

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

Case Number:

In the matter between:

350.ORG

1ST APPLICANT

FERRIAL ADAM

2ND APPLICANT

and

THE CITY OF JOHANNESBURG

1ST RESPONDENT

THE MINISTER OF POLICE

2ND RESPONDENT

ISLANDSITE INVESTMENTS (PTY) LTD

3RD RESPONDENT

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the Applicants will make application to the above Honourable Court on **FRIDAY, 13TH MAY 2016 at 10h00** or so soon thereafter as counsel may be heard for an Order in the following terms:

1. That the Application be heard as one of urgency in terms of Rule 6(12) of the Rules of the above Honourable Court read with section 6 (5) of the Regulation of Gatherings Act No. 205 of 1993 and that the non-compliance with the service and time periods of said Rules be condoned;
2. Granting permission for the Applicants to hold a gathering at 9h00 on 14th May 2016 at Zoo Lake Park, Johannesburg and a march from 9h00 to 12h00 on 14th May 2016 north along Jan Smuts Avenue, East into Erlswold Way, North into Saxonwold Drive, up to No 1 Saxonwold Drive in Johannesburg;
3. Interdicting and restraining the respondents from: -
 - 3.1 dispersing, obstructing and/or otherwise interfering with the gathering, save in accordance with their powers and duties under section 9 of the Regulation of Gatherings Act No. 205 of 1993;
 - 3.2 using weapons likely to cause serious bodily injury or death against the participants of the gathering;
4. Costs of suit jointly and severally against the First and Second Respondents and against the Third Respondent in the event of opposition hereto;

5. Granting such further and/or alternative relief as the above Honourable Court deems fit.

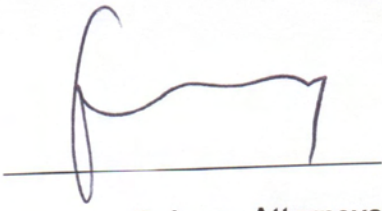
BE PLEASED TO TAKE NOTICE FURTHER that the affidavit of **FERRIAL ADAM** will be used in support of this application and will be emailed, faxed and/or handed to the respondents on or before **17h00 on THURSDAY, 12TH MAY 2016**.

BE PLEASED TO TAKE NOTICE FURTHER that the Applicants' Attorneys are Delaney Attorneys, 6 Stafford St, Westdene, Johannesburg, Email: simon@delaney.co.za, Tel: 083 3970057, at which address they will accept notice and service of all documents in these proceedings.

BE PLEASED TO TAKE NOTICE FURTHER that if any of the Respondents intend opposing this application they are required to notify the Applicants' Attorneys in writing thereof and to deliver their Answering Affidavits on or before **7h00 on FRIDAY, 13TH MAY 2016**.

DATED AT JOHANNESBURG THIS 12TH DAY OF MAY 2016.

4



Delaney Attorneys

Attorneys for the Applicants

6 Stafford Street

Westdene

Johannesburg

Email: simon@delaney.co.za

Tel: 083 397 0057

TO:

The Registrar of the Above Honourable Court
Johannesburg

AND TO:

The City of Johannesburg
The First Respondent
Metropolitan Centre Building
158 Loveday Street
Braamfontein
Johannesburg

BY EMAIL

BY HAND

AND TO:

Minister of Police

The Second Respondent

c/o the Office of the State Attorney

10th Floor

North State Building

95 Market Street, cnr Kruis Street

Johannesburg

BY EMAIL

BY HAND

AND TO:

Van der Merwe & Associates Incorporated

Attorneys for the Third Respondent

Block A

Graystone Ridge Office Park

144 Katherine Street

Sandown

Johannesburg

BY EMAIL

BY HAND

6

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

Case Number:

In the matter between:

350.ORG

FERRIAL ADAM

and

THE CITY OF JOHANNESBURG

THE MINISTER OF POLICE

ISLANDSITE INVESTMENTS (PTY) LTD

1ST APPLICANT

2ND APPLICANT

1ST RESPONDENT

2ND RESPONDENT

3RD RESPONDENT

FOUNDING AFFIDAVIT

I, the undersigned,

FERRIAL ADAM

do hereby make oath and say that:-

1. I am an adult. My work address is Unit 803, 8th Floor, 87 de Korte Street, Braamfontein, Johannesburg.

FA
WN

2. I am the Second Applicant in this matter and the Convenor of the proposed gathering more fully described hereunder. I am accordingly entitled to bring this application in terms of section 6(5) of the Regulation of Gatherings Act No. 205 of 1993 ("Gatherings Act").
3. I am moreover a Team Leader of the South African branch of 350.Org, the First Applicant herein.
4. I am duly authorised to depose to this affidavit on behalf of 350.Org by virtue of 350.Org's letter to this effect annexed hereto marked "FA1".
5. The facts contained in this Affidavit are, save where otherwise stated, or where the contrary appears from the context, within my own personal knowledge and are, to the best of my knowledge and belief, both true and correct and I can furthermore confirm that I can swear positively to such facts.
6. This Application involves questions of statutory interpretation. This affidavit accordingly contains a number of legal submissions. These submissions are made on the advice of the Applicants' legal representatives. Full argument on the issues raised will be presented at the hearing of this matter.

THE PARTIES

7. The First Applicant is 350.Org, a non-profit company registered in the United States of America, with its South African branch office located at Unit 803, 8th Floor, 87 de Korte Street, Braamfontein, Johannesburg. 350.Org was previously registered as 1Sky Education Fund. I annex copies of the

FA
NN

Certificate of Incorporation and Articles of Incorporation of 350.Org marked "FA2" hereto.

8. 350.Org is a non-profit company with the constitutional right to sue and be sued in its own name. I annex a letter from 350.Org to this effect marked "FA3" hereto. 350.Org is moreover an 'organisation' as defined by the Gatherings Act.
9. The First Respondent is the CITY OF JOHANNESBURG, a Municipality, established by the MEC for Local Government and Development Planning in the Gauteng Province, acting in terms of section 12 (1) of the Local Government Act 117 of 1998. The First Respondent's principal place of business is Metropolitan Centre Building, 158 Loveday Street, Braamfontein, Johannesburg.
10. The Second Respondent is the MINISTER OF POLICE, care of the Office of the State Attorney, 10th Floor, North State Building, 95 Market Street, corner Kruis Street, Johannesburg. The South African Police Services fall under the direction and control of the Second Respondent. The Second Respondent is joined in these proceedings on account of the relief which is sought against them, the necessity for which emerges in the affidavit below.
11. The Third Respondent purports to be the owner of the property situate at 1 Saxonwold Drive, Saxonwold, Johannesburg is joined in these proceedings because it is an interested party. The First Applicant seeks to hold a gathering outside the premises of the Third Respondent, which has raised objections to the gathering. No relief is sought against the Third Respondent.

