

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU NATAL DIVISION, DURBAN**

CASE NO:

In the matter between:

(Applicant / Plaintiff)

and

(Respondent / Defendant)

(Advocate)
(Advocate)

DOCUMENT PRESENTED FOR FILING:

Bundle prepared at sajustice.caselines.com

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2. COURT ORDER DATED:

SET DOWN FOR HEARING ON:

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IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL LOCAL DIVISION, DURBAN

CASE NO: 2026-266812

In the matter between:

THE MINISTER OF POLICE

First Applicant

THE PROVINCIAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE,
KWAZULU-NATAL

Second Applicant

and

MARCH AND MARCH

First Respondent

JACINTA BONGIWE ZUMA

Second Respondent

XOLANI CHRISTOPHER ZUMA

Third Respondent

MTHOKOZISI ALFRED GUMEDE (FELIMTWINI)

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTHEMBU

Seventh Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

THE EXECUTIVE HEAD OF THE ETHEKWINI MUNICIPAL POLICE SERVICES

Ninth Respondent

AMENDED NOTICE OF MOTION

URGENT APPLICATION ON NOTICE

TAKE NOTICE that the Applicants will apply to the above Honourable Court on Friday, 30 October 2026 at 10h00, or as soon thereafter as counsel may be heard, for an order in the following terms:

1. The application is heard as one of urgency in terms of Uniform Rule 6(12), and the forms, service and time periods prescribed by the Uniform Rules are dispensed with to the extent necessary.
2. A rule nisi is issued calling upon the Respondents to show cause on **FRIDAY 30TH OCTOBER 2026** at **10H00**, or on such other date and time as the Court directs, why the applicable relief in paragraphs 3 to 8 below should not be confirmed, subject to the period specified by the Court in paragraph 4.
3. For purposes of this order:
 - 3.1 “the Act” means the Regulation of Gatherings Act 205 of 1993, as amended;
 - 3.2 “the affected area” means the whole area falling within the jurisdictional boundaries of eThekweni Municipality, including, but not limited to, the Durban Central Business District and Che Guevara Road, formerly known as Moore Road, Berea, Durban;

3.3 “the Home Affairs premises” means the Department of Home Affairs Refugee Reception Centre on Che Guevara Road, formerly Moore Road, Berea, Durban, including its entrances, exits and public approaches.

4. The First to Seventh Respondents are interdicted and restrained, whether acting themselves or through persons acting on their instructions or under their direction, from convening, organising, directing, mobilising for or proceeding with March and March marches, processions or protest convoys within the affected area, including along, into or on Che Guevara Road, including in the vicinity of the Home Affairs premises, and including the deployment of separate or splinter groups from the Che Guevara Road encampment, until _____ on _____, unless this Court earlier varies or discharges the restraint.

5. The First to Seventh Respondents whether acting themselves or through persons acting on their instructions or under their direction, are interdicted and restrained, in connection with the mobilisation and protests forming the subject of this application, from committing, directing, procuring, instigating, encouraging or knowingly assisting any of the following conduct within the affected area:

5.1 Assaulting, threatening, intimidating or harassing residents, traders, business owners, employees, customers, delivery drivers, road users, public officials or other members of the public;

5.2 Looting, setting fire to, damaging or destroying homes, business premises, stock, private vehicles, public buildings or other private or public property;

5.3 Attacking, setting fire to, attempting to set fire to, or procuring an attack upon, the Home Affairs premises;

5.4 Coercing any person to close a business, stop trading, leave a home or business, cease making deliveries or abandon lawful use of property;

5.5 Barring entrances or exits, or using threats or intimidation to deny reasonable access to, or departure from, any building or premises, including the Home Affairs premises;

5.6 Barring entrances to hospitals, fire stations, ambulance stations or other emergency-service premises, or obstructing emergency personnel or vehicles;

5.7 Obstructing roads or pedestrian routes by violence, threats or intimidation, or coercively preventing lawful movement through the affected area;

5.8 inciting violence ;

5.9 inciting intimidation;

5.10 Performing acts or uttering words calculated or likely to cause or encourage violence against any person or group, including through mobilisation messages, speeches, chants or social-media communications.

6. In connection with any gathering or demonstration to which this order applies, the First to Seventh Respondents are further interdicted and restrained from:

6.1 Possessing, as participants, any airgun, firearm, imitation firearm, muzzle-loading firearm, object resembling a firearm likely to be mistaken for one, or dangerous weapon prohibited by section 8(4) of the Act;

6.2 Inciting hatred by banners, placards, speech, singing or otherwise on grounds of culture, race, sex, language or religion, contrary to section 8(5) of the Act;

6.3 Wearing disguises, masks or other items obscuring facial features and preventing identification, contrary to section 8(7) of the Act;

6.4 Wearing apparel resembling uniforms of the security forces, including the police or defence force, contrary to section 8(8) of the Act;

6.5 Compelling or attempting to compel any person to attend, join or participate in a gathering or demonstration, contrary to section 8(10) of the Act.

7. IN THE ALTERNATIVE to paragraph 4, if the Court is not inclined to grant the restraint sought in paragraph 4:

7.1 The First to Seventh Respondents are interdicted and restrained, in connection with the mobilisation and protests forming the subject of this application, from committing, directing, procuring, instigating, encouraging or knowingly assisting any of the following conduct within the affected area:

7.1.1 Assaulting, threatening, intimidating or harassing residents, traders, business owners, employees, customers, delivery drivers, road users, public officials or other members of the public;

7.1.2 Looting, setting fire to, damaging or destroying homes, business premises, stock, private vehicles, public buildings or other private or public property;

7.1.3 Attacking, setting fire to, attempting to set fire to, or procuring an attack upon, the Home Affairs premises;

7.1.4 Coercing any person to close a business, stop trading, leave a home or business, cease making deliveries or abandon lawful use of property;

7.1.5 Barring entrances or exits, or using threats or intimidation to deny reasonable access to, or departure from, any building or premises, including the Home Affairs premises;

7.1.6 Barring entrances to hospitals, fire stations, ambulance stations or other emergency-service premises, or obstructing emergency personnel or vehicles;

7.1.7 Obstructing roads or pedestrian routes by violence, threats or intimidation, or coercively preventing lawful movement through the affected area;

7.1.8 inciting violence against persons ;

7.1.9 inciting intimidation of any persons;

7.1.10 Performing acts or uttering words calculated or likely to cause or encourage violence against any person or group, including through mobilisation messages, speeches, chants or social-media communications.

8. Further in the alternative to paragraph 4, if a march or gathering is permitted to proceed, a cited Respondent acting as convener shall comply with sections 8(1) to (3) of the Act , by appointing the stipulated clearly distinguishable marshals, who shall take the necessary steps to secure peaceful control, informing participants of applicable conditions, and complying with the notified locality, route, manner and times and lawful amendments or conditions. Such a convener, shall take the reasonable steps required under sections 8(4) and 8(10) of the Act , and instruct the appointed marshals to perform their duties under section 8(9). This paragraph does not itself authorise a gathering prohibited under the Act.

9. Paragraphs 3 to 8, to the extent granted and applicable, shall operate as interim relief pending the return date or earlier variation or discharge. The restraint in paragraph 4, if granted, shall endure until the date and time determined by the Court in that paragraph, subject to any further order of Court.

10. The Respondents are to be served with this amended notice of motion together with the founding affidavit, supporting affidavits and annexures in accordance with the order and directions of this Court and the applicable Rules.

11. The Applicants shall file the returns of service and an affidavit recording any further notification steps taken.

12. No adverse substantive relief is sought against the Eighth to Tenth Respondents.

14. Any Respondent intending to oppose the relief sought herein shall deliver a notice of opposition to the Registrar and the State Attorney, by **16h00 on 28 October 2026** and an answering affidavit, if any, by **16h00 on 29 October 2026**. The Applicants may deliver a replying affidavit before the hearing of the matter on **30 October 2026**.

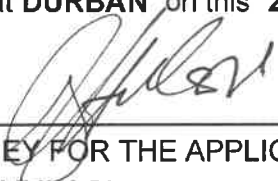
15. The costs of the application are reserved for determination on the return date.

16. Further and/or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of Brigadier Thamsanqa Jeremiah Gama, together with the confirmatory affidavits and annexures filed with the application, will be used in support hereof.

TAKE NOTICE FURTHER that the Applicants appoint the address of the State Attorney set out below as the address at which they will accept service of documents in these proceedings.

DATED at **DURBAN** on this **27TH** DAY of **OCTOBER 2026**.



ATTORNEY FOR THE APPLICANTS
MR Y.G HULASI

ASSISTANT STATE ATTORNEY
OFFICE OF THE STATE ATTORNEY,
6th FLOOR METROPOLITAN LIFE
BUILDING
391 ANTON LEMBEDE STREET
DURBAN

MR Y.G HULASI

TEL: 031 365 2532

CELL: 072 6711417

EMAIL: yhulasi18@gmail.com

hvloggerenberg@justice.gov.za

TO: THE REGISTRAR OF THE HIGH COURT, DURBAN

AND TO: THE FIRST TO TENTH RESPONDENTS

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
 KWAZULU-NATAL LOCAL DIVISION,
 DURBAN

CASE NO: **2026-266812**

In the matter between:

MINISTER OF POLICE

Plaintiff / Applicant / Appellant

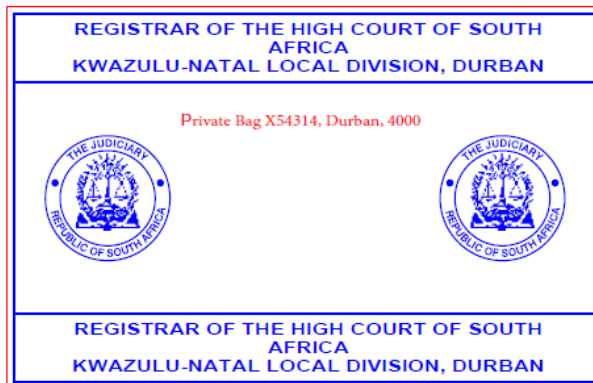
and

**MARCH AND MARCH,JACINTA
 BONGIWE ZUMA ,XOLANI
 CHRISTOPHER ZUMA ,MTHOKOZISI
 GUMEDE FELIMTWINI ,NOZIBUSISO
 KHAMBULE AND FIVE OTHERS**

Defendant / Respondent

Founding Affidavit

NOTE: This document was filed electronically by the Registrar on 26/10/2026 at 3:34:19 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
 BY:

**Registrar of The High Court,
 KwaZulu-Natal, Durban.**

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No:

In the *ex parte* matter of:

THE MINISTER OF POLICE

First Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICE, KWA-ZULU-NATAL**

Second Applicant

and

MARCH AND MARCH

First Respondent

JACINTA BONGIWE ZUMA

Second Respondent

XOLANI CHRISTOPHER ZUMA

Third Respondent

**MTHOKOZISI ALFRED GUMEDE
(FELIMTWINI)**

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTHEMBU

Seventh Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

**THE EXECUTIVE HEAD OF THE ETHEKWINI
MUNICIPAL POLICE SERVICES**

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent



FOUNDING AFFIDAVIT

I, the undersigned,

THAMSANQA JEREMIAH GAMA,

do hereby make oath and state:-

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A. DEPONENT

1.1 I am an adult male Brigadier employed by the South African Police Service (SAPS) and I am the Acting Head of Legal Services KwaZulu-Natal;

1.2 and stationed at Servamus Building, 15 Braam Fischer Road, Durban;

1.3 am duly authorised to depose to this affidavit on behalf of the Applicants herein

1. The facts herein deposed to are, to the best of my knowledge and belief, true and correct and, unless indicated to the contrary by the context, are within my personal knowledge.



2. Where I make submissions of a legal nature I do so on the advice of my legal representatives which advice I accept as true and correct.

3. The Applicants approached this Honourable Court in the discharge of the constitutional objects of SAPS under section 205(3) of the Constitution: Preventing, Combatting and Investigating Crime, Maintaining Public Order, Protecting Inhabitants and their Property and Upholding and Enforcing the Law.

4. The Applicants seek protection against the imminent repetition of public violence, destruction of public and private property, traffic disruptions on public roads and interference with policing as described below.

5. Both Applicants bring this application in their official capacities and, to the extent necessary, also invoke section 38(d) of the Constitution, acting in the public interest to protect the rights to life, dignity and freedom and security of the person. The threatened harm affects a shifting group of residents, business owners, traders, employees, and users of public services, including persons exposed to large scale levels of intimidation, violence,

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harassment, assault and who cannot realistically obtain individual protection before the threatened imminent marches organised or orchestrated by the First to Seventh Respondents.

6. Further, it must be noted that Public Order Policing (POP) is an operational component of SAPS and is not a separate Applicant herein.

B. INTRODUCTION AND PURPOSE OF THIS APPLICATION

7. The Applicants approached this court in the discharge of the constitutional objects of SAPS under section 205(3) of the Constitution: Preventing, Combatting and Investigating Crime, Maintaining Public Order, Protecting Inhabitants and their Property and Upholding and Enforcing the Law. They seek protection against the imminent repetition of public violence and interference with policing described below. It must be pointed out that Public Order Policing (POP) is an operational component of SAPS and is not a separate Applicant herein.
8. To the extent necessary, the Applicants also invoke section 38(d) of the Constitution in the public interest to protect the rights to life, dignity and freedom and security of the person. The threatened harm affects the shifting group of residents, business owners, informal traders, employees, employers, as well as users of public services, public transport, including persons exposed to intimidation who cannot realistically obtain individual protection before the threatened and imminent marches.
9. This application concerns an immediate threat to life, personal safety and public order in and around Durban as well as within the Province of KwaZulu-Natal.
10. Instructions to institute this urgent application were given at approximately 11h00 on Saturday, 24 October 2026, and preparation commenced that day in response to the escalating violence and unlawful conduct described below. Further information received



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by SAPS from Crime Intelligence on the morning of Sunday, 25 October 2026 materially reinforced the existing urgency. That information indicated further marches by the First Respondent during the week commencing 26 October 2026 and an imminent threat to burn down the Refugee Reception Centre in Berea, in the coming week. Staff members are no longer occupying those premises because of serious safety concerns arising from the daily threats described below and I am informed that the building is unoccupied.

11. It is respectfully submitted that the warnings received, must be assessed against the recent escalation from what was previously largely peaceful protest marches, to wide scale and uncontrolled assaults, looting and intimidation, which has resulted in coercive business closures, violence, damages to buildings and public property as well as obstruction of public services. The latest spate of violence emanating from a march resulted in the death of a foreign national, all of which have occurred in the last week and in particular, from last Wednesday 21 October 2026 to 23 October 2026.



12. Further intel received, also indicate that the foreign nationals are planning to avenge the death of the foreign national who was beaten to death on Thursday, 22 October 2026, in the Durban Central business district (CBD). In the event, that the intel received is correct this is going to result in further violence and attacks and people, businesses and buildings.
13. The March and March protest marches and gatherings in the CBD have been the vehicles used to commit the atrocities prevailing in the CBD, which has escalated in the last week and the danger exists that it will further escalated this week, closer to the local government elections scheduled for 4 November 2026.
14. The Applicants therefore seek a *rule nisi*, with interim operation pending an early return date, directed at preventing the imminent repetition of the unlawful and violent conduct, through further protest marches to be held, as described below.

15. The relief has the following principal components:

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15.1. A temporary restraint on the First to Seventh Respondents, and any other persons acting through them, from convening, organising, encouraging or proceeding with any further marches within the Durban and surrounding central business districts, as well as other areas such as Pietermaritzburg, as identified in the information given to SAPS.

15.2. An immediate restraint against the commission, organisation, encouragement or procurement of assaults, intimidation, looting, damage to property, coercive business closures and obstruction of lawful access of members of the public and staff to the effected Refugee Reception Center premises in Che Guevera Road.



15.3. Prompt service of the papers and order, an early return date, and provision for the Respondents to approach the court for reconsideration or anticipation of the return date.

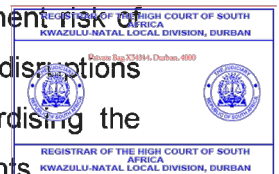
15.4. The immediate intervention sought is preventive, the Applicants asked the court to interrupt the recurrence of mobilisation of supporters of March and March followed by violence before further lives and businesses, as well as the public livelihood are placed at risk.

15.5. It is significant to point out that a subsequent prosecution for criminal conduct or an Award of damages for losses incurred as a result of the violence and looting, as well as intimidation, cannot restore a life lost in the intervening period or even disabilities incurred as a result of vicious assaults with weapons on the public. Last week, the now viral reporting of the victim wearing a red T shirt as violently assaulted by the marching protesters in the CBD, clearly depicts that lawlessness of the current March and March protest action. I have viewed the videos in our debriefing sessions and wit was only through swift police intervention that

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the victim was saved. Even the metro officials on the ground could not stop the crowd from assaulting the victim with sticks.

