

**International Criminal Court
Office of the Prosecutor
Communications**

Post Office Box 19519
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The Netherlands

Attention; Office of the Prosecutor

By email; otp.informationdesk@icc-cpi.int

COMPLAINANT

DUROSSGASPERI

SOCIAL JUSTICE ADVOCATES

EMAIL;SWGSA7@AOL.COM

-against-

JULIUS SELLO MALEMA DOB 3RD MARCH 1981,

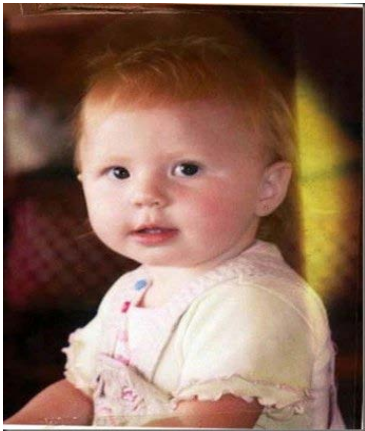
NYIKO FLOYD SHIVAMBU D.O.B 1ST JANUARY 1983,

**ECONOMIC FREEDOM FIGHTERS POLITICAL PARTY SOUTH AFRICA, Individually and
as Members of Any of the Following Group or Organization to which They
Respectively Belonged, namely: ECONOMIC FREEDOM FIGHTERS, (commonly known
as the "EFF").**

COMMUNICATIONS TO THE INTERNATIONAL CRIMINAL COURT

1. The court's founding treaty, the [Rome Statute](#), provides that individuals or organizations may submit to the Prosecutor information on crimes within the jurisdiction of the Court.
2. These submissions are referred to as "communications".
3. Before an investigation is opened, each communication is subject to three levels of analysis: initial review, basic reporting and intensive analysis.

4. DurossGasperi hereby files this complaint against JULIUS SELLO MALEMA, NYIKO FLOYD SHIVAMBU, EFF dated this 5th December 2018.
5. DurossGasperi also file this complaint on behalf of the little girl Willemientjie Potgiter whom was killed along with her parents in farm murder, in Lindley Free State Province, As she cannot speak nor bear witness to such atrocities, then this complaint of Communications to the International Criminal Court is so that her memory lives through this filings.



6. *Under the Rome Statute an individual or organization may submit to the Prosecutor information on crimes within the jurisdiction of the Court.*
7. The Rome Statute of the International Criminal Court is the treaty that established the International Criminal Court "ICC", it was adopted at diplomatic conference in Rome on 17th July 1998.
8. ICC was entered into force on 1st July 2002 as such these "*communications*" submitted to the court occurred from July 2013 to current, some 11 years after being entered into force, as such it falls within the gambit of the Office of the Prosecutor
9. On the basis of the Submission of Complaint we believe that there is enough evidence for the Office of the Prosecutor to open an Investigation into **JULIUS SELLO MALEMA, NYIKO FLOYD SHIVAMBU, EFF**
10. Republic of South African is a party to the Rome Statute of the International Criminal Court as is subject to the jurisdiction of the ICC as well as all citizens & organizations within the Dominion of Republic of South Africa.

The Judge ruled that Malema's repeated performance of the song was *"derogatory, dehumanizing and hurtful' to the country's Afrikaans minority group and had no place in the new South Africa.*

The Judge said Malema transformed the song into a staccato chant complete with shooting gestures and would have been fully aware of how is words might be interpreted and the effect they might have.

(https://www.amren.com/news/2011/09/julius_malema_f/)

The words to the song "Shoot the Boer" which Malema has sang on many times are as follows;

Ayasab' amagwala (cowards are scared)
dubula dubula (shoot shoot)
ayeah
dubula dubula (shoot shoot)
ayasab 'a magwala (cowards are scared)
dubula dubula (shoot shoot)
awu yoh
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)

awe mama ndiyekele (mother leave me be)
awe mama iyeah (oh mother)
awe mama ndiyekele (mother leave me be)
awe mama iyo (oh mother)

aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)

Ayasab' amagwala (cowards are scared)
dubula dubula (shoot shoot)
ayeah
dubula dubula (shoot shoot)
ayasab 'a magwala (cowards are scared)

dubula dubula (shoot shoot)
iii yoh
dubula dubala (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)

awe mama ndiyekele (mother leave me be)
awe mama iyo (oh mother)
awe mama ndiyekele (mother leave me be)
awe mama iyo (oh mother)

aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)

Ziyarapa lezinja (these dogs rape)
dubula dubula (shoot shoot)
ay iyeah
dubula dubula (shoot shoot)
Ziyarapa lezinja (these dogs rape)
dubula dubula (shoot shoot)
ay iiiyo
dubula dubula (shoot shoot)

Aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
Aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
Aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)
Aw dubul'ibhunu (shoot the Boer)
dubula dubula (shoot shoot)

Ayasab' amagwala (cowards are scared)
Dubula dubula (shoot shoot)
Ay iyeah
Dubula dubula (shoot shoot)
Ayasab' amagwala (cowards are scared)
Dubula dubula (shoot shoot)
Ay iyeah

Malema is fully aware of the words of his speeches and racial hatred and talk of white genocide as it can't be more evident in placards like these at his political rallies.



- II) In August 2017, Malema is currently before the courts on “*hate speech and incitement to Violence following his Political Speech*”

The South African Minority Rights Equality Movement (Samrem) have filed charges against Malema for amongst other hate speech as follows;

“Indian people are worse than Afrikaners. This is not an anti-Indian statement, it’s the truth. Indians who own shops don’t pay our people, but they give them food parcels,” said Malema.

The head of Samrem stated that “ *What he has said has the possibility to incite racial hatred in this Country. People take seriously emotional statements like these, we have seen it in the past*”

- III) *Malema is also subject to another court case where he has called for the illegal occupation of white land farms by Trespass.*

Afriforum have also filed their own case against Malema for the ‘*incitement to trespass*’ after he continued to encouraged black South Africans to ‘reclaim’ the land of others. (<http://www.hinnews.com/za/national-news/julius-malema-dragged-to-police-station-for-his-immediate-arrest-and-prosecution-is-this-the-end-of-the-cic/>)

- IV) *Malema is currently before the Courts for discharging a Firearm in Public at a Rally*

- V) EFF has continued to espouse virile hatred against some 4.2 Million White Minority in Republic of South Africa, in which his EFF Membership have carried out all manners of crimes.

- VI) Malema was in Court on April 2018 , again *for crimes of contravening the Riotous Assemblies Act for “telling his supporters to occupy farm land”* As such the court proceedings have been postponed as Malema has sought to have the High Court in Pretoria an application to challenge this apartheid era law.
(<http://en.rfi.fr/africa/20180407-african-press-review-7-april-2018?src=ilaw>)

- VII) Malema was again cited for in November 2016 “This racially charged rhetoric, suggesting that the *slaughter of white people may become necessary in the future*, is reckless incitement and should be strongly condemned by all South Africans,” added Maimane. (<https://www.sabreakingnews.co.za/2016/11/25/maimane-blasts-racially-charged-malema-rethoric/>)

- VIII) Malema in June 2017 has a court case with South African Revenue Services and of not the Judge overhearing the trial resigned from the trial
(<http://www.saflii.org/za/cases/ZAGPPHC/2017/452.html>)

- IX) Malema in April 2018, once again called on his EFF supporters to “**occupy land legally but by force if necessary**” (<https://www.hinnews.com/za/national-news/occupy-land-legally-malema-instigates-black-south-africans/>)

- X) Malema in November 2016 once again was in court for charged with contravening the 1956 Riotous Assemblies Act after he first called on supporters to *occupy unoccupied land on December 16, 2014* and made similar remarks in Newcastle in June during the party’s freedom charter rally.(
<https://businesstech.co.za/news/government/143122/the-whole-eff-not-just-malema-on-trial-secretary-general/>)

- XI) Malema in 2009 was taken to court for Equality Court for speeches made promoting Sexual violence, which Malema Stated “he made to Cape Peninsula University of Technology students on January 22, 2009. *He said of women making accusations of rape that “when a woman didn’t enjoy it, she leaves early in the morning. Those who had a nice time will wait until the sun comes out, request breakfast and ask for taxi money.*

The party taking the court case stated “No one in this country is untouchable or above the law, and that includes you, Mr Malema”

— Mbuyiselo Botha, Sonke Gender Justice.

