Since the enforcement of the curfew, he did not feel safe studying at the University after-hours and on weekends. He is in constant fear of being stranded on campus. The busses used to function until midnight, now they stop operating at 22h00 – which does not afford Mr Xulu sufficient time to study.

On 10 October 2016, at approximately 13h00, Mr Xulu was at Umthombo Building at Main Campus. He was inside the building with a friend when suddenly police came into the building. When Mr Xulu exited one of the doors inside the building, he was shot with a rubber bullet. He sustained injuries to his foot. He lives in constant fear that he will be shot again and will suffer more serious injuries.

**SIPHAMANDLA SIDELO**

Mr Simphamandla Sidelio is an adult male of full legal capacity registered for a BSc Electrical degree at the University and is expected to complete his studies in 2018. He resides at Barnato Hall, a student residence on West Campus.

Sidelio would normally attend lectures and then return to his room to eat and rest. At about 19h00 he would then go to the library – sometimes Wartenweiller on Main Campus or CLM on West Campus – to study until well after 01h00. On other days, especially weekends, Sidelio would study all night at tutorial rooms situated at the Education Campus. His study routine is often characterised by study groups because he believes that he derives a substantial benefit from discussing various concepts with fellow students.
On the evening of 14 October 2016 Sidelo found out about the curfew and felt that he could no longer leave his room. He had initially intended to study all night at one of the University facilities.

Sidelo requires a different facility from his room to prepare for examinations.

On 14 October 2016, after the curfew was announced, Sidelo was at his residence on the third floor at a balcony area. He heard a commotion outside and when he attempted to look through one of the residence windows, a bullet was shot directly at the window.

Because Mr Sidelo's room is near one of the roads on campus, he often hears people screaming, shots being fired and a lot of commotion. He is constantly afraid and fears walking around on campus during the day and at night. He fears that police and campus security may target him.

Sidelo has seen fellow students being beaten up and shot at indiscriminately by police on campus.

MOOKADI MONGALE MOEKETSI

Mr Mookadi Mongale Moeketsi is a second year Bachelor of Sciences student in Construction Studies at the University and is expected to complete his studies in 2017. He resides at Wits Junction.
Under ordinary learning circumstances, Moeketsi studies with a friend. The pair would book a discussion room at the Wartherwiller Library, to revise and prepare for assessments. And also to assist each other with assignments and other projects. The pair also alternate with study sessions at Mookadi's residence, Junction University Residence.

His friend would stay at Moeketsi's residence until just before midnight and then take the last Wits Bus at midnight to go back to his place of residence. When the pair studied at the Waterwiller Library, Moeketsi takes the Wits Bus at around 23h00. Although he also studies individually at his residence, he benefits greatly from studying with a classmate.

His course requires that he consult with other colleagues, normal when he has group assignments which require him and his group members to meet more than three times a week at the John Moffatt Building – situated on Main Campus. He also uses the computer lab at the John Moffatt Building, where he prints out assignments, does research, checks emails and updates from Sakia, a Wits-electronic source.

Moeketsi prefers the John Moffatt building as he finds it very study-friendly and conducive to learning since most of his classmates are there, as well. He is thus able to consult and discuss with them and-and ask them questions.
Moeketsi uses the bus every day to get to the main campus. He is usually around the main campus between 06h00 to 18h00 since he books his meals at the Wits E-education Campus. He is normally around the main campus for at 20h00 studying at the Wartenwiller library which closes at 22h00, and then he uses the 23h00 bus. In the instance where he stays in the campus longer than this hour, he would take an Uber cab to his residence.

Due to the police and private security presence on campus, he has found it difficult to enter certain buildings on Campus. As he fears for his life. He finds that being searched when you enter lecture hall as very invasive and sometimes that at times the searches are very forceful. He says that if you do not consent to be searched you are not allowed entry in the Lecture hall. While conducting the search, private security guards sometimes say things like "You students are thugs".

He finds that lectures are currently happening when a lot of stuff is simultaneously going on outside the lecture hall. There are gun shots at times, screaming, stun grenades. During the lectures he is ultimately terrified and preoccupied with what is happening outside.

He finds police presence on campus very problematic because when the police chase and throw stun grenades there is no distinction between none protesting and protesting students. And everyone is denied access to buildings equally whether you are protesting or not or whether you wish to access the building
for educational purposes. Since the curfew, he has not been able to adequately prepare for the exams.

