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JMS v/s
2015-10-21

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: 84884/15

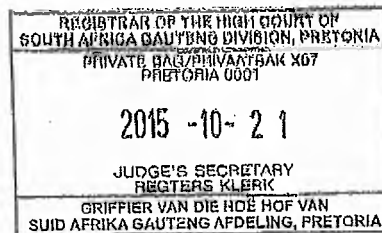
On the 21st of October 2014, before His Lordship Mr Justice Mabuse

In the ex-parte application of:

THE UNIVERSITY OF PRETORIA

Applicant

and



#UPrising

First Respondent

#TuksFeesMustFall

Second Respondent

#TUKSUPrising

Third Respondent

THE SOUTH AFRICAN STUDENT CONGRESS

Fourth Respondent

**AFRICAN NATIONAL CONGRESS YOUTH LEAGUE
(ANCYL)**

Fifth Respondent

ECONOMIC FREEDOM FIGHTERS STUDENT COMMANDS Sixth Respondent

**DEMOCRATIC ALLIANCE STUDENT
ORGANISATION**

Seventh Respondent

AFRICAN STUDENTS FOR LIBERTY

Eighth Respondent

AFRIFORUM JEUG

Ninth Respondent

YOUNG COMMUNIST LEAGUE

Tenth Respondent

MR MOSIBUDI RASETHABA (SRC PRESIDENT)

Eleventh Respondent

**MR LUVUYO MENZIWA
(SRC DEPUTY-PRESIDENT)**

Twelfth Respondent

**MR TUMELO RASEBOPYE (SRC MEMBER FOR
MARKETING, MEDIA AND COMMUNICATION)**

Thirteenth Respondent

ALL STUDENTS REGISTERED AT THE
UNIVERSITY OF PRETORIA

Fourteenth and further
Respondents

DRAFT ORDER

Having heard counsel for the applicant and having read the papers, the following order is made:

IT IS ORDERED AS FOLLOWS:-

Pending finalisation of Part B an order is issued:

1. Directing the Registrar and officers of the above Honourable Court to retain the Court file and not to place the matter on the urgent roll, or make public the issue of this application, without leave of the Court, alternatively until after the Order has been executed;
2. Interdicting and restraining the respondents, including their supporters or members from directly or indirectly:
 - 2.1 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;

- 2.2 Blocking entrances to any of the campuses of the University of Pretoria;
- 2.3 Obstructing or preventing ingress or egress of students, staff or visitors to the campuses of the University of Pretoria 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 under the applicant's control;
- 2.4 Infringing the traffic rules on the applicant's premises and adjacent public roads;
- 2.5 Disrupting or otherwise interfering in any way with the normal activities of the University of Pretoria at any of its campuses, including but not limited to:
 - 2.5.1 Examinations and/or tests being written;
 - 2.5.2 Administration of the applicant;
 - 2.5.3 Lectures and tutorials on all campuses of the applicant;

2.5.4 The work of the libraries.

3. Interdicting and restraining the respondents and, where applicable, their supporters and/or 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:
 - 3.1 Any employees of the applicant;
 - 3.2 Any students of the applicant;
 - 3.3 Any service providers of the applicant;
 - 3.4 Or any other person present on the applicant's campuses;
4. Restraining the respondents, and where applicable, the members and/or followers from interfering in any way with any person's freedom of movement, including taking of hostages, while on the premises of the applicant at its various campuses;
5. Restraining the respondents and, where applicable, their supporters and/or 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 entrance to any of the campuses of the applicant;

6. Restraining the respondents, and where applicable, their members and/or followers from vandalising property or occupying any buildings on the campuses of the applicant;
7. Directing the fourteenth and further respondents to comply with their contractual obligations towards the applicant, including but not limited to the rules, regulations and admission requirements of the University of Pretoria;
8. Directing the leadership structures of the organisations cited as respondents and the eleventh to thirteenth respondents to take all reasonable and necessary steps to ensure compliance with this Court Order by its members and/or followers by *inter alia*:
 - 8.1 Communicating by social media the contents of this Court Order; and
 - 8.2 Requesting its members and followers to conduct themselves lawfully, to refrain from intimidation, acts of violence and damage to the applicant and/or other public property;

9. Should the leadership structures of the student organisations or movements cited as respondents and the eleventh to thirteenth respondents fail to ensure compliance with this Order, they are called upon to advance reasons why they should not be held in contempt of Court;
10. Should the respondents and their members/followers fail to comply with the terms of this Order or part thereof, the SAPS and/or Public Order Policing Unit are directed to take any steps or measures necessary to ensure compliance with this Order, and to maintain law and order at the University's premises;
11. In the event of buildings, lecture halls, offices and/or residences, or parts thereof, being occupied unlawfully, the SAPS and/or Public Order Policing Unit are directed to remove unlawful occupiers from unlawfully occupied premises and are directed to remove them from the campus concerned;
12. The above interdictory relief shall remain in force, pending finalisation of Part B below.
13. Any respondent can anticipate the hearing date of Part B on 72 hours' notice.
14. Service of this Order shall be effected in the following manner:

- 14.1 By e-mail to all students of the applicant;
- 14.2 By service by the Sheriff on the respondents by loudhailer at the entrance, or entrances to campuses affected by student protest action;
- 14.3 By posting the Order on the University's website;
- 14.4 By e-mailing a copy of the Court Order to the e-mail address of the respondents;
- 14.5 By posting a copy of the Court Order at all entrances to all University campuses of the applicant.
15. The costs of Part A shall be reserved for determination, together with Part B below.

16. Further and/or alternative relief.

17. The return date shall be 23 November 2015
at 10h00 or as soon thereafter as the parties
may be heard

BY THE COURT

S. Loude.

THE REGISTRAR

