

I, Kerwin Cameron Jacobs (Student number: 19857934-2016) hereby submit to the Student Court of Stellenbosch under no external influence this statement with respect to the case of Neil Du Toit, Rochelle Ella Jacobs, and Marc Johan Rudolph v Bernard Pieters, Ashwin Maloy, Thea Bester, Francois Henning, Jacobus Maass, Netanje Van Niekerk, Roderick Leonard, Selmie Crous, and Calumet Links.

I'm not familiar with how to go about writing this statement so I am going to start with a narrative account of my experience as a candidate and my experience of the process. I will then go on to describe where I feel the respondents 1-8 have acted in bad faith, I will then continue with where I think the Election Convener (EC) has erred in judgement. I will conclude with remedies I think are appropriate in the interest of student governance.

I made the decision to stand as a candidate for the Student Representative Council (SRC) as I care deeply about my fellow students. I stood because I believe in the idea of a body which can represent students and consult with various stakeholders (internal and external) so that the voice of the students is taken into account. I stood based on the values of the institution and particularly the *Stellenbosch University Institutional Intent and Strategy (2013-2018)*, I deeply identified with "Leadership in service of others – we promote the wellness of people and the world by leading with humanity, responsibility and understanding."

From the onset, my first engagement with respondents 1-8 as a group happened when all the candidates were asked to meet on the steps of Admin B. The entire group wore some easily identifiable item of clothing that was green so that we could see they were part of Afriforum. It was this encounter where I greeted everyone individually, regardless of this observation, which illustrated to me that there would be a division within the candidate group. I could not predict that it would lead to the disorder we now face.

At the next meeting with the Election Convenor, we were reminded as candidates of all the election rules. Particularly, we were reminded that we signed an agreement when we completed our nomination form which bound us to Schedule 1 of the Student Constitution. The limit on campaigns was set at R650 and candidates were told about campaign posters having to fit the template set by the EC. Furthermore, I remember a discussion, and subsequently a verbal agreement being reached by all the candidates and the EC that any organizations (political or not) would not be allowed to fund our campaigns over the set R650 limit, or at all absorb any costs of our campaign. I remember a debate around social media and endorsements, the conclusion of the debate being that candidates could be endorsed by various organizations on social media, but not in person on campus at a rally for example.

By intuition, I feel that Afriforum repeatedly violated some of these terms which we as candidates bound ourselves to. I witnessed how green posters went up on lampposts just outside my residence, I was offered (and took several) fizzers, read through their *Kampus Kreet* newspaper, saw friends get lip balm, I was even told on Monday 1 August (the day before elections) that members part of Afriforum (Jeug, I assume) would be sent a link via SMS which should be followed, I should login with my student details then vote for the Afriforum candidates who I would be able to recognize by the green they were wearing in the photo.

These occurrences led me on many an occasion to message the EC in complaint that the Afriforum candidates were breaking the election rules. One of my complaints, prior to all of

the abovementioned events, was addressed at a meeting where only one Afriforum member attended, he was told by the EC that it was Afriforum's second strike and that if they broke the rules again serious measures would be taken against them.

It is with that context that I expected after the events that happened when the matter was brought to SC that the EC would take more serious sanctions against the respondents, especially considering that the court had mandated him to do an investigation into the allegations of irregularities. I feel that the EC did not fulfil that mandate instead opting to recuse himself of the role given to him by citing technicalities which are not real issues.

My interpretation of the clause the EC uses in his report to defend why he thinks that the applicant did not give him enough time before escalating the matter to student court is in fact that the convenor has 24 hours in which the EC must respond to a complaint. This does not mean he must be given 24 hours for every complaint, it just means he must respond to all complaints within 24 hours. If we are to follow the EC's interpretation of Schedule 1 of the Student Constitution 26(1), it becomes the onus of complainants to foresee transgressions under special circumstances, as in this case where the transgression happens 1 or 2 days before the election, by some work of magic so that they can lodge a complaint within 24 hours. This is obviously not a logical expectation. The election convenor on the other hand should respond to all complaints within 24 hours of them being lodged, that is what section 26(1) of Schedule 1 stipulates. Even if the EC's interpretation is true, I submit that I had sent him a WhatsApp to alert him that there had been transgressions in terms of the posters Afriforum had put up, this was sent the night before and he could have investigated at that moment, but he didn't because it had been late at night.

It is my submission that as remedy, I ask that:

1. respondents 1 – 8 be suspended as candidates, and that should the nomination process be reopened, they are disqualified from standing.
2. The nomination process be reopened for 1 week, in line with Section 9 of schedule 1
3. Remuneration be provided for candidates already standing for the SRC who are not respondents in this case.