106 He furthermore finds it very hard to concentrate at any space or building at Wits since something is always occurring that ultimately threatens your existence and safety. While he is studying, questions like whether he will be safe afterwards or whether the building he is in will not be set alight, always occupy his mind.

107 As a member of his residence's House Committee, he also has to assist other students who are at times distressed and anxious and fear for their lives as a result of the current climate at Wits.

108 He learnt about the curfew from an email sent by the SET. There were, however, no notices around campus or at his residence.

109 Since the curfew, he has not been able to book the discussion or study room at the library and he has stopped going to the library and attempts to study at his residence.

110 He and his study partner have missed some Lectures due to the events on campus. Furthermore, they have been unable to meet to discuss and try and catch up together due to the curfew.
He has found that access to a lot of facilities is unreasonably limited by the curfew. The Computer Labs no longer operate for 24 hours and this presents serious challenges as he cannot access the Labs to research and study adequately. The curfew deters him from trying to access most of the resources and facilities.

Tutorial rooms that he would often use as study rooms are no longer open. As a result of all the events on campus, he is unable to focus and is often threatened by sounds.

Police and private security harass and victimise students daily. He once got shot by a stray rubber bullet while standing chatting to his friend. He finds the police to be trigger-happy and can randomly start shooting at students.

REABETSOE LEOPENG

Ms Leopeng is a registered final year LLB student at the University and this is her final year. She lives off-campus.

She studies at the libraries at the West Campus or either at the Law Library or the 24 Hours CLM library and at the Wits business School in Parktown.
She studies at the law library borrows books and uses the computers to check
notifications on Sakai and also her student email. After the law library closes at
10pm she proceeds to the 24-hour library where she studies mostly till 01h00
or 02h00. At the Wits Business, she normally has discussions about the
courses with her groupmates comprising of around 5 or 6 members.

Ms Leopeng first learnt of the Curfew on 14 October 2016 at 17:37 from a friend
on Whatsapp, at the time she was home. She later received an email and an
SMS from the University.

The curfew has meant that Ms Leopeng cannot access the libraries that she
used to access and which she used for studying. She now has to study at home
where she finds there are many distractions. To her, the curfew also means
that she can only be on campus during daylight.

After the implementation of the curfew she now only goes to campus to collect
material and attend lectures and consult with Lecturers. Now when entering
campus her car is searched by private security and campus control. She was
asked to unlock her car boot. The searching at the entrance creates hostility
and tension. On that specific day, we had a group assignment due, some of
the group members who have no personal computers and rely on the campus
computers for typing and research were not able to finish their parts of the
group assignment for Insurance Law due to the Computer Labs closing early.
In addition, the quality of their work was compromised due to the limited and
restricted access to the university resources.
Campus no longer feels like a place of learning and does not permit a conducive studying environment. Since the implementation of the Curfew, Ms Leapeng has not been able to access any of the libraries that she used to access before the implementation of the curfew. The quiet peaceful environment that she used to know has vanished.

Access to her colleagues is very limited as, some of her colleagues are exhausted especially those who stay in the on-campus university residences and have little if no academic conversation, most if not all conversation are centred on the stressful situation Campus.

The curfew limits her mobility and access to spaces. It's an imposition in her life in that it means that she must now change her working and known study habits and methods to accommodate the Curfew in such a short space of time before exams. Curfew also means that she can now only be at campus during the day. The curfew, and its indeterminate nature – as the SET can vary it at any time – presents her with constant stress to an already stressful examination period. She is of the view that the academic programme at Wits resumed but not on the same basis that previously existed.

The mere existence of the curfew means she cannot come to campus sometimes, also hearing about what happened at the David Webster Wits University residence on the evening of 14 October 2016 has traumatised her.
She finds that she is always jittery, nervous and anxious in her surroundings. She feels that she is constantly preparing to run for her life.

124 As a result of the curfew, she cannot study more effectively and this has led to her consulting more with Lecturers and has compromised the quality of education she is receiving from Wits.

125 Sometimes during class there was a South African Police Services helicopter hovering around campus, she could barely hear the lecturer as a result. Whenever she is in a lecture hall and the door opens, immediately she is unsettled and scared.

126 Being at Wits means that real danger and harm can befall you at any time. The presence of the police and private security is very antagonistic and creates tension. During a lecture, her mind is often preoccupied with safety issues.

