



IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM 126/18

Held at MMABATHO on this the 16th day of AUGUST 2018
BEFORE the Honourable MR Justice CHWARO AJ

In the matter between:

THARISA MINERALS PROPRIETARY
LIMITED
(Registration number: 2006/009544/07)

and

RASEROLE MASHAMAITE

BONGANI XEZWI

MURRAY HUNTER

XOLANI MANGETHE

MARIKANA YOUTH DEVELOPMENT
ORGANISATION

THE RIGHT 2 KNOW CAMPAIGN



2nd Respondent

3rd Respondent

4th Respondent

5th Respondent

6th Respondent

PROVINCIAL COMMISSIONER OF
POLICE: NORTH WEST

7th Respondent

CLUSTER COMMANDER, SAPS
RUSTENBURG

8th Respondent

STATION COMMANDER:
MARIKANA POLICE STATION

9th Respondent

MEC: COMMUNITY SAFETY AND
TRANSPORT MANAGEMENT



10th Respondent

RESPONSIBLE OFFICER:
RUSTENBURG LOCAL MUNICIPALITY

11th Respondent

HAVING HEARD ADV MAKKA with Him ADV SCHOLTZ on behalf of the Applicant and ADV M POWER on behalf of the Respondents and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

1. THAT: The Parties agree to respect, protect and promote the right to, peacefully and unarmed, assemble, demonstrate, picket, and present petitions, in terms of Section 17 of the Constitution of the Republic of South Africa 1996.
2. THAT: The First to Sixth Respondents undertake to restrain from encouraging or participating in any unlawful protest action, or marching to and barricading any of the access roads and entrances to the Applicant's premises or instructing any person to do so.

3. THAT: The First to Sixth Respondents agree to gather, peacefully and unarmed, and to abide by the terms contained in the section 3 notice dated the 7th day of AUGUST 2018, to the extent applicable and updated as follows:

3.1 The participants will be delivered to and gather at the nearest grass area adjacent to the Applicant's main gate, as depicted in the photograph handed in Court.

3.2 The gathering period is amended to 12h30 to 15h45.

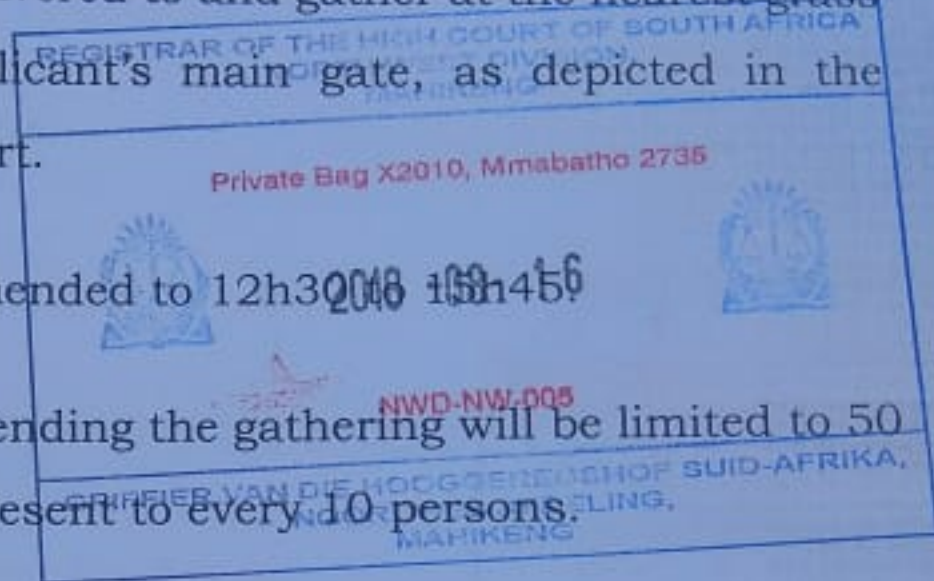
3.3 The number of persons attending the gathering will be limited to 50 persons, with 1 marshal present to every 10 persons.

3.4 The Applicant agrees for a duly authorised representative to receive a petition from the First to Sixth Respondents at 15h00 at the nearest grass area adjacent to the Applicant's main gate, as depicted in the photograph handed in Court at a distance of approximately 5 metres from the gathering.

4. THAT: The First to Sixth Respondents agree to comply with the provisions of the Regulation of Gathering Act 205 of 1993 ("the RGA"), and any lawful instructions issued by the South African Police Services in terms of National Instruction 4 of 2014.

5. THAT: The First to Sixth Respondents undertake not to, by way of a banner, placard, speech or signing, or in any other manner, incite hatred of other persons or any group of other persons on account of differences in culture, race, sex language or religion.

6. THAT: The Seventh to Eleventh Respondents must comply with the provisions of the RGA.




- 7. THAT: The parties agree to meaningfully engage on how to facilitate the right to peaceful assembly and association going forward.

- 8. THAT: The Court order the joinder of the Seventh to Eleventh Respondents *mero motu*.

- 9. THAT There be no order as to costs.

BY THE COURT

REGISTRAR OF HIGH COURT
NORTH WEST HIGH COURT
MAFIKENG

REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA NORTH WEST DIVISION, MAFIKENG		
Private Bag X2010, Mmabatho 2736		
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