SERVICE

12. Because of the urgency associated with this application, it will not be possible to serve these papers via sheriff. Copies of this application will be transmitted to the respondents by hand, fax and/or email on 12 May 2016, whereafter it will be filed. In view of the fact that the only relief the Applicants seek is to prevent the First and Second Respondents from acting unlawfully, it is respectfully submitted that the aforementioned notice ought to be sufficient, and the condonation of this Honourable Court is sought with respect to the mode and manner of service.

BACKGROUND TO THE GATHERING

13. The South African branch of 350.Org was launched in 2010 as an organisation that aims to fight climate change, through raising people's voices, creating awareness and campaigning for divestment from fossil fuels.

14. 350.Org believes that the burning of fossil fuels is the key cause of climate change. If we are to keep global temperatures to below 2 degrees Celsius then we have to keep 80% of all coal in the ground. The coal addiction in South Africa has to come to an end. In 2015, the renewable energy sector attracted R192 billion in foreign investments. Globally coal is not faring very well. Following on from China's announced moratorium on new coal at the end of last year, Peabody, the world's largest coal company, has just filed for bankruptcy protection in the US, after it could no longer make its debt payments due in part to waning demand for coal. The bottom line is that the

coal industry is being propped up by vested interests of big business which ignores the interests of the country as a whole.

15. 350.Org is a member of the Break Free Campaign, a coalition of environmental organisations, such as Macua, South African Food Sovereignty Campaign and Earthlife Africa, opposed to the continued, environmentally catastrophic mining of coal in South Africa.

16. 350.org has been monitoring the activities of various entities involved in coal mining in South Africa, including that of the Sahara and Oakbay companies. I do not know all the details of the shareholdings and ownership structure of these companies, but I understand that the Gupta family's involvement in coal include their 80% ownership of the Oakbay company. The Gupta family, together with the companies they are shareholders of, are one of the primary targets of the Break Free Campaign as they represent the damaging system that keeps the coal industry alive.

17. To my knowledge the Gupta family through their company Oakbay have the following ownerships and shareholdings in the coal industry:

- Shareholding in the Richards Bay Coal Terminal;
- recently obtained Optimum mine through Minister Zwane's intervention with Glencore. Optimum mine is currently in business rescue because it was locked into an unprofitable contract;
- Own the Koorfontein mine that feeds the Komati power station;

- Own the Brakfontein Colliery - this colliery has not met the requirements for a water licence and there have been reports of poor quality coal;
- Own the Vierfontein Colliery;
- Prospecting licences for the Syferfontein project, De Roodepoort project and the Welgezegend project;

18. In early 2016, 350.Org and the Break Free Campaign decided to hold a peaceful and unarmed public protest to raise public awareness of the fight against climate change and challenge vested interests propping up the coal industry.

19. 350.Org resolved to hold a peaceful and unarmed gathering at Zoo Lake Park, Johannesburg from 9h00 to 12h00 on 14th May 2016 and a march north along Jan Smuts Avenue, East into Erlswold Way, North into Saxonwold Drive, up to No 1 Saxonwold Drive in Johannesburg.

NOTIFICATION OF THE GATHERING

20. 350.Org appointed me as the Convenor, and Amir Bagherioromi as Deputy Convenor of the proposed gathering, pursuant to section 2 (1) of the Gatherings Act and mandated me to ensure the necessary compliance with the Gatherings Act.

21. In order to comply with the various provisions of section 3 of the Gatherings Act, I obtained a form entitled 'Notice Under the Regulation of Gatherings Act'

FA
WN

from the Johannesburg Metropolitan Police Department of the First Respondent ("JMPD").

22. I understand that Inspector Nkuna of the First Respondent is the 'Responsible Officer' within the meaning of the term in section 1 read with section 2 (4) (a) of the Gatherings Act.

23. On 17 March 2016 Mr Bagherioromi completed the notification form at the JMPD. At the time, Mr Bagherioromi believed that the finishing point of the gathering, namely 1 Saxonwold Drive, was owned by and the operational headquarters of the Sahara company. I annex hereto a copy of this notice marked "FA4".

24. I was subsequently advised that the Oakbay company operated from 1 Saxonwold Drive. I am still not certain which company and/or persons operate from this address.

25. On 28 April I sent a letter to the Oakbay company on behalf of the Break Free Campaign. My letter was not legally necessary, but a courtesy to provide full details of the gathering and to reassure Oakbay that the gathering would be peaceful and non-violent and that we would be working closely with the JMPD to this end. I annex hereto a copy of this letter marked "FA5".

26. The letter advised Oakbay that the marchers wished to hand over a letter on the day of the gathering. We knew that it was unlikely that Oakbay would be willing to come out and accept the letter. Should that be the case, we resolved

not to push the issue of finding someone to accept the letter, but instead to peacefully disperse.

27. On 4 May 2016 Mr Bagherioromi telephoned Tessa Turvey, Chairperson of the Saxonwold Residents Association to provide full details of the gathering. The Saxonwold Residents Association welcomed the gathering and Ms Turvey wrote a 'no objection' email to this effect, a copy of which is annexed hereto marked "FA6".
28. On 9 May 2016 Oakbay Investments replied to my letter, noting their concerns with the gathering at 1 Saxonwold Drive. I annex hereto a copy of this letter marked "FA7".

THE FIRST SECTION 4 MEETING

29. During April 2016 Mr Bagherioromi and I were called to a meeting at the JMPD in terms of section 4 of the Gatherings Act.
30. On 4 May 2016 we attended the meeting together with our attorney Simon Delaney.
31. Inspector Nkuna, Responsible Officer from the JMPD, together with the Authorised Member and various other persons from SAPS, were present.
32. Inspector Nkuna advised that he had performed a security check and threat analysis of the gathering. He further advised that he had driven along the route of the march and visited 1 Saxonwold Drive, together with Mr Bagherioromi. Inspector Nkuna was satisfied that the gathering posed no

threats to the safety and security of any persons or property. There was furthermore no likelihood of serious disruption of traffic, especially since the gathering would take place on the weekend.

33. Inspector Nkuna gave permission for the gathering.

THE SECOND SECTION 4 MEETING

34. On 5 May 2016 Mr Bagherioromi and I were called to another meeting at the JMPD in terms of section 4 of the Gatherings Act. We were surprised to be called to a further meeting, since we assumed that the JMPD had no problem with our gathering.

35. On 11 May 2016 we attended the meeting together with our attorney Simon Delaney and other members of the Campaign.

36. Inspector Nkuna, Responsible Officer from the JMPD, together with the Authorised Member and various other persons from SAPS, were present.

37. An attorney, Gert van der Merwe, was present at the meeting representing Islandsite Investments (Pty) Ltd. Mr van der Merwe presented an affidavit deposed to by Ronica Ragavan of Islandsite Investments, a copy of which is annexed hereto marked "FA8".

38. The affidavit contains no evidence whatsoever that the gathering will be unsafe, or that there will be a serious likelihood of danger to person or property.

