

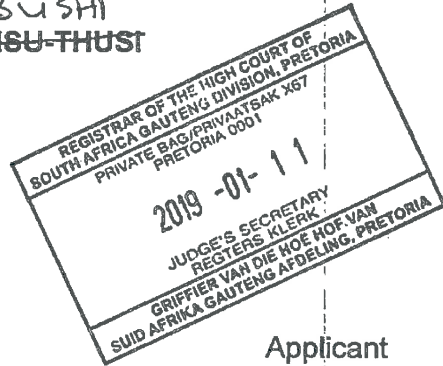
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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No.: 1/2019

KUBUSHI
BEFORE THE HONOURABLE JUDGE MNGIBISU-THUST

ON THIS 11TH DAY OF JANUARY 2019



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 MAZHETESE

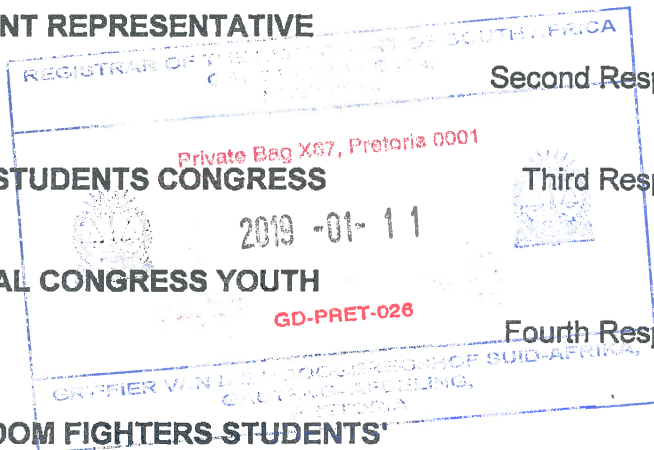
Sixth Respondent

XOLA NYIRENDA

Seventh Respondent

SIYABONGA ZULU

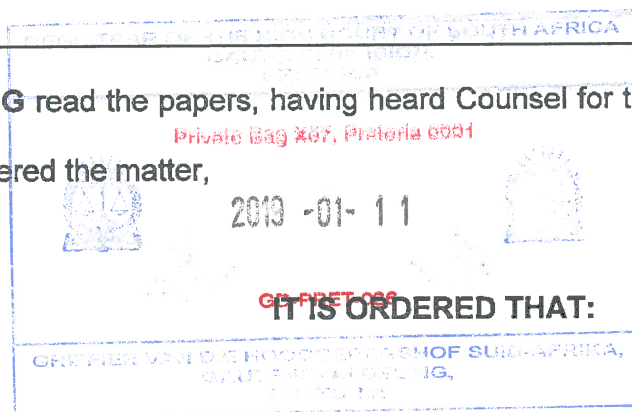
Eighth Respondent



NKGABISENG DUBE	Ninth Respondent
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,



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:

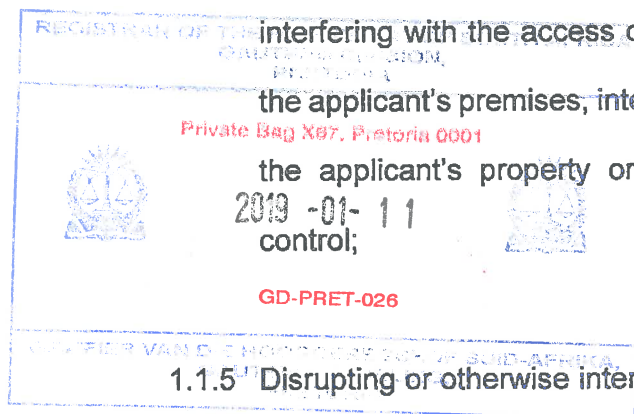
1.1.1 Participating in protest action at the applicant's campuses within ⁵⁰~~100~~ metres from any entrances to the applicant's premises/campuses;