(<https://genderjustice.org.za/news-item/julius-malema-court-case/>)

- XII) In April 2012, Malema attended court for a hate trial **and** At the first day of his hate speech trial on Monday he was surrounded by a snazzily dressed group of men, all clutching the M14 assault rifles.
(<https://mg.co.za/article/2011-04-12-malemas-men-in-black>)

XIII) As a result of Malema racial hatred it has permeated into black consciousness and the level of attacks on minority white south africans have increased exponentially (<https://www.news.com.au/finance/economy/world-economy/bury-them-alive-white-south-africans-fear-for-their-future-as-horrific-farm-attacks-escalate/news-story/3a63389a1b0066b6b0b77522c06d6476>)

XIV) *Malema in November 2018*, Deputy Chief Justice Raymond Zondo has been appointed chairperson of the commission. Other prominent persons on the commission are - besides former auditor-general Terence Nombembe, who is in charge of the investigation team - advocates Paul Pretorius SC, Vincent Maleka, SC, Leah Gcabashe and Thandi Norman.

Of importance for this article is regulation 12 (1), which states that: Any person who insults, disparages or belittles the chairperson or any member of the commission or prejudices the inquiry or proceedings or findings of the commission, is guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

This regulation is of importance because it was reported last week that Julius Malema, the Economic Freedom Fighters (EFF) leader, launched a scathing and vitriolic verbal attack on Minister Pravin Gordhan outside the venue of the commission in Parktown, Johannesburg, when he was testifying before the commission.

Malema used derogatory and insulting language, by calling Gordhan "corrupt" and "a dog of white monopoly capital", and claimed Gordhan hated black people.

He also accused the deputy chief justice of presiding over a "Mickey Mouse" commission that was stealing money from the poor.

In his attack, he verbally insulted advocate Paul Pretorius SC, an evidence leader at the commission, referring to him as a "bastard". Furthermore, he also made serious allegations against Gordhan's daughter, Anisha, alleging she was corruptly awarded contracts by the National Treasury, and other state departments.

XV) The EFF and its leadership have become a tangible threat and danger to our constitutional democracy and it is imperative that cogent action be taken against them by using the appropriate legal and judicial means available to our democratic state in order to protect its authority and its honor by maintaining the rule of law and civilized government, as set out in our Constitution.

XVI) In addition, it is also submitted that in referring to the commission in derogatory terms, he is not merely insulting it, but in so doing he is actually assaulting the authority of the state by, inter alia, incitement to violence and thereby undermining the rule of law, which is fundamental to the operation of an orderly state by ensuring that civilized governance takes place. Which has been stated by Devenish is Emeritus Professor at UKZN and one of the scholars who helped to draft the Interim Constitution in 1993.

- XVII)** In November 2018, Malema is facing another court case by Minister **Gordhan** as a result of Malema's highly populist public diatribe, ***Gordhan has laid three charges of criminal defamation, crimen injuria and incitement of violence against Malema***, it is manifestly clear that he has prima facie violated regulation 12 (1).
(<https://www.iol.co.za/news/opinion/state-must-act-against-malema-18353187>)
- XVIII)** In October 2018, a group of 17 former EFF members and councillors in the [Northern Cape](#) accused the party's senior leadership of corruption and sexual exploitation of more junior female party members.
- XIX)** In October 2018, An investigation by the [amaBhungane](#) centre for investigative journalism stated that the EFF received R500,000 in kickbacks from a company in return for a R1.26 billion contract to manage a fleet of vehicles used by the City of Johannesburg.
- XX)** **VBS Mutual Bank in March 2018 discovery by the Reserve bank of South Africa** Following the publication of a [South African Reserve Bank](#) report into the collapse of [VBS Mutual Bank](#) implicating EFF deputy president Floyd Shivambu's brother media reports came out alleging that Shivambu received R10 million in illicit payments from VBS prior to it placed under curatorship in March 2018
- XXI)** **It was further uncovered that EFF has benefited from the asset stripping of the VBS Mutual Bank to the tune of** investigation by the [Daily Maverick](#) alleged that the EFF illicitly received R1.8 million of VBS money through a network of proxy companies with the party's leadership (notably Shivambu and Malema) also illicitly reviving money through this network
- XXII)** **Other details as outlined in the enclosed Communications of Filing of Complaint to the International Criminal Court, but not limited to such further filings as is required to supplement this filing.**

The Gravity of the Crimes attributed to Shivambu

- I)** **Shivambu has through his writings have propagated and escalated the following racial rhetoric, call for arms and war;**

In September 2018 Shivambu stated;

To the Economic Freedom Fighters (EFF), Cuba is a very important political territory, one which we draw inspiration and important lessons. It is also a political territory which we also learn from dedication, steadfastness and revolutionary internationalism. ***The EFF Founding Manifesto says, "The EFF is guided by revolutionary internationalism and solidarity that defined the politics of the July 26 Movement, which led the Cuban Revolutionary struggles.***

In May 2018 Shivambu stated;

In November 2017, the President and Commander in Chief of the EFF tabled a motion in the National Assembly to call for nationalisation of banks without compensation. ***The EFF made the call for nationalisation of banks without compensation.***

In July 2017 Shivambu stated;

The EFF's submissions on land has placed the land question on the agenda, even of the confused ANC. The EFF's qualitative analyses and interventions have translated into quantity, leading mass protest actions and securing votes. The Communist Party has never organised or led a mass protest action that is even 10% of the protest action organised and led by the EFF.

In July 2017 Shivambu Stated;

For a political movement, lack of an ideological compass means that the frustrations would literally confront a group of people who have crossed a river and have to determine the destination after crossing the river. The most difficult part is as a group, who do you define as enemies in the next journey, ***because during the river-crossing, there was relative consensus that crocodiles (white racist minority political control) are the common enemy***; and now there is no clarity as to whether all animals across the river are the enemy.

The only organisation that has a clear perspective on and against capitalism in South Africa is the Economic Freedom Fighters, because it carries a clear intention and mission to discontinue private ownership of the means of production and institute a democratic socialist ownership and control of the commanding heights of the economy.

In March 2017 Shivambu stated;

Therefore, legislation should be passed by Parliament that prescribes that all legal businesses in SA must be a minimum of 50% owned by black people or the State, and content of such ownership must not be black male elites.

In June 2016 Shivambu stated;

The EFF will take over Johannesburg and illustrate to the world that all successful economic expansion programmes need sound and logical ideological foundation – ***and our logic is superior***

In October 2015 Shivambu stated;

I have been a branch Secretary, Chairperson of a student organisation (SASCO) and President of the Students' Representative Council (Wits University), member of a Regional and National Executive Committees of a students' organisation (SASCO). I also had the privilege to lead all SRCs students in the process that led to the formation of the South African Union of Students (SAUS), writing its inaugural Constitution and co-organising its founding conference.

In September 2015 Shibambu stated;

This pillar of the struggle for economic freedom was articulated with maximum clarity, even in the ANC, such that one of the charges on the then President of the ANC YL and Commander in Chief of the EFF Julius Malema was on the basis that ***he said whites are land thieves***"

In January 2015 Shibambu stated;

We therefore will as the EFF unapologetically lead struggles for radical and faster land redistribution.

In October 2006 Shibambu stated;

Marxism Lenin is term is generally used to describe what are considered revolutionary Marxists (those who see that the present system must be replaced by a new one), as opposed to reformists (those who believe that the capitalist system can be made "kinder and gentler" - which is not possible!). Leninism is really nothing more than the extension of Marx's ideas.

In June 2009 Shibambu stated;

All historical resolutions that reassert the centrality of the Freedom Charter as a content base for the National Democratic Revolution, should be translated into concrete programmes towards a developmental agenda"

In November 2012 Shibambu Stated;

As the two most senior commanders in the struggle for economic freedom in our lifetime, both President Julius Malema and Deputy President Ronald Lamola carry the responsibility and obligation of this generation to guide all progressive forces towards victory of the war for economic freedom in our lifetime.

In October 2012 Shibambu Stated;

Re-affirming the essence of the observations of the ANC 52ND National Conference, the Policy Conference commission on land reform affirmed the following as pillars of consideration under willing-buyer, willing-seller; 1) Replace willing buyer willing seller with the "Just and equitable" principle in the Constitution immediately where the state is acquiring land for land reform purposes; 2) ***Expropriation without compensation on land acquired through unlawful means or used for illegal purposes having due regard to Section 25 of the Constitution***, 3) Keep Nationalization as an option, and 4) Expedite the promulgation of the new Expropriation Act.

