IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO.: 89196/16

In the matter between

AFRIFORUM NPC — **FIRST APPLICANT**

AFRISAKE NPC — **SECOND APPLICANT**

and

ECONOMIC FREEDOM FIGHTERS — **FIRST RESPONDENT**

JULIUS SELLO MALEMA — **SECOND RESPONDENT**

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PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2017 -06- 20
L. P. M. BATISTA
REGISTRAR'S OFFICER/HOOF VAN
GRIFFIER VAN DIE HOF
SUID-AFRIKA, GAUTENGSELING, PRETORIA

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DATED at PRETORIA on this the 15th day of JUNE 2017

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Ref: Tertius Kruger/AF0028

TO: **THE REGISTRAR OF THE HIGH COURT**
Pretoria

AND TO: **KWINANA & PARTNERS INCORPORATED**
Respondents' Attorneys
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Ref: **Mr. Kwinana/Ms Mrerwa**

C/O MASEKELA MASENYA ATTORNEYS
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Ref: Mr. Alphy Masenya

Received Copy Hereof:

Date: _____

Name: _____

Signature: _____

Cornel Pienaar

From: Tendai Mrerwa <tendai@kp.co.za>
Sent: 19 June 2017 11:44 AM
To: cornel@hurterspies.co.za
Cc: Thabo Kwinana; Tertius; celeste@hurterspies.co.za
Subject: Re: AfriForum // EFF & JULIUS MALEMA

Dear Cornel,

The above matter and your email under reply refer.

We acknowledge receipt of the indices herein.

Regards,

Ms Tendai Mrerwa
Kwinana & Partners Inc
p: 011 678 1816 & 011 057 1016/7
f: 086 561 7741
a: 119 First Avenue
Fairland, 2195
e: tendai@kp.co.za

On Mon, Jun 19, 2017 at 10:45 AM, Cornel Pienaar <cornel@hurterspies.co.za> wrote:

Dear Tendai,

I refer to our telephonic conversation and my unsuccessful attendance (I confirm that nobody was at the office) at your correspondent's offices.

As discussed we shall serve the indices electronically. Therefore kindly find enclosed herewith the indices.

Kindly acknowledge receipt hereof in good order.

We then await your heads of argument herein within 10 days as per the practice manual.

I trust you shall find the above to be in order.

Kind regards

Cornel Pienaar

Kandidaatprokureur/ Candidate Attorney

Tel: 012 941 9239 / 012 664 0708 **Sel/Cell:** 076 268 8499

Faks/Fax: 012 644 1997 • **E-pos/E-mail:** cornel@hurterspies.co.za

Posadres/Postal Address: Posbus/PO Box 14505, Lyttelton, 0140

Adres/Address: Eerste Vloer / First Floor, AfriForum Gebou / Building,

Hoek van / corner of DF Malan- and Unionlaan / Avenue, Kloofsig, Centurion

Hurter Spies Ing.

prokureurs • attorneys



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

89196/16

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant
and	
ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2016 -11- 16
T. MALELE
REGISTRAR'S CLERK
GRIFFIER VAN DIE HOË HOF VAN SUID-AFRIKA, GAUTENG AFDELING, PRETORIA

NOTICE OF MOTION

TAKE NOTICE that the abovementioned Applicants will make Application to this Honourable Court for an Order in the following terms:

1) That the First and Second Respondents are interdicted from inciting and/or instigating and/or commanding and/or procuring any individual/s to commit the crime of trespassing as described in the *Trespass Act*, 6 of 1959 and/or to enter any land belonging to or in control of any individual/s or entity/entities, without the required permission of the land owner/s or lawful occupant/s of land, or a lawful entitlement to do so

2) That the First and Second Respondents are ordered to pay the cost of the Application on an Attorney and Client scale, jointly and severally, the one paying the other to be absolved, which cost shall include the cost of two Counsel where so employed.

3) That further and/or alternative relief be granted

TAKE NOTICE FURTHER that the attached affidavit of CATHARINA CORNELIA COOKS, with annexures and confirmatory affidavits thereto, will be used in support of this Application.

TAKE NOTICE FURTHER that the Applicants have appointed Hurter Spies Incoporated, with address mentioned hereunder, as Attorneys and as address where they will accept service of all process and documents herein.

TAKE NOTICE FURTHER that if you intend to oppose the Application, you must: -

a) Notify the Applicant's Attorneys thereof in writing within 5 days of receipt hereof;
b) In your written notice to oppose indicate an address where you will accept service of all documents and process herein, which address must be within 15km from the seat of this Honourable Court;
c) File your answering affidavit (if any) within 15 days after having given notice to

oppose the Application.

TAKE FURTHER NOTICE that if no Notice to Oppose is received, or if the Answering Affidavit is not received in time, the Application will be heard on 07/03 2017 at 10h00

SIGNED AND DATED AT PRETORIA ON THIS THE 16TH DAY OF NOVEMBER 2016.

HURTER SPIES INCORPORATED

Attorneys for Applicant

1st floor, Afriforum Building

Cnr of DF Malan- and Union Avenue

Kloofsig, Centurion

Tel: 012 941 9239

Fax: 012 644 1997

Email: tertius@hurterspies.co.za

Ref: AF0028

TO: THE REGISTRAR

PRETORIA

AND TO: FIRST RESPONDENT

By Sheriff

AND TO: SECOND RESPONDENT

By Sheriff

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: 89196/2016

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

CATHARINA CORNELIA COOKS

declare under oath as follows:

1.

I am an adult female employed by the First Applicant as Provincial Co-ordinator and Community Safety Co-ordinator with work address at the registered address of the First Applicant.

2.

The content of this affidavit falls within my personal knowledge unless the content indicates otherwise. To the best of my knowledge the content is both true and correct.

THE PARTIES:

3.

3.1 The First Applicant is **AFRIFORUM NPC,** a non-profit company duly incorporated in terms of the relevant legislation in the Republic of South Africa, with registration number 2005/042861/08 and its principal place of business/registered address at the AfriForum Building, cnr. of D.F. Malan and Union Avenue, Kloofsig, Centurion, Gauteng.

3.2 I am duly authorised to depose to this affidavit and to institute this litigation on behalf of the First Applicant as is evidenced by the Resolution that I attach hereto and mark as **Annexure "AFR1".**

4.

4.1 The Second Applicant is **AFRISAKE NPC,** a non-profit company duly incorporated in terms of the relevant legislation in the Republic of South Africa, with registration number 2012/043725/08 and its principal place of business/registered address at the AfriForum Building, cnr. of D.F. Malan and Union Avenue, Kloofsig, Centurion, Gauteng.

4.2 I am also duly authorized to depose to this affidavit and to institute this litigation on behalf of the Second Applicant as is evidenced by the Resolution that I attach hereto and mark as **Annexure "AFR2".**

5.

The First Respondent is the **ECONOMIC FREEDOM FIGHTERS,** a political party duly registered in terms of the *Electoral Act*, 73 of 1998, with its principal place of business at No. 78, De Koker Street, Johannesburg, Gauteng. I also refer to the First Respondent hereinafter as "*the EFF*".

6.

The Second Respondent is **JULIUS SELLO MALEMA,** an adult male politician and leader of the First Respondent with work address at the principal place of business of the First Respondent, being at No. 78, De Koker Street, Johannesburg, Gauteng.

***LOCUS STANDI* OF THE APPLICANTS:**

7.

Both Applicants are organisations that promote and protect, *inter alia*, the rule of law, fundamental rights and democracy. The Applicants are opposed to all criminal activity in the Republic of South Africa. The First Applicant, through its representative, Mr Ferdinandus Wilhelmus Kelder, preferred a criminal charge against the Second Respondent in relation to one incident that forms part of the cause of action herein. This aspect will be elaborated on *infra*.

8.

The Applicants have numerous members across the Republic of South Africa. Several of the Applicants' members are landowners or have some sort of entitlement to lawfully occupy or utilize land. The Second Applicant focuses specifically on economic sustainability and economic growth. The members of

the Second Applicant and the Second Applicant itself are deeply concerned about the safety of investing in projects where land has to be bought in South Africa, or where land has to be leased/utilised under another valid entitlement or any form of investment is made in relation to land. There has to be certainty in regard to the strength en enforceability of property rights for economic stability and growth. If for instance property rights are not respected, financial institutions will become reluctant to advance loans and use land as a form of security. This will curtail economic growth and stability as many individuals or entities will not have access to funding to start or expand their businesses.

9.

Both Applicants, amongst others, protect and advocate the right to property as envisaged in Section 25 of the *Constitution of the Republic of South Africa*, 1996 (hereafter referred to as "*the Constitution*"). As will be demonstrated *infra* both Applicants regularly assist their members (directly or indirectly) in litigation pertaining to unlawful land invasions instigated by the First and/or Second Respondents.

10.

The Applicants' *locus standi* in this matter emanates from Section 38 of the *Constitution*, as both Applicants are acting, to enforce and protect the constitutional rights and interests of their members and/or the general public

and/or the Applicants' own interests. The Applicants regularly (and once again herein) litigate in the public interest. It is furthermore in the interest of the members of the two Applicants and South Africans in general that criminal conduct should be eradicated and that the *Constitution* and the rights entrenched in it should be respected. If conduct such as the conduct complained of is allowed to continue, the rule of law will be depleted and a state of lawlessness is bound to prevail.

PURPOSE OF THIS APPLICATION:

11.

The purpose of this Application is to obtain an order that will prohibit both the Respondents from inciting and/or instigating and/or commanding and/or procuring individuals to commit the crime of Trespassing. The act of inciting and/or instigating and/or commanding and/or procuring individuals to commit the crime of Trespassing is in itself a criminal offence in terms of Section 1(1) of the *Trespass Act*, 6 of 1959, read with Section 18(2) of the *Riotous Assemblies Act*, 17 of 1956. The Applicants respectfully contend that the relief sought can be granted on common law or other legal principles even in the absence of the provisions mentioned in this paragraph on the principles of legality, the rule of law and constitutional rights.

12.

The Applicants will also request a punitive cost order against both Respondents for the reasons that will appear more fully *infra*.

BACKGROUND:

13.

The First Respondent was established as a political role-player in or about the year 2013. From the inception of the First Respondent, the Second Respondent has been the leader of the First Respondent.

14.

At all relevant points in time when the Second Respondent acted, he did so as leader and/or representative of the First Respondent, acting with the course and scope of his duties with the First Respondent.

15.

It has emerged from the media and other sources that both of the Respondents (the First Respondent sometimes through functionaries other than the Second Respondent) incite individuals to occupy land belonging to other individuals or under control of other individuals or entities, without permission or any lawful entitlement to do so.

16.

I will summarize the various incidents that I have researched and compiled a list of. I suspect that there might be more incidents that have occurred in the past and will continue to search for such incidents. From the latest conduct of especially the Second Respondent, I fear that further relevant incidents will occur even after this Application is launched.

17.

When dealing will all the relevant incidents that jointly form the cause of action I deem it appropriate to categorize the incidents as follows:

17.1) Electoral Conference of the First Respondent in Bloemfontein / Mangaung;

17.2) Televised interview of EFF spokesman, Mr. Ntobeng Ntobeng;

17.3) Further media reports of land invasions / trespassing initiated or supported by the EFF;

17.4) Litigation where the Applicants have assisted landowners / individuals in control of land against trespassers instigated and/or supported by the Respondents;

17.5) Incidents in the campaign period preceding the local government elections

17.6) Letter of demand and response thereto, and

17.7) Most recent incidents

Electoral Conference of the First Respondent in Bloemfontein / Mangaung:

18.

During December 2014 the Second Respondent addressed an Electoral Conference of the First Respondent in Bloemfontein, in the municipal area of the Mangaung Metropolitan Municipality. The Second Respondent called on supporters of the First Respondent to invade unoccupied land and to settle thereon. He instructed them to especially invade land in the areas close to where they reside and to do so all over the Republic of South Africa.

19.

The Second Respondent indicated that the First Respondent would create a fund to assist individuals with legal costs in cases where they were to be prosecuted/arrested for such land invasions. He indicated that the First Respondent would intervene if trespassers faced legal difficulties and that the First Respondent would pay the bail for arrested trespassers so that they could be released from prison.

20.

