

IN THE HIGH COURT OF SOUTH AFRICA

V X  
Em

29 October 2015 (GAUTENG DIVISION, Pretoria)

Before the Honourable Madam  
Justice Kurbushi

Case number: 85873 /2015

In the matter between:

**TSHWANE UNIVERSITY OF TECHNOLOGY**

Applicant

REGISTRAR OF THE NORTH GAUTENG HIGH COURT, PRETORIA
PRIVATE BAG, PRIVAATSAK X67 JUDGE'S SECRETARY
<b>29 OCT 2015</b>
REGTERS KLERK PRETORIA 0001
GRIFFIER VAN DIE NOORD GAUTENG HOE HOF, PRETORIA

and

<b>PROGRESSIVE YOUTH ALLIANCE</b>	First Respondent
<b>SOUTH AFRICAN STUDENT CONGRESS (SASCO)</b>	Second Respondent
<b>PAN AFRICAN STUDENT MOVEMENT OF AZANIA (PASMA)</b>	Third Respondent
<b>ECONOMIC FREEDOM FIGHTERS (EFF)</b>	Fourth Respondent
<b>ANC YOUTH LEAGUE</b>	Fifth Respondent
<b>YOUNG COMMUNIST LEAGUE</b>	Sixth Respondent
<b>MLINGISI NKWANYANA</b>	Seventh Respondent
<b>JABULANI MASILELA</b>	Eight Respondent
<b>SIZWE CELE</b>	Ninth Respondent
<b>AMATIMBA SHIRIMBA</b>	Tenth Respondent
<b>MONKIE MALULEKA</b>	Eleventh Respondent
<b>ANDILE MALEFO</b>	Twelfth Respondent
<b>JONAS MAKGETHI</b>	Thirteenth Respondent

<b>GENIOUS SHABANGU</b>	Fourteenth Respondent
<b>REFILOE MASHILOANE</b>	Fifteenth Respondent
<b>MONDI MADLAMALALA</b>	Sixteenth Respondent
<b>TEDDY MAKWAKWA</b>	Seventeenth Respondent
<b>ELIYA MOGALE</b>	Eighteenth Respondent
<b>AMOGELANG NOKO</b>	Nineteenth Respondent
<b>TSHEPO MASELA</b>	Twentieth Respondent
<b>ELISHA MOGALE</b>	Twenty First Respondent
<b>DOMINIC MAPHOSA</b>	Twenty Second Respondent
<b>BUSISIWE MZIMELA</b>	Twenty Third Respondent
<b>KAGISO MAKITLA</b>	Twenty Fourth Respondent
<b>PONDA NCHABELENG</b>	Twenty Fifth Respondent
<b>LEBOGANG MABALA</b>	Twenty Sixth Respondent
<b>FRANCE NGOBENI</b>	Twenty Seventh Respondent
<b>NGWAKO MASIPA</b>	Twenty Eighth Respondent
<b>THABO BESSIE</b>	Twenty Ninth Respondent
<b>KAGISO MAKITLA</b>	Thirtieth Respondent
<b>TSHEPO MASEL</b>	Thirty First Respondent
<b>NDUMISO MHLANGA</b>	Thirty Second Respondent
<b>CABANGA MALULEKE</b>	Thirty Third Respondent
<b>PHILLIP MODIKA</b>	Thirty Fourth Respondent
<b>WALTER MATSHWI</b>	Thirty Fifth Respondent
<b>RUEL CHAUKE</b>	Thirty Sixth Respondent



MABOKO		Thirty Seventh Respondent					
LUCKY MTSHWENI		Thirty Eighth Respondent					
BANELE ZIQUBU		Thirty Ninth Respondent					
MOLEFE RADINNE		Fortieth Respondent					
GOODWILL NDLANGAMANDLA		Fourty First Respondent					
MPHO KEKANA	<table border="1"> <tr> <td>REGISTRAR OF THE NORTH GAUTENG HIGH COURT, PRETORIA</td> </tr> <tr> <td>PRIVATE BAG/PRIVAATSAK X67 JUDGE'S SECRETARY</td> </tr> <tr> <td><b>29 OCT 2015</b></td> </tr> <tr> <td>REGISTERS KLERK PRETORIA 0001</td> </tr> <tr> <td>GRIFFIER VAN DIE NOORD GAUTENG HOE HOF, PRETORIA</td> </tr> </table>	REGISTRAR OF THE NORTH GAUTENG HIGH COURT, PRETORIA	PRIVATE BAG/PRIVAATSAK X67 JUDGE'S SECRETARY	<b>29 OCT 2015</b>	REGISTERS KLERK PRETORIA 0001	GRIFFIER VAN DIE NOORD GAUTENG HOE HOF, PRETORIA	Fourty Second Respondent
REGISTRAR OF THE NORTH GAUTENG HIGH COURT, PRETORIA							
PRIVATE BAG/PRIVAATSAK X67 JUDGE'S SECRETARY							
<b>29 OCT 2015</b>							
REGISTERS KLERK PRETORIA 0001							
GRIFFIER VAN DIE NOORD GAUTENG HOE HOF, PRETORIA							
KWINDA GODANE	Fourty Third Respondent						
N.S BVUMA	Fourty Fourth Respondent						
SIYABELO SONO	Fourty Fifth Respondent						
THANDO LORATO PHAKADIRA		Fourth Sixth Respondent					

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~~DRAFT ORDER~~

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After having read the founding affidavit and after having heard counsel for the applicant, the following order is made:

1. The Registrar and officers of the above Honourable Court are ordered to retain the Court file and are directed not to make public the issue of this application until after the Order has been executed;

2. Interdicting and restraining the respondents, including their supporters and/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 Tshwane University of Technology;

2.3 Obstructing or preventing ingress or egress of students, staff or visitors to the campuses of the Tshwane University of Technology 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;

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 Tshwane University of Technology 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 supporters and/or members and/or followers from vandalising property or illegally occupying any buildings on the campuses of the applicant;
7. Directing the leadership structures of the organisations cited as respondents to take all reasonable and necessary steps to ensure compliance with this Court Order by its members and/or followers by

*inter alia* :

REGISTRAR OF THE NORTH GAUTENG HIGH COURT, PRETORIA
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GRIFFIER VAN DIE NOORD GAUTENG HOË HOF, PRETORIA

- 7.1 Communicating by social media the contents of this Court Order;  
and
- 7.2 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;
8. Should the leadership structures of the student organisations or movements cited as 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;
9. Should the respondents and their members/ followers fail to comply with the terms of this Order or any 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;
10. 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;

11. The above interdictory relief shall remain in force, pending finalisation of Part B below;

12. Any respondent can anticipate the hearing date of Part B on 72 hours' notice;

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

13.1 By e-mail to all students of the applicant;

13.2 By sending a *sms* message to all the Applicant's enrolled students;

13.3 By posting the Order on the Applicant's website;

13.4 By e-mailing a copy of the Court Order to the known e-mail address of the respondents;

13.5 By posting a copy of the Court Order at all entrances to all of the Applicant's campuses of the applicant;





14. The return date for this order shall be 9 DECEMBER 2015 at 10h00 or as soon thereafter as counsel may be heard;

15. That the costs of Part A be reserved for determination, together with Part B below; *Em*

By Order,



**Registrar of the High Court**

Gauteng Division, Pretoria