In June 2013 Shibamvu stated;

EFF immediate demands, which will be presented to the people of South Africa as political deliverables include:

1. Political will and determination to expropriate land without compensation.

C) Complementarily with National Proceedings

- I) **It is submitted to the Office of the Prosecutor that Malema, EFF will not be held to account as Malema has been appointed to the judicial body deciding on Judges of Courts in the Republic of South Africa (<http://guardianlv.com/2014/06/julius-malema-new-appointment-to-jsc-ruffles-feathers/>)**
- II) Malema appointment was in June 2014 as such seeks to shield him from any crimes that he may be committed to trial in Republic of South Africa.
- III) Malema by having such sway over the appointment of judiciary in being one member of the JSC can seek to influence the court in ways that have no basis in civilized society by undue influence.
- IV) Since Malema appointment to the JSC, Malema has had numerous court cases either withdrawn or dismissed which includes Tax Evasion Charges withdrawn, Money laundering, racketeering fraud charges totaling 4,000,000 USD as being dismissed for time taken to get to trial. (<http://saharareporters.com/2015/08/04/julius-malema-corruption-case-thrown-out-south-african-court>)
- V) Malema appointment to the JSC is responsible for interviewing judges and making their recommendations know to the President of South Africa. The JSC is also responsible for handling complaints against Judges.
- VI) Malema in September 2014 was to appear in the High Court on charges of corruption, racketeering and money laundering.
- VII) ***Law experts in Republic of South Africa have commented that Malema is illegally in Parliament based on the provisional sequestration action against him, and the JSC placement is considered illegal.***
- VIII) The appointment of Malema as part of the JSC team was that ANC government wanted to utilize Malema and his vote to change the constitution of South Africa. This effectively gave the Ruling party the right to land reform without compensation which is happening in 2018, so 4 years after the appointment of Malema to JSC.
- IX) In November 2016, Malema was in the Magistrates court in Newcastle on charges of contravening the Riotous assemblies act of which he was inciting crimes of “We will take our land no matter how, its becoming unavoidable, its becoming inevitable for events in June 2016.

- X) In November 2016, Malema was outside the Magistrates court in Newcastle and stated to all in sundry that “ We are not calling for the slaughtering of white people... at least for now”.
- XI) In 2014 Malema first made the call for the illegal occupation of land at the EFF’s national peoples assembly in 2014. He had another court appearance in Mangaung on November 14th 2016 for a similar charge. (<https://mg.co.za/article/2016-11-07-malema-defiant-after-court-appearance-we-will-take-our-land-no-matter-how/>)
- XII) In June 2013, At Polokwane Magistrate’s court Malema faced racketeering and money laundering charges which relate to the R52 million contract awarded to the ON-Point Engineering company by the Limpopo government. Malema **owned** shares in the company. (<https://www.iol.co.za/news/no-rock-star-reception-for-malema-1505109>)
- XIII) In April 2018, Malema was in Bloemfontein Magistrate’s court for other charges of contravening the Riotous Assemblies Act for “allegedly inciting his supporters to occupy land”. (<http://www.sabcnews.com/sabcnews/malemas-riotous-assemblies-act-case-back-court/>)

D) Interests of Justice

- I) It is submitted to the Office of the Prosecutor that in the interests of Justice that this Submission is accepted by the ICC as no individual, Organization, State Apparatus or indeed Sovereign Nation is outside of the law.
- II) Rome Statute Preamble;

Reaffirming the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,
- III) Article 1 The Court An International Criminal Court (‘the Court’) is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute.
- IV) Article 5 Crimes within the jurisdiction of the Court 1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:
 - (a) The crime of genocide;
 - (b) Crimes against humanity;
 - (c) War crimes;
 - (d) The crime of aggression

- V) Article 6 Genocide For the purpose of this Statute, 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
- (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group;
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- VI) Article 7 Crimes against humanity 1. For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
- (a) Murder;
 - (f) Torture;
 - (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
 - (i) Enforced disappearance of persons;
 - (j) The crime of apartheid;
 - (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
2. For the purpose of paragraph 1:
- (a) 'Attack directed against any civilian population' means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
 - (e) 'Torture' means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
 - (f) 'Forced pregnancy' means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
 - (g) 'Persecution' means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) 'The crime of apartheid' means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

VII) Article 8 War crimes 1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, 'war crimes' means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

VIII) Article 12 Preconditions to the exercise of jurisdiction

1. A State which becomes a Party to this Statute thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5.

(b) The State of which the person accused of the crime is a national

VIV) Article 25 Individual criminal responsibility 1. The Court shall have jurisdiction over natural persons pursuant to this Statute.

2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

(d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime;

(e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;

(f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.

4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

X) Article 30 Mental element 1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.

2. For the purposes of this article, a person has intent where:

(a) In relation to conduct, that person means to engage in the conduct;

(b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.

3. For the purposes of this article, 'knowledge' means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. 'Know' and 'knowingly' shall be construed accordingly.

Defendants.

I. I **Hiraoka Gasperi** of DurossGasperi, Social Justice Advocates, hereby lodge Submissions of Complaint in the investigation of the complaint against the prosecution of Crimes, pursuant to the Rome Statute dated 17th July 1998 annexed thereto.

- II. The Communications to the Complaint by way of submission, in the respects hereinafter set forth, of Crimes against Peace, War Crimes, and Crimes against Humanity, and of a Common Plan or Conspiracy to commit those Crimes, all as defined in the Rome Statute, and accordingly name as defendants in this cause as communication of complaint hereinafter set out: **JULIUS SELLO MALEMA, NYIKO FLOYD SHIVAMBU, EFF**, individually and as members of any of the group or organization next hereinafter named.
- II. The following are named as group or organization which should be declared criminal by reason of their aims and the means used for the accomplishment thereof and in connection with the conviction of such of the named defendants as were members thereof: **ECONOMIC FREEDOM FIGHTERS "EFF"**.

The identity and membership of the group or organization referred to in the foregoing titles are hereinafter more particularly defined.

III. MALEMA:

Malema between 2013 and current is: A Founding member of the EFF Party, President of EFF party, member of Justice Select Committee, member of Republic of South Africa Parliament

Malema used the foregoing positions, his personal influence, and his intimate connection with the ANC in such a manner that: He promoted the accession to power of the EFF conspirators and the consolidation of their control over Republic of South Africa set forth in Complaint One of the Submission;

Malema promoted the racial hatred towards the white minority population and economic preparation for war set forth in Complaint One of the Submissions; he participated in the planning and preparation of the EFF conspirators for campaigns of Aggression in Violation of International Treaties, Agreements, set forth in Complaint One and Two of the Submissions; and he authorized, directed, and participated in the Crimes set forth in Complaint Three of the Submission; and the Crimes against Humanity set forth in Complaint Four of the Submission, including a wide variety of crimes against persons and property.

IV. SHIVAMBU:

SHIVAMBU between 2013 and current is: A member of the EFF Party, a member of the South African Parliament, Deputy leader of the EFF, Advisor to Malema on matters of EFF policy, representative of the EFF Party for matters of policy.

SHIVAMBU used the foregoing positions, his personal influence, and his intimate connection with Malema in such a manner that: He promoted the accession to power of the EFF conspirators as set forth in Complaint One of the Submission; he promoted the preparations for expropriation of land & white genocide against the white minorities set forth in Complaint One of the Submission;

SHIVAMBU participated in the political planning and preparation of the EFF conspirators for campaigns of Aggression in Violation of International Treaties, Agreements, constitution of South Africa as set forth in Complaint One and Two of the Submission; and he authorized, directed, and participated in the War Crimes set forth in Complaint Three of the Submission, and the Crimes against Humanity set forth in Complaint Four of the Submission, including more particularly the crimes against white minority persons and property.

V. Complaint of criminality of Group and Organization

The statements hereinafter set forth, following the name of each group or organization named in the Submission as one which should be declared criminal, constitute matters upon which the prosecution will rely inter alia as establishing the criminality of the group or organization:

VI. ECONOMIC FREEDOM FIGHTERS (EFF)

"EFF" referred to in the Submission consists of persons who were:

(i) Members of the EFF Party from July 2013, the date on which Malema became Leader of the EFF party in the Republic of South Africa Republic. The term "leadership group" as used herein means the EFF leadership, i.e., heads of departments of the EFF; Ministers without portfolio; State Ministers acting as EFF members; and other officials entitled to take part in meetings of EFF.

Under Malema, these persons functioning in the foregoing capacities and in association as a group, possessed and exercised legislative, executive, administrative, and political powers and functions of a very high order in the system of Republic of South Africa Government. Accordingly, they are charged with responsibility for the policies adopted and put into effect by the Government including those which comprehended and involved the commission of the crimes referred to in Complaints One, Two, Three, and Four of the Submission.