39. The interdict annexed as "B" to such affidavit is irrelevant, since it refers to another matter altogether and in any event is only binding on the respondents, none of whom are involved in our gathering on 14 May 2016.

40. Nevertheless, it appeared at the meeting that Inspector Nkuna capitulated and decided, without any debate, that the interdict applied to this gathering and therefore must be prohibited.

41. I annex a copy of the JMPD's prohibition letter marked "FA9".

42. The letter does not contain any information, credible or otherwise, and certainly not on oath, that there is a threat that a proposed gathering will result in serious disruption of vehicular or pedestrian traffic, injury to participants in the gathering or other persons, or extensive damage to property, and that the police and the traffic officers in question will not be able to contain this threat.

CONCLUSION

43. I submit therefore that the prohibition of 350.Org's gathering by the Responsible Officer violates the Gatherings Act and that good cause has been shown herein for the above Honourable Court to grant permission for the gathering on 14 June 2014 in terms of section 6 (5) of the Gatherings Act.

URGENCY

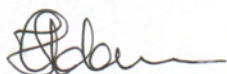
44. I am aware of the requirements for urgent applications in the Rules and Practice Manual of the above Honourable Court. I am also aware of my duty

FA
WN

to set out facts that justify the bringing of an application at a time other than 10:00 on Tuesday of the motion court week.

45. I humbly pray that the Application to which this Affidavit is attached be treated as one of urgency, at a time other than 10:00 on Tuesday of the motion court week, in terms of the Rules and Practice Manual of the above Honourable Court and/or the Gatherings Act for the following reasons:

1. Section 6 (5) of the Gatherings Act specifically authorises me to bring an urgent application to the above Honourable Court;
2. 14 May 2016 is the date of the proposed gathering. Were this Application to follow the notice periods set out the Rules and Practice Manual of the above Honourable Court, the very purpose of this Application would be defeated.
2. I accordingly submit that the abridgement of times and the deviation from the relevant rule and practice directive is justified by the circumstances of the case. If the matter is not heard immediately the applicant will not be afforded substantial redress at a hearing in due course. This application can accordingly only be heard on 13 May 2016.
3. I humbly pray that it may please the above Honourable Court to grant an order in terms of the Notice of Motion attached hereto.



DEPONENT

THUS SIGNED and SWORN TO at JOHANNESBURG this day of 12^{May} 2016, the
Deponent having acknowledged that she knows and understands the contents of this
Affidavit which she has read and has no objection to taking the prescribed oath and
that he finds the prescribed oath to be binding on his conscience.

BEFORE ME,

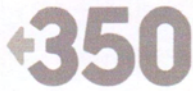


WAYNE NCUBE

*Ex Officio Commissioner of Oaths
Practising Attorney
Lawyers for Human Rights
4th Floor, Heerengracht Building
87 De Korte Street, Braamfontein
Johannesburg, 2001
Tel: 011 339 1960 Fax: 011 339 2665*

COMMISSIONER OF OATHS

FA
WN



350.org, 20 Jay Street, Suite 732, Brooklyn NY 11201 USA

✉ organizers@350.org ☎ +1 802 552 4067 📠 +1 888 503 0670

"FAI"

18

May 11, 2016

Delaney Attorneys
6 Stafford Road, Westdene 2092
Johannesburg, South Africa
simon@delaney.co.za

To Whom It May Concern:

Re: Representation in the matter of 350.org's Section 4 proceedings in Johannesburg, South Africa

On behalf of 350.org, I hereby confirm that Ferrial Ismail Adams, of 54 Malaga, 118 Dennis Str, Atholl, Johannesburg, 2196, South Africa, is duly authorized to depose to the affidavit on behalf of 350.org in the matter of 350.org's Section 4 proceedings in Johannesburg, South Africa.

Please contact us if you have any questions at the above phone number or jeremy@350.org. Thank you very much.

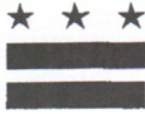
Sincerely,

G. May Boeve
Executive Director

FA
WN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

FAZ"
19



CERTIFICATE

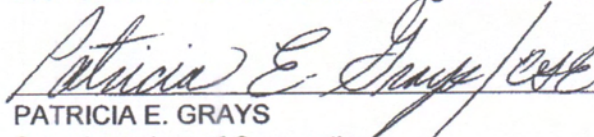
THIS IS TO CERTIFY that all applicable provisions of the District of Columbia NonProfit Corporation Act have been complied with and accordingly, this **CERTIFICATE OF INCORPORATION** is hereby issued to:

ISKY EDUCATION FUND

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of this office to be affixed as of the **5th** day of **september, 2007**.

LINDA K. ARGO
Director

Business and Professional Licensing Administration


PATRICIA E. GRAYS
Superintendent of Corporations
Corporations Division

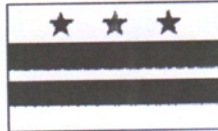
Adrian M. Fenty
Mayor

FA
WN

20

File #: 272561

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CORPORATIONS DIVISION**



CERTIFICATE

THIS IS TO CERTIFY that all applicable provisions of the District of Columbia NONPROFIT CORPORATION Act have been complied with and accordingly, this **CERTIFICATE OF AMENDMENT** is hereby issued to:

ISKY EDUCATION FUND

Name Changed To

350.ORG

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of this office to be affixed as of **07/08/2011**



Business and Professional Licensing Administration

PATRICIA E. GRAYS
Superintendent of Corporations
Corporations Division

Vincent C. Gray
Mayor

Tracking #: HWJ4LGAWA2

FA
WN

**ARTICLES OF INCORPORATION
OF
ISKY EDUCATION FUND**

TO: DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS & PROFESSIONAL LICENSING ADMINISTRATION
CORPORATE DIVISION

We, the undersigned natural persons of the age of eighteen years or more, acting as Incorporators of a corporation under the NON-PROFIT CORPORATION ACT (D.C. Code, 2001 edition, Title 29, Chapter 3), adopt the following Articles of Incorporation:

FIRST: The name of the corporation is 1Sky Education Fund.

SECOND: The period of its duration is perpetual.

THIRD: The purpose or purposes for which this corporation is organized are:

Exclusively for charitable and educational purposes, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now enacted or hereafter amended, including, for such purposes:

- 1) To provide education and research on global warming solutions.
- 2) To protect our society and future generations from global warming.

All funds, whether income or principal, and whether acquired by gift or contribution or otherwise, shall be devoted to said purposes.

FOURTH: The corporation shall not have members.

FIFTH: The directors shall be elected or appointed based on provisions set forth in the Bylaws of the corporation.