The Applicants (and myself) are in possession of a video clip of the aforementioned speech of the Second Respondent in Bloemfontein and I can thus confirm the content of the speech. Should the allegations in the preceding paragraph be disputed, the video clip will be made available to anyone who wishes to see it, including the Honourable Court. To the best of my knowledge neither Respondent has ever denied that the statements alluded to *supra*, were in fact made.

21.

During the conference held in Bloemfontein during December 2014, the First Respondent adopted a document entitled *"First National Peoples' Assembly Resolutions"*. The document is available on the official website of the First Respondent, being *www.effighters.org.za*. The document reflects the official policy of the First Respondent as was adopted by resolution. I annex a copy of the first page and relevant extract from the document hereto and mark it as **Annexure "AFR3".** The document is voluminous and as the major part of the content of the document is not relevant for current purposes, I do not annex the complete document.

22.

I deem it appropriate to quote the relevant portions from the document:

"…. We support some of the land invasions that are taking place around the country."

"We should go back to the bush and fight for our land (arm struggle)." (sic)

" … A campaign to identify and occupy unused land."

"EFF to set up a Solidarity Fund to assist all those who may be in conflict with land owners, the state authorities, police and courts in pursuance to the resolution on occupation of unused or unoccupied land."

23.

It is thus clear from the "*First National People's Assembly Resolutions*" document of the First Respondent that it is well aware that the conduct it is propagating is criminal, as it foresees conflict with land owners, the State, the Police and the Courts. The fact that a solidarity fund has been set up to pay for individuals who come into conflict with landowners, the State, Police and the Courts in itself incites individuals to, unlawfully, occupy and invade land. The fact that the 2nd Respondent in his speech indicated that the fund to be established by the EFF would be used to pay the bail of arrested individuals.

makes it clear that he knows that he is enticing individuals to commit a crime for which they can possibly be arrested.

24.

The First Applicant through its representative, Mr Ferdinandus Wilhelmus Kelder, preferred criminal charges against the Second Respondent in relation to the speech by the Second Respondent at the electoral conference in Bloemfontein under MAS number 1440/12/2104. The Second Respondent's first Court appearance in relation to the criminal charge was set as 14 November 2016 in the Regional Court in Bloemfontein.

Televised interview of EFF spokesman, Mr. Ntobeng Ntobeng:

25.

During March 2015 an interview was broadcasted on the national television programme known as VukaAfrica. Mr. Ntobeng Ntobeng, a spokesperson on behalf of the First Respondent, appeared on the programme clothed in the well-known red clothing of the First Respondent, to specifically comment on the land invasions supported or set in motion by the First Respondent in the KwaZulu-Natal Province and Tshwane (the City of Pretoria and surrounding areas governed by the City of Tshwane Metropolitan Municipality).

26.

In the interview Mr. Ntobeng defended the EFF's unlawful land occupation programme and said that, in his view, it was not wrong for persons to invade land if it is unoccupied and if, for instance, the owner thereof was in Australia.

27.

Mr. Ntobeng distinguished the land occupation programme advocated by the EFF from the programme employed by the Government of Zimbabwe in that the EFF only propagated occupation of unoccupied land in contrast to Zimbabwe where people were chased from occupied land.

28.

I am advised by the Applicants' legal representatives that it is irrelevant whether the land that is unlawfully invaded is occupied or not. In terms of the law in the Republic of South Africa no one may enter the land belonging to any other person, or under control of another person, without permission or a legal entitlement to do so.

29.

The Applicants (and myself) are in possession of a video recording of the televised interview of Mr. Ntobeng Ntobeng and I can thus confirm the content as set out above. Should the allegations *supra* be disputed the video will be made available to anyone who wishes to see it, including the Honourable Court. To the best of my knowledge neither Respondent has ever disputed the content.

Further media reports of land invasions / trespassing initiated or supported by the EFF:

30.

I have come across numerous other reports in the written and electronic media of incidents where the First and/or Second Respondents have incited individuals to unlawfully trespass and/or occupy/invade land. I am unaware of the exact sources of the articles. To the best of my knowledge neither Respondent has ever disputed the correctness of the content of the media reports that I will deal with under this heading. These incidents are, *inter alia*, the following:

30.1 A land invasion in Cape Town on 6 April 2015 as is evidenced by the media reports that I annex hereto as **Annexure "AFR4"** (The Herald Newspaper - "*EFF leaders in charge of land grabs*");

30.2 A land invasion on the premises of Denel in Cape Town in April 2015 that I annex hereto as **Annexure "AFR5"** (IOL NEWS – "Denel goes to court over land grab")

30.3 A land invasion near Khayelitsha in April 2015 that I annex hereto as **Annexure "AFR6"** (The Citizen – *"Charges to be laid against EFF WC leader for land grab"*);

30.4 A land invasion near Ballito in April 2015 that I annex hereto as **Annexure "AFR7"** (Eyewitness News – "*One person killed during attempted EFF land invasion*");

Litigation where the Applicants have assisted landowners / individuals in control of land against trespassers instigated and/or supported by the Respondents:

31.

The Applicants have been (directly or indirectly) involved in litigation where threats of land invasions instigated/organized by the EFF have actually

occurred and where Court orders had to be obtained to remove the unlawful trespassers from the relevant land. All of the landowners mentioned herein are members of either the First or Second Applicants. Some of them are members of both Applicants. All of them are members of the particular Applicant that assisted them in the relevant litigation in respect to land invasions.

32.

In August 2015 Mr. Johan Van der Merwe's farm, more fully described as Portion 182 (a Portion of Portion 12) of the farm Roolkoppies 297, Registration Division JQ near Marikana in the Northwest Province was invaded by occupiers instigated and/or supported by the First Respondent. Once again, according to Mr. van der Merwe, several of the individuals that invaded the land wore the distinctive red attire of the First Respondent and/or red berets. It was clear that the EFF was behind the land invasion.

33.

The First Applicant assisted Mr. Van der Merwe financially in obtaining relief in the High Court in Mahikeng. A copy of the *interim* order that was obtained is annexed hereto as **Annexure "AFR8".** The *rule nisi* was later confirmed as is

evidenced by the Court Order that I annex hereto as **Annexure "AFR9".** The unlawful land invaders have since been cleared from that land.

34.

In February 2016 land owned by Elmir Clay (Pty) Limited and Josama Investments (Pty) Ltd near Bronkhorstspruit described as Portion 56 (a portion of Portion 31), the Remaining Extent of Portion 31 (a portion of Portion 2) and Portion 32 (A portion of portion 2) of the farm Schietpoort 507, JR, Gauteng was invaded. Once again the land invaders were supported and/or instigated and/or acted under instruction of the First Respondent. According to Mr Marius van Wyk, who acted as deponent in that matter, several of the land invaders were clothed in the distinctive red colours of the First Respondent with or without red berets. It was clear to Mr van Wyk that the land invasion was initiated by the EFF.

35.

Elmir Clay (Pty) Limited, Josama Investments (Pty) Ltd and the Second Applicant obtained an urgent *ex parte* order to interdict the land invasions and to make provision for the uninhabited structures to be removed from the land.

I annex a copy of the *interim* order hereto as **Annexure "AFR10"**. The interim order has been extended to 6 February 2017 on the opposed roll of this Honourable Court. The land invaders/trespassers have been cleared from the property, but still keep attempting to unlawfully settle on the land from time to time according to Mr. Marius Van Wyk, in contravention of the existing Court order.

36.

On 20 October 2016 Mr Hermanus Nikolaas Verryne and the Second Applicant approached this Honourable Court on an urgent basis for an interim order to stop a land invasion. According to Mr Verryne the trespassers wore the distinctive red colours of the EFF and were aggressive towards him. They also made racist remarks towards him. I annex a copy of the interim order that was granted by the Honourable Mr Justice Fabricius in that instance hereto and mark it as **Annexure "AFR11"**. The order was granted in respect of Mr Verryne's immovable property known as the Remaining Extent of Portion 25 of the Farm Wolhuterskop Registration Division JQ, Brits/Mooinooi area.

37.

On 28 October 2016 a large group of land owners who own land near Mr Verryne's land mentioned *supra* had to obtain an urgent order to prohibit an EFF inspired land invasion in relation to no less than 22 portions of land. The Second Applicant assisted this grouping of landowners. For the sake of brevity

I do not incorporate the names of all the land owners in that matter or all of the numerous property descriptions herein. Mr Gideon Michiel van Aarde, who acted as one of the deponents in that litigation, indicated that the vast majority of the land invaders wore the distinctive red colours and/or berets of the EFF and it is clear to him that the EFF orchestrated the land invasions. I annex a copy of the Order granted in favour of the landowners by the Honourable Mr Justice Tuchten on 28 October 2016 hereto and mark it as **Annexure "AFR 12"**

Incidents in the campaign period preceding the local government elections:

38.

Incidents occurred where the First and/or Second Respondents incited individuals to unlawfully occupy land whilst the First Respondents was campaigning for votes in the 2016 municipal elections. In May 2016 the Second Respondent addressed a rally of the First Respondent near Dunoon in the Western Cape. I learnt from the media that the Second Respondent urged supporters of the First Respondent not to desist from unlawfully occupying land. He urged supporters to utilise cheap building materials and to re-occupy land once they have been lawfully evicted from it. I annex a media report of the incident and mark it as **Annexure "AFR13".**

39.

It appears that the Second Respondent again made a controversial statement on Sunday 26 June 2016 when he addressed supporters of the First Respondent in Newcastle in KwaZulu Natal. The Second Respondent once again urged the individuals to occupy and trespass on land and to not be apologetic about it.

40.

I annex a copy of the media report from which I learnt of the incident in Newcastle as **Annexure "AFR14".** To the best of my knowledge neither of the Respondents have ever denied or questioned the statements as published in the media in relation to the incidents in Dunoon and Newcastle as mentioned herein.

Letter of demand and response thereto:

41.

The First Applicant addressed a letter of demand to the First and Second Respondents through its Attorneys of record. The letter of demand is annexed hereto as **Annexure "AFR15".** The relevant portion of the letter reads as follows:

"We act herein on behalf of Afriforum NPC (hereafter referred to as "our client"). Our client is an organization that promotes and protects inter alia the rule of law, fundamental rights and democracy. Our client has numerous members across the Republic of South Africa. Various of our client's members are land owners of have some type of entitlement to land.

It is our instruction that the Economic Freedom Fighters (hereafter referred to as "EFF") is a political party and that Mr Malema is the leader of the EFF. In this letter a reference to the EFF is also a reference to the leader thereof, Mr Malema.

It has come to our client's attention that the EFF has been inciting and/or instigating and/or commanding individuals to unlawfully trespass on land and/or to perform land grabs.

The incidents that have come to our client's attention are inter alia the following:

1) *During December 2014 Mr Malema addressed an electoral conference of the EFF in Bloemfontein. During his speech that was widely published in the media he called on supporters of the EFF to invade unoccupied land, especially in the areas close to where they*

reside. Mr Malema indicated that the EFF would create a fund to assist individuals with legal cost in case they were to be prosecuted for the land grabs.

2) *The EFF's "First National People's Assembly Resolutions" document as available on the official website of the EFF, documenting the resolutions taken by the EFF at the conference in Bloemfontein in December 2014 contains the following resolutions:*

> *"... We support some of the land invasions that are taking place around the country"*
>
> *"We should go back to the bush and fight for our land (arm s truggle) (sic)"*
>
> *"A campaign to indentify and occupy unused land"*
>
> *"EFF to set up a Solidarity Fund to assist all those who may be in conflict with land owners, the state authorities, police and courts in pursuant to the resolution on occupation of unused and unoccupied land"*

3) *During March 2015 an EFF Spokesperson, Mr Ntobeng Ntobeng defended the practice of illegally trespassing and squatting on other people's land in an interview televised on live television.*

4) *There have been numerous reports in the written and electronic media of incidents of trespassing on land initiated/supported by the EFF. These are inter alia the following incidents:*

   4.1) *land invasion in Cape Town on 6 April 2015*

   4.2) *land invasion on the premises of Denel in Cape Town in April 2015*

   4.3) *land invasion near Khayelitsha in April 2015*

   4.4) *land invasion near Ballito in April 2015*

   4.5) *land invasion near Marikana in August 2015*

5) *Our client was directly or indirectly involved in litigation to combat trespassing on land in various instances, which include a land grab in October 2014 near Hammanskraal, one near Marikana in August 2015, and another in February 2016 near Bronkhorstspruit.*

6) *With the nearing elections in August 2016, Mr Malema has intensified his political rhetoric by urging supporters of his party not to desist from unlawfully occupying land. He urged his supporters to utilize*

"cheap material" and to re-occupy land once they have been lawfully evicted. (Dunoon rally-May 2016).

