Champion of SATRA (South African Target Rifle Association-the fourth applicant) and won the South African Championships of the fourth applicant held in March 2015 at Bloemfontein. I attach proof thereof hereto as annexure “**EVR 2**”. I was also selected for the African Shooting Championships where a quota place for the Olympic Games can be won. I won Olympic quota places for South Africa in the 3 positional event in the 2007 as well as the 2011 African Shooting Championships.

2. I am the FIRST APPLICANT in this application and the facts contained herein are, save where otherwise indicated, within my personal knowledge and are both true and correct.
3. The SECOND APPLICANT is MARTIN SENORE, an adult male international sports athlete participating in the sport and discipline of target rifle shooting and shooting coach residing at the farm New Thorndale Nr 72, Magaliesburg.

He has been selected to represent South Africa in 2004 Athens Olympic games in the .22 rifle prone event, in 2006 at the Commonwealth games and ended 10th in the .22 rifle prone rifle event, came 4th overall in 2003 in the World Cup in Munich in the prone .22 rifle event the score attained at this event is still the all African record at 700,8 points, and have received numerous medals in the African Championships in 1997 in the .22 rifle disciplines prone and 3 possessional and the 300 meter rifle disciplines prone and 3 possessional, 2003 won medals in the .22 rifle events prone and 3 possessional and in the 300 meter rifle disciplines in the prone and 3 possessional. He also won the South African Championships of the fourth applicant on numerous occasions in the different .22 rifle events prone and 3 possessional. he still holds the average score record for the fourth applicant for 596.4 points total score out of 3000 points were 2982 points. Copies of proof of his selection and results are attached hereto as annexure **"EVR 3"**. He recently also won the South African Championships of the fourth applicant on numerous occasions. Proof of this is attached hereto as annexure **"EVR 4"**.

4. The THIRD APPLICANT is CASPER UYS, an adult male national sports athlete participating in the sport and discipline of target rifle shooting, is also a farmer and residing at the Farm Appeldoorn, Carolina, Mpumalanga Province. He has been selected for the South African Senior National Target Rifle team and is currently the number one ranked shooter in South Africa in his division. (See proof hereof already attached as annexure **"EVR 2"**. He recently also came 7th (SEVENTH) overall at the World University Championships in Al Ain, United Arab Emirates. I attach proof of this as annexure **"EVR 5"**.

5. The FOURTH APPLICANT is SOUTH AFRICAN TARGET RIFLE ASSOCIATION (incorporating the South African Small-Bore Rifle Association), a voluntary association, duly accredited with the South African Police Services with accreditation number 1300069 specialising in Target rifle shooting referring to small bore rifle and 300 meter full-bore rifle target shooting as defined by the International Shooting Sport Federation and the International Olympic Committee adapted for conditions appropriate, currently with its main office at situated at Grahamstown. A copy of the constitution of the fourth applicant is attached hereto as annexure “**EVR 6**”.

6. The RESPONDENT is SOUTH AFRICAN SHOOTING SPORT CONFEDERATION, also known as SASSF or SASSCo (hereinafter referred to as “SASSCo”), with NPO Registration number 098-894, which is an voluntary association and which association is the national body duly recognised by the SOUTH AFRICAN SPORTS CONFEDERATION AND OLYMPIC COMMITTEE to regulate sport shooting in South Africa for and on its behalf, with its main place of business at 17 Caledon rivier street, SE 4, Vanderbijlpark, 1911 with fax number 086 541 2685 and e mail address sassf@telkomsa.net. The first respondent is represented by Henk Scheepers Incorporated Attorneys with fax number 016 981 7788 and e mail address henks@hsattorneys.co.za. A copy of the constitution of the first respondent is attached hereto as annexure “**EVR 7**”.

7. The purpose of this application is to request the aforesaid honourable court for an order that the first respondent and failing them, then the second respondent and/or both the first and second respondent's :

7.1 That the application be enrolled and heard as one of urgency in terms of the provisions of Rule 6 (12) of the rules of the above Honourable Court, and that the non-compliance with service and time periods, be condoned;

7.2 That the suspension of the fourth applicant as member of the respondent is declared to be unconstitutional and void;

7.3 That the respondent is directed to, within 2 (two) days from the date of granting the order :

7.3.1 to make available to the first, second and third applicants the selection criteria for them in order to qualify for the Olympic Games for 2016;

7.3.2 to enter the first, second and third applicants as individual athletes for participation, should they meet the selection criteria, in the remaining 3 (three) World Cups in Germany, Azerbaijan and Thailand and to assist them to apply for the necessary import and export permits in order for them to take their rifles and equipment out of South Africa and to bring it into Germany,

Azerbaijan and Thailand in order to participate in the aforesaid remaining World Cups.