SIXTH:

- (1) The Board of Directors shall have control and management of the business and affairs of the corporation. The directors shall in all cases act as a Board, regularly convened, and, in the transaction of business, the act of a majority present at a meeting (except as otherwise provided by law, the corporation's Bylaws or these Articles of Incorporation) shall be the act of the Board, provided a quorum is present. The directors may adopt such rules and regulations for the conduct of their meetings and the management of the corporation as they may deem proper, not inconsistent with law or the corporation's Bylaws.
- (2) No part of the net earnings of the Corporation shall inure to the benefit of or be distributed to any director, employee or other individual, partnership, estate, trust or corporation having a personal or private interest in the corporation. Compensation

SEP - 5 2007

FA
WN

for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of this corporation shall be limited to reasonable amounts.

- (3) No part of the activities of this Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation to an extent that would disqualify it for tax exemption under section 501(c)(3), and this Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.
- (4) Notwithstanding any other provision of these Articles or of any Bylaws adopted thereunder, this Corporation shall not take any action not permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) or by any other laws then applicable to this Corporation.
- (5) Upon the dissolution of the corporation, assets shall be expended for its 501(c)(3) purposes or transferred to one or more qualified 501(c)(3) organizations whose purpose is aligned with the purpose of this corporation, to be determined by majority vote of the Board of Directors at that time.

SEVENTH: Then name and address of the Initial Registered Agent shall be:

Emily Figdor
1406 South Carolina Ave., SE
Washington DC 20003

EIGHTH: The number of directors constituting the initial Board of Directors shall be three (3) and the names and addresses of the persons who are to serve as directors until the first annual meeting or until their successors are elected are:

Van Jones
344 40th Street
Oakland, CA 94609

K.C. Golden
1602 2nd Avenue, Ste 615
Seattle, WA 98101

John Fogarty
1522 Cerro Gordo Road
Santa Fe, NM 87501

FA
WN

NINTH: The name and address of each incorporator is:

Christine Tschiderer
1726 M Street, NW, Suite 600
Washington, DC 20036

Sarah Peterson
1726 M Street, NW, Suite 600
Washington, DC 20036

Rebecca Gaiser
1726 M Street, NW, Suite 600
Washington, DC 20036

Christine Tschiderer
By: Christine Tschiderer

9/5/07
Date

Sarah Peterson
By: Sarah Peterson

9/05/07
Date

Rebecca Gaiser
By: Rebecca Gaiser

5 Sept 2007
Date

I, BARBARA DELATOS, A Notary Public, hereby certify that on the 5th Day of ~~SEPTEMBER~~, 2007, Christine Tschiderer, whose address is 1726 M Street, NW, Suite 600, Washington, DC 20036, appeared before me and signed the foregoing document as incorporator, and has averred that the statements therein contained are true.

Barbara Delatos

My Commission Expires April 30, 2010

24

I, BARBARA DELATOS, A Notary Public, hereby certify that on the 5th Day of SEPTEMBER 2007, Sarah Peterson, whose address is 1726 M Street, NW, Suite 600, Washington, DC 20036, appeared before me and signed the foregoing document as incorporator, and has averred that the statements therein contained are true.

Barbara Delatos

My Commission Expires April 30, 2010

I, BARBARA DELATOS, A Notary Public, hereby certify that on the 5th Day of SEPTEMBER 2007, Rebecca Gaiser, whose address is 1726 M Street, NW, Suite 600, Washington, DC 20036, appeared before me and signed the foregoing document as incorporator, and has averred that the statements therein contained are true.

Barbara Delatos

My Commission Expires April 30, 2010

FA
WN



350.org, 20 Jay Street, Suite 732, Brooklyn NY 11201 USA
✉ organizers@350.org ☎ +1 802 552 4067 📠 +1 888 503 0670

"FA3"
25

May 11, 2016

Delaney Attorneys
6 Stafford Road, Westdene 2092
Johannesburg, South Africa
simon@delaney.co.za

To Whom It May Concern:

Re: verification of 350.org's ability to sue and be sued

On behalf of 350.org, I hereby confirm that 350.org was issued its Certificate of Incorporation under the District of Columbia's NonProfit Corporation Act on the 5th September, 2007 under the name 1Sky Education Fund, with subsequent Certificate of Amendment of name change to 350.org on 7th August, 2011. Please refer to the attached documentation of the District of Columbia's certifications.

As a corporation under the District of Columbia's NonProfit Corporation Act, I further confirm that 350.org has all the powers provided to it by the District of Columbia as enumerated in the District of Columbia Code, Title 29, Chapter 4, Subchapter 3 detailing the Purposes and Powers of Nonprofit Corporations, provided online by the District of Columbia at the hyperlink <http://dccode.org/simple/Title-29/Chapter-4/Subchapter-III/>.

The District of Columbia Code § 29-403.02, General Powers, reads:

Unless its articles of incorporation provide otherwise, every nonprofit corporation shall have perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its affairs including the power to:

(1) Sue and be sued, complain, and defend in its corporate name

Please contact us if you have any questions at the above phone number or jeremy@350.org. Thank you very much.

Sincerely,

G. May Boeve
Executive Director

FA
WN

011/05/2016

26

"FAC"



City of Johannesburg
Public Safety
Johannesburg Metropolitan Police Department

Village Road, between Loveday
and Eloff Extension Selby
Johannesburg

PO Box 4068
Johannesburg
South Africa

Tel +27(0) 11 490 1590
Tel +27(0) 11 490 1583
Fax+27(0) 11 490-1864
www.joburg.org.za

NOTICE OF GATHERING INTERMS OF SEC 3 OF THE REGULATION OF THE GATHERINGS ACT 205 OF 1993 ("THE ACT")

Date of Notice: 17/03/2016 Ref No: 172/03/2016

1. RESPONSIBLE OFFICER

NAME: J.H. Nkomo

2. DEPUTY RESPONSIBLE

NAME: T. Kau

Tel No: 011 490 1590

Fax No: 011 490 1864

E-Mail: _____

3. (a) CONVENER (Applicant)

First Name: Ferial
Surname: Adam

Home / Work Address: unit 803, 8th floor, 87 de Korte,
Braamfontein, Johannesburg

Cell No: 074 181 3197 Tel No: 011 339 1035 Fax No: N/A
E-Mail: ferrial@350.org

(b) DEPUTY CONVENER

First Name: Amir
Surname: Bagheriolami

Home / Work Address: unit 803, 8th floor, 87 de Korte,
Braamfontein, Johannesburg

Cell No: 074 123 2647 Tel No: 011 339 1035 Fax No: N/A
E-Mail: amir@350.org

Plan Cost	Captured	<input checked="" type="checkbox"/> Delivered	<input checked="" type="checkbox"/> Ops Plan	Delivered
-----------	----------	---	--	-----------

FA
wn

- (b) The name of the organization or branch on whose behalf the gathering is convened or if it is not so convened, a statement that is convened by the convener

Name of the Organization / Branch: 350Africa.org

- (c) The Purpose of the Gathering/march:

Awareness Campaigns
Concerning climate change and Coal industry.
(Copy of the problem led to the protest – separate page)

- (d) Date of the Gathering/march: 14th May 2016

Time: From 09:00 to 12:30 Duration: 3 hours

- (e) The place where the gathering is to be held: Zoo Lake park.

