

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NUMBER: 79931/2019

Before the Honourable Justice Ranchod on 13 November 2019

In the matter between:

BROOKLYN AND EASTERN AREAS CITIZENS' ASSOCIATION 1st Applicant

WATERKLOOF HOMEOWNERS' ASSOCIATION 2nd Applicant

and

THE UNKNOWN PROTESTORS 1st Respondent

THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY 2nd Respondent

THE MINISTER OF HOME AFFAIRS 3rd Respondent

THE MINISTER OF POLICE 4th Respondent

THE STATION COMMANDER BROOKLYN POLICE STATION 5th Respondent

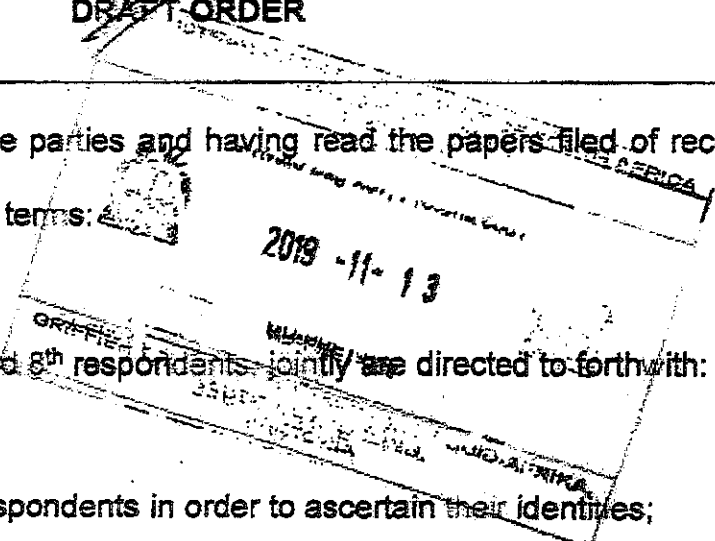
UNHCR REGIONAL OFFICE FOR SOUTHERN AFRICA 6th Respondent

THE NATIONAL COMMISSIONER OF POLICE 7th Respondent

THE GAUTENG PROVINCIAL COMMISSIONER OF POLICE 8th Respondent

DRAFT ORDER

HAVING heard Counsel for the parties and having read the papers filed of record, an Order is made on the following terms:



1. The 2nd, 3rd, 4th, 5th, 7th and 8th respondents jointly are directed to forthwith:

1.1. Engage the 1st respondents in order to ascertain their identities;

1.2. Identify which of the 1st respondents are legally authorised to reside in and/or seek refuge in the Republic of South Africa ("RSA"):

1.3. That in the event that any of the persons consisting of the 1st respondents transgress the law, that the 2nd respondent and the 4th, 5th, 7th, and 8th respondents are authorized to arrest them

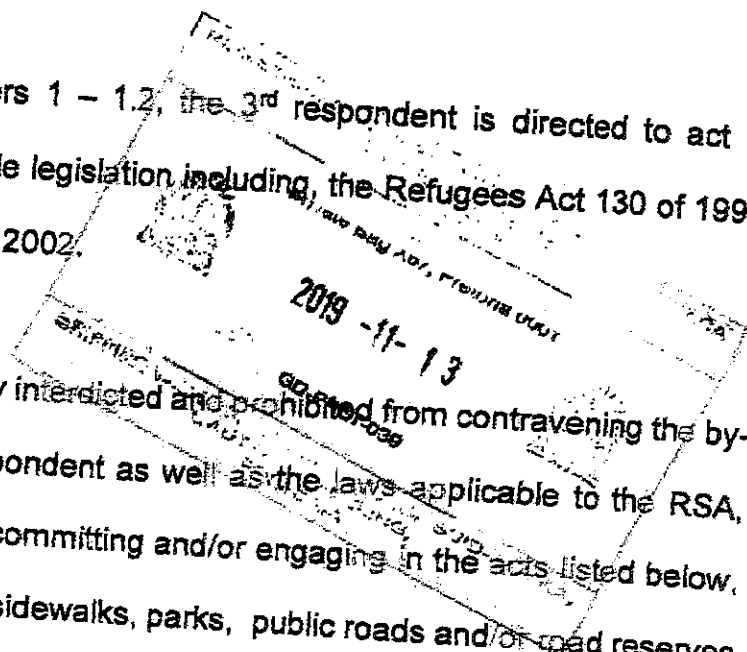
2. Upon compliance with prayers 1 – 1.2, the 3rd respondent is directed to act in accordance with the applicable legislation including, the Refugees Act 130 of 1998 and the Immigration Act 13 of 2002.

