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28/2/2019

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

Case No: 1/2019

Before Honourable Millar AJ

In the application of:

**UNIVERSITY OF SOUTH AFRICA ("UNISA")**

Applicant

and

**PARTICIPANTS IN PROTEST ACTION AT THE  
UNIVERSITY OF SOUTH AFRICA**

First Respondent

**NATIONAL STUDENT REPRESENTATIVE  
COUNCIL**

Second Respondent

**SOUTH AFRICAN STUDENTS CONGRESS**

Third Respondent

**AFRICAN NATIONAL CONGRESS YOUTH  
LEAGUE**

Fourth Respondent

**ECONOMIC FREEDOM FIGHTERS STUDENTS'  
COMMAND**

Fifth Respondent

**WADZANI MAZHETSE**

Sixth Respondent

**XOLA NYIRENDA**

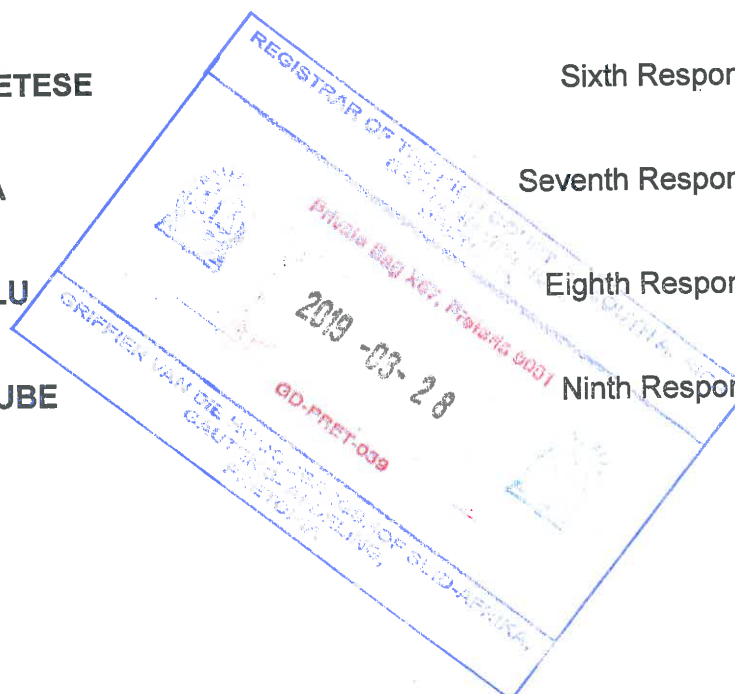
Seventh Respondent

**SIYABONGA ZULU**

Eighth Respondent

**NKGABISENG DUBE**

Ninth Respondent



*[Handwritten signature]*

ZONA MAJAMBE

Tenth Respondent

MOSES BALOYI

Eleventh Respondent

LUCAS MAMABOLO

Twelfth Respondent

AMUKELANI NGWENYA

Thirteenth Respondent

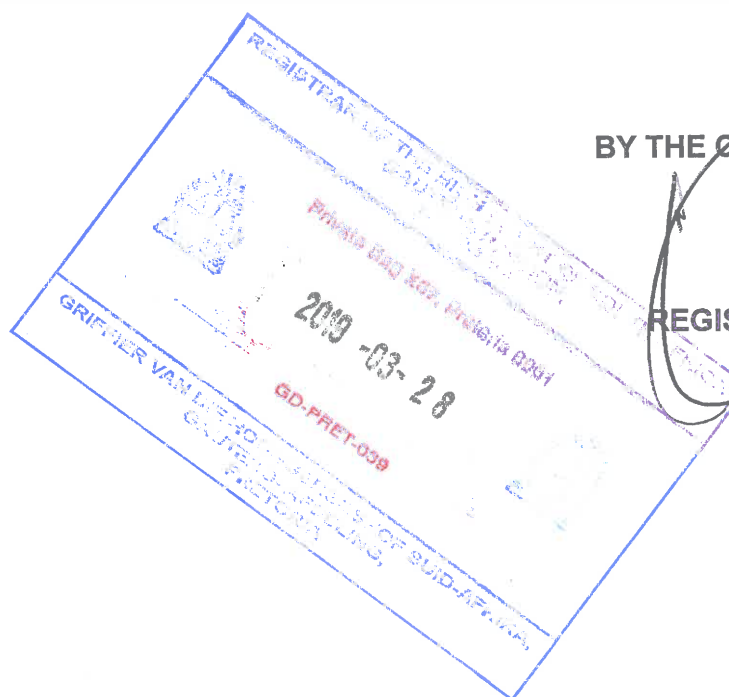
THE MINISTER OF POLICE

Fourteenth Respondent

### DRAFT ORDER

**HAVING READ** the papers, having heard Counsel for the Applicant and having considered the matter, the following order is made:

1. The rule *nisi* issued by Kubushi J dated 11 January 2019 is hereby confirmed.



*[Handwritten signature]*

**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

Case No.: 1/2019

**BEFORE THE HONOURABLE JUDGE <sup>KUBUSHI</sup> MNQIBISI THUST**

**ON THIS 11<sup>TH</sup> DAY OF JANUARY 2019**

In the application of:

**UNIVERSITY OF SOUTH AFRICA ("UNISA")**

and

**PARTICIPANTS IN PROTEST ACTION AT THE  
UNIVERSITY OF SOUTH AFRICA**

First Respondent

**NATIONAL STUDENT REPRESENTATIVE  
COUNCIL**

Second Respondent

**SOUTH AFRICAN STUDENTS CONGRESS**

Third Respondent

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Fourth Respondent

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COMMAND**

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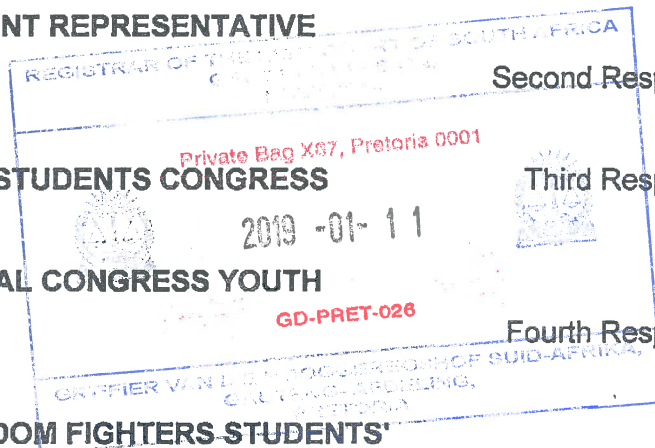
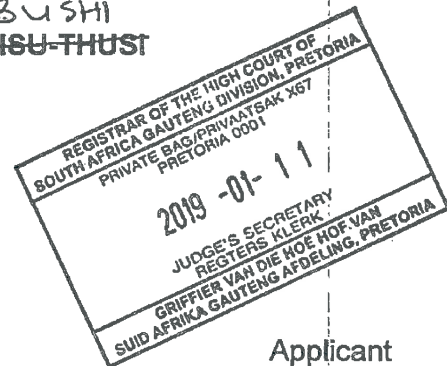
Sixth Respondent

**XOLA NYIRENDA**

Seventh Respondent

**SIYABONGA ZULU**

Eighth Respondent



NKGABISENG DUBE

Ninth Respondent

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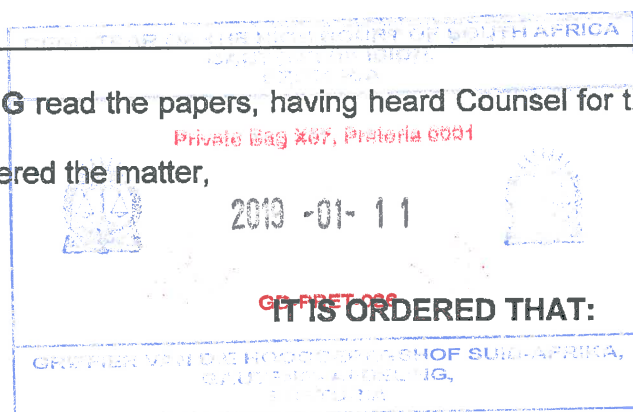
Thirteenth Respondent

THE MINISTER OF POLICE

Fourteenth Respondent

## DRAFT ORDER

HAVING read the papers, having heard Counsel for the Applicant and having considered the matter,



1. That a rule *nisi* is issued with a return date 28 March 2019 2019, calling on the respondents to show cause why an Order in the following terms should not be made final:

- 1.1 Interdicting and restraining the first to thirteenth respondents, including their members and supporters from directly or indirectly:

1.1.1 Participating in protest action at the applicant's campuses within <sup>50</sup>~~100~~ metres from any entrances to the applicant's premises/campuses; *Em*

1.1.2 Taking part in or instigating disruptive or riotous behaviour that may result in damage to any property of the applicant, or the infringement of the rights of any staff member, student and/or visitor to the applicant's premises;

1.1.3 Blocking any entrances to the University of South Africa;

1.1.4 Obstructing or preventing ingress or egress of students, staff or visitors to the campuses of the University; and from

interfering with the access control to any of the entrances to the applicant's premises, interfering with the proper working of the applicant's property or property under the applicant's control;

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1.1.5 Disrupting or otherwise interfering in any way with the normal

activities of the University, including but not limited to:

1.1.5.1 Blocking entrances of gates or buildings;

1.1.5.2 Registration and/or applications taking place;

### 1.1.5.3 Administration of the applicant.

1.2 Interdicting and restraining the first to thirteenth respondents and, where applicable, their supporters, members and/or followers from participating in, calling for, supporting, encouraging or inciting unlawful behaviour, violence, causing damage to property and from intimidating, threatening, harassing or harming:

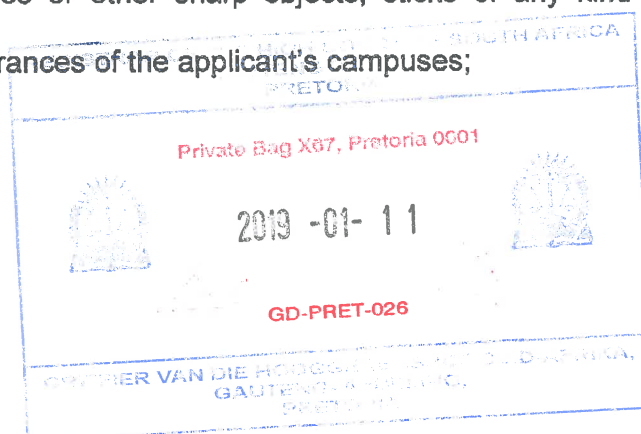
1.2.1 Any employees of the applicant;

1.2.2 Any students of the applicant;

1.2.3 Any service providers of the applicant;

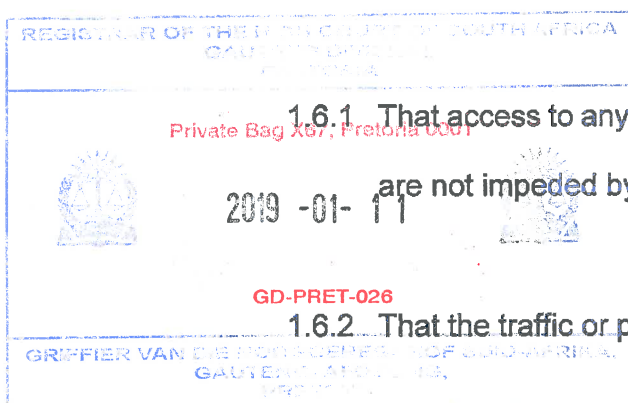
1.2.4 Or any other person present on the applicant's campuses.

1.3 Restraining the first to thirteenth respondents and, where applicable, their supporters, members and/or followers from carrying firearms, or dangerous weapons defined in the *Dangerous Weapons Act* 15 of 2013, or sjamboks, knobkieries, golf clubs, hammers, assegais, knives or other sharp objects, sticks of any kind at, or near the entrances of the applicant's campuses;



- 1.4 Restraining the first to thirteenth respondents, and where applicable, their supporters, members and/or followers from vandalising property or illegally occupying any buildings on the campuses of the applicant.
- 1.5 An Order directing the leadership structures of the second to fifth respondents to take all reasonable and necessary steps to ensure compliance with any Order granted by the above Honourable Court in this application by its members and/or followers, by *inter alia*:
- 1.5.1 Communicating by social media the content of this Court Order;
- 1.5.2 Requesting its members and followers to conduct themselves lawfully, and to refrain from participating in unlawful protest action in conflict with the Order as out above; and
- 1.5.3 Publically call upon its members, to abide by the provisions of this Order.
- 1.6 The South African Police Services and/or the Public Order Policing Unit are directed to take all reasonable steps in terms of Sec 9 of the Regulation of Gatherings Act, 205 of 1993 to ensure:

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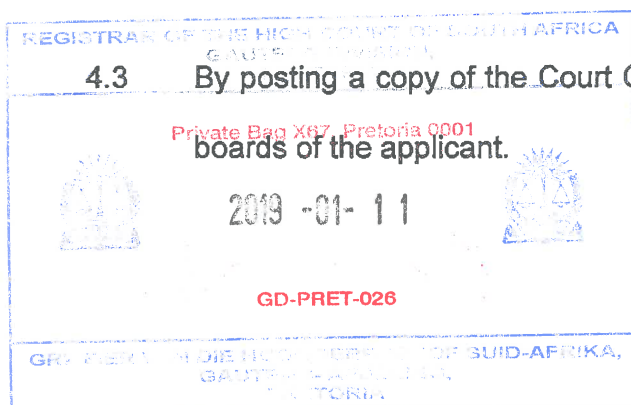
1.6.1 That access to any campuses of the University of South Africa are not impeded by protesters;

1.6.2 That the traffic or pedestrian traffic is least impeded;

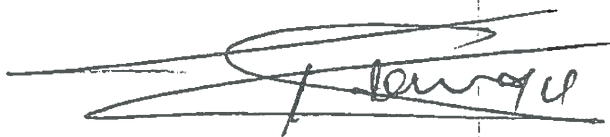
1.6.3 The prevention of injury to persons or damage to property;

1.6.4 Adherence by participants in protest action to the above prohibition of protest action within <sup>50</sup>100 metres of entrances to the premises of the University of South Africa. *EM*

2. That prayers 1.1 to 1.6 (including sub-paragraphs) are granted with immediate effect and remain in force pending a return date. The respondents may anticipate the return date on 72 hours written notice to the applicant's attorneys.
3. The SAPS and/or Public Order Policing Unit are directed to take any and all necessary and reasonable actions to ensure compliance with this Order;
4. Service of the Court Order shall be effected in the following manner:
  - 4.1 By posting the Order on the University's website;
  - 4.2 By e-mailing a copy of the Court Order to the known e-mail addresses of the respondents;



BY ORDER



REGISTRAR