15.6. The proposed suspension of any further marches or protest actions is confined to the imminent threat, which cannot be ignored given the conduct that had ensued last week. It is further submitted that if the court considers that restraint wider than the evidence justifies, the Applicants seek the narrower restraints of specified unlawful conduct in such defined limitations as necessary or as the court may deem fit to protect the public. The public especially within the CBD is currently at imminent risk of further violence, intimidation, economic losses, traffic disruptions as well as other unlawful conduct, currently jeopardising the operations and functioning's of government departments.



15.7. Whilst it is acknowledged that peaceful and unarmed assembly and protests and marches remain constitutionally protected, it must nevertheless be assessed and balanced against the constitutional rights of the public as well and their rights to safety and security.

15.8. The Applicants recognise the fundamental importance of the right to peaceful and unarmed assembly under section 17 of the Constitution. That right does not, however, authorise assaults, looting, intimidation or threats of violence. Such conduct infringes the constitutional rights of those affected, including their rights to dignity, life, and freedom and security of the person under sections 10, 11 and 12, particularly the right under section 12(1)(c) to freedom from violence originating from public or private sources. The protection of these rights extends to every person, irrespective of nationality or immigration status.

15.9. Under section 7(2), read with section 205(3) of the Constitution, the State bears a positive obligation to protect these rights, prevent and combat crime, maintain public order and protect

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persons and property. The Applicants accordingly seek interim and narrowly tailored relief directed at the unlawful conduct described in this affidavit, pending protests in order to prevent its use as a vehicle for violence, coercion and the infringement of the rights of others. The escalating harm and imminent threats described below require urgent judicial intervention to give practical effect to these constitutional obligations.

C. THE PARTIES AND JURISDICTION

16. The **First Applicant** is the Minister of Police, cited in an official capacity as member of the national executive responsible for policing in terms of section 206(1) of the Constitution of the Republic of South Africa, 1996, with its official offices situated at Wachthuis Building, 231 Pretorius Street, Pretoria .



17. The **Second Applicant** is the Provincial Commissioner of SAPS, KwaZulu-Natal, also cited in an official capacity, with provincial headquarters at Servamus Building, 15 Braam Fischer Road, Durban. Both Applicants are represented in these proceedings by the Office of the State Attorney, KwaZulu-Natal.

18. The **First Respondent** is March and March, a civil organisation against whom the principal relief is sought. The Applicants have had sight of the March and March information available on the internet. From investigations conducted, it appears that the First Respondent is an unincorporated body of persons, other than a partnership, associated under the name March and March . According to their social media page, their mission statement is "**Citizens first. Accountability always. We exist to protect South African citizens, enforce the rule of law and restore accountability through firm action, responsible governance and the empowerment of communities. Our mission is rooted in fairness, national integrity, and a commitment of duty that serves those who call South Africa home.**" The email addresses of the First Respondent are: info@marchandmarch.org.za and marchandmarch@yahoo.com with telephone number 069 442 5824. It is hence an association as defined in Uniform Rule 14(1) and is cited and sued under its own name under Uniform Rule 14(2), which permits an association to

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sue or be sued in its name. I pause to mention that the terms “sue” and “sued” in Rule 14 include applications. The First Respondent's further contact details are unknown to the Applicants. For purposes of this application, the Applicants seek leave, following the initial ex parte hearing, to effect service of the application and any order upon the First Respondent by email to info@marchandmarch.org.za and marchandmarch@yahoo.com, being the email addresses identified for March and March, subject to the Court's directions.

19. The **Second Respondent**, Jacinta Bongiwe Zuma, that the founder and movement leader the First Respondent, who according to the website claims to be a voice to citizens' concerns about undocumented immigration, resource access, and national priorities. She resides at 2 Doreen Crescent, Glenashley, Durban, and/or 202 Queensgate, c/o Queen Street, Durban, 2197.



20. The **Third Respondent** is Xolani Christopher Zuma , an adult male, the husband of the Second Respondent and a convenor of the First Respondent as well, who resides at 2 Doreen Crescent, Glenashley, Durban, and/or 202 Queensgate, c/o Queen Street, Durban, 2197.
21. The **Fourth Respondent** is Mthokozisi Alfred Gumede, an adult male with identity number 8504095531086, also known as “Felimtwini”, a well-known and influential member of the First Respondent. His contact number is 081 406 3120, and his addresses are L 585, Mbondwe Road, KwaMashu, and/or 33 Lamontville Road, Verulam.
22. The **Fifth Respondent** is Nozibusiso Khambule, a known national office bearer of March and March . The Fifth Respondent's further contact details are unknown to the Applicants. For purposes of this application, the Applicants seek leave, following the initial ex parte hearing, to effect service of the application and any order upon the Fifth Respondent by email to info@marchandmarch.org.za and marchandmarch@yahoo.com, being the email addresses identified for March and March, subject to the Court's directions.
23. The **Sixth Respondent** is Lindani Xulu, an adult male who identified himself to POP officers, including Colonel Mashaba and Colonel Dladla, as a convener of March and March. His further particulars are unknown to the Applicants. The Sixth Respondent's

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further contact details are unknown to the Applicants. For purposes of this application, the Applicants seek leave, following the initial ex parte hearing, to effect service of the application and any order upon the Sixth Respondent by email to info@marchandmarch.org.za and marchandmarch@yahoo.com, being the email addresses identified for March and March, subject to the Court's directions.

24. The **Seventh Respondent** is Uyama Mthembu, an adult male who identified himself to Colonel Mashaba and Colonel Dladla as a convener and organiser of the March and March marches. His further particulars are unknown to the Applicants. The Seventh Respondent's further contact details are unknown to the Applicants. For purposes of this application, the Applicants seek leave, following the initial ex parte hearing, to effect service of the application and any order upon the Seventh Respondent by email to info@marchandmarch.org.za and marchandmarch@yahoo.com, being the email addresses identified for March and March, subject to the Court's directions.



25. The **Eighth Respondent** is eThekweni Municipality, a category A metropolitan municipality contemplated in section 155(1)(a) of the Constitution of the Republic of South Africa, 1996, and a juristic person under section 2(d) of the Local Government: Municipal Systems Act 32 of 2000, with its principal administrative offices at City Hall, 263 Dr Pixley Ka Seme Street, Durban, 4000, KwaZulu-Natal. It is cited because the threatened conduct occurs within its municipal area and the application concerns the exercise of municipal functions under the Regulation of Gatherings Act 205 of 1993.
26. The **Ninth Respondent** is the Executive Head of the eThekweni Municipal Police Services, cited in that official capacity as the head of the Municipality's metropolitan police service, with official offices at Metro Police Headquarters, 16 Archie Gumede Place, Durban, KwaZulu-Natal. The Ninth Respondent is joined because the proposed order affects municipal policing, traffic control, enforcement of municipal by-laws and coordinated measures to protect the public and maintain access to the affected premises.
27. The **Tenth Respondent** is the Minister of Home Affairs, cited in an official capacity as the member of the national executive responsible for the Department of Home Affairs, with ministerial offices at 909 Arcadia Street, Pretoria, Gauteng. The Department's head office is at Hallmark Building, 230 Johannes Ramokhoase Street, Pretoria. The Minister is joined because the application concerns access to and protection of the Department's Refugee

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Reception Centre on Che Guevara Road, Durban, and the continued provision of public services at those premises.

28. No substantive adverse relief is sought against the Eighth to Tenth Respondents. They are joined because of their direct interests in the relief and its implementation. The conduct, premises and threatened harm are situated within this Court's jurisdiction.

D. THE ENCAMPMENT AND MARCH AND MARCH MOBILISATION

29. March and March supporters have established a camp outside and opposite the Refugee Reception Center in Berea, where they remain 24 hours a day. The location appears to function as an operational base from which their supporters assemble and convene to conduct marches. After the marches they return to what at best can be described as a base camp for the members and or supporters of the First Respondent. What is most significant, is that unlawfully erected camp on the pavement/sidewalk of Che Guevara Road in Berea, operates as a continuing presence opposite the Refugee Reception Center and provides a ready source of mobilisation into the CBD and surrounding areas. Further, the new emerging trend since last week appears to be formation of smaller groups, which means that the danger can spread beyond the main gathering while that base camp also remains occupied.



30. The affiliation of the persons to March and March at this base is very clear. The Second Respondent is regularly seen delivering meals to persons stationed there. Meals are provided at least three times a day as reported to me by Colonel Mashaba of POP, who is deployed to the Refugee Reception Center. On Thursday, 22 October 2026, the second respondent attended and spoke to the group at this camp for about two hours. Again, Col Mashaba has informed of the second respondent's presence. The Third Respondent is also frequently seen there by the members of POP. These illustrate sustained dealings between the organisation's leadership and the assembled supporters.

31. During the preceding week, the conveners of March and March, who are known to SAPS as they often present at the Section 4 of the Gatherings Act Meetings, in particular the Fourth Respondent, known as "Felimtwini", as well as the Sixth Respondent, Lindani Xulu, identified themselves to Colonel Mashaba and Colonel Dladla, as official conveners and office bearers of March and March. They approached Col Mashaba at Che Guevara Road.

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They had discussions with him as why the police were there and preventing them from marching and why were the persons and the camp sitting under the erected gazebos asked to disperse and leave. Hence there can be no doubt, that March and March, through their members have erected this “base camp” on Che Guevara Road. The police have over the last week followed them from this site when they march, and or back to the site after their protest marches .

32. I am further informed by Colonel Velani, the provincial head of Public Order Policing (POP) in KwaZulu-Natal, that five persons from the base camp at Che Guevara Road were detained by the police , on Friday 23 October 2026, in connection with the investigation into the murder of the Ugandan national on Thursday, 22 October 2026. This information provides a specific connection between persons from that camp and the investigation into the fatal attack. Their detention does not establish their involvement in the murder or their guilt, nor does it establish criminal responsibility on the part of every person at the camp or of the Respondents. Considered with the recent violence, continuing mobilisation and current intelligence warning, this development materially reinforces the apprehension of further serious harm and the need for immediate preventive protection.



33. On Wednesday, 21 October 2026, the Fifth Respondent (Ms Khambule) approached Colonel Mashaba and enquired why the police had been deployed to the area and why they had attempted to prevent the march earlier that morning. Colonel Mashaba informed her that, owing to the recent unlawfulness and criminality resulting from the marches, there were serious concerns about public safety. Despite that discussion, the group gathered at Che Guevara Road continued to march into the CBD, causing chaos and damage to property and assaulting and intimidating members of the public. Colonel Dladla of POP has also confirmed that he saw the Fourth to Seventh Respondents visiting the base established on Che Guevara Road. Ms Khambuhle is well known to Col Mashaba and Col Dladla. Col Dladla know where from previous meetings held with her where she represented the First Respondent .

34. On Sunday, 25 October 2026, the Second and Third Respondents attended the gathering at the base on Che Guevara Road together with the Fourth Respondent, known as “Felimtwini”. They remained there for some time and addressed the assembled crowd. This information was conveyed to me through operational reports from POP members deployed at the scene, reported through the senior POP officers, Colonels Mashaba, Dladla and Vilani.

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35. The conduct observed at the base on that occasion, as reported to me, indicates that the Fourth Respondent exercises a leadership and coordinating role among those stationed there, working in conjunction with, and apparently under the direction of, the Second and Third Respondents. The latter conclusion is an inference drawn from their observed interaction and conduct; it is not advanced as a direct quotation of any instruction given between them.
36. Their joint attendance and participation in addressing the crowd provide further, recent corroboration of the connection between the Che Guevara Road gathering and March and March. Considered together with the Second Respondent's repeated attendance and provision of meals, the conveners' identification of themselves to POP officers, and the movement of marchers to and from this base, these facts establish a sustained organisational connection. The Applicants accordingly identify the gathering as a mobilisation base of the First Respondent, operating with the involvement of its leadership and conveners, rather than merely a gathering of persons independently expressing similar views.
37. I am further informed through the same operational reporting that, while the Second Respondent was present on 25 October 2026, persons assembled at the base sought to proceed on a march, but were prevented from doing so by POP members. The mobilisation was therefore active on that day, and police intervention was required to prevent the proposed march from proceeding.
38. A recording of the Second Respondent's address to the crowd on 25 October 2026 has been brought to my attention. In that address, she stated that no persons should be killed and called upon those who had assaulted persons to stop doing so. These statements are disclosed fully and fairly to this Honourable Court. Her admonition to those responsible for the assaults nevertheless supports the inference that she acknowledged that persons within the group she was addressing had perpetrated assaults during the preceding week. The Applicants do not suggest that these statements constitute an admission that she personally authorised or participated in those assaults.
39. In the same recorded address, the Second Respondent used the expression "Jaka Jaka", which, as interpreted to me, means that those addressed may chase persons away. She



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expressly qualified this by stating that they should not touch or hit those persons. Whilst that qualification must be acknowledged, her words nevertheless conveyed approval of chasing persons away, conduct capable of intimidating those targeted even without physical contact.

40. In the same address, the Second Respondent further indicated that the intended march would proceed via Florida Road, a well-known restaurant and entertainment precinct frequented by members of the public. She also stated that she should "call on everyone". Read together, these statements indicate an intention to mobilise additional participants for further marches, including through an area used by patrons, employees, business owners and other members of the public.



41. The Second Respondent also called upon those present to attend at the two police stations referred to in her recorded address to support Uber drivers who, according to that address, had been detained there. In the context of her express references to further marches, this call indicates the prospect of additional mobilisation at those locations.

42. Viewed cumulatively, and against the assaults, intimidation and other incidents described in this affidavit, these statements give rise to a reasonable apprehension of increased participation and renewed public disorder along the intended routes and at the identified locations. Her express injunction against killing and physical assault is material and is fairly disclosed. It does not, however, dispel the apprehension arising from her approval of chasing persons away and her calls for further mobilisation in circumstances where recent gatherings have been accompanied by violence and intimidation.

43. The central difficulty, however, is the demonstrated inability to ensure that the mobilisation remains peaceful. The assaults, intimidation and damage described above occurred notwithstanding the involvement of the organisation's conveners and whatever marshalling arrangements, if any, were in place. Any marshals appointed for those marches did not prevent the serious disorder which ensued. The Applicants' concern

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therefore extends beyond what the leadership professes to intend: it concerns whether the organisers can, in practice, prevent renewed violence and intimidation.

44. The reported appeal for restraint does not answer that concern. The continued assembly at the base, further addresses by the leadership and the attempted march on 25 October 2026 demonstrate that mobilisation continues despite the preceding violence. On the facts presently available, the Applicants cannot reasonably regard a verbal injunction against violence as sufficient protection against its recurrence. The injunction against physical assault must be assessed together with the words permitting persons to be chased away, as interpreted to me, and the express calls for further mobilisation.



45. The Applicants accordingly submit that a temporary cessation of the identified marches is necessary during the period of immediate danger. A prohibition upon unlawful conduct alone, although essential, would leave in place the continuing mobilisation through which that conduct has repeatedly arisen and which the organisers have not demonstrated an ability to control. The restraint sought must be assessed against that practical failure of control and the serious consequences already described.
46. The distinction conveyed in the Second Respondent's address between chasing persons away and refraining from touching or hitting them is a matter of grave concern. As interpreted to me, her words permit conduct capable of intimidating those targeted, notwithstanding her express injunction against physical violence. In the circumstances described above, an appeal against physical assault does not adequately protect persons exposed to coercion or being chased away.
47. Intimidation is itself a serious form of coercion. In the circumstances described in this affidavit, it also creates an immediate risk of escalation into physical confrontation. Persons who are threatened, surrounded, obstructed or compelled to close their businesses may resist, attempt to escape or seek assistance. An encounter initiated as intimidation can then develop rapidly into assault and wider disorder, irrespective of the organisers' professed intention that no physical attack should occur. The preceding week's events provide compelling grounds for treating that risk as real and immediate.

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48. The Applicants cannot reasonably rely upon a distinction between permitted intimidation and prohibited violence as an effective safeguard for the public. Once an assembled crowd is encouraged to coerce others, its leaders cannot assume that they will be able to determine where that coercion ends. The failure to prevent the assaults, intimidation and destruction already described demonstrates the danger of relying upon verbal qualifications which conveners and marshals have not shown themselves capable of enforcing.
49. The public cannot reasonably be required to endure another week of exposure to the violence, looting, intimidation, damage to property, obstruction of access and disruption of traffic described above, compounded by the present intelligence warning of arson. Residents, traders, employees and users of public services should not have to wait another attack before obtaining effective protection. Each further mobilisation creates an opportunity for the same pattern of harm to recur, while the continuing demands upon police resources make sustained containment increasingly difficult.
50. The Applicants accordingly submit that immediate, temporary intervention is necessary to interrupt this continuing danger. The relief sought is preventive: its purpose is to avert the next assault, the next act of destruction and the next loss of life while prevention remains possible. Against the events already established, the continuing mobilisation and the reported encouragement of intimidation, an assurance that physical violence is discouraged does not provide adequate protection. The Court is respectfully asked to impose the defined temporary restraint sought before further harm becomes irreversible.
- 50.1. I attach hereto a copy of the confirmatory affidavit of Colonel Mashaba, marked as Annexure SAPS 1.
- 50.2. I attach hereto a copy of the confirmatory affidavit of Colonel Dladla, marked as Annexure SAPS 2.
- 50.3. I attach hereto a copy of the confirmatory affidavit of Colonel Velani, marked as Annexure SAPS 3.
51. Taken together, the continuous encampment, the leadership's attendance and provision of meals, the conveners' express identification and the direct engagements with POP establish March and March's involvement in the mobilisation. There is no doubt, on the operational information furnished to me, that the recent marches and the associated campaign of intimidation and unlawful conduct in the CBD have occurred at its instance.