- (f) The anticipated number of participants: 1000

- (g) The proposed number and where possible in a separate page, the names of the Marshals who will be appointed by the convener and how the Marshals will be Distinguished from the participants in the gathering:

- i. Number of the Marshals: 100
ii. Marshals distinguished as follows: orange bibs.

(Attach name list of the Marshals)

- (h) In case of a gathering in the form of procession, state the exact complete route of the Procession:

- i. Suggested route: North with Jan Smuts, East into
Ernst Erldold way, North into Saxonwold
drive. upto No 10 SAHARA company.

Back/Amended route: _____

ii. Assembly time: 09:00
Assembly place: Zoo Lake park.

iii. Starting time of the procession: 10 h 30
Starting place of the procession: Zoo Lake park.

The time of handing over the memorandum/ letter: 11 h 30

The time and place where the participants are to disperse:

Time: 12:00

Place: SAHARA company - 1. Saxonwold Drive
Saxonwold - Tel. 011 542 1000

(I) The manner in which the participants will be transported to the starting/ assembly Point

- Walk on sidewalk, to the starting point ()
- Walk the same route in a procession ()
- Transported by busses (X)
- Transported by Trains ()
- Transported by other mode of transport ()
- None of the above ()

The manner in which the participants will be transported from the dispersal Place/ assembly point

- Walk on foot (X)
- Transported by Busses ()
- Transported by Public transport ()
- Transported by other mode of transport ()
- None of the above ()

(State the number of motor vehicles in bracket that are to be used)

FA
WV

(J) The number and type of vehicles if any which are to form part of the procession.

Types of vehicles: _____

Number of vehicles: _____

If notice is given later than seven days before the date of on which the Gathering is to be held the reason why it was not given on time.

Not applicable

Reason if late: _____

iv. If a petition or any other document is to be handed over to any person, the Place where a petition the person to whom is to be handed:

- Name of the recipient: Representative from SAHARA Company.
- Place of the recipient: SAHARA Company.

vi. Copy of a confirmation letter from other party accepting to receive a Memorandum or the letter from the convener/ applicant sent to the recipient Requesting someone to accept the memorandum.

Available

Not available if not state the reason why? _____

4. OTHER FACTORS

State what arrangements have been made regarding the following?

4.1 Parking of busses and other motor vehicles: _____


4.2 Toilets facilities:/ water points: _____

4.3 Resting places along the route: _____

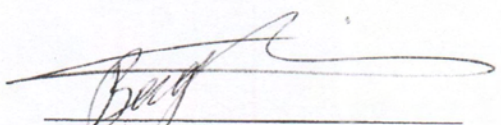
NB In terms of Sec 12 (1) (b) of the Act, any person who after giving notice in terms of Sec 3, fail to attend a meeting called in terms of Sec 4. 2 (b) shall be guilty of an offence and liable to fine or imprisonment.

The under-mentioned forum members agreed on the above details and or amendments.

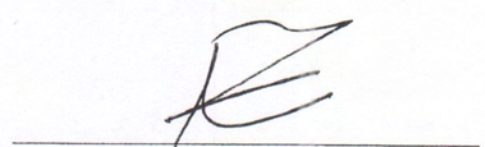
Signatures:


Responsible Officer (JMPD)

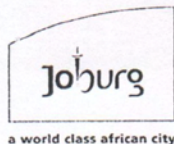
Authorized Member (SAPS)


Convener (Applicant)

Deputy Convener (Applicant)


Public Order Police Member

Area Police Station Commander



City of Johannesburg
Public Safety
Johannesburg Metropolitan Police Department

Village Road, between Loveday
and Eloff Extension Selby
Johannesburg

PO Box 4068
Johannesburg
South Africa

Tel +27(0) 11 490 1590
Tel +27(0) 11 490 1583
Fax+27(0) 11 490-1864
www.joburg.org.za



31

INDEMNITY

GIVEN BY Amir Bagheriosami
(Full Name – Please Print)

In his/her capacity as CONVENOR

Of 350.org ("the Applicant")

He/she being duly authorised hereto, in favour of the City of Johannesburg Council (hereinafter referred to as "the Council").

WHEREAS the Applicant has requested the approval of the Council to use certain streets, sidewalks or public places under the control of the Council for the purpose of

March

AND WHEREAS the Council has approved the application subject to the requirements of the:

- Regulation of Gatherings Act;
- The National Road Traffic Act;
- The Safety at Sports and Recreational Events Act and
- Other applicable legislation

The Applicant further agrees as follows:

- to indemnify and holds harmless the Council against all or any loss, costs, damage to property or person or injury that may be incurred or sustained by the Council (including the Council's employees) and also against any actions, legal proceedings and claims of whatsoever nature which may be instituted or made against the Council, arising out of, or in any way connected with the exercise by the Applicant of the rights granted by the Council;
- to indemnify the Council in respect of all legal and other expenses (including all attorney and client costs) incurred by the Council in examining, settling or defending any such actions, legal proceedings or claims.

THUS done and signed on behalf of the Applicant at **JOHANNESBURG**

ON THIS 17 DAY OF MARCH 2016

[Signature]
WITNESS

2004-02-19/lab
Approval of use of Roads, Streets, Sidewalks of City of Johannesburg, etc.

[Signature]
SIGNATURE

FA
NN

"FAS" 32

Thursday, April 28th, 2016

[ATT: Oakbay CEO]
Oakbay

1 Saxonwold Drive,
Saxonwold,
Johannesburg,
2196,
Gauteng,
South Africa.

This letter serves to inform you of a public protest at 1 Saxonwold Drive, on Saturday the 14th May 2016.

South Africa is the 12th largest greenhouse gas emitter worldwide, and the biggest on the continent. In 2015, a total of 93% of electricity generated came from coal. Furthermore, the construction of Medupi and Kusile locks the country into millions of tonnes of Co2 emissions over the next 30-40 years.

The reason for these decisions, we believe, is not because there are no viable, more sustainable energy alternatives that can power South Africa - but rather because of the vested economic interests, the corruption, and the lack of transparency in our coal industry and in our government, not to mention the almost R100 billion governmental subsidies which allow fossil fuels to flourish.

Oakbay is part of the problem. The firm and its owners are heavily invested in coal, and are able to pull various high-level political strings to facilitate their investments. So, while our campaign is bigger than the Gupta's and *Oakbay*, the family-owned company are the perfect *representation* of the bigger problem: They symbolize everything that is wrong with not only business relationships in South Africa, but also with the extractive industry.

The details of the protest:

A thousand people - members from mining affected communities, affected farmers, as well ordinary citizens from all over Johannesburg - will be in attendance at the protest.