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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;

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:

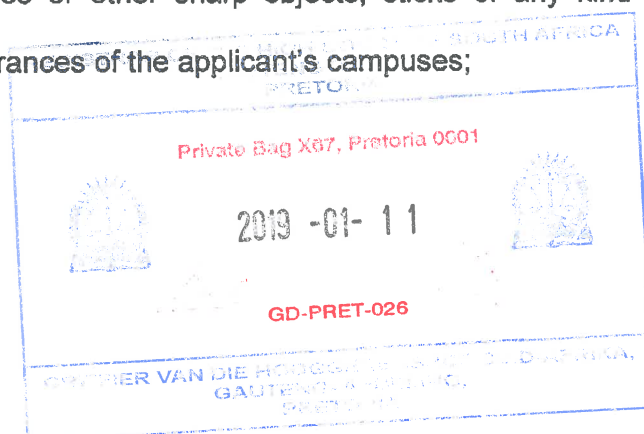
1.2.1 Any employees of the applicant;

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*:

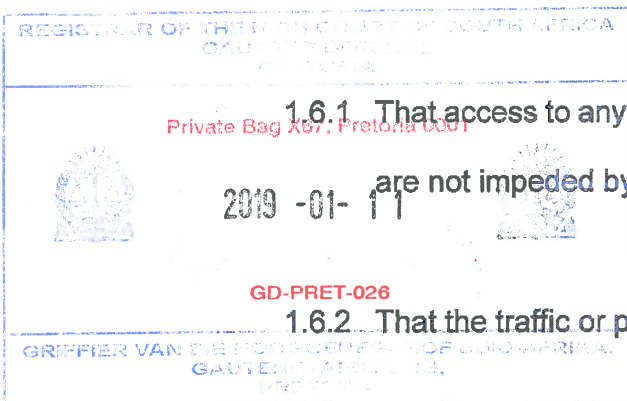
1.5.1 Communicating by social media the content of this Court Order;

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.

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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:



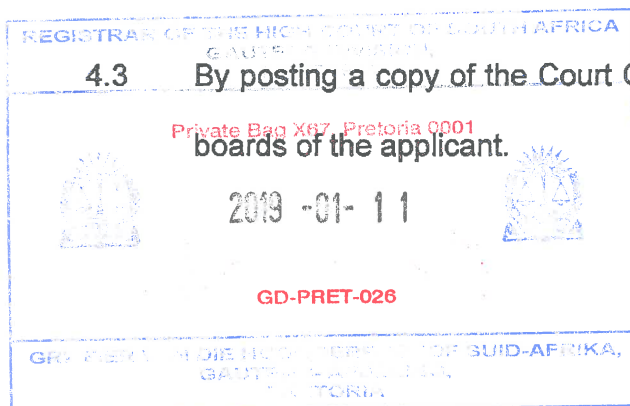
1.6.1 That access to any campuses of the University of South Africa are not impeded by protesters;

1.6.2 That the traffic or pedestrian traffic is least impeded;

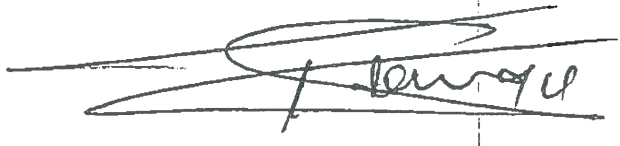
1.6.3 The prevention of injury to persons or damage to property;

1.6.4 Adherence by participants in protest action to the above prohibition of protest action within ⁵⁰100 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

REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001

2019 -01- 11

JUDGE'S SECRETARY
REGTERS KLERK
GRIFFIER VAN DIE HOE HOF VAN
SUID AFRIKA GAUTENG AFDELING, PRETORIA

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

2019 -01- 11

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GRIFFIER VAN DIE HOE HOF VAN SUID-AFRIKA,
GAUTENG AFDELING,
PRETORIA