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52. The Applicants will make available to this Honourable Court, on a USB storage device, the video footage relied upon in these proceedings, including the available recordings of the addresses delivered on 25 October 2026 by the Second, Third and Fourth Respondents. The footage will be identified in an accompanying index specifying, so far as established, the source, date, location and relevant portions of each recording. Where interpretation or translation is required, the relevant passages will be accompanied by a verified transcription and translation.

53. I attach hereto a USB storage device, marked Annexure "SAP 4", containing photographs depicting the marches which took place on 21, 22 and 23 October 2026 in the Durban central business district. As is evident from these photographs, the protesters or marchers participating in the March and March marches are clearly carrying weapons. Some are also covering their faces, all in violation of the Gatherings Act.



54. Further on Friday, the 23 October 2026, two of the persons stationed at the "base", were arrested for public indecency for urinating on the sidewalks, despite being warned not to do so. On Saturday, the 24th of October 2026, I was informed that two mobile toilets were delivered to this "base" and are placed on public space for the use of the members and supporters of the First Respondent.

55. Persons attempting to enter the Refugee Reception Center have been intimidated and harassed by protesters identifying themselves as March and March supporters. They were questioned about the reasons for entering the premises. The ongoing harassment and intimidation tactics of these deployed March and March, has resulted in the staff working at the Refugee Reception Center fearing for their lives, as photographs of car registrations and them were taken by these persons at the base.

56. The occupation across the road from the Refugee Reception Center, has become a means of controlling access to a public office through coercion. Members of the public are placed in the intolerable position of having to expose themselves to confrontation in order to approach a government department.

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57. Public services cannot be made subject to a crowd's permission or to a person's willingness to endure threats and harassment.

58. Further , it is noteworthy that :

58.1. The protesters are no longer proceeding exclusively as one identifiable group. They are splintering into smaller groups, increasing the number of locations at which confrontation may arise and making the control of their movements more difficult. This fragmentation exposes people beyond the immediate vicinity of the main gathering and complicates the deployment of police resources to prevent simultaneous or successive incidents.



58.2. The conveners and marshals are not maintaining effective control over the crowds and the rogue or criminal elements operating within the mobilisation. Whatever peaceful intentions may have accompanied the calling of the marches, those intentions have not prevented the escalation into intimidation, attacks upon persons and property and the serious violence reflected in the reports set out below. The danger arises from the actual course of the mobilisation and its failure of control.

58.3. The duty to maintain peaceful conduct is central to the protections built into the Regulation of Gatherings Act 205 of 1993 (the Act). Where conveners and marshals cannot contain the crowd or prevent smaller groups from breaking away and engaging in unlawful conduct, the public bears the immediate consequences. A legitimate grievance cannot make those consequences acceptable. The Applicants seek a temporary interruption because the continuation of uncontrolled mobilisation creates an immediate threat to people who have neither caused nor consented to that danger.

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58.4. SAPS attempted to engage eThekweni Metro Police to disperse the persons gathered on the pavements of Che Guevara Road. These efforts have not produced a lasting dispersal. Those gathered leave for a short period, but within a few hours the gathering reforms. Some participants depart, others arrive, and persons previously dispersed return. The occupation is therefore repeatedly renewed despite the attempts to clear the pavement.

58.5. The continual movement and replacement of participants make the gathering exceptionally difficult to monitor and control. A temporary dispersal does not remove the source of mobilisation: the same location is reoccupied and again becomes a point from which marches are launched. Police intervention at one moment is thus followed by the re-creation of the same danger a few hours later.



58.6. In these circumstances, the Applicants consider a temporary halt to the marches necessary to break the cycle of dispersal, return and renewed deployment into the CBD. The objective is to restore safety and normality to the affected area and enable businesses to trade without intimidation, damage or fear of attack. Traders and business owners depend upon that trade for their livelihoods. Continued disruption at this crucial time also creates a serious risk of interference with the approaching local elections and the public's safe participation in that process.

E. ESCALATION AND THE PUBLIC CONSEQUENCES

59. The campaign has created an atmosphere of pervasive fear and insecurity among residents and business owners throughout Durban and the Greater Durban area.

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60. The apprehension is of physical attack, intimidation and the destruction of property: being assaulted or threatened in the street; finding a business looted or its premises damaged; and having a private vehicle vandalised, wrecked or set alight
61. Residents fear for their own safety, the safety of their children and elderly family members, and the security of their homes and possessions. Business owners fear for their employees and customers, their stock and premises, and the livelihoods built upon them.
62. The threat follows people into the ordinary decisions of daily life: whether it is safe to leave home, open a business, travel through the city or allow a family member to venture out. No resident should have to conduct daily life under the apprehension that the next movement of a crowd may bring violence to their person, their family or their property.



63. The encampment and continuing mobilisation described above sustain that apprehension, while the public reporting of assaults, looting and destruction magnifies its reach. The resulting fear is widespread, immediate and deeply disruptive of the security which residents and business owners are entitled to expect.

F MEDIA REPORTS PUBLISHED ONLINE AND RETRIEVED FROM THE INTERNET

64. The media reports referred to below are included solely to identify the reporting concerning these marches that is available in the public domain. The Applicants do not rely upon those publications as proof of the truth or accuracy of their contents, or as the factual foundation for the relief sought in this application. The factual basis for the application is advanced independently through the evidence contained in this affidavit, the supporting confirmatory affidavits, and the operational and Crime Intelligence information identified herein, subject to the requirements governing its admissibility. No allegation is advanced as an established fact merely because it appears in a media report.
65. IOL's report of 24 October 2026, by Zainul Dawood, records a fatal assault upon a Ugandan man during a march on Dr Pixley KaSeme Street towards Maud Mfusi Street on 22 October. Attributing the account to Colonel Robert Netshiunda, it also records an

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assault on 21 October, assaults upon two foreign nationals in Berea on 22 October, and five persons of interest taken in at the Che Guevara Road protests on 23 October.

66. That report also describes the alleged breaking into and ransacking of the VFS visa application premises in Berea on 22 October. Dawood's separate IOL report dated 22 October describes reported gunfire and attempted forced entry at Linden Road, looting on Prince Edward Street on 21 October, and a Joe Slovo Street shopkeeper locking 21 customers and 15 employees inside while alleged March and March protesters chanted and struck the entrance. It records widespread shop closures and continued closure of the Refugee Reception Center despite a substantial police presence.

67. The publications are titled "Durban plunges: Murder, looting, and ransacked businesses as violent anti-immigration protests escalate", dated 24 October 2026, and "Shops shut in Durban CBD as March and March protest violence and security fears grow", dated 22 October 2026. They are tendered to illustrate the extent of public reporting and the atmosphere of fear and insecurity. The Applicants do not rely upon their correctness or accuracy as proof of every event reported. The organisational connection described above and the intelligence warning below are advanced independently of those publications.



68. The splintering of protesters into smaller groups materially increases the vulnerability of the public. Monitoring or containing the main gathering does not secure residents against groups moving into other streets. Police must then respond to dispersed points of confrontation, while residents, employees, and customers face the immediate danger before assistance reaches them. The threatened harm concerns the safety of people in the affected commercial streets.

G. CURRENT INTELLIGENCE AND THE THREAT OF ARSON

69. On , 25 October 2026, SAPS received crime intelligence indicating that March and March intends further marches during the week commencing 26 October 2026. Crime Intelligence has also received information of planned action this week , to burn down the Refugee Reception Center on Che Guevara Road.

70. The threatened building stands beside a continuously occupied mobilisation base. An assembled group, an immediately accessible target and a current warning of arson create

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a pressing danger requiring action before the threat is executed. The dispersal of supporters into smaller groups further complicates containment and permits attention to be diverted between locations. The Applicants cannot responsibly wait for the first flames, a fresh assault or the next outbreak of looting before seeking protection.

71. The warning is especially grave against the background of publicly reported arson. The Office of the Provincial Commissioner's media statement of 10 October 2026, published on eThekweni Municipality's website as "Fifteen suspects arrested and more expected for Durban protests", records two houses burnt in Umbilo, damaged and looted shops and investigations into the burning of vehicles and buildings. Those incidents predate the past week. The publication illustrates the destructive conduct already being reported: the present apprehension rests upon the current intelligence and the operational circumstances at the threatened premises.



72. An attack upon the Refugee Reception Center, would threaten the lives and safety of people at or near the premises, adjoining properties, public records and essential services. Fire cannot be confined by a protester's professed intention: once started, its consequences may spread beyond the intended target. The Applicants seek a robust preventive response while those consequences remain avoidable. The public should not have to suffer the threatened destruction before the law affords effective protection.

73. The Applicants seek appropriate directions protecting confidential intelligence sources and sensitive collection methods. They accept the Court's authority to regulate disclosure, including restricted access or redaction where justified. Confidentiality is advanced for protection of the intelligence material; the separate factual basis for withholding advance notice of the application is set out below, as well as the protection of the informers and safety.

H. THE LEGAL BASIS FOR PROTECTION

74. I am advised that sections 7(2), 10, 11 and 12(1)(c) of the Constitution require protection of dignity, life and freedom from violence from public or private sources. Section 205(3) places the prevention of crime and maintenance of public order within SAPS's constitutional mandate. Those protections extend to everyone; alleged immigration status supplies no justification for assault, intimidation or exclusion from public services.

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75. In **Kopanang Africa Against Xenophobia v Operation Dudula**, the High Court restrained intimidation, harassment and assault of persons identified as foreign nationals, interference with services and livelihoods, and instigation of the prohibited conduct. The decision confirms the availability of targeted interdictory protection against organised private coercion pursued under an immigration-related campaign. The comparable feature here is the use of organised mobilisation to interfere with personal security and access to public services. The Applicants rely upon the conduct proved in this matter, rather than upon the name or stated objectives of either organisation.¹

76. Section 17 of the Constitution of the Republic of South Africa, 1996 protects the right, peacefully and unarmed, to assemble, demonstrate, picket and present petitions.



I THE REQUIREMENTS OF SECTION 8 AND THE CONDUCT OF THE RECENT GATHERINGS

77. I am advised that section 8 of the Regulation of Gatherings Act 205 of 1993 imposes specific obligations upon conveners, marshals and participants concerning the conduct of gatherings. The Applicants rely upon the particular breaches addressed below, arising from the conduct described in this affidavit during the period 21 to 23 October 2026 and the continuing interference with access to the Refugee Reception Center.²

77.1. Section 8(1): Marshals and peaceful conduct

Section 8(1) requires the convener to appoint the number of marshals specified in the notice or amended notice, to control participants and take the necessary steps to ensure that the gathering proceeds peacefully and complies with section 8 and the applicable notice and conditions. The marshals must be clearly distinguishable. As described above, participants

¹*Kopanang Africa Against Xenophobia and Others v Operation Dudula and Others* (2023/044685) [2025] ZAGPJHC 1102 (4 November 2025), para 1 and order paras (1)–(4).

²Regulation of Gatherings Act 205 of 1993, sections 8(1), 8(4), 8(6) and 8(9)(i); Dangerous Weapons Act 15 of 2013, sections 1 and 5(a).

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proceeded from the base on Che Guevara Road into the CBD, where assaults, intimidation and damage to property followed. Participants also separated into smaller groups over which effective control was not maintained. The Applicants rely upon the continuation of that conduct, notwithstanding police engagement with the conveners, as demonstrating the failure of the arrangements for controlling participants and securing peaceful conduct. This allegation concerns the failure of effective control; it is not an assertion, unsupported by direct evidence, that no marshals were appointed.



77.2. Section 8(4): Possession of dangerous weapons

Section 8(4) prohibits participants at a gathering or demonstration from possessing the firearms and related objects specified in that subsection, or dangerous weapons as defined in the Dangerous Weapons Act 15 of 2013. The convener and marshals, if any, must take all reasonable steps to ensure compliance. The definition of a dangerous weapon includes an object, other than a firearm, capable of causing death or inflicting serious bodily harm if used for an unlawful purpose.

77.3. During the recent marches, participants carried sticks, knobkerries and stones which, as described in this affidavit, were used to assault members of the public and damage property. I have personally viewed the footage referred to above depicting the assault upon the man wearing a red T-shirt, during which members of the crowd struck him with sticks before police intervened. The Applicants rely upon the nature of those objects and their use as instruments of assault to establish their character as dangerous weapons. Their possession by participants

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constituted a breach of section 8(4). The continuation of their possession and use also supports the Applicants' contention that effective steps were not taken by the relevant conveners and marshals to secure compliance with that subsection.

77.4. Section 8(6): Acts or words causing or encouraging

violence. Section 8(6) prohibits any person present at or participating in a gathering or demonstration from performing acts or uttering words calculated or likely to cause or encourage

violence against any person or group of persons. The collective attack depicted in the footage described above, in which



members of the crowd struck a member of the public with sticks, constituted conduct calculated or likely to cause violence against him. The Applicants accordingly rely upon that conduct as a breach of section 8(6), independently of any criminal liability arising from the assault itself. The allegation is directed at those who committed, encouraged or otherwise participated in the prohibited conduct; it does not attribute that conduct to every person present merely because of their attendance.

77.5. Section 8(9)(i): Reasonable access to buildings and

premises Section 8(9)(i) requires marshals at a gathering to take all reasonable steps to ensure that participants do not bar an entrance to a building or premises so as to deny reasonable access to any person. As described above, persons attempting to enter the Refugee Reception Center have been questioned, intimidated and harassed by protesters identifying themselves as March and March supporters. Staff members have also been

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subjected to conduct which has caused them to fear for their safety, including the photographing of themselves and their vehicle registrations.

77.6. The Applicants' contention is that the conduct described above has operated as a means of controlling access to the Refugee Reception Center through coercion. Insofar as participants have thereby prevented persons from entering, the Applicants rely upon that conduct as the barring of reasonable access contemplated by section 8(9)(i). The alleged failure of the marshals to take reasonable steps to prevent that obstruction constitutes the breach relied upon. The Applicants distinguish the denial of access through the conduct of participants from the separate decision to close the premises because of security concerns.



77.7. The responsibility of the conveners and marshals

The Applicants do not contend that the occurrence of an unlawful act automatically establishes a breach of every obligation imposed upon a convener or marshal. Their contention is founded upon the repeated conduct described above, the continued possession and use of weapons, the failure to maintain effective control over participants, and the continuing interference with access to the Refugee Reception Center despite police engagement. The Applicants submit that these circumstances support the inference that the steps required to secure peaceful conduct, compliance with the weapons prohibition and

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reasonable access to premises were not taken or were materially inadequate.

77.8. The evidential basis of these allegations

In advancing these allegations, I rely upon the operational information attributed in this affidavit to the identified police officers and, in relation to the assault footage, upon my own viewing of that material. The newspaper reports remain subject to the evidential limitations expressly stated above. They are not relied upon as a substitute for direct evidence establishing each breach, nor does this section enlarge the purpose for which those reports are tendered.



77.9. The relevance of these breaches to the relief sought

The Applicants submit that the conduct described above demonstrates a failure of the safeguards intended to protect participants and the public during gatherings. The threatened continuation of the mobilisation must be assessed against those recent events and the current intelligence warning. The Applicants rely upon the identified breaches, together with the evidence of threatened repetition, to support preventive relief directed at protecting persons, property and access to the Refugee Reception Center. They do not contend that those breaches, without more, justify an unrestricted prohibition of every peaceful gathering.

78. I am advised that section 3 of the Regulation of Gatherings Act 205 of 1993 continues to require the convener of a gathering falling within the Act to give written notice to the

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responsible officer of the relevant municipality, subject to the provisions governing the timing of such notice. In **Mlungwana and Others v S and Another** [2018] ZACC 45; 2019 (1) SACR 429 (CC), the Constitutional Court invalidated the criminalisation of failure to give notice or adequate notice under section 12(1)(a). It did not invalidate section 3 or abolish the statutory notification process.³

78.1. To the best of my knowledge, the Applicants are not aware of any notices submitted to the responsible officer of eThekweni Municipality under section 3 in respect of the marches described above which took place during the period 21 to 23 October 2026. In the ordinary course, SAPS is copied on email notices submitted to eThekweni Municipality in respect of proposed marches. However, SAPS did not receive any such notices in respect of the marches which took place during the preceding week and was not copied on any emails submitting such notices to the Municipality, as is the usual practice.