We will arrive in the morning at approximately 10 am, and we will leave the site of the protest by 1 pm. We would also like to hand over a letter, and it would be appreciated if a representative of yours will be able to collect it.

We would like to assure you that this is a peaceful, non-violent protest. We are working very closely with the JMPD to ensure that the protest will follow all the necessary legal requirements. Please do let us know if you would like any further information whether specifically about this protest or about *Break Free* in general. I can be reached at ferrial@350.org

We would also like to offer that you have a direct contact with us on the day of the protest, so that you are able to communicate with us if need be. For this purpose, you may liaise with Ferrial Adam on 074 181 3197.

Sincerely,

FA

ZWN

Ferial Adam,
On behalf of the Break Free Movement in South Africa

FA

wn

5/11/2016

350.org Mail - protest in Saxonwold - 14 May 2016

"FA6"



Amir Bagheri <amir@350.org>

34

protest in Saxonwold - 14 May 2016

2 messages

4 May 2016 at 10:43

chairman@sapra.org.za <chairman@sapra.org.za>
To: Amir@350.org, Taahir@350.org

Dear Amir and Taahir

My email as mentioned....ass discussed this morning with Amir, you have agreed to ensure complete security for the residents of Saxonwold through your peaceful protest by keeping JMPD and SAPS present and aware of all situations at any one time. You have also agreed that all surrounding residents will be allowed access into and out of their properties at all times throughout the protest.

Thank you for your assistance in this regard and all the best for a peaceful protest. Please don't hesitate to contact me if there are any issues.

Kind regards

Tessa

TESSA TURVEY

Mobile: +27 82 330 0704

Email: tessa@turveysa.co.za

10 May 2016 at 13:53

Amir Bagheri <amir@350.org>
To: chairman@sapra.org.za
Cc: Taahir Chagan <Taahir@350.org>

Hey Tessa,

Thank you for your email.

As telephonically discussed, we commit to ensuring complete security for the residents of Saxonwold throughout our peaceful protest.

Thank you for cooperating with us for this noble cause, and apologies for any inconveniences caused thus far.

We will be in touch regarding any updates or issues.

Kind regards,

Amir

[Quoted text hidden]

--

Regards

Amir Bagheri

FA
MN

35
OAKBAY

"FA7"

09-05-2016

Break Free Movement in South Africa

Dear Ms Adam

Thank you for your letter dated 28 April 2016.

I have noted the contents of your letter and wish to express our support for any movement whose purpose it is to protect and cherish our wonderful planet in order to safeguard it for the benefit of our children.

As much as we have sincere empathy with your cause we find it strange that you would insist on a "public protest" at 1 Saxonwold Drive on Saturday, 14 May 2016.

Our registered address is not at Saxonwold but at Oakbay's registered offices at 144 Katherine Street, Sandton.

I need to bring to your attention that the intended address for your "protest" is a residential address and a property not involved in any of the actions you are concerned with.

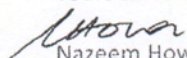
As a result of the aforesaid I cannot otherwise then conclude that your intended protest is ill-motivated and, unfortunately, the consequence of unreliable media coverage of recent events in our country and our community. May I request that you also provide us with copies of your permissions around this march.

I would hope that one day I will be in a position to share with you some of the truths about our company and our business. We are a company with diverse interests including coal, and includes interest the area of green energy. All of our businesses are operating with commercially obtained licenses and your fears expressed in the fourth paragraph of your letter are, unfortunately, ill-considered and unfounded.

We are, at present, obtaining legal advice regarding a possible interdict to restrain you from holding a protest at a residence and we will advise soonest. Having said this we must, unfortunately advise that your protest will not result in a representative of our company being present at an address from where we do not conduct our business. You are most welcome to present your memorandum to us at a convenient date and time at our business premises.

Kindly revert to us by close of business this afternoon should you intend to proceed with the protest as per your letter under reply.

Yours sincerely


Nazeem Howa
CEO, Oakbay Investments

FA
WN

"FAB"

36

AFFIDAVIT

I, the undersigned,

RONICA RAGAVAN

hereby declare under oath and say:

1.

I am a director of Islandsite Investments (Pty) Ltd, the owner of the property situate at 1 to 5 Saxonwold Drive, Saxonwold, Johannesburg.

2.

The contents of this affidavit fall within my personal knowledge and belief and are both true and correct.

3.

On or about 28 April 2016 a one Ferrial Adam directed a letter to the Chief Executive Officer of Oakbay Investments (Pty) Ltd, Mr Nazeem Howa.

4.

I take the liberty of appending a copy of the said letter (which was forwarded to me

Q
d
FA
WN

by Mr Howa) as **Annexure "A"** hereto.

5.

Mr Howa advised me that in terms of **Annexure "A"** a movement calling themselves "*Break Free*" would like to hold a protest in front of property belonging to the company of which I am a director, Islandsite Investments (Pty) Ltd.

6.

I am not affording consent to hold a protest in front of the property of Islandsite Investments (Pty) Ltd for *inter alia* the following reasons:

- 6.1 Islandsite does not conduct the business against which "*Break Free*" intends to protest.
- 6.2 Even if Islandsite conducted the aforesaid business the properties in question (where the protest is to be held) are residential properties.
- 6.3 It is obvious that the author of **Annexure "A"** is ill-informed and relies on incorrect and unfortunate media coverage as she advanced the following in the letter:

"So, while our campaign is bigger than the Guptas and Oakbay, the family

Ⓟ
FA
WN

owned company are the perfect representation of the bigger problem: they symbolise everything that is wrong with not only business relationships in South Africa, but also with the extractive industry." (sic)

- 6.4 It is evident that the author of **Annexure "A"** has misguided herself with the true intention of a protest in that she suddenly relies on a "*bigger problem*" apparently involving the Guptas or Oakbay. The aforesaid reason does not constitute a proper or valid reason for a protest and it is acutely directed in inciting violence against the Gupta family and/or at least residents residing at the Saxonwold properties.
- 6.5 Islandsite recently approached the High Court in Pretoria under circumstances where there was a threat of violence against the residents of the Saxonwold properties. Islandsite obtained an interdict against Mr Julius Malema and the EFF and we append a copy of the court order hereto as **Annexure "B"**.
- 6.6 You will note that one of the prayers in **Annexure "B"** is a court order directing the Acting Commissioner of the South African Police Service to protect the Applicants and the property.
- 6.7 You will note that the court directed the Acting Commissioner of the South African Police Service to take the necessary steps in order to prevent violence at *inter alia* the address where the Islandsite properties are

FA
WN

situate and in particular Saxonwold Drive.

6.8 I therefore submit that it is obvious and evident from **Annexure "A"** that the intention of the protest is not, as the author pretends, to be a peaceful and non-violent protest.

6.9 I submit that it is inaccurate for the author to indicate that they "*work very closely with the JMPD*". Islandsite has a right to be protected and the JMPD has a duty to protect residents within its jurisdiction.

