

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

"X"
R Williams
17/02/16

CASE NO: 2648/2016

**On Wednesday 17 February 2016
Before Her Ladyship Acting Justice Williams**

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

and

SANCHIA DAVIDS

First Respondent

KIRSTEN WHITFIELD

Second Respondent

MOGEZI MAYEPI

Third Respondent

NEO REILOE MANCAPA

Fourth Respondent

DE WAAL HUGO

Fifth Respondent

ITUMELENG NKULULEKO MOLEFE

Sixth Respondent

DUMISANI NCUBANI

Seventh Respondent

ATHABILE NONXUBA

Eighth Respondent

ALEX HOTZ

Ninth Respondent

PAM DHLAMINI

Tenth Respondent

MASIXOLE MLANDU

Eleventh Respondent

CHUMANI MAXWELE

Twelfth Respondent

SLOVO MAGIDA

Thirteen Respondent

ZOLA SHOKANE

Fourteenth Respondent

BRIAN KAMANZI

Fifteenth Respondent

RU SLAYEN

Sixteenth Respondent



**THOSE PERSONS WHO ASSOCIATE
THEMSELVES WITH ANY UNLAWFUL
CONDUCT AT ANY OF THE UNIVERSITY'S
PREMISES**

Seventeenth Respondent

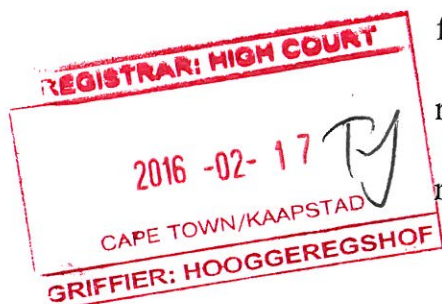
DRAFT ORDER

Having heard the oral evidence of Messrs. Royston Nathan Pillay and Steven Ganger, and having heard the counsel for the applicant, the following order is granted:

1. A *rule nisi* is issued calling on the respondents to show cause on 15 March 2016 why the following order should not be made final:

- 1.1. That the first to sixteenth respondents be interdicted and restrained from entering, or remaining on, any of the applicant's premises; save that those of the respondents who formally, and with the consent of UCT, reside in a UCT residence, may return to and remain at their respective residences for the limited purpose of residing thereat.

- 1.2. That the first to seventeenth respondents be interdicted and restrained from any action that obstructs or frustrates the effective rendering of university services or decision-making processes of the applicant, including, but not limited to:



- 1.2.1. entering or occupying any of the applicant's premises other than for the transaction of university business that requires their attendance at the premises (including the attendance of lectures, tutorials, and examination venues and for occupying student housing for which they are lawfully registered), but subject thereto that the first to sixteenth respondents may not enter any of the applicant's premises for any reason other than as set out in paragraph 1.1 above;
- 1.2.2. erecting any unauthorised structures on the applicant's premises;
- 1.2.3. destroying, damaging or defacing any of the applicant's property;
- 1.2.4. participating in, or inciting others to participate in any unlawful conduct and/or protest action at any of the applicant's premises; and
- 1.2.5. inciting violence.



- 1.3. Costs against any of the respondents who oppose the application.
- 1.4. Further and/or alternative relief.
2. The *rule nisi* in paragraphs 1.1 and 1.2 above shall operate as an interim interdict with immediate effect until the final resolution of the matter.
3. The matter shall be heard on the semi urgent roll on the return date, being 15 March 2016.
4. The evidence adduced in court on 17 February 2016 shall be transcribed as a matter of urgency.
5. The applicant is to file its founding affidavit on or before 22 February 2016 to which it shall attach:

5.1. The transcript;

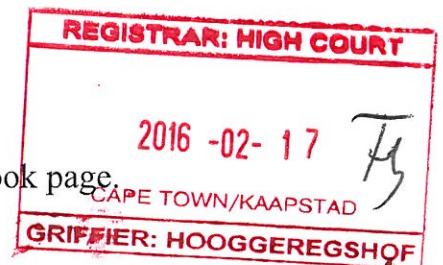
5.2. The three exhibits handed in at the hearing on 17 February 2016;



- 5.3. Any further footage of the incidents forming the subject matter of this application and insofar as such evidence is video footage, it shall be dealt with under cover of a rule 36 (10) notice.
6. In the event of any of the respondents opposing the relief sought by the applicant, they are to:
- 6.1. deliver to the applicant a notice of opposition and to appoint in such notice an address, within 15km of the office of the Registrar of this court, at which they will accept notice and service of all process in these proceedings by not later than 10h00 on 25 February 2016;
- 6.2. deliver any affidavits they may desire to make in answer to the allegations made by and on behalf of the applicant by no later than 16h00 on 2 March 2016.
7. The applicant will file its replying affidavit, if any, on or before 7 March 2016.
8. The parties will file their heads of argument by no later than 12h00 on 10 March 2016.



9. After the conclusion of the matter and the court had indicated that an interdict as sought would be granted, Mr Phumlani Ndlamhlaba of Nongogo, Nuku Inc. attended court and indicated that he was representing the seventeen respondents and that his firm would accept service of all process in the application on their behalf; and further that the order could be served electronically at the address provided, namely phumlanin@nongogonuku.co.za.
10. A copy of this order is to be served on the respondents as soon as possible:
- 10.1. on the first to seventeenth respondents' attorney of record at the above email address;
- 10.2. at first to seventeenth respondents' attorney of record at their office situate at 12th Floor, Spoornet Building, 1 Adderley Street, Cape Town; and
- 10.3. by posting it on the UCT website and Facebook page.
11. The South African Police Service and Metro Police are directed to assist the applicant in effecting the implementation of this order.



12. Any of the respondents may anticipate the return day of this interim order on not less than twenty-four hours written notice to the applicant's attorney of record, Ms. A Petersen of Fairbridges Wertheim Becker attorneys (tel: 021 405 7300).

BY ORDER OF THE COURT



THE REGISTRAR

