

Anti-vaxxers thrashed in court

By [Tania Broughton](#)

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Three non-profit companies have failed in their court bid to stop the government from making available Covid-19 vaccinations. They claimed “strange and unusual medical conditions” were experienced by some people who received the vaccine.



Source: [Pexels](#)

Covid Core Alliance, Transformative Health Justice, and Free the Children - Save the Nation, supported by some doctors, wanted a final order compelling the Minister of Health, the acting director general of health, the South African Health Products Regulatory Authority (Sahpra), and Treasury, to “cease and desist” vaccinations and to properly investigate their effects.

In effect, the applicants sought broad orders to halt Covid vaccination programmes. But Pretoria High Court Judge Norman Davis dismissed the application, with costs.

He said the applicants did not have the right to prevent others who do not share their beliefs or opinions from being vaccinated.

“It has not been established that the harm which the applicants aspire to prevent, actually exists, and even if it may exist in rare or exceptional cases, the benefit of vaccination far outweighs that harm,” he said.

"Should they wish to have vaccinations deregistered, they had alternative remedies available to them in terms of legislation.

"Usurping the role of Sahpra would undermine its statutory authority and meant the court would cross the line of separation of powers "which could not be permitted," said Judge Davis.

Read the judgment [here](#)

The judge said the applicants' grounds for the court action was that they had tried to draw attention to what they labelled "strange and unusual medical conditions" which they said they had witnessed in patients who had had the vaccine, but were ignored by the authorities.

"In general, they aver that there are otherwise healthy people, who, after receiving the vaccines, experience unexplainable changes to their blood cell structure or who have unexplainable foreign substances in their blood.

"They say further that some children who have been vaccinated have had their health impaired and some have even died as a result. They say there is no logic in administering vaccines in children with or without pre-existing conditions ... They claim that to safeguard the nation, it is imperative to apply a precautionary rule and stop any vaccination," he said.



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The applicants called several witnesses, including doctors, alternative medicine practitioners, a neurosurgeon and a gastroenterologist, and submitted "similar opinions expressed by certain health care practitioners and a substantial volume of internet articles".

Sahpra's affidavit and evaluation process

The chief executive officer of Sahpra, in an affidavit, had submitted that the application was misguided and reliant on hearsay and, if the order was granted, it would undermine Sahpra's role and responsibilities, and that this was not the first attempt by the applicants to stop the use of vaccines.

Evidence was that Sahpra could only register a medicine if it was satisfied that it was suitable for the purpose it was intended.

This involved an evaluation process with a review of safety and efficacy data carried out by experts who are all qualified scientists with biological science degrees and Bachelors of Pharmacy in either biotechnology, biochemistry, microbiology or affiliated disciplines.

External experts were also appointed in the fields of virology, public health, epidemiology, haematology and other sciences.

Sahpra had stressed that it was not unusual that a medicine or a vaccine caused some side effects. Even paracetamol has a side effect profile, but it was the severity and frequency of the side effects that was important in determining whether a medicine was safe or not.

With regard to Covid vaccines, their use had been supported by evidence from other regulatory authorities, including the World Health Organisation.

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Between May 2021 and November 2022, about 37.5 million vaccines had been administered in South Africa and 232 deaths reported among those who had been jabbed. Of these, only two turned out to be “causally linked” to the vaccine.

Sahpra called its own witnesses to counter the evidence given by the applicants’. They explained that the applicants’ evidence had been “checked and debunked”.

Nicholas Crisp, who headed up the vaccine programme for the Department of Health, said the applicants had placed no credible scientific evidence before the court to demonstrate that the vaccines were unsafe and against the best interests of the public, including children.

He said the applicants’ witnesses lacked both the qualifications and impartiality necessary to qualify as experts and a number of sources cited were part of the “worldwide disinformation campaign led by what is commonly known as anti-vaxxers” and in some cases relied on “false science”.

Judge Davis said while it had been accepted that there were members of the public who had experienced adverse health events or symptoms which they perceive were related to or caused by vaccines, they were not of the “catastrophic” proportions alleged.

In so far as there had been vaccine related deaths, these were in such a miniscule percentage that they could rightly be labelled as very rare. He said of great importance was that no one was forcing any person or any parents of a minor child to receive further vaccines.

“This alone is a fatal defect in the application ... and the point is well made that should the interdictory relief be granted, it would deny those members of the community who wish to exercise their own rights of access to health care and bodily integrity from opting for vaccination. The applicants have no right to do so.”

Judge Davis said it was also “manifestly unfair” that the vaccine manufacturers had not been joined in the application.

“The qualifications and knowledge of the experts relied on by the applicants have seriously been placed in doubt ... There are also grave doubts about the factual bases for the applicant’s conclusions and research methodology ... I therefore accept the expert opinions relied on by the respondents and reject those relied on by the applicants.”

Judge Davis ordered the applicants to pay the respondents' costs.

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