COMPLAINT ONE: THE COMMON PLAN OR CONSPIRACY

I. Statement of the Offense

All the defendants, with divers other persons, during a period of years from 2010, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes against Peace, Racial Hatred Crimes, and Crimes against Humanity, as defined in the Rome Statute, and, in accordance with the provisions of the Rome Statute, are individually responsible for their own acts and for all acts committed by any persons in the execution of such plan or conspiracy.

The common plan or conspiracy embraced the commission of Crimes against Peace, in that the defendants planned, prepared, initiated, and waged campaigns of aggression, which were also wars in violation of international treaties, agreements, Constitution of South Africa.

In the development and course of the common plan or conspiracy it came to embrace the commission of hate Crimes, in that it contemplated, and the defendants determined upon and carried out, ruthless crimes against white minority populations, in violation of the rules and Constitution of the Republic of South Africa, including as typical and systematic means by which the hate crimes were prosecuted, murder, ill-treatment of white minority population, the taking and killing of white farmers, the plunder of public and private property, the indiscriminate destruction of businesses, and devastation not justified in any democracy.

The common plan or conspiracy contemplated and came to embrace as typical and systematic means, and the defendants determined upon and committed, Crimes against Humanity, within Republic of South Africa, including murder, racial hatred, illegal occupations, and other inhumane acts committed against white minority civilian populations, and persecutions on political, racial grounds, in execution of the plan for preparing and prosecuting aggressive or illegal campaigns, many of such acts and persecutions being violations of the domestic laws of the Republic of South Africa where perpetrated against the Constitution of South Africa.

II. Particulars of the Nature and Development of the Common Plan or Conspiracy

(A) EFF PARTY AS THE CENTRAL CORE OF THE COMMON PLAN OR CONSPIRACY



In July 2013 Malema formed EFF and in September 2013 was registered as an Electoral party, Malema became the supreme leader or President of the Economic Freedom Fighters (Far left political party) also known as the EFF Party, which had been founded in Republic of South Africa. Malema has continued to head the Central Command Team which serves as the Central Command for the party.

He has continued as such throughout the period covered by this Submission. The EFF Party, together with certain of its membership base, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy.

Each defendant became a member of the EFF Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

(B) COMMON OBJECTIVES AND METHODS OF CONSPIRACY

The aims and purposes of the EFF Party and of the defendants and divers other persons from time to time associated as leaders, members, supporters, or adherents of the EFF Party (hereinafter called collectively the "EFF conspirators") were, or came to be, to accomplish the following by any means deemed opportune, including unlawful means, and contemplating ultimate resort to threat of force, force, and aggressive campaigns against white minority civilian population, white capital, white businesses: (i) to abrogate and overthrow the Constitution of Republic of South Africa; (ii) to acquire through illegal means the occupation and expropriation of white owned farms in Republic of South Africa as the result of their perceived injustices prior to 1994 Apartheid era. asserted by the EFF conspirators to be occupied principally by so-called "White Boers or White Afrikaners"; (iii) to acquire still further white businesses, properties, capital claimed by the EFF conspirators to be required by the "expropriation of white farms", all at the expense of white minority population without compensation.

The aims and purposes of the EFF conspirators were not fixed or static but-evolved and expanded as they acquired progressively greater power and became able to make more effective application of threats of force and threats of aggressive hostilities and calling for war against the white minority population.

When their expanding aims and purposes became finally so great as to provoke such strength of resistance as could be overthrown only by armed force , and not simply by the opportunistic methods theretofore used, such as fraud, deceit, threats, intimidation, fifth column activities, and propaganda, the EFF conspirators deliberately planned, determined upon, and launched their aggressive campaigns in violation of international treaties, International Human Rights, Constitution Violations.

The United Nations Declaration of Human Rights of which Malema, Shivambu, EFF have conducted an orchestrated campaign of racial hatred against the White minority in Republic of South Africa. Breaches of Human Rights include;

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 17

1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

(C) DOCTRINAL TECHNIQUES OF THE COMMON PLAN OR CONSPIRACY

To incite others to join in the common plan or conspiracy, and as a means of securing for the EFF conspirators the highest degree of control over the Black Majority of South Africa community, they put forth, disseminated, and exploited certain doctrines, among others, as follows:

1. That persons of so-called "Black Majority of Republic of South Africa blood" (as specified by the EFF conspirators) were a "dominant race" and were accordingly entitled to subjugate, dominate, or exterminate other "races" and peoples;
2. That the EFF under their Far Leadership Principle according to which power was to reside in a President from whom sub-leaders were to derive authority in a hierarchical order, each sub-leader to owe unconditional obedience to his immediate superior but to be absolute in his own sphere of jurisdiction; and the power of the leadership was to be unlimited, extending to all phases of public and private life;
3. That in a Political rally in 2016, Malema stated that “ ***We [the EFF] are not calling for the slaughter of white people, at least for now;***
4. That the leadership of the EFF Party, as the sole bearer of the foregoing and other doctrines of the EFF Party, was entitled to shape the structure, policies, and practices of the Republic of South Africa State and all related institutions, to direct and supervise the activities of all individuals within the State, and to destroy all opponents.
5. ***January 2018, EFF Deputy President Shivambu congratulated the EFF Fighters for causing damage to various H&M stores across South Africa due to a poster that EFF leaders deemed to be offensive.***

6. In February 2016 during violent university protests characterised by arson and vandalism, *EFF Youth leader Omphile Seleke posted instructions for making petrol bombs on social media.*

7. Malema stated at a political rally in 2018 that “ *Go After A White Man... We are cutting the Throat of Whiteness*”.

(D) THE ACQUIRING OF CONTROL OF REPUBLIC OF SOUTH AFRICA: POLITICAL

1. First steps in acquisition of control of State machinery.

In order to accomplish their aims and purposes, the EFF conspirators prepared to seize parliamentary control over Republic of South Africa to assure that no effective resistance against them could arise within Republic of South Africa itself.

After the election of 2014 which gave EFF the following;

Election	Total votes	Share of vote	Seats	+/-	Government
2014 ^[37]	1,169,259	6.35	25 / 400	▲25	in opposition

National Council of Provinces

Election	Total # of seats won	+/-
2014	7 / 90	▲7

Municipal elections

Election	Votes	%
2016 ^[38]	3,202,679	8.31%

Provincial elections

Elect ion	Eastern Cape		Free State		Gauteng		Kwazulu -Natal		Limpopo		Mpumala nga		North- West		Northern Cape		Western Cape	
	%	Se ats	%	Se ats	%	Se ats	%	Se ats	%	Se ats	%	Se ats	%	Se ats	%	Se ats	%	Se ats
2014 ^[37]	3.4 8%	2/ 63	8.1 5%	2/ 30	10.3 0%	8/ 73	1.8 5%	2/ 80	10.7 4%	6/ 49	6.2 6%	2/ 30	13.2 1%	5/ 33	4.9 6%	2/ 30	2.1 1%	1/ 42

The EFF conspirators set out through the EFF Party to undermine the Constitution of the Republic of South Africa Government by "legal" forms supported by acts of terrorism.

The Definition of Terrorism by Merriam-Webster dictionary is legal definition;

1. The unlawful use of threat of violence especially against the state of the public as a politically motivated means of attack or coercion
2. Violent and intimidating gang activity street terrorism.

They created and utilized, as a Party formation, militia, a semi-military, voluntary organization of young men trained for and committed to the use of violence; whose mission was to make the Party the master of the streets



The EFF show of force with armed members in camouflage gear has been escalating since 2013 and even in November 2018 this is becoming more prevalent. As a row of EFF men dressed in near-military regalia were seen outside the Commission of Inquiry into State Capture. The SA National Defense Force (SANDF), Defense Act of 2002 merely refers to the SANDF camouflage uniform which is registered by military personnel . Brigadier-General Mafi Mgoboizi stated “according to the law, civilians are not allowed to wear camouflage military uniforms” (<https://www.security.co.za/news/38453>)

The EFF cadre has effectively silenced the SAPOL South African Police force as the DA Democratic Alliance decision to ask Police Minister Bheki Cele to confirm EFF legality on such wearing of uniforms and bearing military styled arms.

The DA’s shadow police minister, Dianne Kohler Barnard, stated” there was concern over the message and behavior of the EFF and its leadership pertaining to weapons and war talk.

The DA’s shadow police minister, Dianne Kohler Barnard, referred to “ an incident earlier in 2018 with Malema on video firing a semi- automatic firearm on stage at a rally in East London.

Malema was pictured discharging a semi-automatic rifle at the political rally in East London in 2018.