7.4 Alternatively to prayers 2 and 3 above:

7.4.1 suspending the suspension of the fourth applicant pending the outcome of arbitration proceedings to be initiated by the respondent against the fourth applicant in regard to the dispute that exists between the fourth applicant and the respondent in regard to the validity of the suspension of the fourth applicant by the respondent, within 30 court days of the granting of this interim order;

7.4.2 pending the outcome of the arbitration proceedings referred to in 4,.1 above, to:

7.4.2.1 to make available to the first, second and third applicants the selection criteria for them in order to qualify for the Olympic Games for 2016; and

7.4.2.2 to enter the first, second and third applicants as individual athletes for participation, should they meet the selection criteria, in the remaining 3 (three) World Cups in Germany, Azerbaijan and Thailand and to assist them to apply for the necessary import and export permits in order for them to take their rifles and equipment out of South Africa and to bring

it into Germany, Azerbaijan and Thailand in order to participate in the aforesaid remaining World Cups.

7.5 That, in the event of this application being opposed, that the respondent be ordered to pay the costs of the application as between attorney and own client.

7.6 Further and/or alternative relief.

8. The first, second and third applicants are all duly paid up members of the fourth applicant and the first and second applicants also serve on the management committee of the fourth applicant.
9. The fourth applicant is a member of the first respondent and is the only member of the first respondent who participate and offer to its members the discipline of target rifle shooting in the prone and three positional events as described by the International Shooting Sport Federation. I attach proof of this hereto as annexure "**EVR 8**".
10. In order for any athlete to qualify for the Olympic Games in 2016, such an athlete must compete and shoot at a World Cup and/or a World Championship Competition and such athlete must achieve the minimum score prescribed in terms of the selection criteria. For each Olympic Games, the respondent, SASSCo must lay down the selection criteria applicable to athletes. In respect of the Olympic Games for 2016, the respondent was supposed to lay down and make available the selection criteria in order for

athletes to qualify for the Olympic Games in 2016 by the end of February 2015. The applicants expect the selection criteria to be laid down by the respondent to be the same selection criteria as in the past. Copies of past selection criteria laid down by the respondent are attached hereto as annexure "**EVR 9**". The first to third applicants are currently on form to meet the selection criteria as they already met the selection and qualifying criteria of the fourth applicant. A copy of the selection criteria of the fourth applicant is attached hereto as annexure "**EVR 10**". Proof that the first to third applicants have already achieved the selection criteria of the fourth applicant and they are eligible to participate in the World Cup Competitions is already attached hereto as annexure "**EVR 2**". Copies of the results of the first to third respondents in participating in the competitions of the fourth applicant is also attached hereto as annexure "**EVR 2**". The first to third applicants had to participate on local shooting ranges of the fourth applicant throughout South Africa in order to meet the selection criteria of the fourth applicant and these shooting ranges are not as advanced as the international shooting ranges except for the shooting range of Northwest Province as it is the only electronic shooting range. All other ranges work on a multiple diagram paper targets scoring system, making it more difficult for the first to third applicants to meet the standards and selection criteria of the fourth applicant compared to the international shooting ranges which are mostly electronic and single diagram. . Although it is more difficult to achieve the selection criteria of the fourth applicant, the criteria of the fourth applicant and their shooting ranges on which the results are met, are worthy and credible if compared to the criteria laid down by other countries and to international standards. This is confirmed

by the second and third applicant and the President of the Fourth applicant, Doctor Raymond Haggart and the honourable court is referred to their confirmatory affidavits which are attached hereto as annexures "**EVR 11**". "**EVR 12**" and "**EVR 13**".

11. To this date and despite numerous request in meetings of the fourth applicant held in April 2014 and September 2014 attended by myself and by the second applicant and also through written requests by us to and through the fourth applicant as well as correspondences by our attorneys of record to both the respondent and its regulatory body the South African Sports Confederation and Olympic Committee (hereinafter referred to as "SASCOC") to make the selection criteria in order to qualify and to become eligible to be selected for the South African team available, they have failed and or neglected to do so. Copies of the aforesaid correspondences are attached hereto as annexure "**EVR 14**". The respondent even requested the first and second applicants to provide them with information in order to assist them with the selection criteria and we have taken the results from the previous 2 (TWO) years at the World Championships and World Cups and worked out a proposed selection criteria, which was forwarded to the first respondent. Proof of this is attached hereto as annexure "**EVR 15**". Despite this, the respondent still has not made available the formal and official selection criteria to any of the applicants. The selection criteria for participation in the World Cups and in the World Championships, as these participation are all individual participation by athletes are laid down by the fourth applicant but the selection criteria laid down for the Olympic Games are laid down by the respondent. The selection criteria previously laid down by the respondent for the previous Olympic

