

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

Case number:

*[Handwritten signature]*  
20/10

Before His Lordship Mr Justice Davis  
Cape Town, 19 October 2015

In the matter between:

**STELLENBOSCH UNIVERSITY**

Applicant

and

**OPEN STELLENBOSCH**

First Respondent

**LWAZI PHAKADE**

Second Respondent

**SIKHULEKILE DUMA**

Third Respondent

**AKHONA KUALI**

Fourth Respondent

**BRADLEY FROLICK**

Fifth Respondent

**ATHINI GIFT MZAYIYA**

Sixth Respondent

**NEIL DU TOIT**

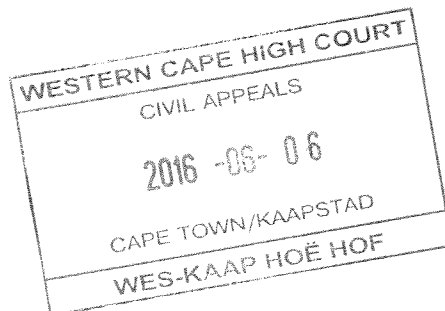
Seventh Respondent

**JODI WILLIAMS**

Eighth Respondent

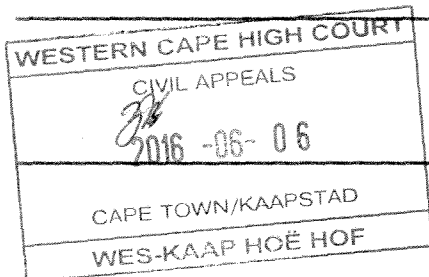
**LEONARD LE ROUX**

Ninth Respondent



THE OTHER PERSONS UNLAWFULLY OCCUPYING  
THE ADMINISTRATION BUILDING OF THE  
UNIVERSITY OF STELLENBOSCH

Tenth and Further Respondents



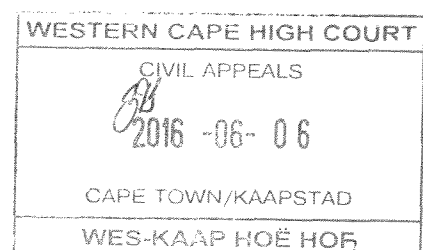
~~DRAFT~~ ORDER

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a horizontal line.

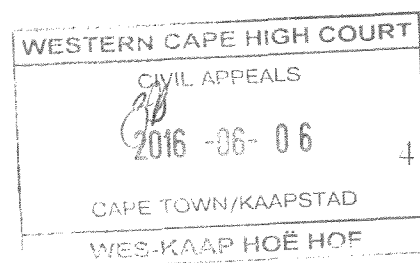
Having heard counsel for the Applicant, the following order is made:

1. The usual forms and processes are dispensed with and this matter may be heard as one of urgency in terms of Rule 6(12).
2. The Applicant's possession of the building known as Administration B situate in Victoria Street, Stellenbosch, commonly known as Admin B, is hereby restored.
3. The Respondents are directed forthwith to vacate the said building.
4. Should the Respondents not vacate the said building with 30 minutes of service of this order in the manner described in paragraph 8.4 below, the Sheriff of this Court, assisted insofar as may be necessary by the South African Police Service, shall be authorised and directed to remove the Respondents from the said building.
5. A Rule *nisi* is hereby issued calling upon the Respondents to appear and show cause, if any, to the above Honourable Court on Tuesday 1 December 2015 at 10h00 or so soon thereafter as the matter may be heard, why an order should not be granted:

- 5.1. Interdicting and restraining the Respondents from re-occupying the said building or entering or occupying any other building of the Applicant without lawful right to do so;
- 5.2. Disrupting or otherwise interfering unlawfully in any way with the normal activities of the Applicant, including but not limited to:
  - 5.2.1. the administration of the Applicant;
  - 5.2.2. all lectures, tutorials, official meetings and official events, including sporting and cultural events, on all campuses;
  - 5.2.3. the work of all libraries;
  - 5.2.4. graduation ceremonies; and
  - 5.2.5. examinations and tests;
- 5.3. Barricading any entrances to campuses or buildings of the Applicant;
- 5.4. Barricading any streets leading to campuses or buildings of the Applicant;
- 5.5. Damaging any buildings or other property of the Applicant;
- 5.6. Damaging any other property, including motor vehicles, present on any of the Applicant's campuses;
- 5.7. Intimidating, threatening, harassing, harming or detaining, or attempting to detain:
  - 5.7.1. any employees of the Applicant;
  - 5.7.2. any students of the Applicant; and



- 5.7.3. any persons present on any of the Applicant's campuses;
- 5.8. Inciting persons to re-occupy the said building or enter or occupy any other building of the Applicant without lawful right to do so or commit any of the acts described in paragraphs 5.2 to 5.7 above;
- 5.9. Directing the Respondents and any other persons opposing the confirmation of the rule *nisi* to pay the costs of this application, including the costs of two counsel;
- 5.10. Granting the Applicant such further and/or alternative relief as this Court may deem fit;
6. Pending the return day of the rule *nisi*, paragraphs 5.1 to 5.8 above shall operate as an interim interdict;
7. The Respondents may anticipate the return day of the rule *nisi* on 72 hours' written notice to the Applicant;
8. Service of this Order shall be effected as follows:
- 8.1. By posting a copy to the First Respondent on its Facebook page at <https://www.facebook.com/openstellenbosch?fref=ts>;
- 8.2. By sending copies to the Second to Ninth Respondents at their email addresses on the Applicant's server;
- 8.3. By posting it on the Applicant's website; and
- 8.4. By service by the Sheriff on the Respondents by reading it aloud by loudhailer outside the entrance to the said building.



9. A transcript of the hearing on 19 October 2015 served on the Respondents in the manner set out in paragraphs 8.1 and 8.2 above.

By order

  
Court Registrar