7) *Media reports indicate that Mr Malema urged EFF supporters to occupy and trespass on land and not to be apologetic about it near Newcastle on Sunday, 26 June 2016.This is the latest in a series of unlawful conduct and is by far the most direct and serious transgression.*

The situation has become intolerable, which lead to our client researching all the incidents mentioned above for possible litigation.

The conduct of inciting and/or instigating and/or commanding and/or procuring individuals to commit the crime of trespassing is in itself a criminal offence if regard is had to Section 1(1) of the Trespass Act, 6 of 1959 read with Section 18(2) of the Riotous Assemblies Act, 17 of 1956. The conduct is furthermore a threat to law and order and the rule of law.

We hereby demand an unequivocal undertaking in writing from you that you will cease the conduct of inciting and/or instigating and/or commanding and/or procuring individuals to enter/occupy land belonging to, or in the control of any other entity or person without the

necessary consent. We also demand written confirmation that you issue a media statement on the official website of the EFF and to all major Newspapers indication that members and/or supporters of the EFF should not participate in illegal land grabs and the crime of trespassing.

If the written undertaking mentioned above and the media release on the official website and to all major newspapers is not forthcoming and confirmed to us within 48 hours of receipt hereof, we hold instructions to approach the High Court for appropriate relief. An appropriate punitive cost order will also be sought should we be obliged to approach a Court.

Yours faithfully

HURTER SPIES INC"

42.

The letter of demand was served on the First and Second Respondents by the Sheriff on 4 July 2016, as is evidenced by the Returns of Service that I annex hereto as **Annexure "AFR16"** and **Annexure "AFR17".**

43.

On the same day, 4 July 2016, a response was forthcoming on behalf of the Respondents. I annex a copy of the response received from Mr. Zuko Madikane, a senior legal officer writing on the letterhead of the Central Command Team of the First Respondent's National Legal Office and mark it as **Annexure "AFR18"**. The content thereof reads as follows:

"TO ***: HUNTER SPIES ATTORNEYS REF: MR. KRUGER/AF0028***

FROM ***: MR. ZUKO MADIKANE***

SUBJECT ***: AFRIFORUM NPC-INCITEMENT OF LAND OCCUPATION***

DATE ***: 04th JULY 2016***

Dear Sirs

Your letter dated 30 June 2016, is herein acknowledged and our response is as follow:-

1. *The EFF is a radical and militant economic emancipation movement that brings together revolutionary, fearless, radical, and militant activists, workers' movements, nongovernmental organisations, community-based organisations and lobby groups under the umbrella of pursuing the struggle for economic emancipation.*

2. *It would help your client to read the history of this country and how majority of white people acquired the land. The land was violently taken from the majority of black people since white's arrival in 1652.*

3. *The **EFF** takes instructions from no one especially from organizations that deny the history of dispossession of land from black people.*

4. *We are not in the business of nurturing and marinating feelings of your client as they represent a racist minority obsessed with preserving white supremacist ideas and privilege.*

5. *The **EFF** is the third largest political party which is recognised by the constitution of the **Republic of South Africa** and the **Independent Electoral Commission** which has permitted the **EFF** to canvas for its ideas.*

6. *We therefore are not intimidated or moved by your letter, but motivated to continue to encourage our people to occupy any vacant land available.*

7. *The **EFF** does not recognize your client as an entity that represents the values enshrined in the constitution, the values of nonracial, nonsexist society.*

8. *The Land was violently taken from black people, this is a fact. Today black people are landless because of this history and those that "own" the land were complicit in the killing of black people for the land.*

9. *We advise your client to read our leader's public statement with our official founding manifesto including our policy positions with regards to land.*

10. *The **LAND IS OURS** and we will not stop until it is returned to its rightful owners without compensation for equal redistribution.*

We trust that the above is in order.

ZUKO MADIKANE

SENIOR LEGAL OFFICER"

It is clear from the above letter, more in particular paragraphs 6 and 10 thereof, that the Respondents have no intention of desisting from their unlawful conduct. The Applicant thus has no other option than to approach this Honourable Court for the relief sought.

Most recent incidents:

45.

On 3 November 2016 the Second Respondent addressed a group of supporters of the First Respondent at Church Square, Pretoria. The First Respondent once again incited the individuals present to unlawfully occupy land, even if it meant that they had to go to prison for doing so.

46.

On 7 November 2016 the Second Respondent appeared in Court in Newcastle on criminal charges related to inciting individuals in Newcastle to unlawfully occupy land as already mentioned herein. I pause to mention that the identity of the complainant in the criminal case in Newcastle is unknown to me. To the best of my knowledge the Applicants did not initiate those charges.

47.

The Second Respondent addressed a group of EFF supporters outside the Court building in Newcastle on the day of his first appearance in the criminal case in that Court.

48.

The Second Respondent once again called on the EFF supporters present to unlawfully occupy land. The Second Respondent furthermore indicated that he was not scared of going to prison for telling individuals to unlawfully occupy land. The Second Respondent added that he was not calling on the individuals present to massacre white people, at least for the time being. The Second Respondent thereby insinuated that he could call on the supporters of the Respondents to massacre white people in future. This amounts to hate speech. The Applicants are considering separate legal action in that regard.

49.

The Applicants (and myself) are in possession of video material of the Second Respondent's speeches at Church Square and The Newcastle Magistrates Court as mentioned *supra*. To the best of my knowledge neither of the Respondents have ever denied that the relevant statements were ever made.

Should the content be disputed, I will make the video material available to anyone who wishes to see it, including the Honourable Court.

50.

I also annex a copy of an article from Timeslive in relation to the utterances made by the Second Respondent at the Court building in Newcastle hereto and mark it as **Annexure "AFR19"**.

CLEAR RIGHT:

51.

The Respondents' conduct is a threat to the rule of law, law and order, democracy and especially the constitutional right as envisaged in Section 25 of the *Constitution*.

52.

I am advised that a Court of Law such as this Honourable Court will not countenance unlawful and illegal conduct.

53.

It is in the interest of the Applicants, its members and the general public of South Africa that criminal conduct should not be allowed.

54.

Section 1(1) of the *Trespass Act*, 6 of 1959 reads as follows:

> *" (1) Any person who without the permission-*
> *(a) of the lawful occupier of any land or any building or part of a building; or*
> *(b) of the owner or person in charge of any land or any building or part of a building that is not lawfully occupied by any person,*
> *enters or is upon such land or enters or is in such building or part of a building, shall be guilty of an offence unless he has lawful reason to enter or be upon such land or enter or be in such building or part of a building."*

55.

Section 18(2) of the *Riotous Assemblies Act*, 17 of 1956 reads as follows:

> *" (2) Any person who-*
> *(a) conspires with any other person to aid or procure the commission or to commit; or*

(b) incites, instigates, commands, or procures any other person to commit, any offence, whether at common law or against a statute or statutory regulation, shall be guilty of an offence and liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable."

56.

It is thus clear that the conduct complained of is also criminal and should not be tolerated.

57.

In terms of Section 2 of the *Constitution*, the *Constitution* is the supreme law of in the Country that should be upheld and all conduct in contravention thereof is invalid.

REASONABLE APPREHENSION OF IRREPARABLE HARM OR ACTUAL HARM SUFFERED:

58.

The response received to the letter of demand makes it clear that the Respondents have no intention to stop their unlawful conduct and that the conduct will continue.

59.

It is also clear that various individuals supporting the EFF have in fact acted criminally after being incited and/or commanded and/or procured to invade land. The threat of further land invasions is very much alive and a reality. With political tension as it is the Applicants fears that, because of the aforementioned conduct of the Respondents, a stage will be reached where people are going to take the law into their own hands with catastrophic results.

60.

As mentioned above, the conduct of the Respondents threatens the rule of law and constitutional democracy.

61.

It appears that several of the matters where actual EFF inspired land invasions took place are still in the process of being sorted out. All the affected landowners confirm that the unlawful land invaders are aggressive and threatening towards them. There is a very real risk of violence erupting, with dire consequences.

62.

It is difficult for landowners or organisations such as the Applicants to fund litigation. The criminal conduct should be stopped at its source before expensive litigation is required and the trespassers enjoy the fruit of their criminal conduct in the interim. In the instance of the land grab near Bronkhorstspruit mentioned above, Mr Marius van Wyk confirms that the land invaders were violent when entering the land and lawful occupants of the land were assaulted by them. Various death threats were also made to Mr van der Merwe by the unlawful land invaders when the land grab took place on his farm near Marikana.

NO OTHER EFFECTIVE ALTERNATIVE REMEDY:

63.

The Applicants and their members do not have any other effective alternative remedy available to them. The Respondents refuse to refrain from the unlawful conduct, even in the face of criminal prosecution.

PUNITIVE COST ORDER:

64.

In the letter of demand the Respondents were warned that a punitive cost order would be sought if the matter had to proceed to Court. The conduct of the Respondents is reprehensible, unconscionable and unlawful - it constitutes a crime.

65.

As it is clear that the conduct that the Applicants seek to interdict is criminal. The Applicants respectfully contends that this Honourable Court should show its displeasure at the conduct of the Respondents and grant a punitive cost order against them. The Respondents are disturbing economic stability and law and order.

66.

I respectfully submit that there is no reason why the Applicants should be out of pocket when they have to litigate to curtail criminal conduct of others.

67.

It is also in the interest of the Applicant and its members and the South African society in general that criminal conduct should not be allowed by anyone.

68.

After this affidavit had already been drafted the Applicants' fears were unfortunately once again shown to be well founded as the Second Respondent repeated his criminal conduct after his appearance in the criminal Court in Bloemfontein on 14 November 2016. The Second Respondent once again called on supporters of the Respondents to occupy land unlawfully wherever they choose. The Applicants (and myself) are in possession of video recordings evidencing this conduct that occurred at the Magistrates Court in Bloemfontein. I have studied the video and I am acquainted with the content thereof. Should the content of the video and/or allegations in this paragraph be disputed, I will make the video material available to anyone who wishes to see it, including this Honourable Court.

69.

The Applicants therefore respectfully pray that it may please this Honourable Court to grant the relief as set out in the Notice of Motion.

Catharina Cornelia Cooks
DEPONENT

THUS SWORN AND SIGNED AT Centurion ON THIS 16th DAY OF November 2016, BEFORE ME, H G van der Hoven, COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT SHE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HER CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

COMMISSIONER OF OATHS

NAME:

CAPACITY:

ADDRESS:

Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA
Northstraat 94
Rietondale
Pretoria
0084
(012) 644 4393

RESOLUTION PASSED BY THE BOARD OF AFRIFORUM (A NON – PROFIT COMPANY UNDER SECTION 21) ON 7 NOVEMBER 2016.

It is resolved that –

1) AfriForum NPC brings an application to the effect that the Economic Freedom Fighters (EFF) and Julius Sello Malema are interdicted from inciting and/or instigating and/or commanding and/or procuring any individual/s to commit the crime of trespassing as described in the *Trespass Act*, 6 of 1959 and/or to enter any land belonging to or in control of any individual/s or entity/entities, without the required permission of the land owner/s or lawful occupant/s of land, or a lawful entitlement to do so

2) That the Economic Freedom Fighters (EFF) and Julius Sello Malema are ordered to pay the cost of the Application on an Attorney and Client scale, jointly and severally, the one paying the other to be absolved, which cost shall include the cost of two Counsel.

3) CATHARINA CORNELIA COOKS in her capacity as Provincial Co-ordinator, Gauteng North of AfriForum, is hereby authorised to depose any affidavits and to sign any documents that may be neccesary to give effect to the resolution passed herewith.

Certified a true extract from the minutes of the meeting.