This was at the fifth anniversary of the founding on EFF (<https://citizen.co.za/news/south-africa/1989447/malema-under-fire-for-assault-rifle-shots-at-birthday-bash/>)

The eThekweni ANC Youth League wants Malema charged under the Firearms Control Act.

"It is the considered view of the ANC Youth League that this behavior was unsafe, irresponsible and was also in contravention of section 120(7) of the Firearms Control Act of 2000," said the league on Wednesday in a statement attributed to eThekweni region spokesperson Thulisa Ndlela.

In a recent Facebook post attributed to the account of Shivambu, was posted;



2. Control acquired.

1. On July 2014 Malema becoming a member of the Justice Select Committee of the Republic of South Africa Republic. The EFF constant rhetoric against, clauses of the South African constitution guaranteeing personal liberty, freedom of speech, of the press, of association and assembly.

The EFF conspirators secured the passage of Malema to the JSC giving Malema and the members of his then cabinet plenary powers The EFF conspirators retained such powers after having changed the members of the cabinet. They caused the EFF Party to be established as a paragovernmental organization with extensive and extraordinary privileges.

In November 2018, Malema in his speech to EFF Supporters outside the State Capture inquiry continues to marginalize the existing framework of the Political parties in South Africa.

(<http://www.economicfreedomfighters.org/watch-julius-malema-addresses-eff-supporters-outside-statecaptureinquiry/>)

3. Consolidation of control.

Thus possessed of the machinery of the Republic of South Africa State, the EFF conspirators set about the consolidation of their position of power within Republic of South Africa, the alienation of potential internal resistance, and the placing of the EFF within the Republic of South Africa Nation on an illegal Armed Militia Group in violation of Republic of South African Law..

- (a) The EFF conspirators reduced domestic bodies, regional legislative provinces to a body of their own nominees and thus allowed abuses of power to be hidden under Democracy.
- (b) They transformed the several states, provinces, and municipalities, which had formerly exercised semi-autonomous powers, into hardly more than administrative organs of the EFF. In the person of Malema; instituted a widespread purge of campaign of harassment, bullying of civil servants; and severely restricted the independence of the judiciary and rendered it subservient to EFF ends.
- (c) The conspirators greatly enlarged existing State and Party organizations; established a network of "co-ordinated" State agencies with the EFF Party and its branches and affiliates, with the result that Republic of South Africa life was dominated mainstream media by EFF doctrine and practice and progressively mobilized for the accomplishment of their aims.
- (d) In order to make their rule secure from attack and to instill fear in the hearts of the Republic of South Africa people, the EFF conspirators established and extended a system of terror against media opponents and supposed or suspected opponents of the EFF party in regards to the current State Capture enquiry.



- (e) They have sprouted in their speeches to their supporters, media outlets which they have subjected the white minority known as Boers or Afrikaners subjected them to persecution, degradation, despoilment, attacks, torture, and murder. These activities as a result of Malema rhetoric & hate speech at rallies of EFF Since 2013 expanded as a fixed part of the terroristic policy and method of the conspirators and used by them for the commission of the Crimes against Humanity hereinafter alleged.
- (f) Among the EFF party members utilized in the perpetration of these crimes were the EFF, released criminals from penal institutions, ***Refer Interview with a Murderer whom served 20 years and was on record with a State Media Organization that Malema had orchestrated murder of white minority famers, were permitted to operate without restraint of law.***

(g) <http://www.hinnews.com/za/metro-news/watch-disturbing-video-carte-blanche-directly-links-julius-sello-malema-to-different-farm-attacks-across-south-africa/>

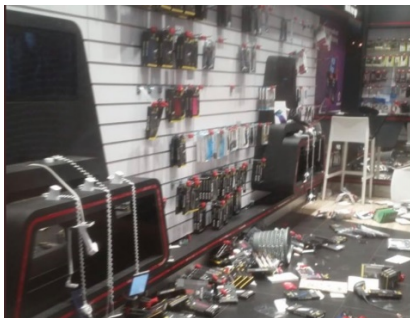
(g) The EFF conspirators conceived that, in addition to the suppression of distinctively political opposition, it was necessary to suppress or dominate certain other movements or groups which they regarded as obstacles to their retention of total control in Republic of South Africa. Accordingly:

(1) The EFF conspirators destroyed businesses which have been increasingly more prevalent in the later quarter of 2018, which an attack of declaration of War against Vodacom being a telecommunication company in Republic of South Africa by destroying their properties confiscating their properties.

Just recently EFF Members attacked Vodacom Stores, ransacked and pillaged

Self-declared members and supporters of the EFF, many in the party's T-shirts, attacked at least two Vodacom stores on Sunday.

This follows a lecture by ANC stalwart and Corruption Watch chairperson Mavuso Msimang at the Vodacom Journalism Awards which included an image depicting EFF leaders Julius Malema and Floyd Shivambu as "abusers of freedom".



(<https://www.dailymaverick.co.za/article/2018-12-03-some-vodacom-stores-to-remain-closed-until-further-notice-after-attacks/>)

(<https://www.businessinsider.co.za/eff-attacks-on-vodacom-store-after-abusers-of-democracy-slide-2018-12>)

(2) The Leadership Principle was introduced into industrial relations, the entrepreneur becoming the leader and the workers becoming his followers. Thus, any potential resistance of the workers was frustrated and the productive labor capacity of the Republic of South Africa Nation was brought under the effective control of the conspirators.

(3) The EFF conspirators, by promoting beliefs and practices incompatible with Christian teaching, sought to subvert the influence of the masses and over the youth of Republic of South Africa.

(4) They avowed their aim to eliminate the white minority of Republic of South Africa and sought to substitute therefor EFF institutions and EFF beliefs and pursued a program of persecution of white farmers whom they deemed opposed to their purposes, and illegal occupation and confiscation of white owned farms.

(5) The persecution by the EFF conspirators of white minority groups, including white farmers, is particularly relentless and cruel.

(h) Implementing their "black only South Africa race" policy, the conspirators joined in a program of relentless persecution of the white minority, designed to intimidate, harass, suppress and eventual murder of members of the white minority.

(i) Land confiscation of white famers by the ANC & EFF is to become an official State policy, carried out both by official action and by incitements to mob and individual violence. The conspirators openly avowed their purpose. For example, Malema at a political rally in 2016 Stated " ***We [the EFF] are not calling for the slaughter of white people, at least for now***"

(j) Anti-whiteness if the unifying element of EFF aims to the reconstruction of Republic of South Africa and it is Malema's goal in regard to the white minority question as solved only after the very last white minority has left the Republic of South Africa. South Africa will only have the white question solved only after the very last white person has left the Continent.

(k) ***Malema's further declared quotes from speeches are as follows;***

On 21 March 2018 at a Human Rights Day rally in Mpumalanga Stadium, [South African politician says Australia is a 'racist country', farmers should 'leave the keys' when they go](#), Frank Chung, [news.com.au](#) (22 March 2018)

A racist country like Australia says: 'The white farmers are being killed in South Africa.' They must leave everything they did not come here with in South Africa and go to Australia. ... White farmers are the architect of their own misfortune. ... Don't make noise, because you will irritate us. Go to Australia"

On 4 March 2018, at the launch of the EFF's election registration campaign, Standard Bank arena, Johannesburg. As quoted by Nico Gous in [Land in SA was taken through 'genocide' and will be returned: Malema](#), *Sunday Times* (4 March 2018)

All white people who are voting DA, who are angry with what we are going to do in PE, who have insulted us since we announced this decision, and mobilised some of your people in the media, to insult us and say all of this, all of you combined can go to hell! We don't care about you. We don't care about you. We don't care about White feelings.

We have taken a decision that we are going to remove the mayor of [PE](#). Why? Why not [mayor of DA-led Johannesburg] [Mashaba](#), why not [Solly](#) [mayor of DA-led Tshwane]? Because the mayor of [DA](#) in PE is a white man. So, these people, when you want to hit them hard – go after a white man. They feel a terrible pain, because you have touched a white man. Not because Mashaba and Solly will not be touched, they will be touched, don't worry. But we are starting with this whiteness. We are cutting the throat of whiteness. Trollip will not be a mayor after the 6th of April, if they give us that date.

heard that these whites are coming to march again, they will announce a new date. I'm thinking national chair we must organise a counter-march and meet them half way. We cannot allow white people to do as they wish in this country, like they're doing in Palestine. Let them announce the day they're coming back. Let us meet them toe to toe, let us teach them who owns South Africa. We cannot be harassed in our own country during apartheid and be harassed in our own country during a democratic dispensation by a nonsense Afrikaner community. It must come to an end, let us meet them toe to toe.

