

2/8/2019

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No.: 41629/2019

BEFORE THE HONOURABLE JUDGE NIEUKIRSCHER
ON THIS THE 2nd DAY OF AUGUST 2019

In the application of:

SEFAKO MAKGATHO HEALTH SCIENCES UNIVERSITY Applicant

and

**PARTICIPANTS IN PROTEST ACTION AT SEFAKO
MAKGATHO HEALTH SCIENCES UNIVERSITY** First Respondent

STUDENT REPRESENTATIVE COUNCIL (SRC) Second Respondent

INNOCENT CHAUKE (SRC PRESIDENT) Third Respondent

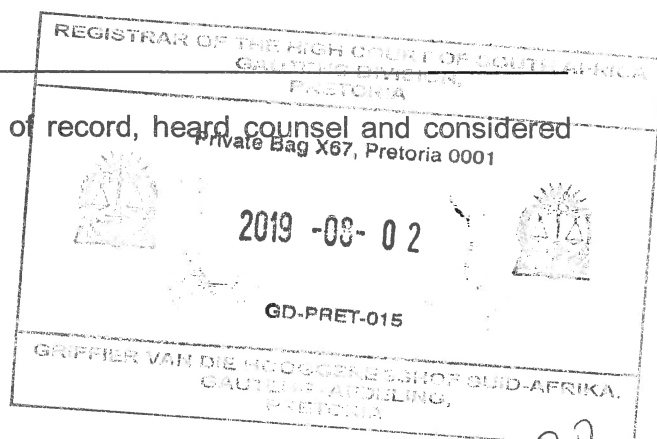
**NATIONAL EDUCATION HEALTH AND ALLIED
WORKERS UNION (NEHAWU)** Fourth Respondent

**TSHEPO LECHABA
(NEHAWU BEC: CHAIRPERSON)** Fifth Respondent

THE MINISTER OF POLICE Sixth Respondent

DRAFT ORDER

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



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IT IS ORDERED:

1. That the provisions of the Rules of the above Honourable Court pertaining to times and manner of service referred to therein, be condoned and dispensed with, and that it is ordered that this matter be considered and dealt with as a matter of urgency in terms of Rule 6(12) of the Uniform Rules of Court;

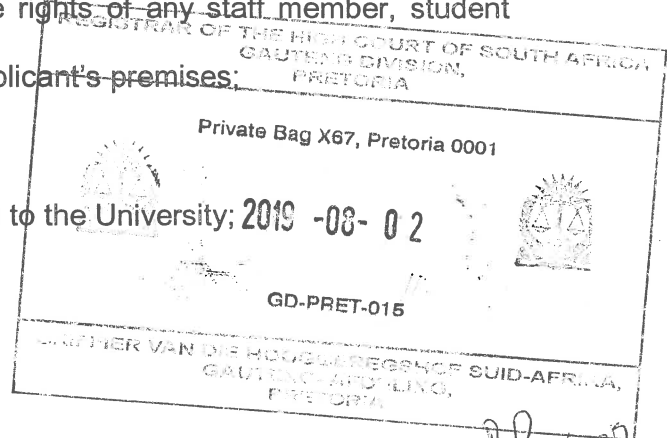
2. That a rule *nisi*, with return date of 27 February 2020, is issued calling on the Respondents to show cause why an Order in the following terms should not be made final:

2.1 Interdicting and restraining the First to Fifth Respondents, including their members and supporters from directly or indirectly:

2.1.1 Participating in protest action at the Applicant's campus within 150 metres from any entrance to the Applicant's premises/campus;

2.1.2 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;

2.1.3 Blocking any entrances to the University; 2019 -08- 02



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2.1.4 Obstructing or preventing ingress or egress of students, staff or visitors to the campus 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;

2.1.5 Disrupting or otherwise interfering in any way with the normal activities of the University, including but not limited to:

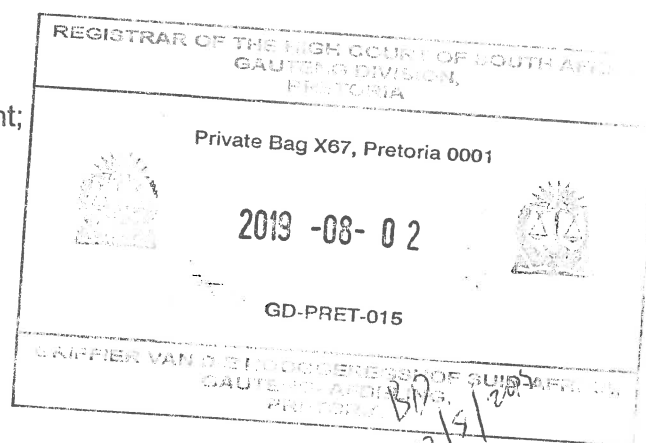
2.1.5.1 Blocking entrances of gates or buildings;

2.1.5.2 Registration and/or applications and/or any academic activity taking place;

2.1.5.3 Administration of the Applicant.

2.2 Interdicting and restraining the First to Fifth 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:

2.2.1 Any employees of the Applicant;



2.2.2 Any students of the Applicant;

2.2.3 Any service providers of the Applicant;

2.2.4 Or any other person present on the Applicant's campus.

2.3 Restraining the First to Fifth 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 campus;

2.4 Restraining the First to Fifth Respondents, and where applicable, their supporters, members and/or followers from vandalising property or illegally occupying any buildings on the campus of the Applicant.

2.5 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*:

2.5.1 Communicating by social media the content of this Court

Order;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION PRETORIA	
Private Bag X67, Pretoria 0001	
	
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2.5.2 Requesting its members and followers to conduct themselves lawfully, and to refrain from participating in unlawful protest action in conflict with the Order as set out above; and

2.5.3 Publicly call upon its members, to abide by the provisions of this Order.

2.6 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:

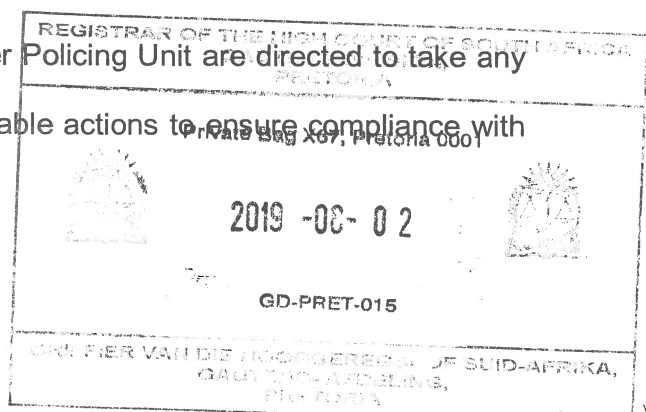
2.6.1 That access to the campus of the University are not impeded by protesters;

2.6.2 That the traffic or pedestrian traffic is least impeded;

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

2.6.4 Adherence by participants in protest action to the above prohibition of protest action within 150 metres of entrances of the University.

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. Costs order against the Second to Fifth Respondents to be determined on the return date;
5. Service of the Court Order shall be effected in the following manner:
 - 5.1 By posting the Order on the University's website;
 - 5.2 By e-mailing a copy of the Court Order to the known e-mail addresses of the Respondents;
 - 5.3 By posting a copy of the Court Order at entrances and notice boards of the Applicant.
6. That prayers 2.1 to 3 (including sub-paragraphs) are granted with immediate effect and remain in force pending the return date. The Respondents may anticipate the return date on 72 hours written notice to the Applicant's attorneys.

BY ORDER