CHIEF EXECUTIVE OFFICER

CARL MARTIN KLRIEL

AfriForum

RESOLUTION PASSED BY THE BOARD OF AFRISAKE (A NON – PROFIT COMPANY UNDER SECTION 21) ON 7 NOVEMBER 2016.

It is resolved that –

1) AfriSake NPC brings an application to the effect that the Economic Freedom Fighters (EFF) and Julius Sello Malema are interdicted from inciting and/or instigating and/or commanding and/or procuring any individual/s to commit the crime of trespassing as described in the *Trespass Act*, 6 of 1959 and/or to enter any land belonging to or in control of any individual/s or entity/entities, without the required permission of the land owner/s or lawful occupant/s of land, or a lawful entitlement to do so

2) That the Economic Freedom Fighters (EFF) and Julius Sello Malema are ordered to pay the cost of the Application on an Attorney and Client scale, jointly and severally, the one paying the other to be absolved, which cost shall include the cost of two Counsel.

3) CATHARINA CORNELIA COOKS in her capacity as Provincial Co-ordinator, Gauteng North of AfriForum, is hereby authorised to depose any affidavits and to sign any documents that may be neccesary to give effect to the resolution passed herewith.

Certified a true extract from the minutes of the meeting.

CHIEF EXECUTIVE OFFICER

CORNELIUS JACOBUS JANSEN VAN RENSBURG

AfriSake

EFF First National People's Assembly Resolutions

Mangaung Bloemfontein University of Free State
13-16 December 2014

EFF

Table of Content

1. Resolutions on Organisational Development
2. Resolutions on Economic Transformation for Economic Freedom in our Lifetime
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5. Resolutions of the First National People's Assembly on Health and Education
6. Resolutions of Justices and Correctional Services
7. Resolutions of the First National People's Assembly on Media and Battle of Ideas
8. Resolutions of the First National People's Assembly on Land and Agrarian Resolutions
9. Resolutions of the First National People's Assembly Fundraising
10. Resolutions of the First National People's Assembly on International Relations and Solidarity
11. EFF Constitution as amended and adopted by the 1st National People's Assembly
12. Declaration of the First National People's Assembly
13. 1st NPA Closing Remarks by the President CIC Julius Sello Malema

transfetred to the ownership and custodianship of the state through the Minerals and Petroleum Resources Development Act (MPRDA) of 2002.

Therefore resolve that:

- Permits to occupy to be converted into title deeds for the majority of our people eg the Ngonyama Trust for King Zwelithini in KZN
- State ownership of land is critical. Land must be owned by the state and the state must then redistribute.
- We cannot pay for stolen land.
- Let us use the land claim as a train to take us to the 2016 local elections. We support some of the land invasions that are taking place around the country.
- Call for land audit so that we use that against government to show them how slow they have been terms of giving land back to our people. All provinces through regional structures should get State land audit through district municipalities by the end of March next year.
- Taking land struggles on behalf of our people by for instance taking state to court when the state is infringing on the rights of people. This in a way is campaign machinery because we are trying to mobilise society.
- We should go back to the bush and fight for our land (arm struggle). Embarking on bicycles and mirrors campaign as protest machinery thus making a powerful statement to the communities on land question especially towards 2016 local government elections.
- Rejection of Agri-villages as proposed by the Minister and Agri-SA. There are no government services in those villages
- Commissars in Parliament must repeat the offer of 6% to the State to change the laws in this country and inform the communities if they refuse.
- The land portfolio which should be established by the CCT must come up with concrete proposals as to what will be an election paragraph on land into 2016 election manifesto.
- Land rights to go hand in hand with mineral rights. If you own land whatever is below and above should be yours.
- Take the land back to be a campaign slogan towards 2016 local election.
- The EFF must push for land revolution by giving government deadline in which the majority of our people
- Commissars in Parliament to pass a motion of scrabbling of property clause
- A campaign to identify and occupy vacant and unused land
- EFF to set up a Solidarity Fund to assist all those who may be in conflict with landowners, the state authorities, police and courts in pursuant to the resolution on occupation of unused and unoccupied land.
- Convene and establish relationships with advisory bodies and institutions on land to refer some of the cases.
- By March 2015 should have been engaged on land claims matters so as to show interest on them being part of land claims since the recent government is neglecting them.

eEdition



momentum

EFF leaders in charge of land grab

April 7, 2016 | Filed under: News, | Posted by: Deneesha Pillay

« No end to sewage in Swartkops

NMB load-shedding schedules 6 – 12 April »

Next we will take over suburbs, residents told

TWO leading politicians were at the forefront of an illegal land invasion by Cape Town residents yesterday.

Economic Freedom Fighters members Bernard Josepha and Nazier Paulsen led residents from Khayelitsha Site B to take over unoccupied land.

Josepha is an EFF MP and the party's Western Cape leader while Paulsen is a member of the provincial legislature.

Scores of residents were "allocated" plots near Nolungile station, and were soon chopping down trees and ripping out bushes to clear land for their new "homes".



– DO IT YOURSELF: EFF members nail planks together during the land invasion in Khayelitsha

The two leaders, who conducted walkabouts assessing the plots, were greeted by residents shouting "Viva EFF," and singing pro-Julius Malema songs.

The City of Cape Town has been on high alert for land invasions since last week, especially for an invasion of the Rondebosch Common which the See'Khona People's Rights Movement and the EFF have allegedly planned to occupy.

But See'Khona have distanced themselves from the invasion.

Asked why, as a politician, he was part of an illegal invasion, Josepha criticised the government's land policy saying it was ineffective and led to gross mismanagement of resources.

The group said it did not want government RDP houses, but instead wanted government to provide roads, water and electricity on the land and they would build their own houses.

Josepha said: "This is not the ideal for our people to live in, but the people have nothing else but to do what they are doing . . .

"I support this action, even though I am an elected [parliamentarian]."

He said the mandate of the people of Western Cape was that "we should grab the land".

He said: "We are even considering going further than the predominantly African areas. We are looking at the leafy suburbs.

"We have identified land, but we must have a strategy where, when people wake up, there is a new town."

The identified areas include Rondebosch Common and government-owned land near Pollsmoor Prison.

The new residents said they had heard the EFF was leading a land invasion and thought they should join in.

Asanda Mbangatha said she joined because she was tired of living with her extended family.

"When my mother and my brother take a bath, I have to go outside."

She said even if they were evicted they would return. Mayoral safety committee member J P Smith accused Paulsen of inciting people to commit illegal actions.

Smith said the invasion would not succeed because the municipality would be able to prevent building of structures on the land.

-Aphiwe Deklerk

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AFR5

48

Denel goes to court over land grab

CRIME & COURTS / 10 April 2015, 12:07pm

Chantall Presence

Cape Town - Denel was approaching the Western Cape High Court on Friday for an eviction order against people who occupied land in Khayelitsha belonging to the state-owned arms manufacturer.

In a statement, Denel condemned the land invasion led by the Economic Freedom Fighters.



EFF Western Cape leader Nazier Paulsen led a group of people to occupy land next to the Nolungile train station in Khayelitsha. Photo: Bheki Radebe. *Credit: INDEPENDENT MEDIA*

"Acts of this nature play with the emotions of poor people in that people who lead such invasions, do not warn people that they are breaking the law and their hopes will be dashed as the law will subsequently take its course because we live in a constitutional democracy with laws, rights and responsibilities that govern all aspects of our lives," Denel said.

"Illegally occupied land will surely not fall within municipal or provincial government plans for the provision of basic services. Any illegal occupation, therefore, in essence creates a much bigger problem for our communities."

On Monday, EFF Western Cape leader Nazier Paulsen led a group of people to occupy land next to the Nolungile train station in Khayelitsha.

Police and city law enforcement officers broke down illegally erected structures and are keeping watch over the area.

Denel obtained an interdict preventing the further erection of structures on Tuesday night.

ANA

Crime & Courts (/news/crime-courts)



SAHRC takes on education department over transgender pupil

(/news/south-africa/limpopo/sahrc-takes-on-education-department-over-transgender-pupil-2089977)



Dad gets life for repeatedly raping daughter, 13

(/news/crime-courts/dad-gets-life-for-repeatedly-raping-daughter-13-2089976)



Rhodes Park suspect's illness still a mystery

(/news/crime-courts/rhodes-park-suspects-illness-still-a-mystery-2089965)



Magashule sent his dogs to catch me, says Malema

(/news/crime-courts/magashule-sent-his-dogs-to-catch-me-says-malema-2089953)



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(/news/crime-courts/high-court-relief-for-cput-students-writing-exams-2089950)

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Man bust on WhatsApp offering R1 000 for sex with girl

(/news/crime-courts/man-bust-on-whatsapp-offering-r1-000-for-sex-with-girl-2089699)

national 7.4.2015 11:44 am

Charges to be laid against EFF WC leader for land grab



FILE PICTURE: Supporters of the Economic Freedom Fighters (EFF). Picture: AFP.

The City of Cape Town was on Tuesday preparing to lay criminal charges against Economic Freedom Fighters Western Cape leader Nazier Paulsen for facilitating the illegal occupation of land in Khayelitsha.

City Mayoral Committee member for Safety and Security JP Smith said he was also in the process of writing to the Speaker of the provincial parliament to institute proceedings against Paulsen, a member of the provincial legislature.

"The metro police and city law enforcement are laying a charge against him in terms of the Prevention of Illegal Evictions Act which deals with land grabs," Smith said. "Mr Paulsen is a very public figure so I'm writing to the provincial Speaker pointing out that he's in breach of the code of conduct for provincial members."

Paulsen led the occupation of land next to the Nolungile railway station in Khayelitsha on Monday. Law enforcement officers from the SA Police Service and metro police prevented them from erecting structures on the land which is owned by Denel – South Africa's state owned arms manufacturer.

Read more: EFF calls on homeless people to occupy land

Paulsen said the Khayelitsha land invasion was "just the beginning". "We occupied land, along Bongani Street. It is big enough for 500 people to build a village. We started yesterday on April 6. People are busy constructing buildings," he said. "The council says they are monitoring the situation which is really funny because they were elected to deliver not to monitor."

Paulsen said the party would assist people with building materials once they identified land for occupation. "It is not a case of somebody saying I would like a five-bedroom mansion in Camps Bay and then the EFF must go an find one. It is not like that."

Related Stories

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Afrikaner boys, die poppe sal dans! – Malema 14.11.2016
EFF supporters gather for night vigil in Free State 14.11.2016

The Citizen

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EYEWITNESS NEWS



ONE PERSON KILLED DURING ATTEMPTED EFF LAND INVASION

Its understood a woman was knocked over by a car while people were running away from police officers.



FILE: Law enforcement on Wednesday completely destroyed all the structures built by Khayelitsha residents who illegally invaded a piece of land in the township. Picture: Thomas Holder/EWN.

Thando Kubheka | 2 years ago

JOHANNESBURG The Economic Freedom Fighter (EFFs) provincial branch on Monday confirmed one person had died during an attempted land invasion in Ballito.

Residents were reportedly marking out plots and waiting in line to collect forms from EFF members to lay claim to a plot of land when police moved in to disperse the crowd.

Its understood a woman was knocked over by a car while people were running away from police officers.

The EFFs Jackie Shandu said while they were trying to grab land next to the freeway someone was hit by a car and died.

Earlier this year the EFF said its members would not stop illegally occupying land in the Free State.

Four regional party leaders appeared in the Sasolburg Magistrates Court in the Free State after allegedly trespassing and illegally occupying a piece of farmland in Zamdela.