In response to the Black Monday protests, while addressing EFF members on 2 November 2017 outside the Israeli Embassy, Pretoria, [How Malema plans to teach 'nonsense' Afrikaner community who really owns SA](#), Citizen reporter (2 November 2017)

Victory will only be victory if the land is restored in the hands of rightful owners. And rightful owners unashamedly is black people. No white person is a rightful owner of the land here in South Africa and in the whole of the African continent. This is our continent, it belongs to us.

Speech in 2016, as quoted in ["Hating the white Africans"](#) (14 November 2018), by James Myburgh, *PoliticsWeb*, South Africa

I am not for reconciliation, I am for justice. There is no reconciliation without justice and justice is the return of land. [...] [AfriForum](#) is a [boeremag](#). It's a group of [Afrikaners](#) who still wish for [apartheid](#). They will never see it. Afrikaner boys, *die poppe sal dans*. The EFF is coming for you boys. Afrikaner boys, the ANC has made you to think this thing is still [Orange Free State](#). This thing is not Orange Free State. This is [Free State](#). When we take over power, Afrikaner males, you will know your place. Just pray, pray to [your] ancestors, pray to [Malan](#), pray to [Verwoerd](#), pray and ask them for EFF not to come into power. Because [if] we come into power, Afrikaner men, this side! This is where you belong, this is how you are going to behave. They must know, these Afrikaner males, they must know, we are not scared of them ideologically, politically and otherwise. We can take each other toe to toe.

To EFF supporters after appearing in the Bloemfontein Magistrate's Court for allegedly contravening the Riotous Assemblies Act, 14 November 2016, [Watch: "When we take over power, Afrikaner males, you will know your place." Malema \[video\]](#), Ezra Claymore, The South African, 14 November 2016.

- (h) These avowals and incitements are typical of the declarations of the EFF conspirators throughout the course of their conspiracy. The program of action against the white minority population included disfranchisement, stigmatization, denial of civil rights, subjecting their persons and property to violence, murder.

(I) In Malema home province being Limpopo and his Parties Base, it shows that the EFF conspirators in their racial hatred, incitement and aiding in abetting of their members or members of the black majority have directly influenced through their actions the following;

(1) 2013 there were a total of 14 Murders & attacks on white minority farmers in Limpopo province, 2014 there was a increase of 92 % of Murders & attacks on white minority farmers, 2015 there was a increase of 540% of Murders & attacks on white minority farmers, 2016 there was an increase of 378 % of Murders & attacks on white minority farmers, 2017 there was a increase of 592 % of Murders & attacks on white minority farmers. These percentage increases relate to the baseline year of 2013 when the EFF was formed by EFF Conspirators.

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2012 TAU SA
FARM ATTACKS AND MURDERS 1990 TO 2018

PROVINCE	1990		1991		1992		1993		1994		1995		1996		1997		1998		1999		2000		2001		2002		2003		2004		2005	
	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A		
GAUTENG	4	4	9	15	10	16	21	37	13	17	14	12	5	11	15	21	18	45	15	32	9	17	16	24	12	23	12	6	32	22	16	19
NORTH WEST	0	3	8	15	8	26	12	40	9	19	12	23	21	12	10	30	8	30	12	21	15	27	17	36	13	28	9	25	10	9	3	4
LIMPOPO	1	4	7	6	8	14	3	16	3	14	9	10	8	11	13	15	8	18	8	16	7	24	2	11	15	26	16	29	11	21	10	27
MPUMALANGA	3	7	11	14	9	22	18	33	14	38	11	35	8	21	10	27	19	40	13	26	15	32	15	33	14	30	8	28	10	29	4	11
NATAL	3	4	4	7	4	5	10	7	14	10	10	11	6	7	10	16	23	25	16	25	19	55	3	9	31	86	21	14	30	10	14	9
EASTERN CAPE	2	3	8	7	5	5	2	4	2	2	1	2	4	3	6	6	9	14	8	10	11	14	14	15	11	1	4	4	5	1	3	
NORTHERN CAPE	0	0	0	0	0	0	0	1	0	0	0	1	4	2	0	2	3	4	0	0	0	1	2	1	2	1	1	6	6	1	1	
WESTERN CAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	9	5	0	1	5	4	6	3	11	10	6	15	1	1	2	3
FREE STATE	3	2	8	16	16	22	11	23	4	8	4	8	3	3	8	14	7	20	0	4	5	11	6	10	7	13	15	23	11	13	4	5
TOTAL	16	27	55	80	60	110	77	161	59	108	61	102	59	70	74	133	104	201	72	133	85	181	80	142	119	229	89	145	115	116	55	82

PROVINCE	2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		TOTALS	
	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A	M	A
GAUTENG	13	17	11	23	34	93	29	61	17	39	16	29	15	35	16	44	13	59	14	38	22	82	16	94	1	6			438	941
NORTH WEST	3	9	6	12	12	26	5	21	7	16	9	16	18	46	7	50	10	56	5	46	9	63	13	64	0	7			271	780
LIMPOPO	4	14	6	16	1	10	7	15	18	17	8	14	3	13	2	12	5	27	13	63	5	48	12	71	0	0			213	582
MPUMALANGA	3	15	7	12	11	21	7	25	7	20	3	10	4	18	7	51	7	59	3	62	7	53	12	64	1	7			261	843
NATAL	3	4	22	16	5	9	4	7	4	2	2	3	2	7	12	23	7	20	8	27	8	28	13	39	2	5			310	490
EASTERN CAPE	4	6	1	1	4	6	6	6	3	4	0	1	2	8	7	11	3	8	8	10	4	10	2	14	0	2			136	189
NORTHERN CAPE	0	0	1	1	1	2	3	3	0	0	1	1	0	3	0	6	1	3	1	4	3	5	3	8	0	1			31	59
WESTERN CAPE	0	1	0	2	5	8	3	3	0	2	3	8	4	12	4	15	6	15	2	11	4	17	6	24	0	2			79	164
FREE STATE	16	16	6	11	6	9	7	11	8	15	6	14	5	32	4	19	9	32	10	57	9	63	5	45	0	0			203	519
TOTAL	46	82	60	94	79	184	71	152	64	115	48	96	53	174	59	231	61	279	64	318	71	369	82	423	4	30	0	0	1942	4567

TOTAL MURDERS=1942
TOTAL ATTACKS=4567

(2) The extent to which the conspirators succeeded in their purpose can only be estimated, but based on these figures it shows that since 2013 there has been a total of 1963 murders of white farmers.

(M) In order to make the Black Majority people amenable to their will, and to prepare them psychologically for white genocide war, the EFF conspirators reshaped the educational system and particularly the education and training of the Republic of South Africa youth.

In November 2018 had told the students that he had to force his way on to the campus in order to address them because of “reactionary management”.

(<https://www.iol.co.za/news/politics/effanniversary-malema-dresses-down-students-10483679>)

“When I entered the gate (today) the security refused to open. I opened by force because we have a right to be here,” he said, after apologizing for the late start.

(N) The Leadership Principle was introduced into the black majority and the Party and affiliated organizations were given wide supervisory powers over education. The EFF conspirators, controlled the dissemination of information and the expression of opinion within Republic of South Africa as well as the movement of intelligence of all kinds from and into Republic of South Africa, and created vast propaganda machines with the use of social media phenomenon such as Facebook, twitter, street rallies and the like.

https://twitter.com/Julius_S_Malema

<https://twitter.com/FloydShivambu>

<https://twitter.com/EFFSouthAfrica>

(f) The EFF conspirators placed a considerable number of their militia on a progressively militarized footing with a view to the rapid transformation and use of such organizations whenever necessary as instruments of orchestrated apparatus of terror.

(E) THE ACQUIRING OF CONTROL IN REPUBLIC OF SOUTH AFRICA: ECONOMIC; AND THE ECONOMIC PLANNING AND MOBILIZATION FOR AGGRESSIVE CAMPAIGN PERSECUTION AND GENOCIDE OF WHITE MINORITIES.

Having gained political power, the conspirators attempt to reorganize Republic of South Africa's economy to give effect to their political aims.

1. In order to eliminate the possibility of resistance in the economic sphere, they deprived white minority populations labor of its rights of free industrial and political association as particularized in paragraphs herein.
2. They used memberships of EFF supporters against white minority owned business as instruments of economic mobilization for orchestrated campaigns of economic war.
3. They directed Republic of South Africa economy towards preparation and equipment of the removal of whiteness in South Africa. To this end they directed finance, capital investment, and exploitation of kickbacks.
4. The EFF conspirators, and in particular the industrialists among them, embarked upon a huge mobilization of supporters and set out a program of destabilizing the economy of South Africa.