78.2. As at the date of this affidavit, the Applicants are likewise not aware of any notices submitted under section 3 in respect of the further marches which, according to the intelligence described above, are contemplated during the week commencing 26 October 2026. The Applicants distinguish their knowledge of threatened mobilisation from knowledge of a gathering notified through the statutory process.

³*Mlungwana and Others v S and Another* (CCT32/18) [2018] ZACC 45; 2019 (1) SACR 429 (CC) (19 November 2018).

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78.3. The absence of any notice known to the Applicants is relevant to the opportunity to engage the conveners' concerning routes, times, marshals, access to premises and measures for protecting participants and the public. The Applicants do not contend that absence of notice, without more, establishes criminal liability or automatically justifies prohibiting a gathering.

78.4. The Applicants seek a temporary halt to all further marches

convened, organised or conducted by the First to ~~Seventh~~ Respondents, or by persons acting through them, within the geographical area and for the defined period sought in the notice



of motion. The restraint is sought whether or not notice has been given under section 3 and notwithstanding any professed intention that a particular march will commence peacefully and unarmed. The Applicants recognise the constitutional protection afforded to peaceful and unarmed assembly. Their case is that the recent course of the marches, the fragmentation of participants into smaller groups, the failure to maintain effective control and the current intelligence warning establish a sufficiently serious and imminent risk that a march which begins peacefully may rapidly escalate into assaults, intimidation, looting and destruction. The approaching local government elections heighten the consequences of that risk. On the facts described above, the Applicants submit that advance notice, conditions and assurances of peaceful intentions would not provide sufficient protection against that escalation during the limited period for which restraint is sought.

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78.5. The need for the proposed temporary halt accordingly extends to notified marches as well as marches of which no notice has been given. In the Applicants' assessment, based on the repeated disorder despite police intervention and engagement with the conveners, neither the available police and municipal resources nor the conveners and marshals can adequately contain the threatened escalation if further marches proceed during the critical period described above. Merely restraining unlawful conduct after participants have assembled and begun to move would leave the public exposed before effective intervention could occur. The Applicants therefore seek to prevent the recurrence of the circumstances in which that harm has arisen, rather than await another outbreak of violence. This submission rests upon the specific facts and operational circumstances set out in this affidavit, and the Applicants seek a temporary, geographically defined restraint, subject to an early return date and the Respondents' opportunity to seek reconsideration.



78.6. The marches and gatherings described above which took place during the preceding week involved more than 15 participants. Having regard also to their purpose and the public roads and places at which they occurred, they were gatherings as defined in section 1 of the Act, to which the notification provisions of section 3 applied.

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78.7. In respect of those particular gatherings, SAPS was not consulted by the municipal responsible officer under section 4(1), and its authorised representative was not invited to any meeting with the conveners, their representatives or other relevant officials under section 4(2)(b). No consultation or negotiation involving SAPS took place under section 4(2)(b) to (d) in respect of those gatherings. This allegation concerns the particular gatherings during the preceding week and does not detract from the references above to the conveners' attendance at section 4 meetings on other occasions.



78.8. I am advised that, under section 4(1), receipt of notice would have obliged the responsible officer forthwith to consult the authorised police member concerning the need for negotiations. That duty also arises when other information about a proposed gathering comes to the responsible officer's attention. The absence of that consultation deprived SAPS of the opportunity to participate in the statutory process for settling routes, assembly and dispersal arrangements, marshalling, access to premises and appropriate protective conditions before those gatherings took place.

78.9. Attempts to contact eThekweni Municipality over the weekend were unsuccessful. It has therefore not been possible to establish whether notices were submitted to the responsible officer and the Municipality thereafter failed to comply with its obligations under section 4, or whether no notices were submitted. In SAPS's previous dealings with the Municipality, the Municipality has

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consistently complied with section 4 when notices were received, including by engaging SAPS. Against that established practice, SAPS's non-receipt of notices or copies of notification emails and the absence of any consultation support the Applicants' inference that it is more probable than not that no notices were submitted in respect of the gatherings described above. This is an inference from the available information; it has not been verified against the Municipality's records.

78.10. As at the date of this affidavit, SAPS has likewise not been



consulted by the municipal responsible officer or invited to a section 4 meeting in respect of the further gatherings contemplated during the week commencing 26 October 2026. Consequently, the advance consultative safeguards have not been implemented with SAPS's participation in respect of those proposed gatherings. This has impaired advance coordinated planning but does not extinguish SAPS's statutory powers or duties to protect persons and property. The Applicants rely upon this absence of advance coordination together with the recent violence and current intelligence warning in seeking immediate preventive relief.

78.11. I am advised that the Regulation of Gatherings Act expressly contemplates intervention before threatened violence or destruction occurs. Section 5 provides for the preventive prohibition of a proposed gathering where credible information on oath establishes the specified threat and the inability of police and traffic officers to contain it. The statutory scheme therefore does

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not require the public to suffer further injury or damage before protective measures may be considered.

78.12. Under section 5(1), the relevant threats include injury to participants or other persons and extensive damage to property. Section 5(2) permits prohibition by the responsible officer where, following the prescribed meeting or consultation, that officer is reasonably convinced that amendments or conditions would not prevent the threatened consequences. The Applicants rely upon that statutory approach in explaining why the adequacy of lesser protective measures must be assessed against the actual operational circumstances described in this affidavit.



78.13. Those circumstances include the recent assaults, possession and use of weapons, interference with access to the Refugee Reception Center, repeated mobilisation from the base on Che Guevara Road and separation of participants into smaller groups. They must be considered together with the current intelligence warning of further marches and threatened arson. The Applicants rely upon the evidence attributed to the identified officers, my own viewing of the assault footage described above, and the intelligence information subject to the evidential qualifications already stated. These matters disclose a concrete apprehension of repetition, rather than an objection to the Respondents' message or objectives.

78.14. The Applicants have considered whether further engagement, altered routes, restrictions on times, additional marshalling or

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continued police deployment could adequately address that danger. On the facts described above, the danger is not confined to a single route or procession. Participants separate into smaller groups, the mobilisation base is repeatedly reoccupied after dispersal, and unlawful conduct has continued despite police intervention and engagement with the conveners. In the Applicants' assessment, arrangements governing only the principal procession would not adequately protect persons and premises exposed to those dispersed groups.



78.15. The Applicants accordingly submit that the temporary halt sought is necessary to interrupt the recurring mobilisation during the defined period of immediate danger. An assurance that a march will begin peacefully, or the submission of a notice specifying its route and conditions, would not sufficiently answer the demonstrated risk of subsequent escalation and loss of control. The approaching elections heighten the consequences of that risk, but the justification for the restraint remains the particular threatened harm and the inadequacy of lesser protective measures described in these papers.

78.16. I am further advised that section 6(5), notwithstanding the procedures in subsections (1), (2) and (4), expressly permits an urgent application to an appropriate court for the prohibition of a gathering or the imposition of conditions. The Applicants invoke that provision, insofar as applicable to their standing and the relief sought, together with their constitutional responsibilities, public-interest standing and the requirements for interim interdictory

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relief addressed below. They do not suggest that section 6(5) dispenses with the need to establish a proper evidential basis for the restraint.⁴

78.17.SAPS has not been consulted by the municipal responsible officer in respect of the proposed marches, nor has its authorised representative been invited to any meeting with the conveners or their representatives concerning those marches. Its knowledge of the threatened mobilisation and proposed arson derives from Crime Intelligence, rather than notices furnished through the statutory process or consultation with the organisers. In particular:



- (i) Although the intelligence indicates that further marches are contemplated, SAPS has not been provided with specific particulars identifying their proposed assembly points, routes, destinations or dispersal points. It is consequently not known whether the further marches will occur within the Durban CBD, elsewhere within eThekweni or in other areas. The Applicants do not suggest that the intelligence identifies a planned march at every location within the Province. The operational difficulty is that the places at which the threatened mobilisation may occur have not been specified.
- (ii) The specific premises identified in the intelligence warning are the Refugee Reception Center on Che Guevara Road, which is reportedly targeted for an act of arson. That identifiable threat requires protective deployment at those premises. It does not,

⁴ Regulation of Gatherings Act 205 of 1993, sections 5(1)–(3) and 6(5).

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however, resolve the separate uncertainty concerning the locations and movements of the further marches.

- (iii) Police resources cannot be deployed simultaneously at every possible assembly point, route, business district or residential area in anticipation of marches whose locations have not been disclosed. The difficulty is compounded by the recent separation of participants into smaller groups and the continuing mobilisation from the base described above. SAPS must protect the identified arson target while remaining able to respond to incidents elsewhere and discharge its ordinary policing responsibilities. The absence of advance particulars materially impairs its ability to position personnel before persons and property are exposed to harm.



79. Taking these circumstances together with the recent violence, repeated mobilisation, difficulties in maintaining control and current intelligence warning, the Applicants seek a temporary prohibition throughout KwaZulu-Natal of marches convened, organised or conducted by the First to Seventh Respondents, or by persons acting through them. The Applicants submit that restricting the order to identified streets or the Durban CBD would leave the risk of the same mobilisation occurring outside those boundaries without advance warning to SAPS. The provincial extent of the relief is advanced as necessary to prevent that displacement during the defined period of immediate danger, rather than as a prohibition of unrelated gatherings by other organisations or persons. The restraint sought remains subject to an early return date, reconsideration and such narrower geographical limits as the Court may consider justified by the evidence.

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79.1. Attempts were made over the weekend by the State Attorney to contact eThekweni Municipality's legal administration officials, but those attempts were unsuccessful. SAPS Legal Services likewise attempted, without success, to contact the Municipality's legal department in order to convey the intelligence received concerning proposed marches and the threatened arson at the Refugee Reception Center and to secure urgent engagement with the relevant designated officials. It was consequently not possible through those attempted contacts to establish whether notices had been received or to secure consultation concerning the threatened mobilisation. These attempts demonstrate that the Applicants sought engagement rather than simply awaiting consultation. However, with supporters already mobilised and Crime Intelligence warning of further marches and proposed arson, the Applicants submit that effective protection cannot await the outcome of further attempts to establish contact. Immediate judicial intervention is sought alongside continuing efforts to engage the Municipality and the relevant conveners.



79.2. No decision by the responsible officer refusing prohibition has been established on the information presently available. The Applicants do not represent this application as a review of such a decision. They approach this Court for immediate preventive protection against the identified danger, rather than await further violence while the position concerning notices and municipal action remains unresolved. eThekweni Municipality and the

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Executive Head of its Municipal Police Services are cited as the Eighth and Ninth Respondents respectively because of their interests in the relief and its implementation, as explained above.

79.3. The Applicants recognise that prohibition restricts the exercise of assembly rights and must be justified by the evidence. The order sought is directed at the Respondents threatened mobilisation throughout KwaZulu-Natal for a limited period, subject to an early return date and reconsideration. The Applicants submit that those safeguards, together with the recent events and current warning, justify intervention before further lives, personal safety, property and essential public services are placed at risk.



80. The connection between the cited persons and the relief has been addressed in their respective roles and conduct above: leadership and support of the encampment, direct organisation of marches and engagement with POP. Hence, the factual connection between the Respondents and the conduct sought to be restrained has been established. The restraint is sought against the organisation and those cited in relation to their own organisation, direction, support or conduct of the threatened activity.

H. REQUIREMENTS FOR INTERDICTIONARY RELIEF

81. I am advised that interim relief requires a prima facie right, although open to some doubt; a reasonable apprehension of irreparable harm; a balance of convenience favouring protection; and no adequate alternative remedy. For final relief, a clear right, injury committed or reasonably apprehended and the absence of similar protection by an

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ordinary remedy are required. The following facts establish the case for immediate provisional protection.⁵

82. The rights requiring protection are the most fundamental: life, bodily integrity, dignity and freedom from violence, together with protection against unlawful destruction of homes, businesses, private vehicles and public property. Residents and business owners are entitled to live and work without threats, assaults or the fear that a passing group will turn upon them or their possessions. The intimidation at Refugee Reception Center, dispersed mobilisation and current arson warning establish a present threat to those rights, requiring effective protection rather than an assurance that offences will be investigated afterwards.

83. The apprehended harm is irreparable and capable of occurring before an ordinary hearing. It is significant to note that supporters are already assembled; smaller groups can move away from the main gathering; the threatened building is immediately accessible; and further mobilisation is planned for the coming week. Further, it was observed that the numbers at the "base", appear to have increased as of the weekend, raising further concerns. Together, with the address yesterday it is obvious these marches are going to continue. This corroborates the intel received. Serious assault, grievous bodily injury, the destruction of a home or business and loss of life cannot be made good by an eventual order. A person injured while the application awaits a hearing receives no meaningful preventive protection from a prosecution brought after the event.

84. POP officers have been deployed and have engaged the organisers, but the mobilisation continues. The group at Che Guevara Road proceeded to march into the CBD despite Colonel Mashaba's explanation to the Fifth Respondent on 21 October 2026 of the serious public-safety concerns. The joint engagement and dispersal efforts described above have not secured a lasting cessation of the pavement gathering. The base is repeatedly reoccupied, groups are splintering and Crime Intelligence warns of further action and arson. These circumstances make a binding restraint directed at the continuing mobilisation necessary in addition to police deployments.



5Health Worx Medical Centres (Pty) Ltd v Firstrand Bank Ltd and Others (2025/127231) [2025] ZAGPJHC 817 (25 August 2025), para 9; Barolong Boo Modiboa (Ba Matlwang) Communal Property Association v Motloung and Others [2026] ZANWHC 278, para 3.

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85. The Applicants will continue to exercise their statutory powers, but policing cannot supply an officer beside every threatened resident, shop, home or parked vehicle. The multiplication of smaller groups creates the risk of injury before officers can intervene at each location. Engagement, conditions and arrests remain important; they have not removed the continuing mobilisation or the present threat. The additional remedy sought is a binding preventive restraint upon the organisation and conduct of that activity. Subsequent prosecution or damages cannot provide equivalent protection during the immediate period of danger.

86. I am informed by the POP command that the current deployment comprises just under 400 police officers, the majority of whom are stationed at Che Guevara Road and at other locations in and around Durban. This substantial deployment demonstrates the operational demands already occasioned by the continuing gathering and associated protest activity. Its presence has enabled intervention, including the prevention of the proposed march on 25 October 2026, but has not brought the continuing mobilisation to an end.



87. The approaching local government elections will require POP resources to be deployed to areas identified through operational assessments as presenting heightened risks of disruption or violence. I am informed that these competing requirements will necessitate the redeployment of officers and reduce the resources available to sustain the present deployment in and around Che Guevara Road. The Applicants will continue to discharge their policing duties. The material concern is that a continuing mobilisation requiring concentrated police containment will persist while the resources available for that containment diminish. This reinforces the need for effective preventive relief directed at the identified unlawful conduct.

88. The First Respondent presents itself as a civic association. On the information presently available to the Applicants, it is not a political party contesting the approaching local government elections. The temporary restraint sought is not directed at excluding an electoral contestant, preventing its members from voting, or suppressing the association's views. Its purpose is to prevent a repetition of the identified harm during a period of immediate danger and competing demands upon public-order policing resources.

89. The Applicants nevertheless acknowledge that a temporary suspension of marches restricts an important means by which the First Respondent and its supporters express their views. That prejudice must be weighed candidly. The proposed relief is confined in

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duration and geographical reach, subject to an early return date and reconsideration, and leaves available lawful means of communication which do not contravene its terms.

90. Against that temporary restriction stands the risk of further death, bodily injury, intimidation and destruction of livelihoods. The preceding week's events demonstrate the gravity of those consequences. The approaching elections intensify the operational demands upon SAPS, but do not independently justify restricting protest. The justification remains the specific, continuing danger established by the evidence and the inability of existing measures to secure lasting protection.

91. Without interim protection, the public remains exposed to the next assault, the next damaged vehicle, the next premises attacked and the possibility of further loss of life. A home or business represents security and livelihood as well as property; its destruction may devastate a family long after a protest has moved on. The respondents' temporary inability to march is limited. The bodily injury, bereavement and ruin confronting the public facing the public on the other hand, may be permanent. It is submitted that, that disparity weighs decisively in favour of protective relief.



92. The local government elections are scheduled for 4 November 2026. Public access to roads and facilities, freedom from intimidation and the ability to vote safely are especially important during that period. The Applicants seek protection through voting and completion of the immediate electoral process, subject to a defined return or expiry date. The election supplies the context for the proposed duration; the justification for the restraint remains the specific danger described in this affidavit.

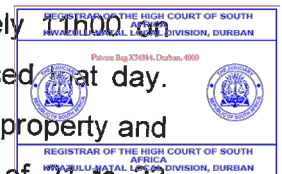
93. The proposed restraint concerns the Respondents' threatened mobilisation within KwaZulu-Natal for the limited period identified above, for the reasons concerning geographical scope already explained. It remains subject to such narrower geographical limits as the Court considers justified by the evidence. Prompt service, an early return date and the right to seek reconsideration will permit the Respondents to contest its continuation. The Applicants submit that these safeguards make the temporary protection proportionate to the risk and duration of the harm to be prevented.