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"AFR 8" 54 "A"

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

CASE NO: M325/15

Held at MMABATHO on this the 21st day of AUGUST 2015

BEFORE the Honourable Mr Justice GURA

In the matter between:-

JOHANNES PETRUS VAN DER MERWE — 1st Applicant

ANNA ELIZABETH CATHARINA VAN DER MERWE — 2nd Applicant

and

REGISTRAR
NORTH WEST HIGH COURT, MAFIKENG
PRIVATE BAG X2010
2015 -08- 21
MMABATHO 2735
REPUBLIC OF SOUTH AFRICA

MINISTER OF POLICE — 1st Respondent

UNKNOWN INDIVIDUALS ATTEMPTING TO ENTER AND/OR SETTLE UNLAWFULLY ON PORTION 182 (A PORTION OF PORTION 12) OF THE FARM ROOIKOPPIES 297, REGISTRATION DIVISION J.Q. NORTH WEST PROVINCE

HAVING HEARD ADV J G C HOMMAN on behalf of the Applicants and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

1. THAT: A *rule nisi* is issued calling on the Respondents to show cause on the 8th day of OCTOBER 2015 at 10h00 why the following order should not be made final:

1.1 The Second Respondent/s not in permanent occupation be and are to immediately vacate the portion of the immovable property known as Portion 182 (a portion of portion 12) of the farm Rooikoppies that is used exclusively by the Applicants together with all their belongings

1.2 The Applicants be and are hereby permitted to remove all unoccupied structures and the building material used with or without the assistance of the Sheriff

1.3 The Second Respondents are interdicted from entering the portion of the immovable property known as Portion 182 (a portion of portion 12) of the farm Rooikoppies that is used exclusively by the Applicants

2. THAT: The Order mentioned in prayer 1 above and the sub-prayers thereto will operate as an interim Court Order with immediate effect

3. THAT : The Applicants be and are hereby granted permission to serve this Order if service in normal Court Hours cannot take place, on condition that it is served by Sheriff as well as soon as possible

4. THAT: The Applicants to serve this Order on every adult person found on Portion 182 (a portion of portion 12) of the farm Rooikoppies

5. THAT: The issue of cost be reserved for determination on the return date

REGISTRAR
NORTH WEST HIGH COURT, MAFIKENG
PRIVATE BAG X2010
2015 -08- 21
MMABATHO 2735
REPUBLIC OF SOUTH AFRICA

BY THE COURT

REGISTRAR

S S

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

CASE NO: M325/15

Held at MMABATHO on this the 8th day of OCTOBER 2015
BEFORE the Honourable Mr Justice CHWARO AJ

In the matter between:

JOHANNES PETRUS VAN DER MERWE — 1st Applicant

ANNA ELIZABETH CATHARINA VAN DER MERWE — 2nd Applicant

and

MINISTER OF POLICE — 1st Respondent
UNKNOW INDIVIDUALS ATTEMPTING TO ENTER AND/OR SETTLE UNLAWFULLY ON PORTION 182 (A PORTION OF PORTION 12) OF THE FARM ROOIKOPPIES 297, REGISTRATION DIVISION J.Q.,

NORTH WEST PROVINCE — 2nd Respondent

HAVING HEARD ADV MARÉE on behalf of the Applicants and having read the Notice of Motion and other documents of record filed;

IT IS ORDERED

1. THAT: The rule nisi issued on the 21st day of AUGUST 2015 be and is hereby confirmed and made final.

REGISTRAR
NORTH WEST HIGH COURT, MAHIKENG
PRIVATE BAG X1290
08-10-15
REPUBLIC OF SOUTH AFRICA

BY THE COURT
REGISTRAR

"AFRIO"

58

Jordaan J
18/7/2016

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Before the Honourable Judge Jordaan
On 18 July 2016

CASE NO: 30385 / 2016

In the application between:

ELMIR CLAY MINING (PTY) LIMITED	**First Applicant**
JOSAMA INVESTMENTS (PTY) LIMITED	**Second Applicant**
AFRIFORUM NPC	**Third Applicant**

and

TERRENCE ZULU	**First Respondent**
WILLIAM KABINI	**Second Respondent**
ALL UNKNOWN INDIVIDUALS TRESPASSING OR INTENDING TO ENTER AND/OR TRESSPASS ON THE IMMOVABLE PROPERTIES KNOWN AS Portion 56 (A Portion of Portion 31), The Remaining Extent of Portion 31 (A Portion of Portion 2) and Portion 32 (A Portion of Portion 2) of the Farm Schietpoort 507,Registration Division J.R., Gauteng	**Third Respondent and Further Respondent**
THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY	**Fourth Respondent**
THE MINISTER OF POLICE	**Fifth Respondent**

DRAFT ORDER

After having heard argument and reading the documents filed in the Court file

IT IS ORDERED

1) The *rule nisi* is extended to 6 February 2017. on the opposed roll.

2) Any Respondent/s that have not filed answering affidavits or notices in terms of rule 6(5)(d)(iii), are ordered to do so within 15 days from date of this order

3) The Applicants will be entitled to proceed on an unopposed basis against any Respondent/s that do not file their answering affidavits within 15 days from date of this order

4) Costs are reserved

BY ORDER

THE REGISTRAR

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION -PRETORIA

Case No – Saak No 89196/16

In the matter between:
AFRIFORUM NCP — 1ST APPICANT
and:
MR JULIUS SELLO MALEMA — 2ND RESPONDENT

Return in accordance with the provisions of the Supreme Court Act 59 of 1959, as amended

RETURN OF SERVICE: PERSONAL SERVICE (Rule 4(1)(a)(i)).
ORDER

On this 30th day of MARCH 2017 at 15:05 I served this ORDER upon MR JULIUS SELLO MALEMA, 2ND RESPONDENT personally at CONSTITUTIONAL COURT 1 HOSPITAL STREET BRAAMFONTEIN JOHANNESBURG by handing to the abovementioned a copy thereof after explaining the nature and exigency of the said process. (Rule 4(1)(a)(i)).

Note:
The original return together with the original abovementioned process is despatched to the mandator.

Note: Refused to accept service, document handed by means of touching it to his hand and it dropped on his feet.

Sheriff Fees / Balju-fooi — Date / Datum 31.03.2017 — Tax Invoice Number / Belastingfaktuur Nr. I 175300

Description	Qty	Vat	Amount
Service	1	7.70	55.00
Return	1	3.99	28.50
Registration	1	1.13	8.00
Copies	1	0.49	3.50
Travelling	1	4.90	35.00
Urgency fee	1	49.00	350.00
Telephone Call	1	12.04	85.97
Post/Docex (V)	1	2.74	19.60
VAT / BTW			81.98

M MANGABA
Deputy Sheriff

Sheriff – Balju
Johannesburg Central
Tel 011 492 2660
011 492 2655
011 492 2660
Fax 011 492 0059
P O Box 22
Westhoven
2142
MT Mangaba
sheriffjoburgcentral@gmail.com
Bank: FNB Centurion
BrCode: 261550
Name: Sheriff Johannesburg Central Business
AccNo 624 198 108 42

VAT Reg No. / BTW Reg Nr 4020158368

You may require this account to be taxed and vouched before payment / U kan verseik dat hierdie rekening getakseer en gestaaf word voor betaling

Total / Totaal 667.55

HURTER SPIES ATT
PO BOX 14505
LYTTELTON
0140

Account No. / Rekening Nr. 20075 VatReg
Your Reference / U Verwysing TERTIUS KRUGER/AF002
My Reference / My Verwysing
Ref: 979143/Leone/I

Registrar: GAUTENG DIVISION -PRETOR

"AFR 11"

60

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Before the Honourable Judge Fabricius
On 20 October 2016

Case No: 82341 / 2016

In the matter between:

HERMANUS NIKOLAAS VERRYNE First Applicant

AFRISAKE NPC Second Applicant

and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2016 -10- 20
JUDGE'S SECRETARY
REGTERS KLERK
GRIFFIER VAN DIE HOË HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

THE UNKNOWN INDIVIDUALS TRESPASSING AND/OR ENTERING AND/OR ATTEMPTING TO SETTLE ON THE IMMOVABLE PROPERTY KNOWN AS THE REMAINING EXTENT OF PORTION 25 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., DISTRICT OF BRITS / MADIBENG, NORTHWEST PROVINCE First Respondent/s

STATION COMMANDER – MOOINOOI POLICE STATION Second Respondent

MINISTER OF POLICE Third Respondent

DRAFT ORDER

After having read the papers filed and considering the matter and hearing argument

IT IS ORDERED

1) A rule nisi is issued, calling on the Respondents to show cause on a 13 February 2017 at 10h00 why the following order should not be made final:-

1.1) The First Respondent/s are ordered to immediately restore the First Applicants in undisturbed possession of the immovable property known as the Remaining Extent of Portion 25 of the Farm Wolhuterskop 452, Registration Division J.Q., Brits / Madibeng District, Northwest Province

1.2) The First Respondent/s are interdicted not to enter, or settle on or demarcate stands on the immovable property known the Remaining Extent of Portion 25 of the Farm Wolhuterskop 452, Registration Division J.Q., Brits / Madibeng District, Northwest Province

1.3) The Sheriff is mandated and ordered to demolish all uninhabited structures or partial structures on the immovable property known as the Remaining Extent of Portion 25 of the Farm Wolhuterskop 452, Registration Division J.Q., Brits / Madibeng District, Northwest Province and to remove the materials from said premises.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA
2017 -10- 20
REGISTRAR / SECRETARY
REGISTRAR / KLERK

1.4) The Second and Third Respondents are ordered to take all reasonable steps within their available resources to assist the Applicants and the Sheriff in giving effect to this order through the South African Police Service ("SAPS"). It is recorded that the SAPS will not be responsible for demolishing structures or partial structures or transporting materials from the relevant premises The responsibilities of the SAPS are

limited and defined as contemplated in the *Constitution of the Republic of South Africa*, 1996 and the *Police Service Act*, 68 of 1995.

2) The order in prayer 1 above and the sub-prayers thereto operate as interim Court Order with immediate effect and enforceability

3) The Sheriff is directed to serve a copy of this order on every adult person found on the Remaining Extent of Portion 25 of the Farm Wolhuterskop 452, Registration Division J.Q., Brits / Madibeng District, Northwest Province

4) Costs are reserved for determination on the return date

BY ORDER
THE REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG, PRIVAATSAK X67
PRETORIA 0001
2016 -10- 20
JUDGE'S SECRETARY
REGTERS KLERK
GRIFFIER VAN DIE HOË HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

"AFR 12" 63

28/10/16

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Before the Honourable Judge Tuchten
On 28 October 2016

Case No: 84186 / 2016

In the matter between:

COMRIE ESTATES CC	First Applicant
DOMINGO CRAPTREE SESOTLO	Second Applicant
WINNIE GOBIAMOTSE SESOTLO	Third Applicant
DEON VAN AARDE	Fourth Applicant
IN 2 FOOD GROUP (PTY) LIMITED	Fifth Applicant
ERICA STELLATA GOUWS N.O.	Sixth Applicant
HENDRIK JAKOBUS DE KLERK N.O.	Seventh Applicant
CORNELIS HERMANUS GOUWS N.O.	Eighth Applicant
JACOB MARTHINUS GOUWS N.O.	Ninth Applicant
VALOBEX 73 CC	Tenth Applicant

HIGH COURT OF G DIVISION, PRETORIA
2016 -10- 28
J. MAKUNGO
REGISTRAR
GRIFFIER VAN DIE HOF VAN SUID-AFRIKA, GAUTENG AFD PRETORIA

and

THE UNKNOWN INDIVIDUALS ATTEMPTING TO INVADE AND/OR SETTLE AND/OR ENTER ON THE IMMOVABLE PROPERTIES KNOWN AS:	First Respondent/s

(a) PORTION 25 (A PORTION OF PORTION 23) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(b) REMAINING EXTENT OF PORTION 26 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(c) PORTION 47 (A PORTION OF PORTION 26) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(d) REMAINING EXTENT OF PORTION 46 (A PORTION OF PORTION 26) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND

(e) PORTION 111 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(f) PORTION 88 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(g) PORTION 96 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(h) PORTION 52 (A PORTION OF PORTION 6) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(i) PORTION 57 (A PORTION OF PORTION 6) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(j) PORTION 36 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST

HIGH COURT OF
DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2016 -10- 28
J MAKUNGO
REGISTRAR

PROVINCE;

(k) PORTION 37 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(l) PORTION 38 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(m) PORTION 40 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(n) PORTION 41 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(o) THE REMAINING EXTENT OF PORTION 137 (A PORTION OF PORTION 26) OF THE FARM BOKFONTEIN 448, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND

(p) PORTION 40 (A PORTION OF PORTION 23) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(q) PORTION 12 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(r) PORTION 16 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(s) PORTION 24 OF THE FARM

COURT OF
SION, PRETORIA
ATSAK X67
2016 -10- 28
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HOF VAN
AFDELING, PRETORIA

WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(t) **PORTION 28 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND**