5. With the object of carrying through the preparation for war and white Genocide the EFF conspirators set up a series of administrative agencies and authorities. For example, in 2018 they along with the ANC majority led Government has started to amend Sec 25 of the Constitution of South Africa for allowing for the taking of white minority farm land without appropriation.

6. Sec 25 of the Constitution states ;

25. Property

1. No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

2. Property may be expropriated only in terms of law of general application

a. for a public purpose or in the public interest; and

b. subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

3. The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including

a. the current use of the property;

b. the history of the acquisition and use of the property;

c. the market value of the property;

d. the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and

e. the purpose of the expropriation.

4. For the purposes of this section

a. the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and

b. property is not limited to land.

5. The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.

6. A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

7. A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

8. No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).

9. Parliament must enact the legislation referred to in subsection (6).

(F) UTILIZATION OF EFF CONTROL FOR EXPROPRIATION OF WHITE FARM LAND

1. Status of the conspiracy by the middle of 2018 and projected plans.

By the middle of the year 2018 the EFF conspirators, jointly with ANC having acquired governmental control over Republic of South Africa, were in a position to enter upon further and more detailed planning with particular relationship to domestic policy. Their plan was to re-take and re-occupy all land owned by white farmers in Republic of South Africa, in violation of the Constitution of South Africa.

2. The EFF conspirators decided that for their purpose the Constitution of South Africa definitely be abrogated and specific plans were made by them and put into operation by November 2018, all of which opened the way for the major aggressive steps to follow, as hereinafter set forth. In the execution of this phase of the conspiracy the EFF conspirators did the following acts:

(a) They have along with the current ruling party being the ANC have jointly or singularly since 2013 eroded the rights of the White Minority of Republic of South Africa and have disregard the Constitution of the Republic of South Africa to discriminate, promote racial hatred, promote racial discourse, promote the black majority population through either the power of the media, social media to orchestrate a campaign of terror against the white minority population.

3. Aggressive Action against White Minorities in Republic of South Africa

The EFF Conspirators next entered a new phase of aggressive action against white minorities in the Republic of South Africa, after the formation of EFF Party in 2013, Malema has incited his followers, black party base, to conduct campaigns of attacks against white minority populations

Examples of Such campaigns of attack against white minority populations can be seen on the social media accounts of his followers, and or black majority.



Brutal Bantu Retweeted



Uncle Mpumi @Khumalo05M... · Nov 18

Replying to @Migsmiguel1982 @furiotedeschi and @RenaldoGouws

Revenge would be slaughtering white people

Revenge would be kicking u out of your homes and leaving u destitute

Revenge would be limiting the type of jobs u could have, schools u can attend etc

That's revenge



UngovernablePeeCee
@Thabiso_PC

#FarmMurders must increase to maximum level 🤝



zwesiyela
@zwesiyela1

We must just kill these boers only than will we black people of South Africa be taken seriously!



(L)e(S)e(D)i
@LSDforHybrid

#KFCAssault

Us black people were right from the start, by saying... "KILL THE BOER!"

Violence isn't best friends



Sephula Lebamang
@lerumo

@AndreasMeyerZAR we really should have liquidated you all in the 90s, but alas it looks like we shall get another opportunity in 2019

9:27 PM · 28 Mar 17



Ntuthuko M Simelane

2 hrs · 🌐

If we can start killing them. They will learn to respect us.

Remember. Their kids go to schools. Their elderly live in old age homes.

Kill brutally the fragile and the young. Mutilate. Burn. Rape.



Xolani Mbangula
@xolani_mbangula

Kill the Boer, kill the farmer the return now, I start to get gatfol with these pink bastards.....



Rich Boss
I will find u and I will kill u

Like · Reply · More · 1 hour ago



Rich Boss
It's time we start killing these people th is not there land

Like · Reply · More · 1 hour ago



Rich Boss
Kill the bore the farmer

Like · Reply · More · 1 hour ago

1 reply



Castle D
@CastleD13969904

Replying to @RanjeniM and @African_Spring

Did u come with a country from india ,
u have passport , get a plane ticket
and go to Bollywood. U and your boer
budies think we give a shit about u ,
we hate indians and boers , you can
now block me u achaar eating bitch , u
indians are getting rich on the blood of
africans



(a)With these aggressions being successfully consummated within the EFF Supporter base as well as the black majority, the conspirators had obtained much needed fuel for their desire of their coming war against the white minority which has been so adamant in their goals and desires.

(G) WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN THE COURSE OF EXECUTING THE CONSPIRACY FOR WHICH THE CONSPIRATORS ARE RESPONSIBLE.

1. Beginning with the racial hatred campaign against the white minority from July 2013, and throughout its extension of campaigns against whiteness, the EFF conspirators carried out their common plan or conspiracy to wage racial hatred in ruthless and complete disregard and for the laws of Republic of South Africa and Constitution.
2. Beginning with 'the initiation of their plan to seize and retain total control of white owned farm lands in the Republic of South Africa State, and thereafter throughout their utilization of that control for expropriation, the EFF conspirators carried out their common plan or conspiracy in ruthless and complete disregard and violation of the laws of humanity
3. By reason of all the foregoing, the defendants with divers other persons are guilty of a common plan or conspiracy for the accomplishment of Crimes against Peace; of a conspiracy to commit Crimes against Humanity in the course of preparation for war and in the course of prosecution of war; and of a conspiracy to commit War Crimes not only against the armed forces of their enemies but also against non-belligerent civilian populations.

(H) INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COMPLAINT ONE

Reference is hereby made to complaint One of this Submission for Malema, Shivambu, EFF to be held jointly & severally for this Submission set forth in this Complaint One of the Submission.

COMPLAINT TWO - CRIMES AGAINST PEACE

I. Statement of the Offense

All the defendants with divers other persons, during a period of years from July 2013, participated in the planning, preparation, initiation, and waging of campaigns of aggression, which were in violation of international treaties, agreements, Constitution of South Africa.

II. Particulars of the racial hatred planned, prepared, initiated, and waged

(A) The racial hatred and the call for white genocide wars are referred throughout this submission of Communication to the International Criminal Court.

(B) Reference is hereby made to Complaint One of the Submission for the allegations charging that these campaigns of racial hatred were wars of aggression on the part of the defendants.

III. Individual, group and Organization Responsibility for the Offence Stated in Complaint Two

Reference is hereby made to Complaint Two of this Submission for Malema, Shivambu, EFF to be held jointly & severally for this Submission set forth in this Complaint One of the Submission.

COMPLAINT THREE - WAR CRIMES

I. Statement of the Offence

All the defendants committed War Crimes from July 2013, in Republic of South Africa.

War crime is defined as by the Geneva Convention can be extrapolated to the very definition of acts against a minority white population.

As such Malema, Shivambu, EFF have been a party to the following directly or indirectly;

- a) Wilful killing, or causing great suffering or serious injury to body or health.
- b) Torture or inhumane treatment
- c) Unlawful wanton destruction or appropriation of property
- d) Directing attacks against minority white civilians and businesses

It can be further reasoned that Malema, Shivambu, Eff have also been a party to the following directly or indirectly;

- e) Murder, cruel or degrading treatment
- f) Directing attacks against white minority farmers
- g) Pillage
- h) Rape

The International Criminal Court in this Submission of Communication of Complaint will see that the actions of Malema, Shivambu, EFF falls within the Jurisdiction of the court as these crimes are indeed “***part of a plan or policy or as part of a large-scale commission of such crimes***”

All the defendants, acting in concert with others, formulated and executed a Common Plan or Conspiracy to commit War Crimes as defined in Rome Statute. This plan involved, among other things, the practice of "removal of whiteness" calling for war and white genocide against the civilian population.

The said War Crimes were committed by the defendants and by other persons for whose acts the defendants are responsible as such other persons when committing the said War Crimes performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organizers, instigators, and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws and of the general principles of criminal law as derived from the criminal law of all civilized nations and were involved in and part of a systematic course of conduct.

(A) MURDER AND ILL-TREATMENT OF MINORITY WHITE CIVILIAN POPULATIONS.

Throughout the period from July 2013 the defendants, for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians, and ill-treated them.

The murders and ill-treatment were carried out by divers means, including shooting, hanging, necklacing, kicking's, beatings, brutality and torture of all kinds, including the use of hot irons and pulling out of fingernails and the performance by means of operations and otherwise on living human subjects.

The following particulars and all the particulars appearing later in this complaint are set out herein by way of example only, are not exclusive of other particular cases, and are stated without prejudice to the right of the Complainant to adduce evidence of other cases of murder and ill-treatment of white minority civilians.