94. If the marches are temporarily halted, the chaos and destruction that has been prevailing through the vehicles of these protest marches will be greatly reduced.

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I. URGENCY AND ABSENCE OF ADVANCE NOTICE

95. I am advised that Uniform Rule 6(12)(b) requires the founding affidavit expressly to identify the circumstances rendering the matter urgent and the reasons why substantial redress cannot be obtained at a hearing in due course. Urgency concerns the need for an accelerated hearing; the separate grounds for dispensing with notice must also be established. The departure sought from ordinary procedure must correspond with the exigency disclosed by the facts.⁶
96. Instructions to institute this urgent application were given at approximately 11h00 on Saturday, 24 October 2026, and preparation of the application commenced that day. Those instructions followed the escalating violence, intimidation, damage to property and interference with public access described above, particularly the events of 21 to 23 October 2026. The Applicants had already determined that urgent judicial intervention was required to prevent a repetition of that conduct.
97. The decision to approach this Honourable Court urgently therefore preceded the further Crime Intelligence information received on the morning of Sunday, 25 October 2026. That information, indicating further marches planned for the week commencing 26 October 2026 and the additional threats described in this affidavit, materially reinforced an urgency which already existed. It did not initiate the Applicants' decision to seek urgent relief.
98. Further information became available during Sunday afternoon concerning addresses delivered to the assembled crowd by the Second, Third and Fourth Respondents. Their attendance and participation, together with the proposed march which POP members prevented that day, reinforced the operational assessment that mobilisation remained active and that further protest action was a present prospect.
99. I am further informed that the Fourth Respondent, known as "Felimtwini", has been recorded stating that they would be marching into town today, 26 October 2026. This recorded statement, read with the Second Respondent's announcement of an intended



⁶Uniform Rules of Court, rule 6(12)(a)–(b); *East Rock Trading 7 (Pty) Ltd and Another v Eagle Valley Granite (Pty) Ltd and Others* (11/33767) [2011] ZAGPJHC 196 (23 September 2011), paras 6–8. SAFLII: <https://www.saflii.org/za/cases/ZAGPJHC/2011/196.html>.

march via Florida Road and her call to mobilise further participants, materially reinforces the urgency of this application. The threatened mobilisation is directed at action today, rather than merely at an unspecified future date. Against the violence and intimidation of the preceding week, these statements give rise to a reasonable apprehension of renewed public disorder before a hearing in the ordinary course could afford effective protection.

100. The application has accordingly been prepared urgently over the weekend while further operational information continued to emerge. The Applicants acted upon the events already known on Saturday and have incorporated the subsequent material developments as they became available. Even without the additional intelligence received on Sunday the preceding week's events and the continuing mobilisation required urgent steps to prevent further harm. The information from Colonel Vilani concerning the detention of five persons from the base camp in connection with the murder investigation, recorded above further reinforces the seriousness of the operational picture. The Applicants rely upon that report with the express qualifications stated above.



101. The danger is intensified by the supporters' continuous presence at the threatened premises, their capacity to deploy immediately and the fragmentation of groups beyond a single procession. Waiting for the ordinary motion roll would leave vulnerable people exposed during the very interval in which effective protection is required. The marches described above provided the circumstances in which persons committed the reported unlawful acts. Participants carried sticks, knobkerries and stones which were used as weapons against members of the public and property. The Applicants rely upon that conduct, the Respondents' organisational connection and the continuing risk of repetition in seeking preventive relief.

102. There can be no substantial redress in due course for a person killed, grievously injured or subjected to a violent attack while relief is awaited. Nor can a later order restore the security of a family whose home has burnt, or the livelihood lost when a business is looted and destroyed. The Applicants seek to prevent those consequences while prevention remains possible. Public protection cannot be deferred until the danger has produced another victim.

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103. I am further advised that an urgent application does not, by reason of urgency alone, justify a hearing without notice. In **Recycling and Economic Development Initiative**, the Supreme Court of Appeal, held that dispensing with notice requires exceptional circumstances, including a reasonable and substantiated apprehension that notice would defeat the legitimate purpose of the relief. The Applicants rely upon the existing assembly beside the threatened building and its capacity for immediate action as the particular facts establishing that apprehension here.⁷ Further, the address yesterday from the leader, the second respondent encouraging intimidation.

104. Telephone, electronic or other abbreviated notice would still alert the organisers while the assembled group remained able to act. The danger identified here is the opportunity created by advance warning itself, rather than merely the time required for formal service. The Applicants accordingly seek only the initial protection necessary to prevent that opportunity from defeating the proceedings.⁸ Even a short notice, is enough for this mobilised group at the base to attack and cause injury, damage and chaos in the CBD. A



105. There is a distinct reason for proceeding initially without notice. The supporters are not awaiting a call to assemble, they are already mobilised and stationed outside and opposite the Refugee Reception Center. The organisers' access to that group and the group's access to the CBD permit action to be launched on very short notice.

106. Even one or two hours' notice would permit supporters already assembled at the base to move into the CBD, divide into smaller groups, redirect their activity towards residential or commercial targets, or act against the Refugee Reception Center before an order could be secured. Fragmentation would make containment and the timely communication and implementation of protective measures more difficult. Advance warning would expose the public during that interval to the very disorder which the application seeks to prevent. Last week showed the chaos that erupted and the damages that followed, even in the police presence.

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⁷*Recycling and Economic Development Initiative of South Africa v Minister of Environmental Affairs; Kusaga Taka Consulting (Pty) Ltd v Minister of Environmental Affairs* (1260/2017; 188/2018; 1279/2017; 187/2018) [2019] ZASCA 1; 2019 (3) SA 251 (SCA) (24 January 2019), paras 80–85.

⁸*Ex Parte Motla v Dr JS Moroka Municipality and Others* [2026] ZAMPMHC 11 (13 March 2026).

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107. That apprehension rests upon the continuous encampment, the leadership and conveners' dealings with it, the continuation of marching despite police engagement and the present intelligence warning. Together they establish a practical risk that abbreviated notice would defeat the preventive purpose of the application.
108. The Applicants recognise that the necessity for interim protection does not, without more, justify proceeding without notice. Their concern is not merely that the Respondents may oppose the application. It is that advance warning would reach the leadership while an assembled group remains immediately available for mobilisation, in circumstances where the organisers' ability to restrain that group has already proved inadequate.
109. The reported appeal against violence does not remove this concern. Even if the Second Respondent intends that the crowd should act peacefully, the preceding events demonstrate that such an intention cannot safely be equated with effective control. The attempted march on 25 October 2026, which required POP intervention, further demonstrates that the capacity to mobilise remains active. These circumstances must be considered together with the current intelligence concerning further marches and the threatened attack upon the Refugee Reception Centre.
110. The Applicants accordingly apprehend that advance notice could precipitate movement or action by persons already assembled before protective relief can be obtained and communicated. This apprehension does not depend upon an allegation that the Second Respondent would herself order violence upon receiving notice. It arises from the combination of immediate mobilisation capacity, the demonstrated failure of control and the specific threats reported to SAPS. The Applicants place these circumstances before the Court as the factual basis for seeking initial protection without notice, subject to prompt service and an early opportunity for the Respondents to be heard.
111. An initial order without notice is sought provisionally. The Applicants undertake prompt service of the application and order and request an early return date. The respondents may anticipate that date or seek reconsideration in terms of Uniform Rules 6(8) and 6(12)(c), as applicable. If the Court requires an abbreviated notice procedure instead, the Applicants seek directions securing the earliest effective hearing.



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J. DISCLOSURE AND CONCLUSION

112. I am advised that an ex parte applicant owes a duty of utmost good faith and full and fair disclosure, including material facts and reasonably anticipated contentions favouring the absent respondents. This responsibility is additional to establishing urgency and the merits of the relief. I acknowledge it and place the matters set out in the following paragraph expressly before the Court.⁹ The ex -parte is more about attempting to minimise any further damages , there is no mala fides in the application .

113. The marches were initially largely peaceful. March and March has a publicly expressed campaign and its supporters retain the protection of section 17 of the Constitution of the Republic of South Africa, 1996 when assembling peacefully and unarmed. The media accounts are tendered for the limited illustrative purpose identified above; the reported motive for the fatal attack was unknown. The current intelligence is a warning of threatened action and is not a judicial finding of criminal guilt. A suspension of marching limits the respondents' exercise of assembly rights. The Applicants nevertheless submit that the existing encampment, the specific arson warning and the immediate capacity to mobilise justify the short, provisional protection sought, subject to prompt reconsideration.

114. In particular, the Applicants disclose that the Second Respondent reportedly discouraged physical attacks and violence in her address on 25 October 2026. The reported encouragement of intimidation is presented with the express qualification that the precise words, context and interpretation remain subject to verification. The inference concerning the Fourth Respondent's coordinating role and apparent direction by the Second and Third Respondents is identified as an inference from reported observations. The Applicants also acknowledge the temporary restriction of assembly and expression which the relief would entail, notwithstanding the First Respondent's status as a civic association.

115. Insofar as operational information conveyed to me by police officers and Crime Intelligence constitutes hearsay, I seek its admission under section 3 of the Law of Evidence Amendment Act 45 of 1988 for purposes of provisional relief. The information concerns police deployments, direct dealings with organisers and a current warning of imminent harm. Its nature, the purpose of immediate protection, the gravity of the

⁹*Recycling and Economic Development Initiative of South Africa v Minister of Environmental Affairs; Kusaga Taka Consulting (Pty) Ltd v Minister of Environmental Affairs* [2019] ZASCA 1; 2019 (3) SA 251 (SCA), paras 45–52; *Tropical Winter Trading (Pty) Ltd and Another v Fourie and Others* (AR132/2024) [2025] ZAKZPHC 72 (1 August 2025), paras 90–94.

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threatened injury and the respondents' prompt opportunity to answer support admission in the interests of justice.

116. The Applicants seek enforcement within the law. Any police intervention remains governed by the applicable statutory safeguards. The order will impose binding obligations upon the cited organisation and organisers without conferring an unrestricted power of arrest, dispersal or use of force.

117. The facts require a firm and proactive judicial response. A continuous mobilisation base stands beside a building identified in an arson warning; protesters are breaking into smaller groups; the conveners and marshals are unable to contain the disorder. Against that operational picture, the public reporting of assaults, looting, destruction and a killing has intensified widespread fear. The Applicants seek an order which interrupts this course of events before further lives, homes and livelihoods are placed beyond protection.



118. The arson warning demands particular attention. Those capable of mobilising are already at the threatened target. If the warning is acted upon, the consequences may include death, grievous injury, destruction of public premises and damage to neighbouring property. The Applicants' protective duties require action before that risk becomes an accomplished fact. The Court is respectfully asked to exercise its preventive jurisdiction decisively while its intervention can still avert the threatened harm.

119. The public is especially vulnerable to the spread of smaller groups. Residents cannot predict which street, or neighbourhood will next become a point of confrontation. Parents cannot secure their children's safety merely by avoiding the main procession; business owners cannot protect staff and customers merely by observing where the largest crowd is gathered. Fragmentation widens the exposure and makes police control more difficult. Effective relief must address the organisation and continuation of this mobilisation, rather than leave the public to await a separate response to each attack.

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120. The Applicants have attempted engagement and sought the assistance of eThekweni Metro Police to disperse those occupying the pavement, but the resulting dispersal is short-lived. Supporters return within hours, others join them, and the changing composition of the gathering makes continued monitoring and control exceptionally difficult. The Applicants submit that temporarily halting the marches is the most effective means of

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interrupting that cycle and restoring safety and normality to the area. It will afford residents, traders and business owners protection while SAPS continues its operational duties and reduce the danger of recurring disorder disrupting the approaching electoral process.

121. The Court is respectfully urged to adopt a robust approach proportionate to the danger. The order sought would restrain the organisation and conduct of the threatened marches, prohibit the identified unlawful acts and enable the terms of the Court's protection to be communicated to those at the base. It would operate alongside lawful policing, with prompt service, an early return date and access to reconsideration. These safeguards permit decisive immediate protection without dispensing with the respondents' opportunity to be heard.

122. A temporary pause in an already publicised campaign is a measured response to the risk of further assault, grievous bodily injury, arson and destruction. Residents and business owners should not have to demonstrate that their own person, home, business or vehicle has already been attacked before preventive relief becomes available. The threatened harm is sufficiently immediate and serious to justify intervention now. The balance of convenience favours preserving life, personal security and property during the short period for which restraint is sought.

123. The approaching elections on 4 November 2026, intensify the public interest in safe streets, accessible facilities and freedom from intimidation. Dispersed groups and recurring confrontation threaten the ability of residents to travel and participate without fear. A short restraint through voting and the immediate electoral process, subject to the Court's defined return or expiry date, will provide a necessary interval of protection and stability while the respondents are afforded an early opportunity to answer the application.

124. I respectfully submit that the Applicants have established the rights requiring protection, a reasonable apprehension of irreparable harm, a balance of convenience strongly favouring intervention and the absence of an adequate alternative remedy in the time available. The current intelligence, existing deployment of supporters, fragmentation of groups and inability to maintain peaceful control establish urgency and the separate necessity for initial relief without notice. The Court is asked to protect a vulnerable public before further injury, death and destruction occur.

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125. The Applicants accordingly request a *rule nisi* with immediate interim operation, prompt service and an early return date, substantially in terms of the notice of motion, with costs reserved. The Applicants seek an indulgence to supplement these papers , in the event that it may be necessary as this application was drafted on an urgent basis over the weekend .

WHEREFORE, it is prayed that the relief as set out in the notice of motion is granted.



[Signature]

DEPONENT

I CERTIFY that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was signed and sworn to at DURBAN before me on this day of 26 OCTOBER 2026, the Regulations contained in Government Notice R 1258 of 21 July 1972 (as amended by G.N.R 1648 of 19 August 1977, G.N.R. 1428 of 11 July 1980 and G.N.R. 774 of 23 April 1982) having been complied with.

[Signature]
COMMISSIONER OF OATHS

FULL NAME : THEMBA JAPHTER SIBANYONI
BUSINESS ADDRESS :
DESIGNATION :
AREA OF APPOINTMENT :
OFFICE IF EX OFFICIO :

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PRACTICING ATTORNEY(RSA)
THEMBA J. SIBANYONI

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION,
DURBAN

CASE NO: **2026-266812**

In the matter between:

MINISTER OF POLICE

Plaintiff / Applicant / Appellant

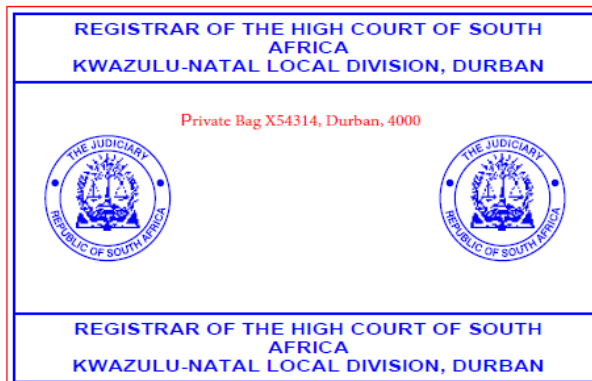
and

**MARCH AND MARCH,JACINTA
BONGIWE ZUMA ,XOLANI
CHRISTOPHER ZUMA ,MTHOKOZISI
GUMEDE FELIMTWINI ,NOZIBUSISO
KHAMBULE AND FIVE OTHERS**

Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 26/10/2026 at 3:13:39 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED

B

**Registrar of The High Court,
KwaZulu-Natal, Durban.**

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No: _____

In the ex parte matter of:

THE MINISTER OF POLICE

First Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH AFRICAN POLICE
SERVICE, KWAZULU-NATAL**

Second Applicant

and

MARCH AND MARCH

First Respondent

JACINTA BONGIWE ZUMA

Second Respondent

XOLANI CHRISTOPHER ZUMA

Third Respondent

MTHOKOZISI ALFRED GUMEDE (FELIMTWINI)

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTHEMBU

Seventh Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

THE EXECUTIVE HEAD OF THE ETHEKWINI MUNICIPAL POLICE SERVICES

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent



CERTIFICATE OF URGENCY

I, NALINI GOVENDER, a practising advocate of the High Court of South Africa and a member of the KwaZulu-Natal Bar, with chambers at 1102, 11th Floor, Ridgeside 7, Vuna Close, Umhlanga Ridge, and counsel for the Applicants, hereby certify as follows:

1. I have considered the founding affidavit dated 26 October 2026, including the further operational information concerning the events of 25 October 2026. For the reasons below, read with the evidence in that affidavit, I certify that this application warrants an urgent hearing TODAY, MONDAY, 26 OCTOBER 2026, AT 4:00 PM, subject to the directions of the duty Judge. The Applicants seek immediate provisional protection under Uniform Rule 6(12), with initial relief without notice on the separate reasons set out below.