Games is already attached hereto as annexure “**EVR 9**”. The selection criteria laid down by the fourth applicant are in line with the standard of other countries which are all following the ISSF criteria. I attach the selection criteria of the ISSF (the qualification system) hereto as annexure “**EVR 16**”.

12. Without knowing what the selection criteria is, none of the first, second and third applicants will know what results they need to achieve in order to meet the selection criteria and will it in a sense make participation in the World Cups an exercise in futility. If we do not know the selection criteria, we would not be able to properly focus in order to reach the goal, which would be unknown. It is therefore of paramount importance to the first, second and third applicants to know what the selection criteria is what need to be achieved before they participate in the World Cups. This selection criteria should also be a final selection criteria.
13. It is also important that the selection criteria, once it is made available, be the final selection criteria. In 2010 the first and second applicants met the selection criteria for the Commonwealth Games in 2010 (this was done at our own expense and included the upgrade of my equipment, hours of training, costs of ammunition, costs of air tickets, food and accommodation and entry fees), only to be informed by the respondent that the selection criteria has ben changed by SASCOC and that I and the second applicant must participate in the World Championships at our own costs to prove current form even though I already proved current form by attaining the criteria again at a World Cup in Serbia a month before the World Championships. The Commonwealth team for 2010 was then selected before the World Championships took place and I

and second applicant were informed that we did not meet the criteria and were not selected by SASCOC for the South African team. None of the then selected team members of the South African team did participate in the World Championships. Proof of the aforesaid initial selection criteria and the change thereof as well as of our results in achieving both the first and the amended selection criteria, are attached hereto as annexure “**EVR 17**”.

14. In order for the first, second and third applicants to participate in target rifle shooting, they need to be a member of an accredited organisation, which accredited organisation need to be a member of the respondent. They need to participate in shooting competitions of the fourth applicant and meet the selection requirement laid down by the fourth applicant to be on a certain standard of achievement. Both the first, second and third applicants have met the selection criteria of the fourth applicant for the current year, who have declared them eligible and duly qualified to participate in international competitions and in World Cup competitions. (See annexure “EVR 10”.)
15. Since 2006 Athletes cannot enter themselves individually to participate in the World Cups and World Championships, but have to enter themselves as individuals through and with the assistance of the respondent. Both the first, second and third applicants have in the past entered to participate in the World Cups and World Championships through the respondent. Proof thereof is attached hereto as annexure “**EVR 18**”. Part of this entry also entail that an athlete must arrange for the necessary import and export permits in order to take out their rifles and equipment out of South Africa and to import it and use it in the country where the World Cups are held. These permits abroad can

only be arranged through the respondent and the athletes cannot individually apply for it on their own.

16. SASCOG has decided in January 2015 that athletes who wants to qualify for the 2016 Olympics, only have time and opportunity to do so from 1 September 2014 until the end of March 2016 (See "**EVR 15**"). This entails that in this period of time there are only 5 (FIVE) opportunities remaining for any small bore athlete available in order to qualify as in this period there are only 5 (FIVE) World Cup competitions. Of these 5 (FIVE) World Cup competitions, there are only 3 (THREE) remaining World Cup competitions, namely:

16.1 from 26 May 2015 until 2 June 2015 in Munich, Germany; and

16.2 from 6 August 2015 until 16 August 2015 in Kabala, Azerbaijan;

16.3 from 1 March 2016 until 9 March 2016 in Bangkok, Thailand. I attach a copy of the ISSF calendar hereto as annexure "**EVR 19**".

17. One of the members of the fourth applicant, Mr Johannes Jurgens Potgieter, who is also the Chairman of the Limpopo Province of the fourth applicant and who is also a management member of the fourth applicant, made certain enquiries through the fourth applicant to the first respondent to request inter alia the financial statements and the banking statements of the first respondent. This enquiry emanated from a long history of enquiries into the functioning and treatment and also financial treatment of the members and athletes of members of the first respondent. Copies of this enquiry is attached hereto as annexure "**EVR 20**". Proof hereof is found in a previous written complaint laid by a member of SANSSU (South African National Schools