127 Before entering a building at the University she is searched.

TUMELO MODISELLE

128 Ms Tumelo Modiselle is an adult female of full legal capacity and a registered postgraduate LLB student at the University and is expected to complete her degree in 2016. She resides at 121 Highlands North, Johannesburg.
Ms Modiselle generally studies at night. That is the time when she is most productive, especially during examinations. She often starts studying around 19h00 and continues until about 02h00 or 03h00. Usually, Ms Modiselle studies at the CLM 24 hour library. She sometimes returns to campus before 19h00 in order to access the law library and the study materials therein.

Ms Modiselle prefers studying by herself and occasionally with others. She benefits greatly from study groups which she and about six to eight of her fellow students conduct all night at the CLM library. They sometimes start at the law library and then move to CLM or to a tutorial room in one of the buildings on campus.

Because she does not have access to the internet at home, Ms Modiselle benefits from studying on campus where she can access the University internet connection. Sometimes she drives to campus at 04h00 in the morning to start studying. In addition, when she studies in a group, she is able to move around campus – with others – to purchase food or water or a cool drink. Being in a group makes her feel safe.

On 14 October 2016 Modiselle found out about the curfew approximately 18h52. She had already made arrangements for a three-person study session on campus that evening. The study session had to be cancelled and Ms Modiselle did not study on that evening.
Ms Modiselle is fearful and feels anxious because of police and private security presence on campus. She does not feel that she is in the right mental state to be able to write examinations.

Ms Modiselle is not only a student, she also does part-time work. During the week of 17 October 2016 she had planned to be on campus each evening in order to study in a group setting. Because of the curfew, those sessions were also cancelled.

Ms Modiselle is further affected by educators who send emails to students about how problematic the protests are, that live ammunition is okay to use on students and other antagonistic statements.

She is scared to be on campus as a student because police can attack a student at any time. She is experiencing anxiety and stress at all times so she cannot sit down to concentrate at length. She tries to create support groups to study with since she is frightened and stressed all the time, but then they have no space to study.

She does not know how she will write exams under these conditions, where she feels forced into taking exams and she does not feel like she can perform well. She wants to graduate, but not to perform poorly and get low marks because of trying to learn under dangerous and volatile circumstances.
Her anxiety and stress have meant that she cannot sleep anymore and is always tired.

The level of police on campus is incredibly intimidating. It's impossible to be forced to learn in these circumstances.

Knowing that there is a major issue in South Africa regarding police rape, she feels fearful with so many police on campus at all times. Female friends have been searched by male police and security, and male police officers have uttered cat-calls. As a result, she wants to keep as much distance from them as possible.

VUYOKAZI XEGWANA

Ms Vuyokazi Xegwana is an adult female of full legal capacity and a registered post-graduate LLB degree student at the University. She is expected to complete her degree in 2016 and resides off-campus.

Ms Xegwana studies at her apartment during the day and on campus in the evenings. She prefers the overnight library where she normally starts around 17h00 or 18h00 and finished at around 01h00 or 02h00.

She uses textbooks and the internet at the University. Her routine includes visiting the law library and then studying at the overnight library or other venues on campus that are open for 24 hours.
Ms Xegwana found out about the curfew in the evening on 14 October 2016 as she was preparing to go to the library. She had to change her plans because she had planned to be at the library for a long time and would, at that time, only be able to stay for less than 3 hours. She was, however, not even able to study at her apartment because the police were chasing people, shooting at people and there were loud sounds and screams on the streets of Braamfontein. In addition, she was receiving messages about the violence on the streets of Braamfontein from friends.

On Saturday, 15 October 2016, she had a study group and then left campus afterwards. She stayed at home all weekend and attempted to study there because she was too afraid to go back on campus with the unpredictability of the police violence, especially if she were to study alone.

On Sunday 16 October 2016 and Monday 17 October 2016, she tried to study at home but could not sufficiently prepare for oral examinations or read cases and law journals. In any event, she finds that during the day when she goes to campus for class, she leaves early because of fear of police and violence.

On 18 October 2016 she started studying at the Wits business school in Parktown around 21h00 because they were apparently not subject to the curfew. There are small study rooms available 24 hours. However, she has to arrange transportation and to coordinate group rides. Because there are few
study rooms available, she often has to wait for other students to leave in order to access the rooms. This takes time away from her study time.

148 She is not as productive as she used to be and her study routine has been affected. In addition, the trauma of all of the violence, the distance and coordination she has to endure to try to study is too much.

149 She cannot focus anymore because of the constant sounds of screams and shootings. If a door bangs loud then people start running. Her psychological state is weak and on edge at all times. Her concentration has been affected since any small sounds recreate the memory and fear of being shot.