(u) **PORTION 5 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.**

(v) **PORTION 43 (A PORTION OF PORTION 25) OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.**

STATION COMMANDER – MOOINOOI POLICE STATION Second Respondent

MINISTER OF POLICE Third Respondent

DRAFT ORDER

After having read the documents filed and hearing argument and considering the matter

IT IS ORDERED

1) A rule *nisi is* issued, calling on the Respondents to show cause on 16 January 2017 at 10h00 why the following order should not be made final:-

HOOGGEREGSHOF VAN SUID-AFRIKA
NOORDELIKE AFDELING, PRETORIA
PRIVATE BAG / PRIVAATSAK X67
PRETORIA 0001
2016 -10- 28
J. MAKUNGO
REGISTRAR
GRIFFIER VAN DIE HOË HOF VAN
SUID-AFRIKA, GAUTENG AFDELING, PRETORIA

1.1) The First Respondent/s are ordered to immediately restore the various Applicants in undisturbed possession of the immovable properties known as:-

(a) PORTION 25 (A PORTION OF PORTION 23) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(b) REMAINING EXTENT OF PORTION 26 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(c) PORTION 47 (A PORTION OF PORTION 26) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(d) REMAINING EXTENT OF PORTION 46 (A PORTION OF PORTION 26) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND

(e) PORTION 111 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(f) PORTION 88 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(g) PORTION 96 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(h) PORTION 52 (A PORTION OF PORTION 6) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(i) PORTION 57 (A PORTION OF PORTION 6) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(j) PORTION 36 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(k) PORTION 37 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
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(l) PORTION 38 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(m) PORTION 40 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(n) PORTION 41 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(o) THE REMAINING EXTENT OF PORTION 137 (A PORTION OF PORTION 26) OF THE FARM BOKFONTEIN 448, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND

(p) PORTION 40 (A PORTION OF PORTION 23) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(q) PORTION 12 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(r) PORTION 16 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(s) PORTION 24 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(t) PORTION 28 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(u) PORTION 5 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(v) PORTION 43 (A PORTION OF PORTION 25) OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

1.2) The First Respondent/s are interdicted not to enter, or settle on or demarcate stands on the immovable properties mentioned *supra*.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
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REGISTRAR

1.3) The Sheriff is mandated and ordered to demolish all uninhabited structures or partial structures on the immovable properties mentioned *supra*

1.4) The Second and Third Respondents are ordered to take all reasonable steps within their available resources to assist the Applicants and the Sheriff in giving effect to this order through the South African Police Service ("SAPS"). It is recorded that the duties of the SAPS are limited and defined in the *Constitution of the Republic of South Africa*, 1996 and the *Police Service Act*, 68 of 1995. The SAPS will not be responsible for demolishing structures or partial structures or for transporting any material from the relevant land.

2) Pending the finalization of the matter and the return date or any extension thereof, an interim order is granted with immediate effect in the following terms:-

2.1) The First Respondent/s are ordered to immediately restore the various Applicants in undisturbed possession of the immovable properties known as:-

(a) PORTION 25 (A PORTION OF PORTION 23) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(b) REMAINING EXTENT OF PORTION 26 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(c) PORTION 47 (A PORTION OF PORTION 26) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

2016 -10- 28

J. MAKUNGO
REGISTRAR

(d) REMAINING EXTENT OF PORTION 46 (A PORTION OF PORTION 26) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND

(e) PORTION 111 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(f) PORTION 88 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(g) PORTION 96 OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(h) PORTION 52 (A PORTION OF PORTION 6) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(i) PORTION 57 (A PORTION OF PORTION 6) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(j) PORTION 36 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(k) PORTION 37 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(l) PORTION 38 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(m) PORTION 40 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(n) PORTION 41 (A PORTION OF PORTION 35) OF THE FARM BOSCHFONTEIN 458, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(o) THE REMAINING EXTENT OF PORTION 137 (A PORTION OF PORTION 26) OF THE FARM BOKFONTEIN 448, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE; AND

(p) PORTION 40 (A PORTION OF PORTION 23) OF THE FARM GROENKLOOF 464, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2016 -10- 28

(q) PORTION 12 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(r) PORTION 16 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(s) PORTION 24 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(t) PORTION 28 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE;

(u) PORTION 5 OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

(v) PORTION 43 (A PORTION OF PORTION 25) OF THE FARM WOLHUTERSKOP 452, REGISTRATION DIVISION J.Q., BRITS/MOOINOOI AREA, NORTHWEST PROVINCE.

2.2) The First Respondent/s are interdicted not to enter, or settle on or demarcate stands on the immovable properties mentioned *supra*.

2.3) The Sheriff is mandated and ordered to demolish all uninhabited structures or partial structures on the immovable properties mentioned *supra*

2.4) The Second and Third Respondents are ordered to take all reasonable steps within their available resources to assist the Applicants and the Sheriff in giving effect to this order through the South African Police Service ("SAPS"). It is recorded that the duties of the SAPS are limited and defined in the *Constitution of the Republic of South Africa*, 1996 and the *Police Service Act*, 68 of 1995. The SAPS will not be responsible for demolishing structures or partial structures or for transporting any material from the relevant land.

COURT OF ... PRETORIA
2016 - 11 - 28
... HOF VAN ... PRETORIA

3) The Sheriff is directed to serve a copy of the order herein on every adult person found on the immovable properties described *supra*

4) Costs are reserved for determination on the return date

BY ORDER

THE REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2016 -10- 28
J. MAKUNGO
REGISTRAR
GRIFFIER VAN DIE HOF VAN

News24 News, Breaking News, First

LAST UPDATED: 2016-11-14, 18:01

Don't stop occupying land - Malema to Dunoon residents

2016-05-16 20:31

Jenni Evans, News24



(Crime in Cape Town via Facebook)

Cape Town - Landless people in Dunoon must not stop trying to settle on vacant plots because the land is rightfully theirs, EFF leader Julius Malema said on Monday.

"The white people did not come here carrying a bag of land," Malema said to laughter as he addressed about 1 000 people on a dusty field in the Cape Town suburb.

"There is nothing illegal, this is your land," he said, pledging that the party would support people who tried to get land for themselves.

He advised them to use cheap materials and to expect to be removed or arrested, but to not give up.

"Don't be tired. The struggle is like that until you get your freedom. Everywhere else where there is land to be occupied, take your chance. What are you waiting for? You've got the power, the EFF will be with you."

In March, protests started in Dunoon when officials removed a group which had built houses on unoccupied land. The N7, which runs past Dunoon, was blocked and the Dunoon MyCiti bus station was damaged.

"You must never get tired of occupying. And don't occupy with expensive material. Take old material, occupy. When they remove you, after two weeks come back," Malema said.

He told the large gathering that Orlando in Soweto was established as a result of persistent land occupation.

As workers streamed onto the field after work, he said: "Stop looking down on yourselves.

"You are meant for good things. That's why they give you RDP houses. But RDP houses are not an achievement. It is a temporary arrangement. We must begin to dream big. We must begin to think of owning our economy, our country."

He said under an EFF-run municipality, the rich from Camps Bay would pay higher rates bills to cover development in Dunoon.

He cautioned people against parties luring them with free T-shirts and food parcels in the run-up to the August 3 municipal elections.

"You were given T-shirts in 1994, yet you are staying in a shack. T-shirts didn't give you a house," he said.

Read more on: eff | julius malema | cape town | politics | land

news24

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Read our comments policy for guidelines on contributions.

EYEWITNESS NEWS

MALEMA: DON'T BE APOLOGETIC ABOUT OCCUPYING LAND ILLEGALLY

Malema says there's clause in the Freedom Charter that says South Africans can decide where they want to stay.



FILE: EFF leader Julius Malema. Picture: Reinart Toerien/EWN.

Clement Manyathela | 5 months ago

JOHANNESBURG - Economic Freedom Fighters (EFF) leader Julius Malema has told supporters in Newcastle, KwaZulu-Natal they must not be apologetic about occupying land illegally.

Malema addressed EFF supporters at the Madadeni College Stadium yesterday.



EWN Reporter
#EFF Malema leaving the stadium with a song. WATCH here
1:31 PM - 26 Jun 2016

The party was celebrating the 61st anniversary of the Freedom Charter.

The EFF leader says because the African National Congress (ANC) failed to realise the clause in the Freedom Charter that says South Africans can decide where they want to stay, supporters can occupy any land they want.

"So, if you see a piece of land and you like it, don't apologise, go and occupy that land. That land belongs to us."

'WHITE PEOPLE CAN'T CLAIM OWNERSHIP'

Malema yesterday said, white people can't claim ownership of land, saying it belongs to the country's African majority.

"If we say that South Africa belongs to whites too it means we are defeating what our forefathers were fighting for."



EWN Reporter
✓@ewnreporter
#EFF Malema singing with Supporters. Done speaking at Newcastle. CM
1:30 PM - 26 Jun 2016

The EFF leader also said the land can't be shared among those who work on it, as the Freedom Charter says, because this would mean if whites work the land, they too can claim it.

"These whites found us here and not one of them came with a piece of land in their pockets."

He says once blacks have been declared rightful owners of the land, the party will decide how much percentage to give white people who have naturalised.

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Hurter Spies Inc.
prokureurs • attorneys

Hurter Spies Incorporated
Reg. no. 2008/009761/21
Attorneys/Notaries/Conveyancers

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Internet : www.hurterspies.co.za

Our ref. Mr. Kruger/AF0028 Your ref:

30 June 2016

TO: **THE ECONOMIC FREEDOM FIGHTERS**
78 DE KORTE STREET
JOHANNESBURG

AND TO: **MR JULIUS SELLO MALEMA**
LEADER OF THE ECONOMIC FREEDOM FIGHTERS
78 DE KORTE STREET
JOHANNESBURG

RE: **YOURSELF // AFRIFORUM NPC – INCITEMENT OF INDIVIDUALS TO INVADE/OCCUPY LAND**

We act herein on behalf of Afriforum NPC (hereafter referred to as "our client"). Our client is an organization that promotes and protects *inter alia* the rule of law, fundamental rights and democracy. Our client has numerous members across the Republic of South Africa. Several of our client's members are land owners or have some type of entitlement to land.

It is our instruction that the Economic Freedom Fighters (hereafter referred to as ("the EFF") is a political party and that Mr Malema is the leader of the EFF. In this letter a reference to the EFF is also a reference to the leader thereof, Mr Malema.

It has come to our client's attention that the EFF has been inciting and / or instigating and / or commanding individuals to unlawfully trespass on land and / or to perform land grabs.

021 661

The incidents that have come to our client's attention are *inter alia* the following:

1) During December 2014 Mr Malema addressed an electoral conference of the EFF in Bloemfontein. During his speech that was widely published in the media he called on supporters of the EFF to invade unoccupied land, especially in the areas close to where they reside. Mr Malema indicated that the EFF would create a fund to assist individuals with legal costs in case they were to be prosecuted for the land grabs.

2) The EFF's "*First National People's Assembly Resolutions*" document as available on the official website of the EFF, documenting the resolutions taken by the EFF at the conference in Bloemfontein in December 2014 contains the following resolutions:

> *"... We support some of the land invasions that are taking place around the country"*
>
> *"We should go back to the bush and fight for our land (arm struggle)* (sic)"
>
> *"A campaign to identify and occupy unused land"*
>
> *"EFF to set up a Solidarity Fund to assist all those who may be in conflict with land owners, the state authorities, police and courts in pursuant to the resolution on occupation of unused and unoccupied land"*

3) During March 2015 an EFF Spokesperson, Mr Ntobeng Ntobeng defended the practice of illegally trespassing and squatting on other people's land in an interview televised on live television.

4) There have been numerous reports in the written and electronic media of incidents of trespassing on land initiated/supported by the EFF. These are *inter alia* the following incidents:

   4.1) land invasion in Cape Town on 6 April 2015
   4.2) land invasion on the premises of Denel in Cape Town in April 2015
   4.3) land invasion near Khayelitsha in April 2015
   4.4) land invasion near Ballito in April 2015
   4.5) land invasion near Marikana in August 2015

5) Our client was directly or indirectly involved in litigation to combat trespassing on land in various instances, which include a land grab in October 2014 near Hammanskraal, one near Marikana in August 2015, and another in February 2016 near Bronkhorstspruit.

