



TRANSPARENCY, ACCESSIBILITY & ACCOUNTABILITY
Stellenbosch University

**STUDENT COURT
OF STELLENBOSCH UNIVERSITY**

REPUBLIC OF SOUTH AFRICA

IN THE MATTER BETWEEN

Vice-Chairperson: The Guild, Stellenbosch University First Applicant

Executive Committee: The Guild, Stellenbosch University Second Applicant

And

Executive Committee: Anime Society, Stellenbosch University First Respondent

Neutral Citation: *Vice-Chairperson, The Guild and Another v Executive Committee, Anime Society (Interim Order) 05/23*

Decided on: 15 May 2023

INTERIM ORDER

Introduction

[1] The Vice-Chairperson and Executive of the Guild, Stellenbosch University (collectively referred to as the Applicants) approached this Court on an urgent basis on 9 May 2023. On 11 May 2023, the Respondent filed their answering affidavit in opposition to the application.


Legal basis for order

[2] The Student Constitution of 2021 allows this Court in section 85(1) to “grant an interdict or any other interim relief if material injustice would otherwise result.” Due to the nature of the claims, the accompanying facts of the matter, and the need to safeguard and protect the reputation of the Applicants and Respondent, we are making the following order: Any disclosure of the merits of this matter, or facts thereof, to parties outside their executive committee would result in material injustice. Since the matter deals with the reputation of the parties, it is paramount that steps be taken to ensure such is safeguarded pending the outcome of the case.

[3] Furthermore, Rule 20(2) of the Rules of Procedure of 2023 establishes in-person hearings as the default manner in which cases are considered. It would not be in the interests of justice to decide this matter on the papers as oral arguments by the parties would significantly improve their ability to properly argue their respective cases. An online hearing would also not be appropriate as the upcoming recess period has the same impact on such as in the case of an in-person hearing. As a result of the Court going into recess from 20 May until 23 July, an in-person hearing would not be able to be scheduled between this day and the commencement of the recess period. Should one be scheduled, the Applicants and Respondents will not have sufficient time to prepare their heads of argument and may therefore result in prejudice. Furthermore, the sensitive nature of the matter endears this Court to take steps in order to safeguard both parties by using the remedy contemplated in section 85(1).

Order


- [4] The following is so ordered:
- [1] An in-person hearing is to be scheduled during the start of the third term, in consultation with the parties;
 - [2] The Applicants and Respondent are interdicted from disclosing or expressing, expressly or tacitly, any information relating to the facts or merits of this matter to anyone that is not within their own executive committees;
 - [3] They are also interdicted from disclosing or expressing, whether expressly or tacitly, any opinion on the facts or merits of this matter to anyone that is not within their own executive committees;
 - [4] This interdict excludes a prohibition of disclosure to staff members of the University, a party's student legal representatives, and Members of the Court if done via official communication channels;
 - [5] Any such prohibited disclosure could contribute to the strengthening of the opposing party's case;
 - [6] Should any such information or opinion be disclosed to persons not within a party's executive committee, and not excluded as per sub-para 4, that person is also bound to not disclose any information or opinion about the facts or merits of the matter, whether expressly or tacitly;
 - [7] Should a party wish to disclose any such information to anyone, or any structure not excluded from the interdict, they must approach the Court for authorisation to do so;
 - [8] This interdict is in effect from the day of Notice thereof to the parties until the day of the in-person hearing, and;
 - [9] The Court may extend the validity of this interdict if in the interests of justice to do so.



BEUKES CJ



BRAAF DCJ



SIMONIS J



PAUW J



LOURENS J