150 She is very anxious about exams since she has not studied adequately.

151 She is concerned as to how she will cope with an exam when shooting can happen at any time.

152 She certainly will not be sufficiently prepared for her examinations. She is desperately trying to find ways to study but it is proving very difficult.

153 Ms Xengwana is on a scholarship so she needs to do well, or she will have to pay back her scholarship if she cannot pass.
Ms Xengwana has been searched by the police, which was very uncomfortable and makes her mistrust them since they are men and she is scared of what they will do to her body.

Tshegofatso Evelyn Monnana

Ms Monnana is an adult female registered for an LLB degree at the University and is expected to complete her studies in 2016. She resides at 258 Khumalo Street, Protea North.

Normally, Ms Monnana arrives on campus at around 05h45 and 06h00. This affords her at least two hours to study prior to her classes which usually begin at 08h00.

She lives with her three-year-old niece and three other family members. Her niece is usually a source of distraction. In addition, if she is at home she must complete chores which hinder her ability to adequately prepare for her studies.

She has tried going to her local library, the Protea North Library, which only opens from 09h00 to 15h00 on Saturdays and is closed on Sundays. The library is, in any event, often loud and does not make for a conducive study environment.
As a result, Ms Monnana studies at the University on weekends (Saturday and Sundays from 08h00 and 10h00 and she leaves around 15h00 to 16h00. She often uses the 24-hour study rooms at the CLM Building on West Campus.

She uses textbooks, casebooks, and other recommended readings which she can access at the Law Library. She cannot afford a lot of the required textbooks.

On 5 October 2016, Ms Monnana attended a protest on campus at about 11h00 where she was mostly observing and sometimes chanting. She was with the students who were protesting on campus and went with them into Solomon Mahlangu House. She left at around 14h30 and there had been no acts of violence during that protest.

She attended the general assembly on 7 October 2016 at around 12h00 at the library lawns on East Campus. She left at around 16h45.

On the week of 10 October 2016 the campus reopened after the academic programme had been shut down for three weeks (from the week of 26 September 2016). Ms Monnana went to campus on Tuesday, 12 October 2016 at about 15h30 where she discovered that the 24-hour study rooms at the CLM Building were closed and the Law Library was the only library open on West Campus. She tried to get library books out but was told that books were no longer being issued to students overnight. Thereafter she left.
She did not want to stay because she did not feel safe. Various routes on campus were closed. For instance, access to West Campus from East Campus was only available through the Amic Deck Bridge and the tunnel near the Empire Road entrance was closed. In addition, there was a heavy police presence at the Yale and Empire Road entrances.

Ms Monnana did not have classes on Friday, 14 October 2016 but still went to campus. Upon her arrival at 11h00, she still felt unsafe because there was still a heavy police presence and it seemed to her that anything could happen. She left at about 14h00.

On Saturday, 22 October 2016, she arrived on campus at 11h00 and all libraries and reading rooms were closed. Some buildings were open but lecture halls and tutorial rooms were locked. She left immediately and went to the Wits Business School. The library was closed and all the tutorial rooms were occupied. She studied in a lecture hall until 16h30.

On Sunday, 23 October 2016 at about 12h30 Ms Monnana went to the Wits Business School again. Upon her arrival, the library was closed, lectures halls were locked and only the tutorial rooms were open. She joined a person, unknown to her, who was already occupying one of the tutorial rooms and studied there until about 16h00.

On Monday, 24 October 2016 Ms Monnana arrived on campus at about at 09h00 and there was a heavy police presence. She had entered through the
Enoch Sontonga entrance where there were no female security guards and a male security guard attempted to search her vehicle. She requested a female security guard but as none was available, she was not searched and allowed through.

169 Several minutes later, she sought to enter the CLM Building and a male security guard asked for her student card and she showed it to him. He then asked to see inside her bag but she refused on the basis that a female police officers should be the one to do it. The security guard let her in.

170 On the same day, Ms Monnana was writing an insolvency test at the Wits Science Stadium on West Campus. Given the police presence on campus and the acts of violence that have previously taken place on campus, Ms Monnana kept wondering throughout the test if anything violent could happen.

171 On Tuesday, 25 October 2016 she arrived on campus at about 06h00 and went to the CLM 24 hour library but it was locked. She went to the Old Grand Stand Building (which has tutorial rooms) and the NCB Building but both were locked. She tried to study from her car using her files. At about 07h00 the library was still locked and police were coming onto campus.