6.10 I am advised that Mr Nazeem Howa of Oakbay Investments directed a letter to the author of **Annexure "A"** (Ferrial Adam) clearly indicating that the Oakbay business is not conducted from the Saxonwold property but in fact from Catherine Street in Sandton.

6.11 It is therefore evident that "*Break Free*" was afforded the correct information and the correct detail of where the protest should be held, if any. I understand from Mr Howa's correspondence (**Annexure "C"** appended hereto) that he indicated that a representative of Oakbay will not be present to accept a memorandum from the protestors at the Saxonwold properties. I can only assume that this will infuriate the protestors and endanger the lives of the residents at the Saxonwold properties.

Q
d
FA
WN

40

- 5 -

6.12 Having regard to the fact that Mr Howa invited the protestors to the business address of Oakbay Investments in order to present a memorandum on a date and time convenient for all, their failure to participate in a peaceful well-planned exercise is a further indication of their ill-intentions.

7.

In light of the aforesaid I am of the view that the intended protest to be held in a residential area is ill-conceived and ill-intended.

8.

I further submit that the aforesaid protest will in all likelihood cause severe harm to the residents of the Saxonwold properties as it seems obvious that the intended protest action is not to protest against CO² omissions but rather against what Ferrial Adam would refer to as "*the bigger problem*". There is no definition of "*the bigger problem*" and it therefore falls outside the scope of what a peaceful march/protest would entail.

9.

I therefore request the presiding officer hearing this application to refuse permission to hold a protest as intended by "*Break Free*" on Saturday, 14 May

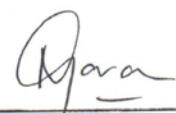
Q d
FA
wn

41

2016 at 1 Saxonwold Drive, Saxonwold, Johannesburg.

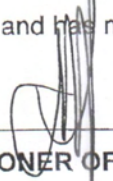
10.

I, further, beg the presiding officer of the panel hearing this application to advise me in writing if my objection is not maintained in order for me to approach the court on an urgent basis as I have done when a similar threat was made and an interdict was obtained (**Annexure "B"**).




DEPONENT

Signed and sworn before me at Sandton on this 10 day of May 2016 after the Deponent declared that she is familiar with the contents of this statement and regards the prescribed oath as binding on her conscience and has no objection against taking the said prescribed oath.



COMMISSIONER OF OATHS:



Stephan Davellefs
Kommissaris van Ede/Commissioner of Oaths
Praktiserende Prokureur /Practising Attorney RSA
144 Katherine Street
Sandton, Pretoria

10 MAY 2016

FA
WN

A 42

Thursday, April 28th, 2016

[ATT: Oakbay CEO]
Oakbay

1 Saxonwold Drive,
Saxonwold,
Johannesburg,
2196,
Gauteng,
South Africa.

This letter serves to inform you of a public protest at 1 Saxonwold Drive, on Saturday the 14th May 2016.

South Africa is the 12th largest greenhouse gas emitter worldwide, and the biggest on the continent. In 2015, a total of 93% of electricity generated came from coal. Furthermore, the construction of Medupi and Kusile locks the country into millions of tonnes of Co2 emissions over the next 30-40 years.

The reason for these decisions, we believe, is not because there are no viable, more sustainable energy alternatives that can power South Africa - but rather because of the vested economic interests, the corruption, and the lack of transparency in our coal industry and in our government, not to mention the almost R100 billion governmental subsidies which allow fossil fuels to flourish.

Oakbay is part of the problem. The firm and its owners are heavily invested in coal, and are able to pull various high-level political strings to facilitate their investments. So, while our campaign is bigger than the Gupta's and Oakbay, the family owned company are the perfect *representation* of the bigger problem: They symbolize everything that is wrong with not only business relationships in South Africa, but also with the extractive industry.

The details of the protest:

A thousand people - members from mining affected communities, affected farmers, as well ordinary citizens from all over Johannesburg - will be in attendance at the protest.

We will arrive in the morning at approximately 10 am, and we will leave the site of the protest by 1 pm. We would also like to hand over a letter, and it would be appreciated if a representative of yours will be able to collect it.

We would like to assure you that this is a peaceful, non-violent protest. We are working very closely with the JMPD to ensure that the protest will follow all the necessary legal requirements. Please do let us know if you would like any further information whether specifically about this protest or about *Break Free* in general. I can be reached at ferrial@350.org

We would also like to offer that you have a direct contact with us on the day of the protest, so that you are able to communicate with us if need be. For this purpose, you may liaise with Ferrial Adam on 074 181 3197.

Sincerely,

FA
WN

43

9/2

B



CASE NO: 9797/2016

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

PRETORIA 09 FEBRUARY 2016

BEFORE THE HONOURABLE MR JUSTICE LOUW JW

In the matter between:

AJAY KUMAR GUPTA
ATUL KUMAR GUPTA
RAJESH KUMAR GUPTA
CONFIDENT CONCEPTS (PTY) LTD
OAKBAY INVESTMENTS (PTY) LTD
SAHARA COMPUTERS (PTY) LTD
TNA MEDIA (PTY) LTD
INFINITY MEDIA (PTY) LTD
VR LASER SERVICES (PTY) LTD
SHIVA URANIUM (PTY) LTD
WESTDAWN INVESTMENTS (PTY) LTD
TEGETA EXPLORATION AND RESOURCES (PTY) LTD

REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA, GAUTENG DIVISION, PRETORIA
PRIVATE BAG 119, VALEIA SAK X87
PRETORIA 0001
2016 -02- 10
J. MAKUNGO
REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA, GAUTENG DIVISION, PRETORIA

- 1ST APPLICANT
- 2ND APPLICANT
- 3RD APPLICANT
- 4TH APPLICANT
- 5TH APPLICANT
- 6TH APPLICANT
- 7TH APPLICANT
- 8TH APPLICANT
- 9TH APPLICANT
- 10TH APPLICANT
- 11TH APPLICANT
- 12TH APPLICANT

AND

JULIUS SELLO MALEMA
ECONOMIC FREEDOM FIGHTERS
NTOBENG NTOBENG
LIEUTENANT GENERAL KHOMOTSO
JOHANNES PHAHLANE NO ACTING POLICE
COMMISSIONER

- 1ST RESPONDENT
- 2ND RESPONDENT
- 3RD RESPONDENT
- 4TH RESPONDENT

HAVING read the documents filed of record, heard counsel and considered the matter:

IT IS ORDERED THAT:

1. The first to third respondents, jointly and severally, be interdicted from:
 - 1.1 Repeating previous or further threats of violence against the person or property of the applicants or any of its employees and in particular from making public announcements inciting imminent violence against the applicants or any of its employees.