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2012 TAU SA
FARM ATTACKS AND MURDERS 1990 TO 2018

PROVINCE	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
GAUTENG	4	4	9	15	10	16	21	37	13	17	14	12	5	11	15	21
NORTH WEST	0	3	8	15	8	26	12	40	9	19	12	23	21	12	10	30
LIMPOPO	1	4	7	6	8	14	3	16	3	14	9	10	8	11	13	15
MPUMALANGA	3	7	11	14	9	22	18	33	14	38	11	35	8	21	10	27
NATAL	3	4	4	7	4	5	10	7	14	10	10	11	6	7	10	16
EASTERN CAPE	2	3	6	7	5	5	2	4	2	2	1	2	4	3	6	9
NORTHERN CAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WESTERN CAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FREE STATE	3	2	8	16	16	22	11	23	4	8	4	8	3	3	8	14
TOTAL	16	27	55	80	60	110	77	161	59	108	61	102	59	70	74	133

PROVINCE	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	TOTALS
GAUTENG	13	17	11	23	34	13	29	61	17	39	16	29	15	35	16
NORTH WEST	3	9	6	12	12	26	5	21	7	16	9	16	18	46	7
LIMPOPO	4	14	6	16	1	10	7	15	18	17	8	14	3	13	2
MPUMALANGA	3	15	7	12	11	21	7	25	7	20	3	10	4	18	7
NATAL	3	4	22	16	5	9	4	7	4	2	2	3	2	7	12
EASTERN CAPE	4	6	1	1	4	6	6	3	4	0	1	2	8	7	11
NORTHERN CAPE	0	0	1	1	1	2	3	3	0	0	1	1	0	3	0
WESTERN CAPE	0	1	0	2	5	8	3	3	0	2	3	8	4	12	4
FREE STATE	16	16	6	11	6	9	7	11	8	15	6	14	5	32	4
TOTAL	40	82	60	94	79	184	71	152	64	115	48	96	53	174	59

TOTAL MURDERS=1942
TOTAL ATTACKS=4567

(B) EXPROPRIATION OF LAND OWNED BY MINORITY WHITE FARMERS AND THE RACIAL HATRED AND VIOLENCE TOWARDS THEM

(C) KILLING OF WHITE MINORITY FARMERS

(D) PLUNDER OF PUBLIC AND PRIVATE PROPERTY

The defendants ruthlessly exploited the people and the material resources of the South Africa, in order to enrich and strengthen the EFF machine, to enrich themselves and their adherents, and to promote Black Majority of Republic of South Africa.

The defendants engaged in the following acts and practices, among others:

1. They degraded the standard of life of the white minority population, by stripping away the bill of rights and or Constitution of South Africa.
2. They seized raw materials and industrial machinery in Republic of South Africa, and used them in the interest of the EFF.
3. In Republic of South Africa, in varying degrees, they confiscated businesses, plants, and other property.
4. In an attempt to give color of legality to illegal acquisitions of property, they forced owners of property to go through the forms of "voluntary" and "legal" transfers.
5. They established comprehensive controls over the economies of Republic of South Africa, depriving the local populations of the products of essential industries.
6. By a variety of financial mechanisms, they despoiled entities in Republic of South Africa of essential commodities and accumulated wealth, debased the local currency systems and disrupted the local economies. They financed extensive purchases in Republic of South Africa through clearing arrangements by which they exacted loans from associated parties.
7. They abrogated the rights of the white minority population of Republic of South Africa. To develop or manage agricultural and industrial properties, and reserved this area for exclusive settlement, development, and ownership by Republic of South Africa and their so-called racial brethren.
8. From their program of terror, racial hatred, spoliation, and organized outrage, the EFF conspirators created an instrument for the personal profit and aggrandizement of themselves and their adherents. They secured for themselves and their adherents:
 - (a) Positions in administration of business involving power, influence, and lucrative perquisites.

(c) The acquisition on advantageous terms of foreign properties, business interests, and raw materials.

G. Individual, group and organization responsibility for the offense stated in Complaint Three

Reference is hereby made to Complaint Three of this Submission for Malema, Shivambu, EFF to be held jointly & severally for this Submission set forth in this Complaint Three of the Submission.

COMPLAINT FOUR-CRIMES AGAINST HUMANITY

I. Statement of the Offense

All the defendants committed Crimes against Humanity during a period of years from 2013 in Republic of South Africa.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit Crimes against Humanity as defined in Rome Statute. This plan involved, among other things, the murder and persecution of all who were or who were suspected of being hostile to the EFF Party and all who were or who were suspected of being opposed to the common plan alleged in Complaint One.

The said Crimes against Humanity were committed by the defendants and by other persons for whose acts the defendants are responsible as such other persons, when committing the said Crimes, performed their acts in execution of a common plan and conspiracy to commit the said Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organizers, instigators, and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws, of the general principles of criminal law as derived from the criminal law of all civilized nations and were involved in and part of a systematic course of conduct. The said acts were contrary to Rome Statute.

(III) PERSECUTION ON RACIAL GROUNDS IN EXECUTION OF AND IN CONNECTION WITH THE COMMON PLAN MENTIONED IN COUNT ONE

As above stated, in execution of and in connection with the common plan mentioned in Complaint One, white minority population of Republic of South Africa were persecuted. These persecutions were directed against whites, white-ness, white owned businesses. They were also directed against persons whose political belief aspirations were deemed to be in conflict with the aims of the EFFs.

IV. Individual, group and organization responsibility for the offence stated in Complaint Four

Reference is hereby made to Complaint Four of this Submission for Malema, Shivambu, EFF to be held jointly & severally for this Submission set forth in this Complaint Four of the Submission.

Summary of the Communication of the Submission to the International Criminal Court by the Complainant

The Complainant by lodging a submission by way of communication, seeks to ask the office of the Prosecutor to consider, evaluate the submission in way that reflects historical events of which the United Nations Declaration of Human Rights, Rome Statute is founded upon , but also to look within, ask the question of yourself through your very own eyes;

- 1) as to either being a witness to the systemic white genocide that is happening in Republic of South Africa,*
- 2) or to being the torch bearer of Human Rights the world over and investigating these crimes.*

Before his eyes pass the shadows of services to the cause of human condition that is happening in Republic of South Africa Against the White Minority.

The racial hatred conditions must be met by the civilized qualities which are written in the very annuals of United Nations Declaration of Human Rights.

A civilized world such as ours represents great responsibilities alike for good and evil.

The man who does nothing cuts the same sordid figure in the pages of history, whether he be a cynic, or fop, or voluptuary.

The choice must ever be in favor of righteousness, the question must not be merely, The question must be, Is it right to prevail?

Are the great laws of righteousness once more to be fulfilled? And the answer from a strong and virile people must be "Yes," whatever the cost.

No self-respecting individual, no self-respecting nation, can or ought to submit to wrong.

Nevertheless, while laying all stress on this point, while not merely acknowledging but insisting upon the fact that there must be a basis of material

The deadening effect on any race of the adoption of a logical and extreme racial hatred could not be overstated; it would spell sheer destruction; it would produce grosser wrong and outrage, fouler immortality, than any existing system.

Persecution is bad because it is persecution, and without reference to which side happens at the most to be the persecutor and which the persecuted.

Racial hatred is bad in just the same way, and without regard to the individual who, at a given time, substitutes loyalty to a race for loyalty to a nation, or substitutes hatred of men because they happen to come in a certain racial category.

The overbearing brutality of the man of racial hatred, and the envious and hateful malice directed against a race, are really at root merely different manifestations of the same quality, merely two sides of the same shield.

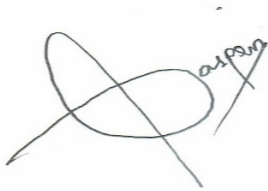
Ruin looks us in the face if we judge a man by his race instead of judging him by his conduct .

In a civilized world bitter internecine hatreds, based on such racial differences, are signs, not of earnestness of belief, but of that fanaticism which, whether religious or antireligious, democratic or antidemocratic, it itself but a manifestation of the gloomy bigotry which has been the chief factor in the downfall of so many, many nations.

We speak of international law; but international law is something wholly different from domestic law, and the capital difference is that there is a sanction for the one and when the sanction of the State fails to recognize the rights of an individual, or group of people; that there is an outside force which compels individuals to obey the sanction of International Law.

International law develops the power to make it respected.

Communication of Complaint Submission against Malema, Shivambu, EFF is filed by Hiraoka Gasperi



Signed

Dated 5th December in the year of our Lord 2018.