2. The urgency arises from a present and continuing danger to life, bodily integrity, public safety and property. The founding affidavit describes escalating assaults, intimidation, looting, damage to property, coercive business closures and interference with public access during 21 to 23 October 2026. It also records a fatal attack, subject to the qualifications concerning the media evidence and the unknown motive for that attack. The application seeks to prevent repetition of the identified harm.

3. I am further informed by Colonel Vilani, the provincial head of Public Order Policing (POP) in KwaZulu-Natal, that five persons from the base camp at Che Guevara Road were detained by the police in connection with the investigation into the murder of the Ugandan national on Thursday, 22 October 2026. This information provides a specific connection between persons from that camp and the investigation into the fatal attack.

4. Their detention does not establish their involvement in the murder or their guilt, nor does it establish criminal responsibility on the part of every person at the camp or of the Respondents. Considered with the recent violence, continuing mobilisation and current intelligence warning, this development materially reinforces the apprehension of further serious harm and the need for immediate preventive protection.

5. Instructions to institute proceedings were given at approximately 11h00 on Saturday, 24 October 2026, and preparation commenced that day. Crime Intelligence information received on the morning of Sunday, 25 October 2026, materially reinforced the existing urgency: further marches were contemplated during the week commencing today, 26 October 2026, together with a threatened arson attack upon the Refugee Reception Centre on Che Guevara Road, Durban. Preparation proceeded over the weekend as further operational reports emerged. The Applicants have acted upon successive developments; the urgency is not founded upon a decision to defer action until the threatened week began.

6. The threat is particularly acute because supporters are already assembled outside or opposite the identified premises. The founding affidavit describes repeated reoccupation after dispersal, an increase in numbers, and the separation of participants into smaller groups capable of moving beyond the principal gathering. Staff have ceased occupying the premises because of safety concerns. Those circumstances give the warning an immediate operational significance: mobilisation need not await a future assembly.

7. Colonel Mashaba has reported that, during Jacinta Bongiwe Zuma's address to the crowd gathered at Che Guevara Road on Sunday, 25 October 2026, POP members heard remarks understood as permitting or encouraging intimidation of members of the public, while discouraging physical attacks or violence. I record the substance of that report, rather than a verbatim quotation. I did not hear the address and have not independently verified the precise words, context or correctness of that interpretation. The report is relied upon subject to those express qualifications and the evidential basis disclosed in the founding affidavit.

8. The reported discouragement of violence is material and is expressly disclosed in fairness to the Second Respondent. Nevertheless, an encouragement to intimidate, if accurately reported, is a grave public-safety concern. Coercion of members of the public is itself harmful; in the setting of the recent assaults, dispersed groups and threatened arson, intimidation may rapidly escalate into physical confrontation and violence, irrespective of a professed intention that no violence should occur. The Applicants cannot responsibly treat the reported qualification as an assurance of effective control over the crowd.



9. The founding affidavit further records that POP members prevented a proposed march on 25 October 2026. Police deployment and engagement have therefore secured interventions but have not ended the continuing mobilisation. The Applicants do not suggest that SAPS is relieved of its statutory duties. Their case is that concentrated deployment, temporary dispersal and subsequent criminal proceedings do not provide adequate preventive protection against the particular continuing threat and the movement of smaller groups.

10. A hearing today at 14h00 is required because the threatened week has now commenced, the crowd is already assembled near the identified arson target, and the capacity for immediate movement remains active. Waiting until tomorrow or the ordinary motion roll would leave the public and the premises exposed during the very interval for which protection is sought. The Applicants do not assert knowledge of a fixed hour for an attack. The absence of such a timetable does not remove the danger arising from the specific warning, existing assembly and recent attempted mobilisation. The requested departure is directed at obtaining protection while prevention remains possible.



11. Substantial redress cannot be afforded at a hearing in due course. A later interdict cannot restore a life lost, reverse grievous bodily injury or prevent destruction already accomplished by arson or looting. Damages and prosecution address consequences after the event; they cannot provide equivalent protection during the immediate period of danger. A further week of the violence, intimidation and disruption described in the founding affidavit would expose the public to consequences which subsequent proceedings could not adequately repair.

12. I have separately considered whether the application can be brought on abbreviated notice. Urgency alone does not justify dispensing with notice. The particular apprehension here is that advance warning would reach organisers who have immediate access to an already assembled crowd, before a protective order can be obtained, communicated and implemented. The reported encouragement of intimidation, read with the recent failure to maintain effective control, reinforces the concern that instructions or encouragement could be conveyed and acted upon within that interval.

13. Telephone, electronic or even one or two hours' notice would not remove that opportunity. The existing group could move towards the CBD, fragment or redirect its activity before the Court could intervene. This is an inference from the operational facts described in the founding affidavit, not an assertion that notice has already triggered such conduct, or that the Second Respondent has threatened to order violence upon receiving notice. The Applicants rely upon the combination of immediate mobilisation capacity, reported encouragement of intimidation, demonstrated difficulties of control and the specific intelligence warning as establishing a reasonable apprehension that notice could defeat the preventive purpose of the relief.

14. The grounds for withholding initial notice concern the organisers' access to the assembled group. They do not impute that conduct to the municipal or governmental Respondents. Insofar as initial notice to those Respondents is also dispensed with, the Applicants seek the Court's express directions as to the necessity and extent of that departure. If the Court considers abbreviated notice practicable to any Respondent, the Applicants request directions for such notice and the earliest effective hearing today.

15. The Applicants recognise the constitutional protection of peaceful and unarmed assembly and the prejudice inherent in restraining marches without first hearing those affected. The reported appeal against violence, the unverified character of the disputed remarks, the limitations of the intelligence and media material, and the fact that the marches were initially largely peaceful must all be considered. Absence of notice of a gathering does not, without more, establish criminal liability or justify its prohibition. The case for immediate protection rests upon the identified conduct, current threats and continuing mobilisation.

16. The Applicants accordingly seek only such interim restraints, within such temporal and geographical limits, as the evidence justifies. If the Court is not satisfied that a temporary suspension of marches is warranted in the scope proposed, the Applicants seek narrower protection against the specified unlawful conduct and interference with access to the threatened premises. They undertake prompt service of the papers and any order, seek an early return date, and recognise the Respondents' rights to anticipate that date under Rule 6(8) or seek reconsideration under Rule 6(12)(c), as applicable. Costs are sought to be reserved.



17. This certificate records counsel's assessment of the evidence; it does not replace the sworn foundation required by Rule 6(12)(b) or convert an unverified report into an established fact. On the facts and qualifications disclosed in the founding affidavit, I respectfully certify that immediate judicial consideration is necessary and request enrolment for TODAY, 26 OCTOBER 2026, AT ^{at 6h00pm or} ~~14h00~~, or at the earliest time directed by the duty Judge, with initial dispensation from notice only to the extent the Court considers justified.

SIGNED at Umhlanga on this 26th day of OCTOBER 2026.



NALINI GOVENDER
Counsel for the Applicants



**IN THE HIGH COURT OF SOUTH AFRICA
(KWAZULU-NATAL LOCAL DIVISION, DURBAN)**

Case No: [to be allocated]

In the matter between:

THE MINISTER OF POLICE

First Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICE, KWAZULU-NATAL**

Second Applicant

and

MARCH AND MARCH

First Respondent

JASANTA BONGIWE ZULU

Second Respondent

XOLANI CHRISTOPHER ZULU

Third Respondent

MTHOKOZISI ALFRED GUMEDE

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTEMBU

Seventh Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

**THE EXECUTIVE HEAD OF THE ETHEKWINI
MUNICIPAL POLICE SERVICES**

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent

NOTICE OF MOTION

URGENT EX PARTE APPLICATION

TAKE NOTICE that the Applicants will apply to the above Honourable Court, on an urgent ex parte basis, at the date and time allocated by the Registrar in consultation with the urgent-duty Judge, or as soon thereafter as counsel may be heard, for an order in the following terms:

1. The application is heard as one of urgency in terms of Uniform Rule 6(12), and the forms, service and time periods prescribed by the Uniform Rules, including the period contemplated in Uniform Rule 6(13), are dispensed with to the extent necessary. The Applicants are permitted to seek initial provisional relief without prior notice to the Respondents.
2. A rule nisi is issued calling upon the Respondents to show cause on **Monday, 9 November 2026 at 10h00**, or on an earlier date fixed by this Court, **why the orders in paragraphs 3 to 9 below should not be confirmed, with the restraint in paragraph 4 limited to the period expressly specified therein.**
3. For purposes of this order:
 - (a) "the Act" means the Regulation of Gatherings Act 205 of 1993, as amended;
 - (b) "the affected area" means the Durban central business district and the Berea, Umbilo areas within eThekweni Municipality;
 - (c) "the Home Affairs premises" means the Department of Home Affairs Refugee Reception Centre on Che Guevara Road, formerly Moore Road, Berea, Durban, including its entrances, exits and public approaches.
4. The First to Seventh Respondents are interdicted and restrained, whether acting themselves or through persons acting on their instructions or under their direction, from convening, organising, directing, mobilising for or proceeding with March and March marches, processions or protest convoys in the affected area, including deployment of separate or splinter groups from the Che Guevara Road encampment, until 10h00 on Monday, 9 November 2026, unless this Court earlier varies or discharges the restraint.
5. The First to Seventh Respondents are interdicted and restrained, in connection with the mobilisation and protests forming the subject of this application, from committing, directing, procuring, instigating, encouraging or knowingly assisting any of the following conduct within the affected area:



- (a) Assaulting, threatening, intimidating or harassing residents, traders, business owners, employees, customers, delivery drivers, road users, public officials or other members of the public;
 - (b) Looting, setting fire to, damaging or destroying homes, business premises, stock, private vehicles, public buildings or other private or public property;
 - (c) Attacking, setting fire to, attempting to set fire to, or procuring an attack upon, the Home Affairs premises;
 - (d) Coercing any person to close a business, stop trading, leave a home or business, cease making deliveries or abandon lawful use of property;
 - (e) Barring entrances or exits, or using threats or intimidation to deny reasonable access to, or departure from, any building or premises including the Home Affairs premises;
 - (f) Barring entrances to hospitals, fire stations, ambulance stations or other emergency-service premises, or obstructing emergency personnel or vehicles;
 - (g) Obstructing roads or pedestrian routes by violence, threats or intimidation, or coercively preventing lawful movement through the affected area;
 - (h) Performing acts or uttering words calculated or likely to cause or encourage violence against any person or group, including through mobilisation messages, speeches, chants or social-media communications.
6. In connection with any gathering or demonstration to which this order applies, the First to Seventh Respondents are further interdicted and restrained from:
- (a) Possessing, as participants, any airgun, firearm, imitation firearm, muzzle-loading firearm, object resembling a firearm likely to be mistaken for one, or dangerous weapon prohibited by section 8(4) of the Act;
 - (b) Inciting hatred by banners, placards, speech, singing or otherwise on grounds of culture, race, sex, language or religion, contrary to section 8(5) of the Act;
 - (c) Wearing disguises, masks or other items obscuring facial features and preventing identification, contrary to section 8(7) of the Act;



- (d) Wearing apparel resembling uniforms of the security forces, including the police or defence force, contrary to section 8(8) of the Act;
 - (e) Compelling or attempting to compel any person to attend, join or participate in a gathering or demonstration, contrary to section 8(10) of the Act.
7. Within two hours after service or actual knowledge of this order, each of the First to Seventh Respondents shall, in respect of the instructions and communication channels under that respondent's control:
- (a) Withdraw instructions to convene or proceed with the marches, processions, protest convoys or deployments restrained by paragraph 4;
 - (b) Communicate the order and its operative prohibitions to the conveners, marshals and supporters mobilised by that respondent, including those gathered on Che Guevara Road, through the channels used for mobilisation; and
 - (c) Refrain from issuing or maintaining any instruction inconsistent with this order, including an instruction to continue a restrained march through smaller or splinter groups.
8. If any march or gathering is permitted to proceed pursuant to a variation of paragraph 4, a cited Respondent acting as convener shall comply with sections 8(1) to (3) of the Act by appointing the stipulated clearly distinguishable marshals, taking the necessary steps to secure peaceful control, informing participants of applicable conditions, and complying with the notified locality, route, manner and times and lawful amendments or conditions. Such a convener shall take the reasonable steps required under sections 8(4) and 8(10) and instruct the appointed marshals to perform their duties under section 8(9). This paragraph does not itself authorise a gathering prohibited under the Act.
9. The First Respondent shall, within 24 hours after service of this order, cause an affidavit to be delivered to the State Attorney recording the steps taken to communicate and implement the order under paragraph 7. The Applicants shall file that affidavit with the Court.
10. Paragraphs 3 to 9 operate immediately as interim relief pending the return date or earlier variation or discharge. The interim operation does not extend automatically beyond the return date. The restraint in paragraph 4 may, if confirmed or expressly



extended on the return date, continue only until the expiry specified in that paragraph, unless a further competent order is made.

11. The Sheriff is authorised and directed to serve the notice of motion, founding affidavit, supporting affidavits and annexures, together with the order, as soon as reasonably practicable after grant and within six hours, or such extended period as this Court permits:
 - (a) On the First Respondent through the Second Respondent or another responsible office-bearer at the Che Guevara Road base or wherever such person may be found;
 - (b) On the Second to Seventh Respondents personally wherever they may be found, including at that base; and
 - (c) On the Eighth to Tenth Respondents in accordance with the applicable Rules and statutory requirements for service upon the relevant municipality and organs of state.
12. In addition to service under paragraph 11, the Sheriff is authorised to affix copies of the order and notice of motion prominently at the Che Guevara Road gathering point and to announce the operative terms there. Where personal service on a First to Seventh Respondent cannot promptly be effected, alternative service under Uniform Rule 4(2) is authorised by electronic transmission of the complete papers and order to a telephone number or email address verified by a deployed police officer as used by that Respondent. The Sheriff shall record the basis of verification, transmission and available evidence of delivery and continue reasonable attempts at personal service.
13. The Applicants shall file the returns of service and an affidavit recording any further notification steps taken. A complete copy of the papers shall be provided without delay to any Respondent requesting it, subject to a specific protective direction of this Court.
14. Any Respondent intending to oppose confirmation shall deliver a notice of opposition to the Registrar and the State Attorney by 16h00 on 28 October 2026 and an answering affidavit by 12h00 on 30 October 2026. The Applicants may deliver a replying affidavit by 12h00 on 1 November 2026. These dates are subject to variation by the Court and do not restrict the rights in paragraph 15.
15. Any person against whom this order is granted ex parte may anticipate the return date upon delivery of not less than 24 hours' notice under Uniform Rule 6(8), or seek



reconsideration under Uniform Rule 6(12)(c), as applicable. Urgent variation or discharge may be sought on such notice as the Court directs.

16. No adverse substantive relief is sought against the Eighth to Tenth Respondents. The costs of the initial hearing are reserved for determination on the return date.
17. All police enforcement remains subject to the Act, including section 9, and other applicable law. This order does not enlarge powers of arrest, search, dispersal or use of force, and creates no automatic arrest or punishment for an alleged breach.
18. If the Court declines to grant initial relief without notice, the Applicants seek directions for immediate service and the earliest hearing on an abbreviated timetable.
19. Further and/or alternative relief.



THAT if the Respondents intend to oppose this application, they/it be and is/are hereby directed to deliver any opposing or answering affidavit(s) on or before this 26 day of October 2026.

THAT the Applicant is directed to deliver any replying affidavit on or before 26 day of October 2026.

TAKE NOTICE FURTHER that the Applicant has appointed the address of the undermentioned attorneys as an address at which it will accept notice and service of all processes in these proceedings.

TAKE NOTICE FURTHER that the founding affidavit of Brigadier Thamsanqa Jeremiah Gama, together with the confirmatory affidavits referred to therein as Annexures **SAPS 1**, **SAPS 2** and **SAPS 3** and the annexures filed with the application, will be used in support thereof.

Kindly place the matter on the roll accordingly.

DATED at DURBAN on 26th October 2026.


STATE ATTORNEY DURBAN

Attorneys for the Applicants

Address: 391 Anten Lembeke Street

Email: phulasi18@gmail.com

Telephone: 072 670 417

Reference: _____

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT

AND TO: THE FIRST TO TENTH RESPONDENTS

For service after grant of the initial order, or as otherwise directed by the Court.



**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No:

In the *ex parte* matter of:

THE MINISTER OF POLICE

First Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICE, KWA-ZULU-NATAL**

Second Applicant

and

MARCH AND MARCH

First Respondent

JACINTA BONGIWE ZUMA

Second Respondent

XOLANI CHRISTOPHER ZUMA

Third Respondent

**MTHOKOZISI ALFRED GUMEDE
(FELIMTWINI)**

Fourth Respondent

NOZIBUSISO KHAMBUHLE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTHEMBU

Seventh Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

**THE EXECUTIVE HEAD OF THE ETHEKWINI
MUNICIPAL POLICE SERVICES**

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent



STATEMENT BY ATTORNEY – CONFIRMAION CERTIFICATE

I, **YOGESH GOBIND HULASI**, the attorney for the Applicant, hereby confirm that I have personally verified and confirm that no other matter involving the same parties has been previously issued and/or is pending before any other court in this Division or in the Republic of South Africa.