172 The library only opened 08h00. At about 15h15 she heard shots being fired whilst she was inside a law of evidence lecture and the class just continued. When she left class, at about 15h30, she noticed that the number of police had increased.
Ms Monnana often does work for the Southern African Social Protection Experts Network (SASPEN) when they call her. It is not a part-time or full-time job but one that depends on whether or not she is called. She organises things related to the various events that they hold, for instance, organizing the set up at conferences and so forth. She was doing work for SASPEN from 16 to 23 October 2016.

The uncertainty on campus means that Ms Monnana cannot plan for the next day. Things change so often and it is difficult for her to concentrate. The presence of police and private security on campus antagonises people.

PHAFUDI MALATJI

Mr Phafudi Malatji is an adult male of full legal capacity and a registered Electrical Engineering student at the University and is expected to complete his studies in 2018. He resides at Barnato Hall, a residence on campus.

Mr Malatji is an adult male registered for a BSc Electrical Engineering degree at the University and is expected to complete his studies in 2018. He resides at Barnato Hall, a student residence on West Campus.

Typically, Mr Malatji studies in the PC Pool Lab on West Campus from 08h00 until 24h00. As Mr Malatji does not own the software due to its expensive price, he must utilize the computers in the PC Pool because they are equipped with
the necessary engineering software needed for his degree. Mr Malatji also utilizes the tutorial rooms in CLM to study subjects that do not require computer access. He is unable to concentrate in his residence hall, therefore he regularly makes use of other university facilities. He breaks for lunch at around 1:00-2pm and has supper 6h00-7h00pm. And he also attends classes usually from 8h00am-17h00.

178 On the evening of 14 October 2016, Mr Malatji learned of the curfew whilst studying in the PC Pool. He was disturbed by the curfew announcement and terminated his studying three hours early to return to his residence hall at 21h00 out of fear of being arrested. Around 22h00 students from Barnato Hall and the neighboring David Webster Hall gathered in front of the residence halls to sing in defiance of the curfew. Without warning, Mr Malatji witnessed the police arrive around 22h30 to indiscriminately shoot at the singing students. Mr Malatji ran inside his residence seeking safety but struggled to sleep in the midst of the shooting and student screams.

179 On Saturday 22 October and Sunday 16 October, Mr Malatji was forced to sleep in the PC Pool lab because he did not finish preparing for a test on the following day before the 22h00 curfew. He was afraid to go out of the lab because he had violated the Curfew.

180 He was using the Computers and he lost track of time and either way he wanted to use the computers. He feared the police would shoot or arrest him if he returned to Barnato Hall after 22h00.
Because of Mr Malatji's need to study for exams and to use the required software for his assignments, he slept in PC Pool from 20-22 October 2016.

Since the implementation of the curfew, Mr Malatji sacrifices numerous hours of study time by leaving PC Pool before 22h00 or he sacrifices proper sleep by staying overnight in PC Pool due to fear of police violence. He regularly feels violated by private security since he is searched every time he enters a university building.

Mr Malatji does not feel safe waiting for university buses since the buses no longer stop at the designated bus stop on campus. He waits for a bus outside the confines of the university where he feels vulnerable to crime.

Mr Malatji does not feel safe on walking on campus, particularly in the evening, after being indiscriminately shot at and witnessing fellow students being beaten up by police. He is fearful that the hours of studying lost due to the curfew and anxiety he now has from the violence he was subjected to will poorly impact his performance during exams.

URGENCY

As pointed out above, the examination has been scheduled to commence on 3 November 2016. Once the examination commences, students will not be at
liberty to seek a postponement. This Court must come to the aid of students now or the proverbial horse would have bolted by 3 November 2016.

186 The applicants self-evidently cannot await a hearing in due course.

187 The applicants have no suitable alternative remedy available. A claim for damages, even assuming that one could be formulated, will be wholly unsatisfactory as it will not stop the fact that our academic records would have been tamished. This will have an impact not only on our scholarships and bursaries but on future employment.

WHEREFORE I PRAY THAT the relief sought in the Notice of Motion be granted.

[Signature]
SEADIMO TLALE

The Deponent has acknowledged that s/he knows and understands the contents of this affidavit which was signed and sworn to before me at Johannesburg on this the 28th day of October 2016, the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended and Government Notice No. R1648 of 17 August 1977, as amended having been complied with.

[Signature]
COMMISSIONER OF OATHS