3. The 1st respondents are hereby interdicted and prohibited from contravening the by-laws applicable to the 2nd respondent as well as the laws applicable to the RSA, including the common law, by committing and/or engaging in the acts listed below, in and/or on and/or around the sidewalks, parks, public roads and/or road reserves of Waterkloof Road, Pienaar Street, Fehrsen Street, Giovanetti Street, Veale Street, Buite Street, Crown Street and Main Street ("the Affected Area"):

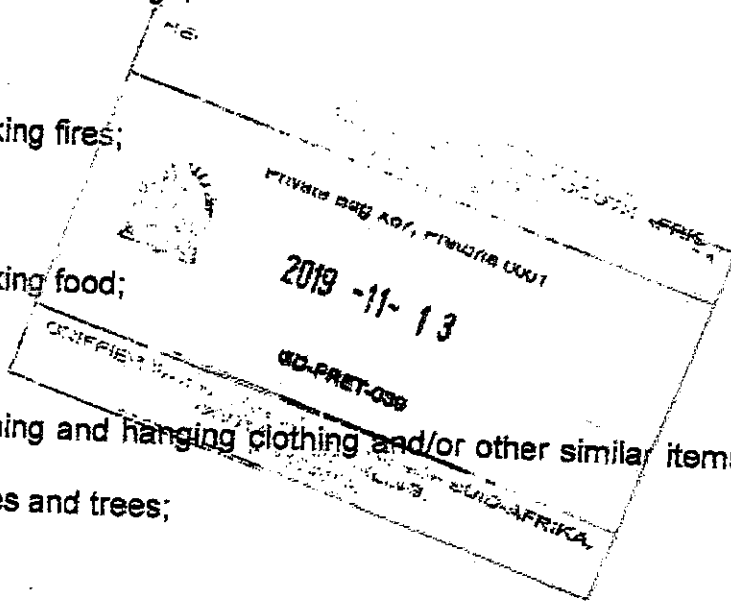
3.1. contravening the provisions of the Local Government Ordinance 17 of 1939;

3.2. causing a nuisance to the residents of the Brooklyn, Nieuw Muckleneuk and Waterkloof suburbs;

3.3. contravening the 2nd respondent's Public Amenities, Emergency Services, Health, Waste and Water and Sanitation By-Laws, by *inter alia*:



- 3.3.1. erecting any shelters, shacks or tents;
- 3.3.2. causing unpleasant and/or offensive smells;
- 3.3.3. dumping, dropping or placing refuse and/or any other material, objects or things;
- 3.3.4. making fires;
- 3.3.5. cooking food;
- 3.3.6. washing and hanging clothing and/or other similar items on the fences and trees;
- 3.3.7. performing any act which may detrimentally affect the health of any residents and/or surrounding residents and/or visitors;
- 3.3.8. defecating, urinating and undressing;
- 3.3.9. blocking and/or preventing access including access to driveways;
- 3.3.10. creating noise disturbances.



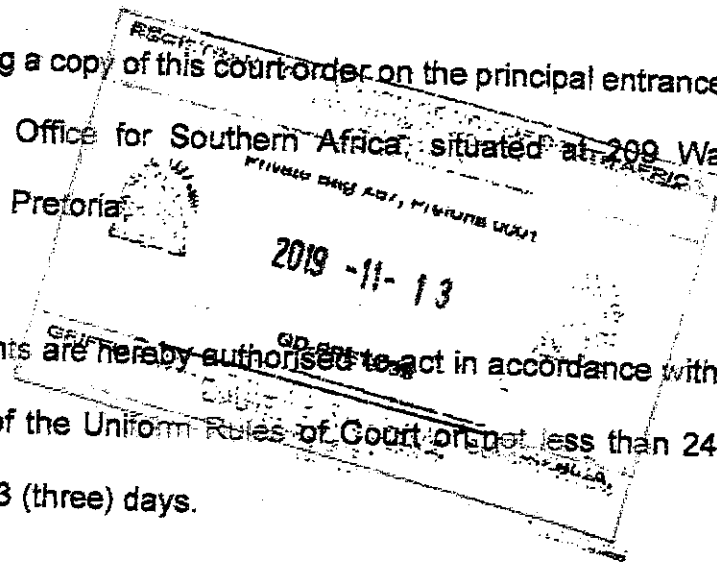
4. That the 1st respondents are ordered to disperse from and to vacate the Affected Area within 3 (three) days of notice of this order having been effected.

5. Service of this Order on the 1st respondents is to be effected by the Sheriff of the Court assisted by the 4th, 5th, 7th and 8th Respondents insofar as necessary as follows:

5.1. by affixing copies of this court order at regular intervals on the fences and/or lampposts on Waterkloof Road where it will come to the attention of the 1st respondents;

5.2. by loudhailer notification at the UNHCR Regional Office for Southern Africa, situated at 209 Waterkloof Road, Brooklyn, Pretoria;

5.3. by affixing a copy of this court order on the principal entrance of the UNHCR Regional Office for Southern Africa, situated at 209 Waterkloof Road, Brooklyn, Pretoria;



6. The 1st respondents are hereby authorised to act in accordance with the provisions of Rule 6(12)(c) of the Uniform Rules of Court on not less than 24 hours' notice, within a period of 3 (three) days.

7. That the 2nd and 3rd respondents report back to the Court on Thursday 21 November 2019 at 10h00am with regards to the operation that they have conducted in terms of Prayer 1 and 2, as well as any further relevant facts regarding the presence of the 1st respondents in the Affected Area, at which date any further issues will be determined.

8. That the issue of costs is reserved.

BY THE COURT
REGISTRAR

FORM BULKY FOR THE STAFF

2019-11-13

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