DATED AT DURBAN ON THIS THE 26th DAY OF OCTOBER 2026



STATE ATTORNEY

MR Y.G HULASI

APPLICANT'S ATTORNEY

OFFICE OF THE STATE ATTORNEY,

6TH FLOOR METROPOLITAN LIFE

BUILDING 391 ANTON LEMBEDE STREET

CELL: 072 6711417

EMAIL: yhulasi18@gmail.com

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IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION,
DURBAN

CASE NO: **2026-266812**

In the matter between:

MINISTER OF POLICE

Plaintiff / Applicant / Appellant

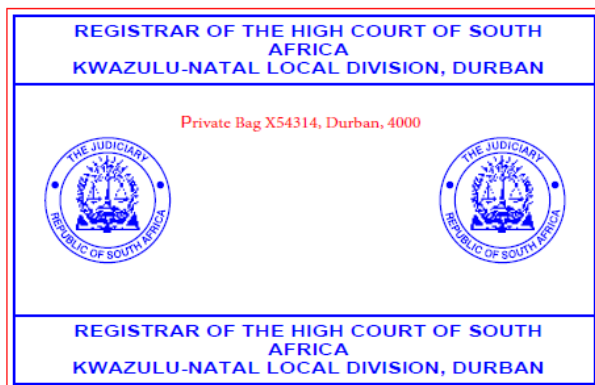
and

**MARCH AND MARCH,JACINTA
BONGIWE ZUMA ,XOLANI
CHRISTOPHER ZUMA ,MTHOKOZISI
GUMEDE FELIMTWINI ,NOZIBUSISO
KHAMBULE AND FIVE OTHERS**

Defendant / Respondent

Confirmatory Affidavit

NOTE: This document was filed electronically by the Registrar on 26/10/2026 at 3:27:29 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

**Registrar of The High Court,
KwaZulu-Natal, Durban.**

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No: ..

In the matter between:

THE MINISTER OF POLICE

First Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICE, KWA-ZULU-NATAL**

Second Applicant

and

MARCH AND MARCH

First Respondent

JACINTA BONGIWE ZUM A

Second Respondent

XOLANI CHRISTOPHER ZUMA

Third Respondent

**MTHOKOZISI ALFRED GUMEDE
(FELEMTWINI)**

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTHEMBU

Seven Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

**THE EXECUTIVE HEAD OF THE
ETHEKWINI MUNICIPAL POLICE SERVICE**

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent



CONFIRMATORY AFFIDAVIT

I, the undersigned,

NELSON DLADLA,

do hereby make oath and state the following:-

1.

1.1. I am an adult male.

7.1 ND

1.2. I am a Colonel in the Public Order Policing based at 85 Old Richemond Road,
Marian Hill, Pinetown.

1.3. I am duly authorised to depose to this affidavit on behalf of the Applicant.

2.

The facts deposed to herein are within my personal knowledge and belief, unless the context indicates otherwise and are true and correct.

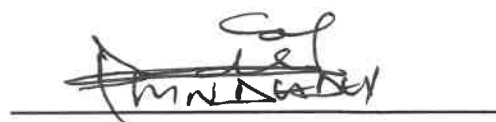


3.

Where I make legal submissions, I do so on the advice of my legal advisers which I accept to be true and correct.

4.

I confirm that I have read the founding affidavit of **BRIGADIER JT GAMA**, the Acting Head of Legal Services KwaZulu-Natal in the application and confirm the submissions insofar as they refer to me.


DEPONENT

I CERTIFY that the Deponent has acknowledged that he/~~she~~ knows and understands ^{T.J} the contents of this Affidavit which was signed and sworn to at Durban before me on this 26TH day of OCTOBER 2026, the Regulations contained in Government Notice R 1258 of 21 July 1972 (as amended by G.N.R 1648 of 19 August



1977, G.N.R. 1428 of 11 July 1980 and G.N.R. 774 of 23 April 1982) having been complied with.


COMMISSIONER OF OATHS

FULL NAME : THEMBA

BUSINESS ADDRESS :

DESIGNATION :

AREA OF APPOINTMENT :

OFFICE IF *EX OFFICIO* :

JAPHTER SIBANYONI

THEMBA J. SIBANYONI
PRACTISING ATTORNEY (RSA)
COMMISSIONER OF OATHS
SUITE 201C, 2nd FLOOR
DOONE HOUSE
379 ANTON LEMBEDE STREET
TEL: 031 301 3540



ND

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IN THE HIGH COURT OF SOUTH AFRICA
 KWAZULU-NATAL LOCAL DIVISION,
 DURBAN

CASE NO: **2026-266812**

In the matter between:

MINISTER OF POLICE

Plaintiff / Applicant / Appellant

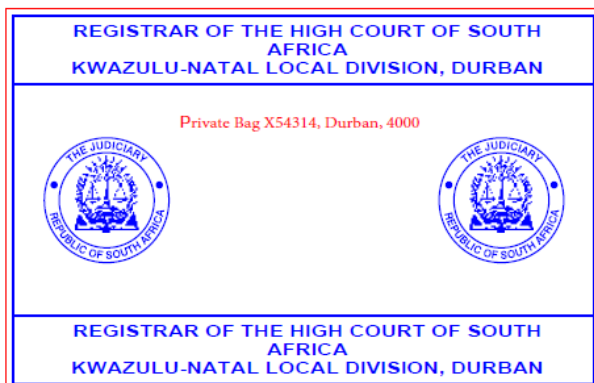
and

**MARCH AND MARCH,JACINTA
 BONGIWE ZUMA ,XOLANI
 CHRISTOPHER ZUMA ,MTHOKOZISI
 GUMEDE FELIMTWINI ,NOZIBUSISO
 KHAMBULE AND FIVE OTHERS**

Defendant / Respondent

Confirmatory Affidavit

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ELECTRONICALLY SIGNED
 BY:

**Registrar of The High Court,
 KwaZulu-Natal, Durban.**

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No: ..

In the matter between:

THE MINISTER OF POLICE

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Second Applicant

and

MARCH AND MARCH

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Third Respondent

**MTHOKOZISI ALFRED GUMEDE
(FELIMTWENE)**

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

Sixth Respondent

UYAMA MTHEMBU

Seven Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

**THE EXECUTIVE HEAD OF THE
ETHEKWINI MUNICIPAL POLICE SERVICE**

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

T. J. TCU

THEMBINKOSI VELANI,

do hereby make oath and state the following:-

1.

1.1. I am an adult male.

1.2. I am a Colonel and the Provincial Commander of the Public Order Policing based at 15 Brown Fisher Road, Servamus Building, KwaZulu-Natal Police Head Quarters;



1.3. I am duly authorised to depose to this affidavit on behalf of the Applicant

2.

The facts deposed to herein are within my personal knowledge and belief, unless the context indicates otherwise and are true and correct.

3.

Where I make legal submissions, I do so on the advice of my legal advisers which I accept to be true and correct.

4.

I confirm that I have read the founding affidavit of **BRIGADIER JT GAMA**, the Acting Head of Legal Services KwaZulu-Natal in the application and confirm the submissions insofar as they refer to me.

DEPONENT

I CERTIFY that the Deponent has acknowledged that he/~~she~~ knows and understands ^{7:1} the contents of this Affidavit which was signed and sworn to at Durban before me on this 26th day of OCTOBER 2026, the Regulations contained in Government Notice R 1258 of 21 July 1972 (as amended by G.N.R 1648 of 19 August 1977, G.N.R. 1428 of 11 July 1980 and G.N.R. 774 of 23 April 1982) having been complied with.

COMMISSIONER OF OATHS

FULL NAME: THEMBA ZAPHTER SIBANYONI

BUSINESS ADDRESS :**DESIGNATION :****AREA OF APPOINTMENT :**OFFICE IF *EX OFFICIO* :

THELMA J. SIBANYONI
PRACTICING ATTORNEY(RSA)
COMMISSIONER OF OATHS
SUITE 201C,2nd FLOOR
DOONE HOUSE
379 ANTON LEMBEDE STREET
TEL: 031 301 3540

TCV

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION,
DURBAN

CASE NO: **2026-266812**

In the matter between:

MINISTER OF POLICE

Plaintiff / Applicant / Appellant

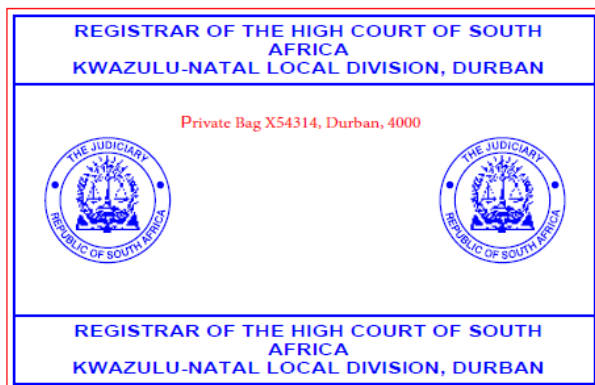
and

**MARCH AND MARCH,JACINTA
BONGIWE ZUMA ,XOLANI
CHRISTOPHER ZUMA ,MTHOKOZISI
GUMEDE FELIMTWINI ,NOZIBUSISO
KHAMBULE AND FIVE OTHERS**

Defendant / Respondent

Confirmatory Affidavit

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ELECTRONICALLY SIGNED
BY:

**Registrar of The High Court,
KwaZulu-Natal, Durban.**

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No: ..

In the matter between:

THE MINISTER OF POLICE

First Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICE, KWA-ZULU-NATAL**

Second Applicant

and

MARCH AND MARCH

First Respondent

JACINTA BONGIWE ZUM A

Second Respondent

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Third Respondent

**MTHOKOZISI ALFRED GUMEDE
(FELIMTWINI)**

Fourth Respondent

NOZIBUSISO KHAMBULE

Fifth Respondent

LINDANI XULU

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UYAMA MTHEMBU

Seven Respondent

ETHEKWINI MUNICIPALITY

Eighth Respondent

**THE EXECUTIVE HEAD OF THE
ETHEKWINI MUNICIPAL POLICE SERVICE**

Ninth Respondent

THE MINISTER OF HOME AFFAIRS

Tenth Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

TLHALOSO PAULUS MASHABA,

do hereby make oath and state the following:-

1.

1.1. I am an adult male.

T. J.

TPar

1.2. I am a Colonel attached to the Public Order Policing and based at 3 Troye Street, Sunnyside, Pretoria;

1.3. I am duly authorised to depose to this affidavit on behalf of the Applicant.

2.

The facts deposed to herein are within my personal knowledge and belief, unless the context indicates otherwise and are true and correct.

3.

Where I make legal submissions, I do so on the advice of my legal advisers which I accept to be true and correct.

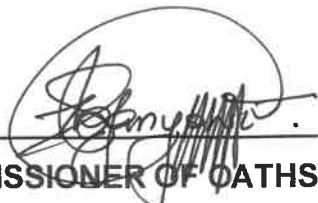


4.

I confirm that I have read the founding affidavit of **BRIGADIER JT GAMA**, the Acting Head of Legal Services KwaZulu-Natal in the application and confirm the submissions insofar as they refer to me.

DEPONENT

I CERTIFY that the Deponent has acknowledged that he/~~she~~ knows and understands the contents of this Affidavit which was signed and sworn to at Durban before me on this 26TH day of OCTOBER 2026, the Regulations contained in Government Notice R 1258 of 21 July 1972 (as amended by G.N.R 1648 of 19 August 1977, G.N.R. 1428 of 11 July 1980 and G.N.R. 774 of 23 April 1982) having been complied with.


COMMISSIONER OF OATHSFULL NAME : *THEMBA*

BUSINESS ADDRESS :

DESIGNATION :

AREA OF APPOINTMENT :

OFFICE IF *EX OFFICIO* :*JAPHTER SIBANYONI*

THEMBA J. SIBANYONI
PRACTICING ATTORNEY(RSA)
COMMISSIONER OF OATHS
SUITE 201C, 2nd FLOOR
DOONE HOUSE
379 ANTON LEMBEDE STREET
TEL: 031 301 3540



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IN THE HIGH COURT OF SOUTH AFRICA
 KWAZULU-NATAL LOCAL DIVISION,
 DURBAN

CASE NO: **2026-266812**

In the matter between:

MINISTER OF POLICE

Plaintiff / Applicant / Appellant

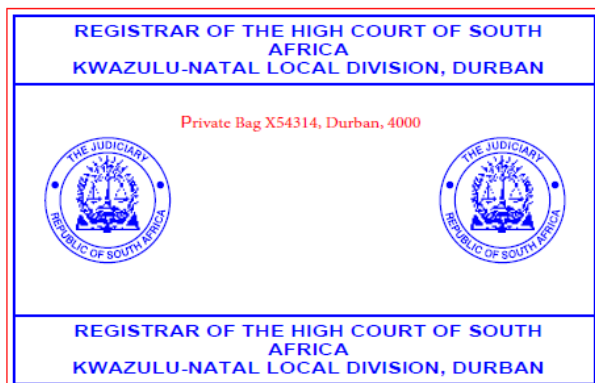
and

**MARCH AND MARCH,JACINTA
 BONGIWE ZUMA ,XOLANI
 CHRISTOPHER ZUMA ,MTHOKOZISI
 GUMEDE FELIMTWINI ,NOZIBUSISO
 KHAMBULE AND FIVE OTHERS**

