



2 November 2017

## UCT's position on the interdict and unlawful protest action

### The interdict granted on 30 November 2017

UCT applied for the interdict on 27 October but it was only granted on Monday, after the judge took the time to hear the arguments of the opposing party (led by the previous SRC members). A judge does not always take such a step and in this case the opposing argument did not prevent the interdict from being granted. **The interdict does not in any manner affect the right to protest.** The only limits on this right are to conduct protest peacefully and unarmed. Only when that limit is exceeded, will protest be affected by the interdict. UCT has been extraordinarily tolerant of disruptive protest for some time. The interdict opens the way to allow the vast majority of students and staff to go about their business on campus. That is their right.

### Protest action:

UCT views protest action as a constitutional right. We have and will continue to view any protest action on campus in this light and as legitimate. We will continue to engage on the issues protestors bring to the fore. We view protest action as a positive intervention in society where issues of social-justice are highlighted and fought for.

### Our responsibility:

The UCT executive has a judiciary and moral duty to deliver against its mandate of delivering teaching, learning and to impact society through its work. We have a further duty to ensure this is done in an environment that safe for staff and students. We are contractually obliged to deliver assignments, classes, test and exams.

### Unlawful protest action:

Last week a group of protesters protested around fees and had multiple other demands. Many protested lawfully. Unfortunately, some abused the situation and acted unlawfully and in addition created safety concerns. When the safety on campus is threatened or the law is broken the executive must act against such behavior.

Here are a few of the incidents, now under investigation, that clearly constitute illegal and unsafe behaviour:

- Protesters threw excrement in three buildings on upper campus.
- Protesters slashed tyres on Jammie shuttles.
- Protesters blocked access to Baxter Road.
- Protesters overturned benches in the Food Court.

- Protesters interrupted a laboratory session that was dealing with dangerous, radioactive chemicals. The protesters' actions put everyone in the lab, including the protesters themselves, at high risk.
- Fire extinguishers were emptied in classrooms and lecture halls. Since the chemicals used in fire extinguishers can be fatal if inhaled, this behaviour is harmful and illegal.
- Doors were broken by protesters who wanted to enter a locked building.
- Catering services were disrupted at residences.
- Fire alarms were set off illegally. This puts the safety of people at risk as they may either come to harm in rushing out of a building (thinking there is a fire) or they may think there is no fire and then not evacuate the building, which is also illegal. Fire alarms may only be activated when there is a fire or other physical emergency that requires evacuation.
- We are investigating reports that there were incidents where protesters assaulted, intimidated and manhandled students.

#### The basis for our decision:

The executive is not able to turn a blind eye to such unlawful and risky behavior. It is this behavior, not lawful protest, that forced the executive to seek an interdict. The interdict does not affect lawful protesters. They are free to continue with their protest. The interdict seeks to stop only unlawful behavior. In the light of the fact that multiple engagements with protesters were not successful in stopping the unlawful behavior, there was a need to deploy private security to protect high-risk buildings, to monitor the campus and to assist CPS to protect the campus and its operation.

#### A strict brief and recourse if incidents occur:

We are aware that in the past there were some problems with the private security company that was used. For this reason, UCT has engaged a different company, TSU, and given them a very specific, strict brief on what they may and may not do on campus. In short, they have been engaged to assist if any illegal incidents arise. They are not deployed to stop lawful protest action. Nobody, including the executive and senior leadership group, feels comfortable with private security on campus. But in the light of the incidents of unlawful behavior by some and the safety risk it presents, we had no other option. Every member of the private security (TSU) has identification on their uniform. If any individual behaves inappropriately, complaint can be made to a course convenor, Dean, a faculty office, a warden, to DISCHO or the UCT Ombud. The charges will be investigated.

#### Deploying private security to prevent lawful protesting or other meetings:

The executive will not use private security to stop lawful protests or meetings. Even when we are asked to do so by a student leader as occurred on Monday, 23 October, when the person indicated we should deploy security to stop a meeting from taking place. We refused.

#### The claim of criminalizing protesters:

The claim that the interdict "criminalises" protest action is false. The interdict exists to prevent and stop unlawful actions. The behaviours that have been interdicted are very specific. They are listed and are unlawful behaviors. Lawful protest action is not included and will hence not be prevented.

[Read the terms of the interdict ...](#)

#### A commitment to engagement:

The UCT executive has worked continuously to engage with student protest leaders since the Fees Commission Report was submitted to President Jacob Zuma in August 2017. Our intent was to collaborate with students on a possible response to the report.

We have initiated other meetings with student protesters on recent events:

- Shortly after the mass meeting organised by students on Monday, 23 October, the executive continued to engage with students and offered a proposed settlement agreement that would have meant we would not pursue the court interdict application. The settlement agreement would have stipulated that classes and exams would not be interrupted. The student protesters refused to agree to this, so we had no choice but to pursue the interdict application.
- On Thursday, 26 October, SRC leaders tried to intervene in the court application for the interdict. The judge tried to get the view of the SRC leaders on the application but the SRC members were not immediately available to meet with him. Instead, other student protesters came to meet the judge but were told he wanted to speak to the SRC leaders who had intervened in the court process. There was a delay in the proceedings while the judge waited for the SRC leaders to come and discuss their arguments against the interdict application.
- Again, it was put to the protest leaders that if they would agree not to shut down academic activities at UCT, the interdict application would be set aside. Again, the protest leaders would not agree to this stipulation.
- Over the weekend the executive continued to try to engage with the protest leaders on this matter. The SRC leadership did not respond to our requests to meet.
- After the assembly yesterday, the executive met with protesters until the early hours of the morning in an attempt to persuade them not to disrupt and to explain the serious consequences if they are in breach of a court order.

***ENDS***