IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Before the Honourable Mr Justice Thapi

7/12/2017

Case No: 6058/2016

In the application of:

THE UNIVERSITY OF PRETORIA Applicant

and

THE EFF STUDENT COMMAND,
UP BRANCH First Respondent

AFRIFORUM YOUTH Second Respondent

AFRIFORUM Third Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG, PRIVAATSAK X67
PRETORIA 0001
2017 -12- 07
P.F MBOWENI
REGISTRAR
GRIFFIER VAN DIE HOË HOF VAN SUID-AFRIKA, GAUTENG AFDELING, PRETORIA

PARTICIPANTS IN PROTEST ACTION AT
THE UNIVERSITY OF PRETORIA Fourth Respondent

DRAFT ORDER

HAVING read the papers filed of record, heard counsel and considered the matter

IT IS HEREBY ORDERED THAT –

1. The return date of the rule *nisi* annexed hereto as **ANNEXURE "X"** is extended to the opposed roll of 26 March 2018.

2. The order of his Lordship Mavundla J granted on 18 February 2016 in this matter and declared to operate as interim interdicts with immediate effect by his Lordship Tuchten J under case number 11929/2016 on 28 February 2016 continues to operate as interim interdicts until the aforementioned return date.

3. Costs are reserved.

4. A copy of this order is to be served on the Respondents :

   4.1 by service of a copy thereof on the attorneys for the Respondents;

   4.2 by placing the order on the official website of the University of Pretoria, such placement to serve as notice of this order to all participants in the protest action at the University of Pretoria.

BY ORDER

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REGISTRAR

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

"X"

Case No: 6058/20

On 18 February 2016, before the Honourable Mavundla J

In the application of: (Original)

THE UNIVERSITY OF PRETORIA Applicant

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2016 -02- 18
JUDGE'S SECRETARY
REGTERS KLERK
GRIFFIER VAN DIE HOË HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

and

THE EFF STUDENT COMMAND, UP BRANCH First Respondent

AFRIFORUM YOUTH Second Respondent

AFRIFORUM Third Respondent

PARTICIPANTS IN PROTEST ACTION AT THE UNIVERSITY OF PRETORIA Fourth Respondent

DRAFT ORDER

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
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Having heard counsel for the applicant, the following order is made:

1. An Order dispensing with the forms, service and time periods prescribed in terms of the Uniform Rules of Court, and directing that the matter be heard as one of urgency in terms of Rule 6(12) of the Uniform Rules of Court;

2. An Order dispensing with the citation requirements in Rule 6(2) in respect of the fourth respondent;

3. The respondents are directed to show cause, if any, on 15 March 2016 at 10h00 or as soon thereafter as counsel may be heard, why an Order in the terms below should not be made final;

4. An Order restraining all the respondents, including their supporters and/or members from participating in unlawful protest action at the University of Pretoria.

5. An Order restraining the respondents and supporters of the respondents from disrupting the operations of the University of Pretoria by:

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5.1 interrupting lectures and/or examinations;

5.2 unlawfully occupying buildings;

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5.3 interfering in any administrative, academic and sporting activities of the University of Pretoria at any of its campuses;

5.4 disrupting the registration of students, the administration of the University of Pretoria, placement of students in

residences, learning programmes and participating in or observing any sports activity.

6. An Order restraining the respondents and supporters of the respondents from participating in, calling for, supporting, encouraging or inciting unlawful behaviour including:

6.1 Violence, hate speech, causing damage to property;

6.2 Directly or indirectly intimidating, threatening, victimising, harassing, harming or interfering with any member of staff of the University of Pretoria, student, visitor, contract worker, service provider or any other person present at campuses of the University of Pretoria.

7. An Order interdicting the respondents, including their supporters and/or their members from directly or indirectly:

7.1 Obstructing or preventing the entrance or exit of students, staff or visitors to any of the campuses or premises of the University of Pretoria;

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7.2 Infringing traffic rules or obstructing the flow of traffic to or on the premises of the University of Pretoria or any of its campuses.

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8. An Order restraining the respondents and where applicable their supporters and/or their members from carrying firearms, knives, sharp objects, sticks or dangerous weapons as defined in the Dangerous Weapons Act 15 of 2013 at or near the entrance to any of the University of Pretoria's premises or on the campus of the University of Pretoria.

9. An Order restraining the respondents from participating in any unlawful protest action outside of the campus of the University of Pretoria within 150 metres from the entrance(s) of the University of Pretoria.

10. An Order directing the leadership structures of the EFF Student Command (University of Pretoria branch) and Afriforum Youth in respect of any protest action organised by them in public areas outside the campus of the University of Pretoria, to take all reasonable steps to ensure that no entrance to the premises or property of the University of Pretoria is so barred by participants in protest action or barricaded that reasonable access is denied to students, staff and any person seeking access to such campus.

11. The South African Police Services and 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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11.1 That access to any campus of the University of Pretoria is not impeded by protesters;

11.2 That the vehicular traffic or pedestrian traffic is least impeded;

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

11.4 Adherence by participants in protest action to the above prohibition of protest action within 150 metres of an entrance to the campus of the University of Pretoria;

12. The SAPS and/or Public Order Policing Unit are authorised to enter upon any premises of the University of Pretoria in order to ensure compliance with this Order;

13. An Order directing the leadership structures of the EFF Student Command (University of Pretoria branch) and the Afriforum Youth to take all reasonable and necessary steps to ensure compliance with this Court Order by its members and/or followers, by *inter alia*:

13.1 Communicating by social media the content of this Court Order; and

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13.2 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;

14. The respondents may anticipate the return date on 72 hours written notice to the applicant's attorneys;

15. Service of this Order shall be effected in the following manner:

15.1 Service by the Sheriff on the respondents by reading out the Order by loud hailer at the entrance or entrances to campuses or premises affected by protest action;

15.2 By posting this Court Order on the official website of the University of Pretoria;

15.3 By posting a copy of this Court Order at all entrances to campuses of the University;

16. The costs of the application are reserved for determination on the return date.

17. Further and/or alternative relief.

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BY ORDER
REGISTRAR OF THE HIGH COURT