6) With the nearing elections in August 2016, Mr Malema has intensified his political rhetoric by urging supporters of his party not to desist from unlawfully occupying land. He urged his supporters to utilize "cheap material" and to re-occupy land once they have been lawfully evicted. (Dunoon rally-May 2016).

7) Media reports indicate that Mr Malema urged EFF supporters to occupy and trespass on land and not to be apologetic about it near Newcastle on Sunday, 26 June 2016.This is the latest in a series of unlawful conduct and is by far the most direct and serious transgression.

The situation has become intolerable, which lead to our client researching all the incidents mentioned above for possible litigation.

The conduct of inciting and / or instigating and / or commanding and / or procuring individuals to commit the crime of trespassing is in itself a criminal offence if regard is had to Section 1(1) of the *Trespass Act*, 6 of 1959 read with Section 18(2) of the *Riotous Assemblies Act*, 17 of 1956. The conduct is furthermore a threat to law and order and the rule of law.

We hereby demand an unequivocal undertaking in writing from you that you will cease the conduct of inciting and / or instigating and / or commanding and / or procuring individuals to enter / occupy land belonging to, or in the control of any other entity or person without the necessary consent. We also demand written confirmation that you issue a media statement on the official website of the EFF and to all major Newspapers indicating that members and / or supporters of the EFF should not participate in illegal land grabs and the crime of trespassing.

If the written undertaking mentioned above and the media release on the official website and to all major newspapers is not forthcoming and confirmed to us within 48 hours of receipt hereof, we hold instructions to approach the High Court for appropriate relief. An appropriate punitive cost order will also be sought should we be obliged to approach a Court.

Yours faithfully

HURTER SPIES INC
Per. T P Kruger

AFR16 80

POST

CASE NO :NO CASE NO

TO: THE ECONOMIC FREEDOM FIGHTERS
(EFF)

T.A.X. I N V O I C E (REG.NO. 4250141902)

RETURN OF SERVICE

On the 4TH DAY of JULY 2016 and at 09H50 at
78 DE KORTE STREET,JOHANNESBURG
the annexed LETTER OF DEMAND was served on
ECONOMIC FREEDOM FIGHTERS (EFF) by delivering a copy thereof to
MR ZUKO MALIKANE LEGAL OFFICER who is apperently over the age of 16
years and being a responsible employee of THE ECONOMIC FREEDOM FIGHTERS
(EFF at THE ECONOMIC FREEDOM FIGHTERS (EFF)'s head
office at the above address, upon exhibiting the original and explaining
the contents thereof, in terms of RULE 4(1)(a)(v).
ATTEMPT
01/07/16 AT 15H20 LEGAL OFFICER NOT AVAILABLE

Dated at Johannesburg this 4th July 2016

E41

Fees set out as follows:

Service	55.00
Travelling	40.00
Registration	8.00
Return	28.50
Urgent Fee	350.00
ATT SERVICE	41.00
PHONE	20.00

Attorneys : HURTER SPIES ATTORNEYS
P O BOX 14505
LYTTELTON 0140
0000

Your ref.: AF0028/TERTIUS KRUGER

Our ref.: 005/831666/H44

Fees :R 542.50 R 75.95 Vat = R 618.45

INVOICE NO : 547940
SHERIFF JHB.NORTH -- UNIT B1
51/61 ROSETTENVILLE ROAD
VILLAGE MAIN OFFICE PARK
P.O.BOX 9025 JHB 2000

Tel (011) 334-4397/98

Fax (011) 334-4320

AFR 17 81

POST

CASE NO :NO CASE NO

TO: JULIUS SELLO MALEMA
LEADER OF THE ECONOMIC FREEDOM FIGHTER (EFF)

T.A.X. I N V O I C E (REG.NO. 4250141902)

RETURN OF SERVICE

---

n the 4TH DAY of JUNE 2016 at 09H50 and at
78 DE KORTE STREET, JOHANNESBURG
the annexed
LETTER OF DEMAND was served on
JULIUS SELLO MALEMA by delivering a copy thereof to
MR ZUKO MALIKANE THE LEGAL OFFICER
who is apparently over the age of 16 years and being a responsible
employee of JULIUS S MALEMA at JULIUS S MALEMA's
place of business upon exhibiting the original and
explaining the nature and contents thereof, in terms of RULE 4(1)(a)(v))
ATTEMPT
01/07/16 AT 15H20 LEGAL OFFICER NOT AVAILABLE

Dated at Johannesburg this 4th July 2016 E61

Fees set out as follows:

Service	55.00
Travelling	.00
Registration	.00
Return	28.50
ATT SERVICE	41.00
PHONE	.00

Attorneys : HURTER SPIES ATTORNEYS
P O BOX 14505
LYTTELTON 0140
0000
Your ref.: AF0028/TERTIUS KRUGER

Our ref.: 005/831666/H44

Fees :R 124.50 R 17.43 Vat = R 141.93

INVOICE NO : 547941
SHERIFF JHB.NORTH - UNIT B1
51/61 ROSETTENVILLE ROAD
VILLAGE MAIN OFFICE PARK
P.O.BOX 9025 JHB 2000

Tel (011) 334-4397/98

Fax (011) 334-4320

"AFR18" 82

Central Command Team

EFF
ECONOMIC FREEDOM FIGHTERS

NATIONAL LEGAL OFFICE

TO : HUNTER SPIES ATTORNEYS REF: MR KRUGER/AF0028
FROM : MR ZUKO MADIKANE
SUBJECT : AFRIFORUM NPC-INCITEMENT OF LAND OCCUPATION
DATE : 04TH JULY 2016

Dear Sirs,

Your letter dated **30 June 2016**, is herein acknowledged and our response is as follow:-

1. The **EFF** is a radical and militant economic emancipation movement that brings together revolutionary, fearless, radical, and militant activists, workers' movements, nongovernmental organisations, community-based organisations and lobby groups under the umbrella of pursuing the struggle for economic emancipation. .
2. It would help your client to read the history of this country and how majority of white people acquired the land. The land was violently taken from the majority of black people since white's arrival in 1652.
3. The **EFF** takes instructions from no one especially from organizations that deny the history of dispossession of land from black people.
4. We are not in the business of nurturing and marinating feelings of your client as they represent a racist minority obsessed with preserving white supremacist ideas and privilege.
5. The **EFF** is the third largest political party which is recognized by the constitution of the **Republic of South Africa** and the **Independent Electoral Commission** which has permitted the **EFF** to canvas for its ideas.
6. We therefore are not intimidated or moved by your letter, but motivated to continue to encourage our people to occupy any vacant land available.

+27 (0)11 403 2307 +27 (0)11 403 2264
Physical Address: Level 3, Ameria Building, 78 DeKorte Street, Braamfontein 2017, Gauteng, South Africa Postal Address: PO Box 30891, Braamfontein 2017
admin@effighters.co.za / www.effighters.org.za Economic Freedom Fighters @EconFreedomZA

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Central Command Team

7. The **EFF** does not recognize your client as an entity that represents the values enshrined in the constitution, the values of nonracial, nonsexist society.
8. The Land was violently taken from black people, this is a fact. Today black people are landless because of this history and those that "own" the land were complicit in the killing of black people for the land.
9. We advise your client to read our leader's public statement with our official founding manifesto including our policy positions with regards to land.
10. The **LAND IS OURS** and we will not stop until it is returned to its rightful owners without compensation for equal redistribution.

We trust that the above is in order.

ZUKO MADIKANE
SENIOR LEGAL OFFICER

SIGNATURE

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admin@effighters.co.za / www.effighters.org.za Economic Freedom Fighters @EconFreedomZA

M.TIMESLIVE.CO.ZA

Times LIVE

South Africa is controlled from London: Malema

Neo Goba And Nomahlubi Jordaan | 07 November, 2016 13:13



Economic Freedom Fighters leader Julius Malema addresses his party supporters during a speech on State Capture. File photo.
Image by: Gallo Images / Beeld / Deaan Vivier

Economic Freedom Fighters (EFF) leader Julius Malema, undeterred by an appearance in court for calling on people to occupy vacant land around the country, walked out of the courtroom and promptly made the same call again.

"The prosecution of people who are demanding the land affects us directly because we want the land, so the land must be returned to the hands of the people," said Malema.

He was addressing hundreds of EFF supporters after his appearance in the Newcastle Magistrate's Court after being charged with contravention of the 1956 Riotous Assemblies Act. Malema was issued with a summons in October.

He lashed the ruling African National Congress for its failure to return land to black people and issued a stern warning to white people that his party would give the land back to "rightful owners".

- Malema to challenge Riotous Assemblies Act at the ConCourt

"This is our continent it belongs to us. We want our land. It must come with everything. The land comes with the sea. The sea belongs to us. The fish in the sea belongs to us. The land comes with the trees. The trees belong to us. That includes dagga. It belongs to us. We want it back.

"We want everything that comes with the land...The minerals, gold, diamonds, platinum, coals everything that comes with land belongs to us."

The red berets leader's charges relate to two incidents - the first dating back to when he was elected EFF president in Bloemfontein. The second case is from June 2016, when Malema told supporters in the northern KwaZulu-Natal town - as the party celebrated the 61st anniversary of the Freedom Charter - that white people can't claim ownership of land because it belongs to the country's black African majority.

Speaking outside the court on Monday, Malema said the charges brought against him were laid because he had disturbed the peace of white people.

But he warned that there was more to come.

- Malema was just quoting the Freedom Charter: Ndlozi

"We are not calling for the slaughter of white people, at least for now... The rightful owners of the land are black people. No white person is a rightful owner of the land here in South Africa and whole of the African continent," he said.

He called on for the new elections which will bring a new Parliament as the current one had failed in its constitutional obligation.

Malema said while the call for President Jacob Zuma to step down was gathering momentum, he was not the main target.

The main enemy, he said, was "monopoly capital" which has continued to benefit from the land while black people struggled across the country.

He described the charges against him as just tactics by chancers and warned he had dealt with real stuff before.

The case against Malema was postponed on Monday to 7 December to allow for filing of an application against the Act.

Malema will approach the Constitutional Court to ask it to find the Riotous Assemblies Act unconstitutional.

During his brief appearance on Monday, his lawyer Tumi Mokwena asked for the matter to be postponed to allow Malema to file his ConCourt application.

The state agreed to the postponement on condition that Malema provides proof that he has filed the application.

If he provides proof, Malema will not be required to make his next appearance in the Newcastle Magistrate's Court on December 7. He will have to appear again in court on May 5.

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- SHARE

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

FERDINANDUS WILHELMUS KELDER

declare under oath as follows:

1.

I am an adult male employed by the First Applicant as the Head of the Investigations Unit with work address at the registered address of the First Applicant.

2.

The content of this affidavit falls within my personal knowledge unless the content indicates otherwise. To the best of my knowledge the content is both true and correct.

3.

I have read the founding affidavit of CATHARINA CORNELIA COOKS in this Application and I confirm the content thereof in as far as same relates to me.

Ferdinandus Wilhelmus Kelder
DEPONENT

THUS SWORN AND SIGNED AT Centurion ON THIS 16th DAY OF November 2016, BEFORE ME, HC van der Hoven, COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT HE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HIS CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

COMMISSIONER OF OATHS

NAME:

CAPACITY:

ADDRESS:

Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA
Northstraat 94
Rietondale
Pretoria
0084
(012) 644 4393

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

MARIUS VAN WYK

declare under oath as follows:

1.

The content of this affidavit falls within my personal knowledge unless the content indicates otherwise. To the best of my knowledge the content is both true and correct.

3.

I have read the founding affidavit of CATHARINA CORNELIA COOKS in this Application and I confirm the content thereof in as far as same relates to myself and the companies known as Elmir Clay Mining (Pty) Ltd and Josama Investments (Pty) Ltd.

DEPONENT

THUS SWORN AND SIGNED AT Centurion ON THIS 16th DAY OF November 2016, BEFORE ME, H C van der Hoven, COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT SHE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HER CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

COMMISSIONER OF OATHS

Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA
Northistraat 94
Rietondale
Pretoria
0084
(012) 644 4393

NAME:

CAPACITY:

ADDRESS:

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

JOHAN VAN DER MERWE

declare under oath as follows:

1.