FA
20

1.2 Interfering with activities of any journalist employed or deployed by the Seventh and Eight applicants and in particular be interdicted from any conduct or making or promoting any remarks preventing any journalist or investigator employed or deployed by the Seventh and Eight applicants from attending any events of relevance to the public in general including but not limited to any marches, gatherings or public meetings of a political nature by any political party including those of the second respondent.

1.3 Inciting imminent violence against the applicants or any of its employees in any way whatsoever by public announcements, media releases or public speech.

1.4 Causing damage, directly or indirectly or promoting damage to be caused to any of the applicants in person, its property or any of its employees.

1.5 Entering or threatening to incite its followers to enter any of the premises of the applicants for any other reason than as a bona fide and/or for normal commercial purpose and in particular the addresses of the applicants as they appear in Annexure "A" hereto being schedule of business addresses of the applicants.

1.6 Promoting or maintaining any conduct which could reasonably intimidate any of the applicants including any conduct or propaganda causing the employees of the applicants to fear for their lives, safety or unreasonably limiting their freedom of movement and trade.

1.7 Promoting infringement of the seventh and eight applicants' right to freedom of expression and in particular the right to freedom of press and media in order for the seventh and eight applicants to maintain their business of reporting to the general public with fair comment and accurate balanced journalism.

1.8 Participating in any conduct to promote the removal of any of the applicants from Gauteng or the Republic of South Africa, ~~serve in accordance with lawful process.~~

REPUBLIC OF SOUTH AFRICA
SOUTH AFRICAN POSTAL AND TELEGRAPH CORPORATION
PRIVATE BAG: PRIVAARISAK X67
PRETORIA 0001

2. An order be granted requesting the fourth respondent to take the necessary steps in order to protect the interest of the applicants in as far as they might unlawfully be infringed upon by criminal activity ~~resulting from the conduct of~~ the first to third respondents and in particular any non-compliance of the provisions of the interdict referred to in prayer 2 above.

3. An order be granted that the applicants may approach this Court on an urgent basis with supplemented papers under the aforesaid case number for ancillary or further relief should the respondents fail and/or refuse to comply with any of the terms of the relief granted under this application.

4. Costs of this application , including the costs of two counsel.

BY THE COURT

REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA
PRIVATE OFFICE, PRETORIA
REGISTRAR
2016-02-10
J. MAKUNGO
GRIFFIER VAN DIE HOF VAN
SUID AFRIKA GAUTENG AFDELING, PRETORIA

Attorney: VAN DER MERWE

302

OAKBAY

C
46

09-05-2016

Break Free Movement in South Africa

Dear Ms Adam

Thank you for your letter dated 28 April 2016.

I have noted the contents of your letter and wish to express our support for any movement whose purpose it is to protect and cherish our wonderful planet in order to safeguard it for the benefit of our children.

As much as we have sincere empathy with your cause we find it strange that you would insist on a "public protest" at 1 Saxonwold Drive on Saturday, 14 May 2016.

Our registered address is not at Saxonwold but at Oakbay's registered offices at 144 Katherine Street, Sandton.

I need to bring to your attention that the intended address for your "protest" is a residential address and a property not involved in any of the actions you are concerned with.

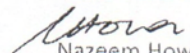
As a result of the aforesaid I cannot otherwise then conclude that your intended protest is ill-motivated and, unfortunately, the consequence of unreliable media coverage of recent events in our country and our community. May I request that you also provide us with copies of your permissions around this march.

I would hope that one day I will be in a position to share with you some of the truths about our company and our business. We are a company with diverse interests including coal, and includes interest the area of green energy. All of our businesses are operating with commercially obtained licenses and your fears expressed in the fourth paragraph of your letter are, unfortunately, ill-considered and unfounded.

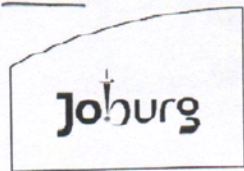
We are, at present, obtaining legal advice regarding a possible interdict to restrain you from holding a protest at a residence and we will advise soonest. Having said this we must, unfortunately advise that your protest will not result in a representative of our company being present at an address from where we do not conduct our business. You are most welcome to present your memorandum to us at a convenient date and time at our business premises.

Kindly revert to us by close of business this afternoon should you intend to proceed with the protest as per your letter under reply.

Yours sincerely


Nazeem Howa
CEO, Oakbay Investments

FA
nn



City of Johannesburg
Johannesburg Metropolitan Police Department

Village Rd b/t Loveday & Eloff
31. Ext, Selby, Johannesburg

PO Box 4068 Tel +27(0) 11 490 1590 (O)
Johannesburg Tel +27(0) 11 490 1657 (D)
South Africa Fax +27(0) 11 490 1864
2000

JMPD



47

www.joburg.org.za

To: Ferrial Adams.
Unit 803, 8th Floor
87 De Korte Street
Braamfontein

Date: 11 May 2016

"FA9"

Copy to : Amir Bagherioromi
Deputy Convener
350 Africa. Org

Copy to : Ms. Sharifa Allie
City of Johannesburg
Legal Department

Dear Sir,

PROHIBITION OF THE GATHERING IN TERMS OF SECTION 5 (1) OF THE REGULATION OF THE GATHERINGS ACT 205 OF 1993.

Your Reference: Ferrial Adam
Our Ref no: 172/03/2016

Your notice for a gathering in terms of Section 3 of the Gatherings Act 205 received on the 17/03/2016 is hereby acknowledged.

Subsequently the Section 4 (2) b meeting that was held at Johannesburg Metro Police Department Head Office on the 04 and 11 May 2016 at 09h00. After considering the submission that were made by the security cluster and the Affidavit from the Land owner of number 1 Sahara Estate in Saxonwold (Ranica Ragavan) and the court interdict as [per Case number 9797/2016 which was held at North Gauteng High Court in Pretoria before the Honourable Judge Mr Justice Louw JW , the Responsible Officer reached the conclusion that the permission for the 350Africa.Org to march and handover a memorandum at No 1 Sahara Estate on the 14th May 2016 from 09h00 to 12h00 **is hereby prohibited in terms of Section 5 (1) of the Regulation of the Gatherings Act 205 Of 1993.**

The Reason for this decision are as follows:

The March of the 350Africa.org has been prohibited based on the following facts:

There was contradictions as far as the purpose of the March is concerned as submitted by the Convener and the information on the Section 3 Notice.

The Provision of Section 5(1) of the Regulation of the Gatherings Act 205 Of 1993


FA

48

The Permission for the 350Africa .Org to march to Number 1 Sahara Estate in Saxonwold on the 14 May 2016 *is hereby prohibited in terms of Section 5 of the Regulation of the Gatherings Act 205 of 1993*

The conveners are hereby advised to consult the Judiciary Authority for remedy.

Yours Faithfully
Inspector JH Nkuna

 11/05/2016

Responsible Officer
Events Management
Marches and Gatherings Section
Tell: 011 490-1593
Fax: 011 490-1864
Ccell: 072 152 0982