2.

The content of this affidavit falls within my personal knowledge unless the content indicates otherwise. To the best of my knowledge the content is both true and correct.

3.

I have read the founding affidavit of CATHARINA CORNELIA COOKS in this Application and I confirm the content thereof in as far as same relates to me.

DEPONENT

THUS SWORN AND SIGNED AT Centurion ON THIS 16th DAY OF November 2016, BEFORE ME, HC van der Hoven, COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT SHE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HER CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

COMMISSIONER OF OATHS

NAME:

CAPACITY:

ADDRESS:

Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA
Northstraat 94
Rietondale
Pretoria
0084
(012) 644 4393

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

GIDEON MICHIEL VAN AARDE

declare under oath as follows:

1.

I am an adult male with chosen *domicilium* at the offices at Hurter Spies Incorporated.

2.

The content of this affidavit falls within my personal knowledge unless the content indicates otherwise. To the best of my knowledge the content is both true and correct.

3.

I have read the founding affidavit of CATHARINA CORNELIA COOKS in this Application and I confirm the content thereof in as far as same relates to me.

DEPONENT

THUS SWORN AND SIGNED AT Centurion ON THIS 16th DAY OF November 2016, BEFORE ME, H C van der Hove, COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT SHE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HER CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

COMMISSIONER OF OATHS

NAME: Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA

CAPACITY: Northstraat 94
Rietondale
Pretoria
0084

ADDRESS: (012) 644 4393

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

HERMANUS NIKOLAAS VERRYNE

declare under oath as follows:

1.

I am an adult male farmer and businessman residing on Portion 25 ~~32~~ of the Farm Wolhuterskop 425, Registration Division J.Q., Northwest Province. .

2.

The content of this affidavit falls within my personal knowledge unless the content indicates otherwise. To the best of my knowledge the content is both true and correct.

3.

I have read the founding affidavit of CATHARINA CORNELIA COOKS in this Application and I confirm the content thereof in as far as same relates to me.

DEPONENT

THUS SWORN AND SIGNED AT Centurion ON THIS 16th DAY OF November 2016, BEFORE ME, H G van der Hove, COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT SHE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HER CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

COMMISSIONER OF OATHS

Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA
Northstraat 94
Rietondale
Pretoria
0084
(012) 644 4393

NAME:

CAPACITY:

ADDRESS:

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: _____

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

TERTIUS PAULUS KRUGER

do hereby make an oath and say:

1.1. I am a major male attorney and director of Hurter Spies Incorporated practicing as such at the First floor, Afriforum Building, corner of DF Malan and Union Avenue, Kloofsig, Centurion, Pretoria in the Gauteng Province.

1.2. The contents of this affidavit falls within my personal knowledge, except where the contrary are clearly evident from the context thereof. The contents of this affidavit are to the best of my belief both true and correct.

1.3. I am the attorney of record of the applicant.

2. I have read the affidavit of **CATHARINA CORNELIA COOKS** and I confirm the contents thereof in so far it has reference to me.

DEPONENT

THUS SIGNED AND SWORN TO AT Centurion on this 16th day of November 2016 by the deponent who acknowledged that he regards the prescribed oath as binding on his conscience, that he knows and understands the contents of this affidavit and that he verily beliefs the contents hereof to be both true and correct.

COMMISSIONER OF OATHS

Hendrik George van der Hoven
Kommissaris van Ede / Commissioner of Oaths
Ex Officio: Admitted Attorney RSA
Northstreet 94
Rietondale
Pretoria
0084
(012) 644 4393

UI2-044-1111

104

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION PRETORIA

POST

IN THE MATTER BETWEEN :

CASE NO :89196/16

AFRIFORUM NPC — 1ST APPLICANT
AFRISAKE NPC — 2ND APPLICANT

and

ECONOMIC FREEDOM FIGHTERS — 1ST RESPONDENT

ORIGINAL

(REG.NO. 4250141902)

RETURN OF SERVICE

On the 16TH DAY of NOVEMBER 2016 at 15H25 and at
78 DE KORTE STREET,BRAAMFONTEIN,JHB
the annexed
NOTICE OF MOTION,FOUNDING AFFIDAVIT & ANNEXURES
was served on 1ST RESPONDENT by delivering a copy thereof to
MS PROMISE MTEMBU MANAGER TO S G
who is apparently over the age of 16 years and being a responsible
employee of 1ST RESPONDENT at 1ST RESPONDENT's principal
place of business upon exhibiting the original and
explaining the nature and contents thereof, in terms of RULE 4(1)(a)(v))

Dated at Johannesburg this 17th November 2016

E61

Fees set out as follows:

Service	55.00
Travelling	20.00
Registration	8.00
Return	28.50
Urgent Fee	350.00
	.00
	.00

Attorneys : HURTER SPIES ATTORNEYS
P O BOX 14505
LYTTELTON 0140
0000
Your ref.: AF0028/TERTIUS KRUGER
Our ref.: 005/839085/H44

INVOICE NO : 5612778
SHERIFF JHB.NORTH - UNIT B1
51/61 ROSETTENVILLE ROAD
VILLAGE MAIN OFFICE PARK
P.O.BOX 9025 JHB 2000

Tel (011) 334-4397/98

Fees :R 461.50 R 64.61 Vat = R 526.11 Fax (011) 334-4320

012- 644- 1111

105

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION PRETORIA

POST

IN THE MATTER BETWEEN :

CASE NO :89196/16

AFRIFORUM NPC
AFRISAKE NPC

APPLICANT

and
JULIUS SELLO MALEMA

2ND RESPONDENT

ORIGINAL

(REG.NO. 4250141902)

RETURN OF SERVICE

On the 16TH DAY of NOVEMBER 2016 at 15H25 and at THE ECONOMIC FREEDOM FIGHTERS,78 DE KORTE STREET,JHB the annexed NOTICE OF MOTION,FOUNDING AFFIDAVIT& ANNEXURES was served on 2ND RESPONDENT,by delivering a copy thereof to MS PROMISE MTEMBU MANAGER TO SECRETARY GENERAL who is apparently over the age of 16 years and in a position of authority at the above address, being 2ND RESPONDENT'S place of employment, upon exhibiting the original and explaining the nature and contents thereof, in terms of RULE 4(1)(a)(iii).

Dated at Johannesburg this 17th November 2016

E22

Fees set out as follows:

Service	55.00
Travelling	.00
Registration	.00
Return	28.50
	.00
	.00

Attorneys : HURTER SPIES ATTORNEYS
P O BOX 14505
LYTTELTON 0140
0000

Your ref.: AF0028/TERTIUS KRUGER

Our ref.: 005/839085/H44

INVOICE NO : 561282
SHERIFF JHB.NORTH - UNIT B1
51/61 ROSETTENVILLE ROAD
VILLAGE MAIN OFFICE PARK
P.O.BOX 9025 JHB 2000

Tel (011) 334-4397/98

Fees :R 83.50 R 11.69 Vat = R 95.19 Fax (011) 334-4320

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Before the Honourable Judge Mabuse
On 07 March 2017

Case No: 89196 / 16

In the matter between:

AFRIFORUM NPC	First Applicant
AFRISAKE NPC	Second Applicant

and

ECONOMIC FREEDOM FIGHTERS	First Respondent
JULIUS SELLO MALEMA	Second Respondent

DRAFT ORDER

After having read the documents filed and considering the matter and hearing argument on behalf of the Applicants

IT IS ORDERED

1) The First and Second Respondents are interdicted from inciting and/or instigating and/or commanding and/or procuring any individual/s to commit the crime of trespassing as described in the *Trespass Act*, 6 of 1959 and/or to enter any land belonging to or in control of any individual/s or entity/entities,

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without the required permission of the land *owner/s* or *lawful occupant/s* of land, or a lawful entitlement to do so

2) The First and Second Respondents *are ordered* to pay the cost of the Application on an Attorney and Client scale, *jointly and severally*, the one paying the other to be absolved, which *cost* shall include the cost of two Counsel where so employed.

BY ORDER
THE REGISTRAR

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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION PRETORIA

POST

IN THE MATTER BETWEEN :

CASE NO :89196/16

AFRIFORUM NPC
AFRISAKE NPC

1ST APPLICANT
2ND APPLICANT

and
ECONOMIC FREEDOM FIGHTERS

1ST RESPONDENT

O R I G I N A L

(REG.NO. 4250141902)

RETURN OF SERVICE

On the 23RD DAY of MARCH 2017 at 11H48 and at
LEVEL 3 MINERALIA BUILDING,76 DE KORTE STR,BRAAMFONTEIN,JHB
the annexed
COURT ORDER DATED 07/03/17
was served on 1ST RESPONDENT by delivering a copy thereof to
MR LINDE XAVIER MABENGWANE HEAD OF LEGAL
who is apparently over the age of 16 years and being a responsible
employee of 1ST RESPONDENT at 1ST RESPONDENT's
place of business upon exhibiting the original and
explaining the nature and contents thereof, in terms of RULE 4(1)(a)(v))

Dated at Johannesburg this 24th March 2017

E61

Fees set out as follows:

Service	55.00
Travelling	20.00
Registration	8.00
Return	28.50
Urgent Fee	350.00
DX/POST/PETTIES	21.93
FAX & PHONE	34.50

Attorneys : HURTER SPIES ATTORNEYS
P O BOX 14505
LYTTELTON 0140
0000
Your ref.: AF0028/TERTIUS KRUGER

Our ref.: 005/844565/H44

Fees :R 517.93 R 72.51 Vat = R 590.44

INVOICE NO 571761
SHERIFF JHB.NORTH - UNIT B1
51/61 ROSETTENVILLE ROAD
VILLAGE MAIN OFFICE PARK
P.O.BOX 9025 JHB 2000

Tel (011) 334-4397/98

Fax (011) 334-4320

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION -PRETORIA

Case No – Saak No 89196/16

In the matter between:

AFRIFORUM NCP — 1ST APPICANT

and:

MR JULIUS SELLO MALEMA — 2ND RESPONDENT

Return in accordance with the provisions of the Supreme Court Act 59 of 1959, as amended

RETURN OF SERVICE: PERSONAL SERVICE (Rule 4(1)(a)(i)).
ORDER

On this 30th day of MARCH 2017 at 15:05 I served this ORDER upon MR JULIUS SELLO MALEMA, 2ND RESPONDENT personally at CONSTITUTIONAL COURT 1 HOSPITAL STREET BRAAMFONTEIN JOHANNESBURG by handing to the abovementioned a copy thereof after explaining the nature and exigency of the said process. (Rule 4(1)(a)(i)).

Note:
The original return together with the original abovementioned process, is despatched to the mandator.

Note: Refused to accept service, document handed by means of touching it to his hand and it dropped on his feet.

Sheriff Fees / Balinglde: Date / Datum: 31.03.2017 — Tax Invoice Number / Belastingfaktuur Nr.: I 175300

Description	Qty	Vat	Amount
Service	1	7.70	55.00
Return	1	4.49	28.50
Registration	1	1.15	8.00
Copies	1	0.49	3.50
Travelling	1	4.90	35.00
Urgency fee	1	49.00	350.00
Telephone Call	1	12.04	85.97
Post/Bocex (V)	1	2.74	19.60
VAT / BTW			51.98

M MANGABA
Deputy Sheriff

Sheriff – Balju
Johannesburg Central
Tel 011 492 2650
011 492 2655
011 492 2660
Fax 011 492 0089
P O Box 22
Westhoven
2142
MT Mangaba
sheriffjoburgcentral@gmail.com
Bank: FNB Centurion
BrCode: 261650
Name: Sheriff Johannesburg Central Business
AccNo 624 198 108 42

VAT Reg Nr. / BTW Reg Nr.: 4020188368

You may require this account to be taxed and vouched before payment. U kan verels dat hierdie rekening getaksteer en gestaaf word voor betaling

Total / Totaal: 667.55

HURTER SPIES ATT
PO BOX 14505
LYTTELTON
0140

Account No. / Rekening Nr. • Your Reference / U Verwysing • My Reference / My Verwysing
Ref.: 979143/Leone/71

20075 VatReg
TERTIUS KRUGER/AF002

Registrar: GAUTENG DIVISION -PRETOR