Defendant / Respondent

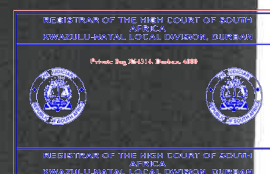
Annexure 01

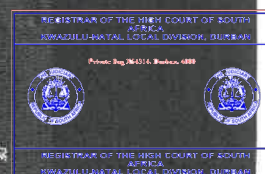
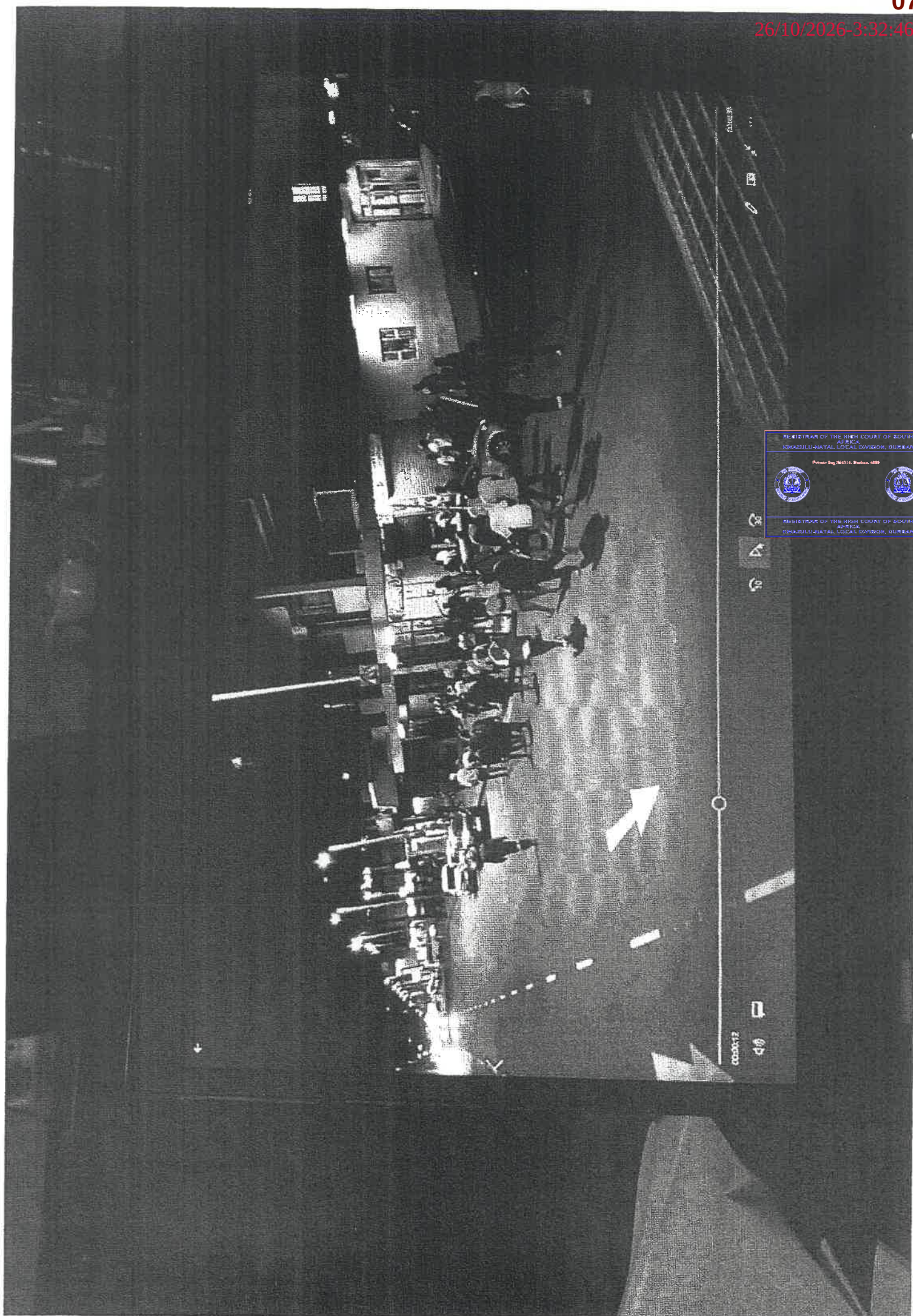
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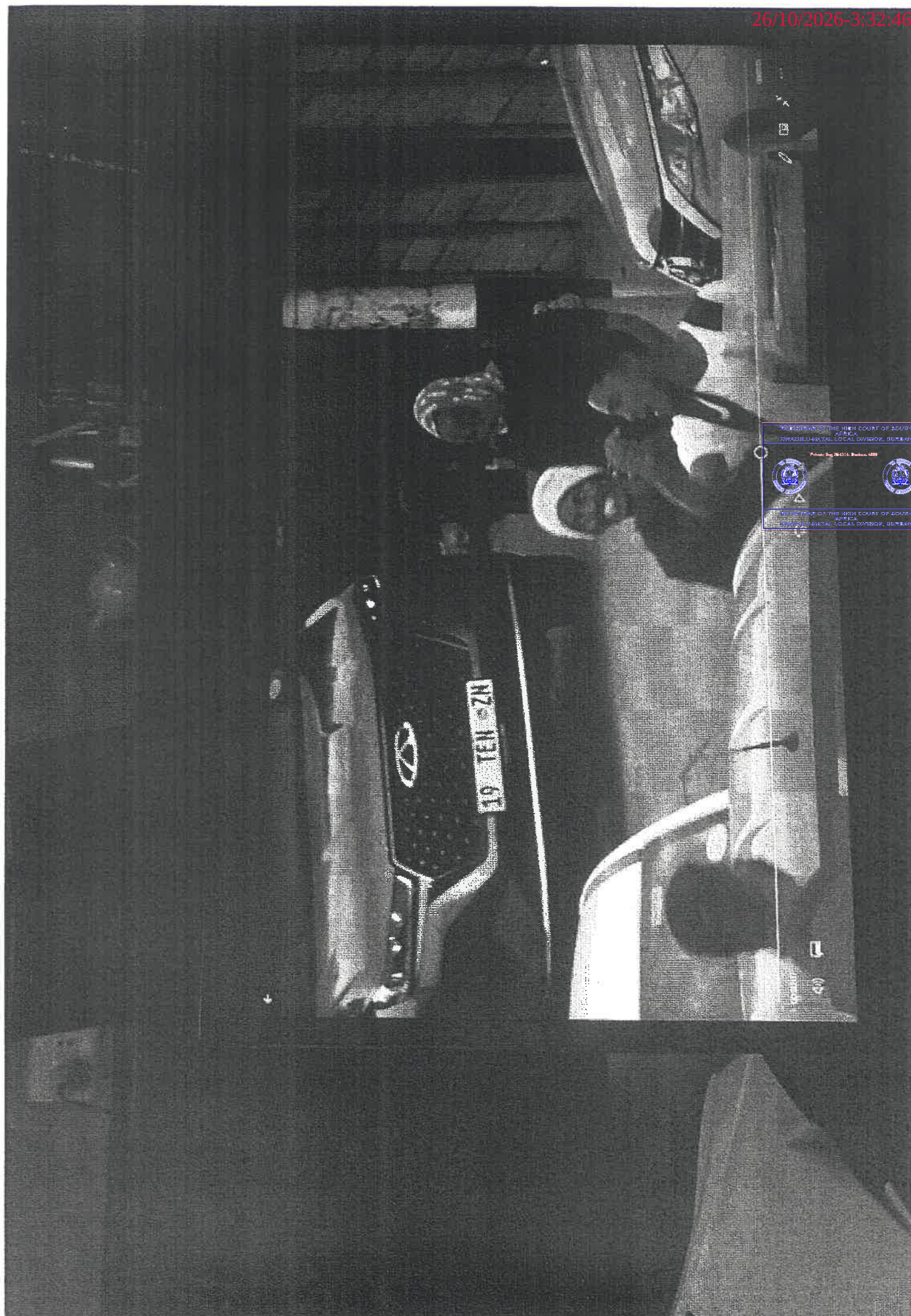
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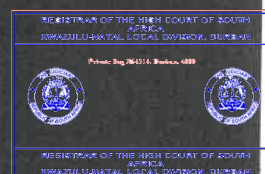
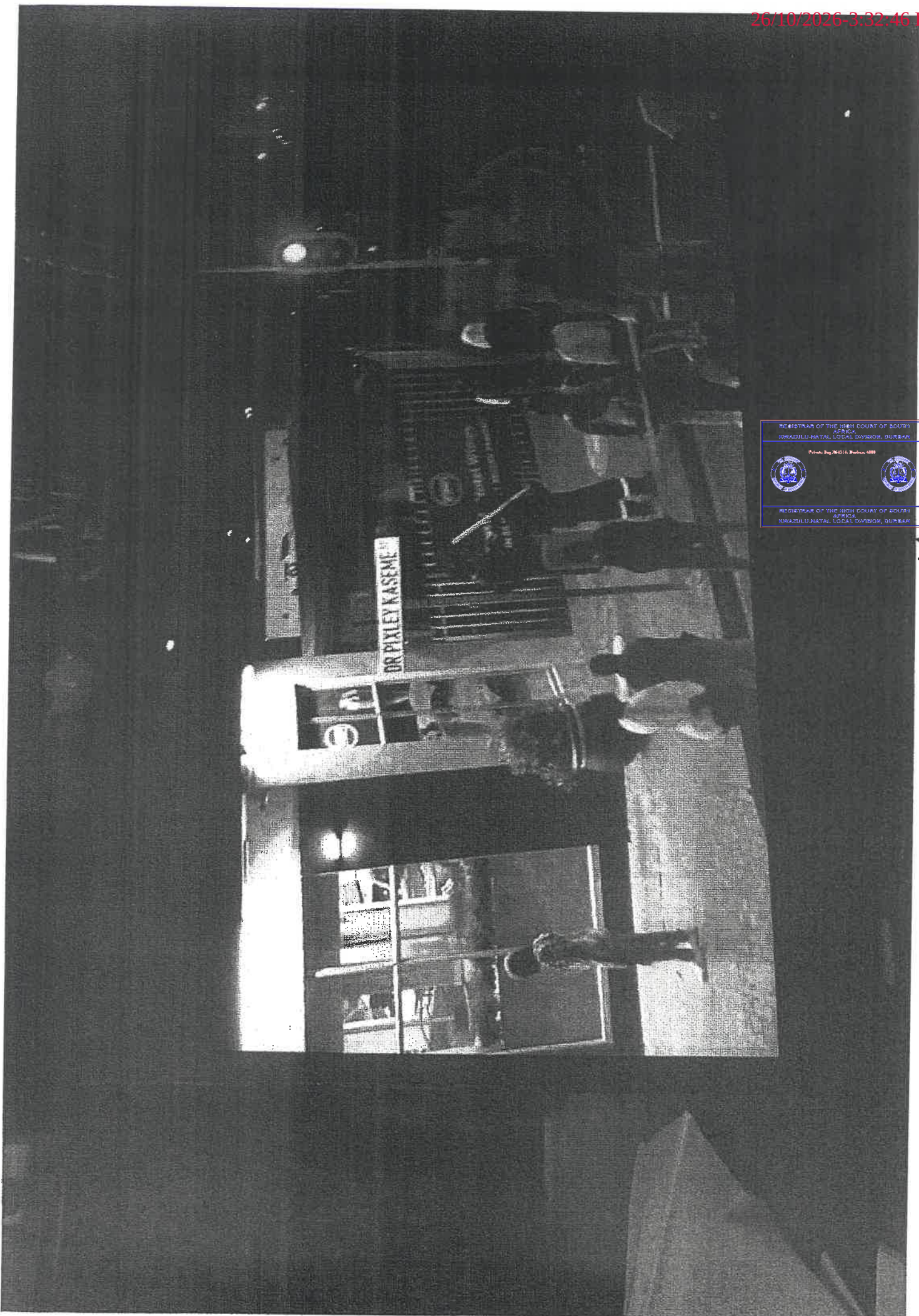
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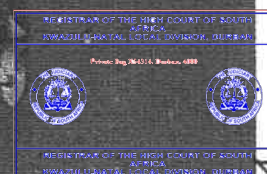


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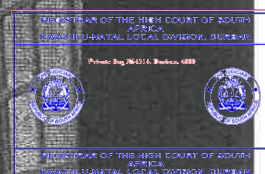
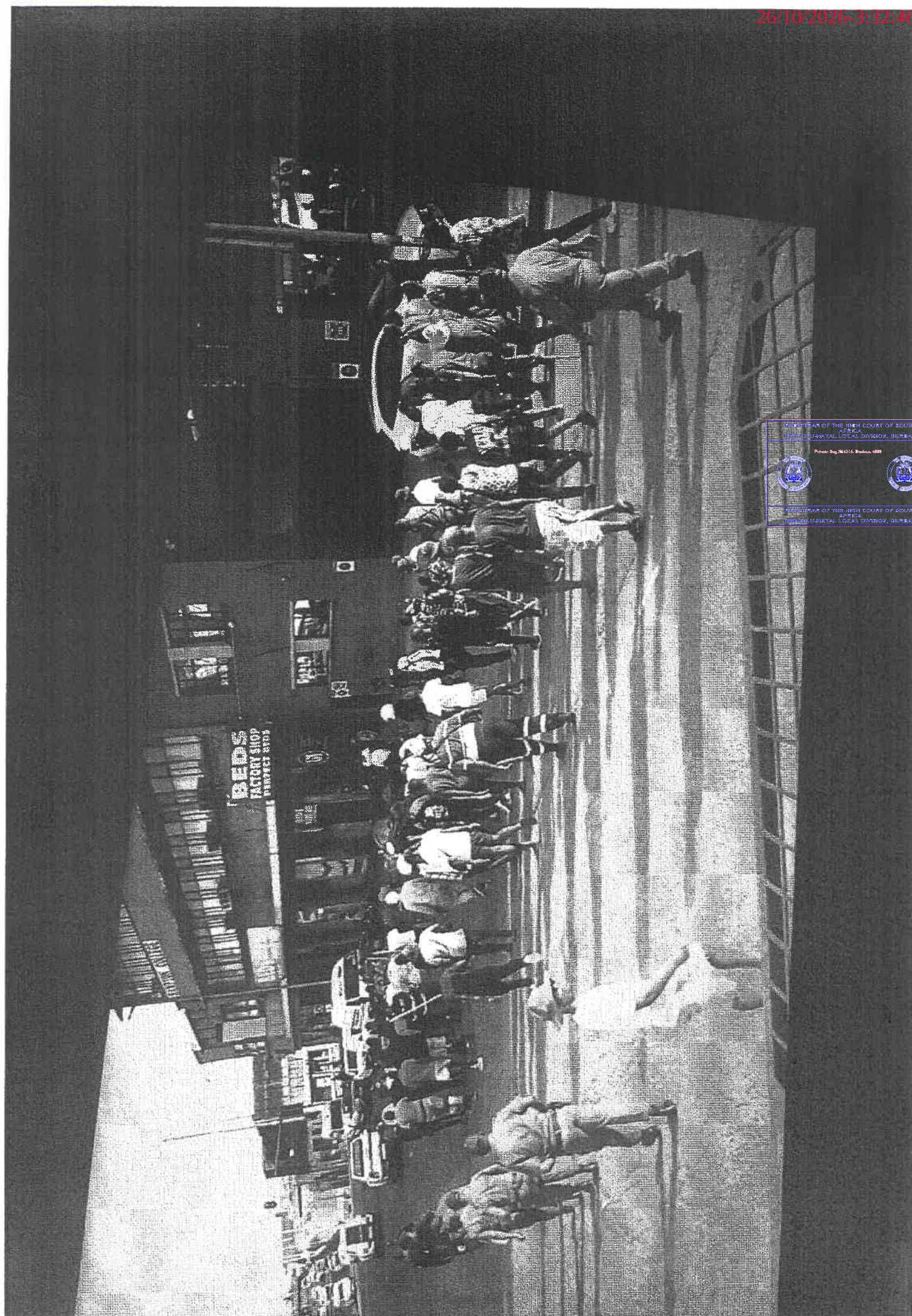




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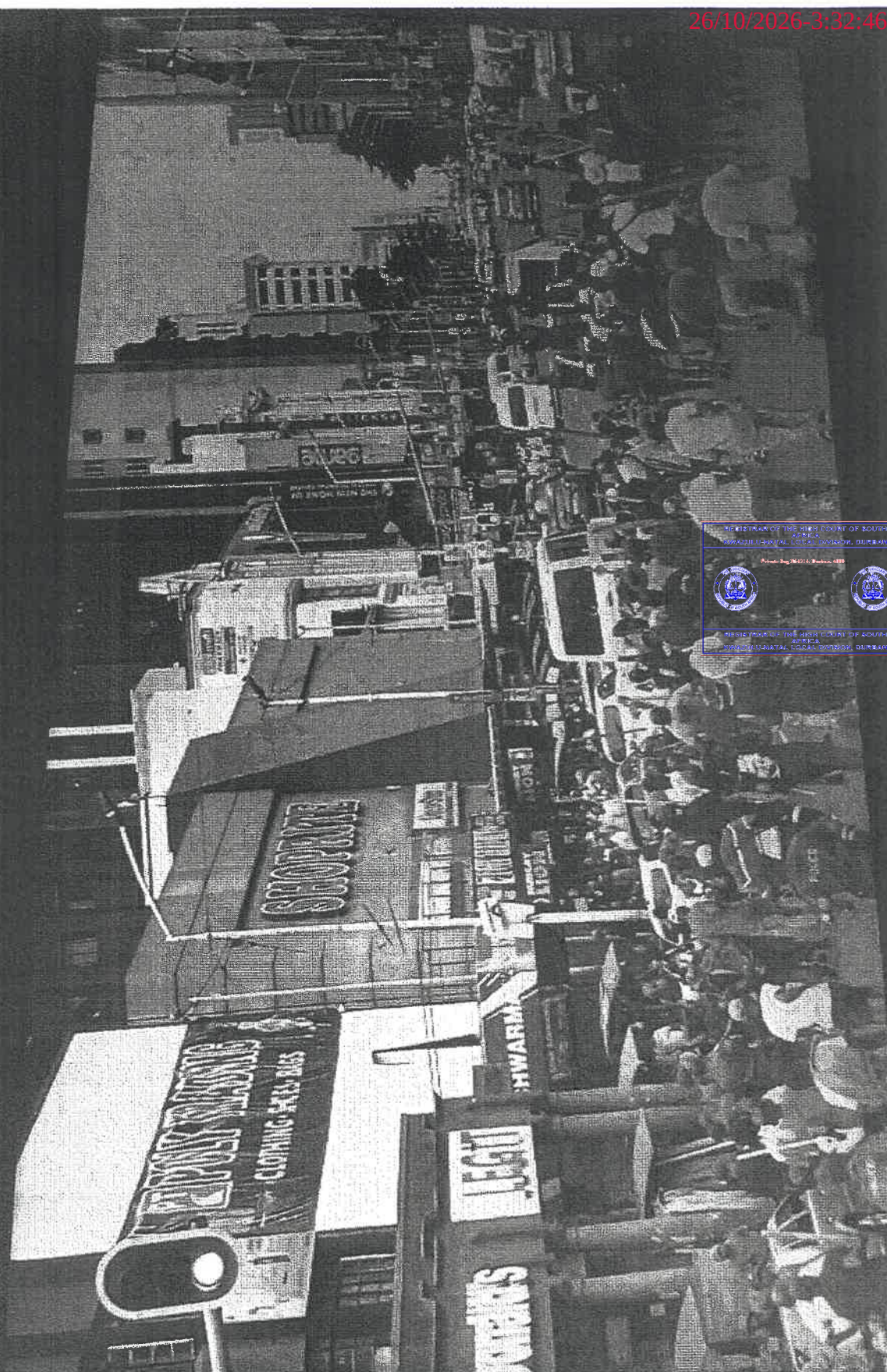


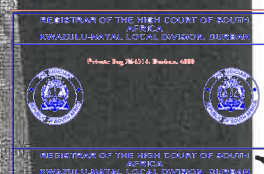
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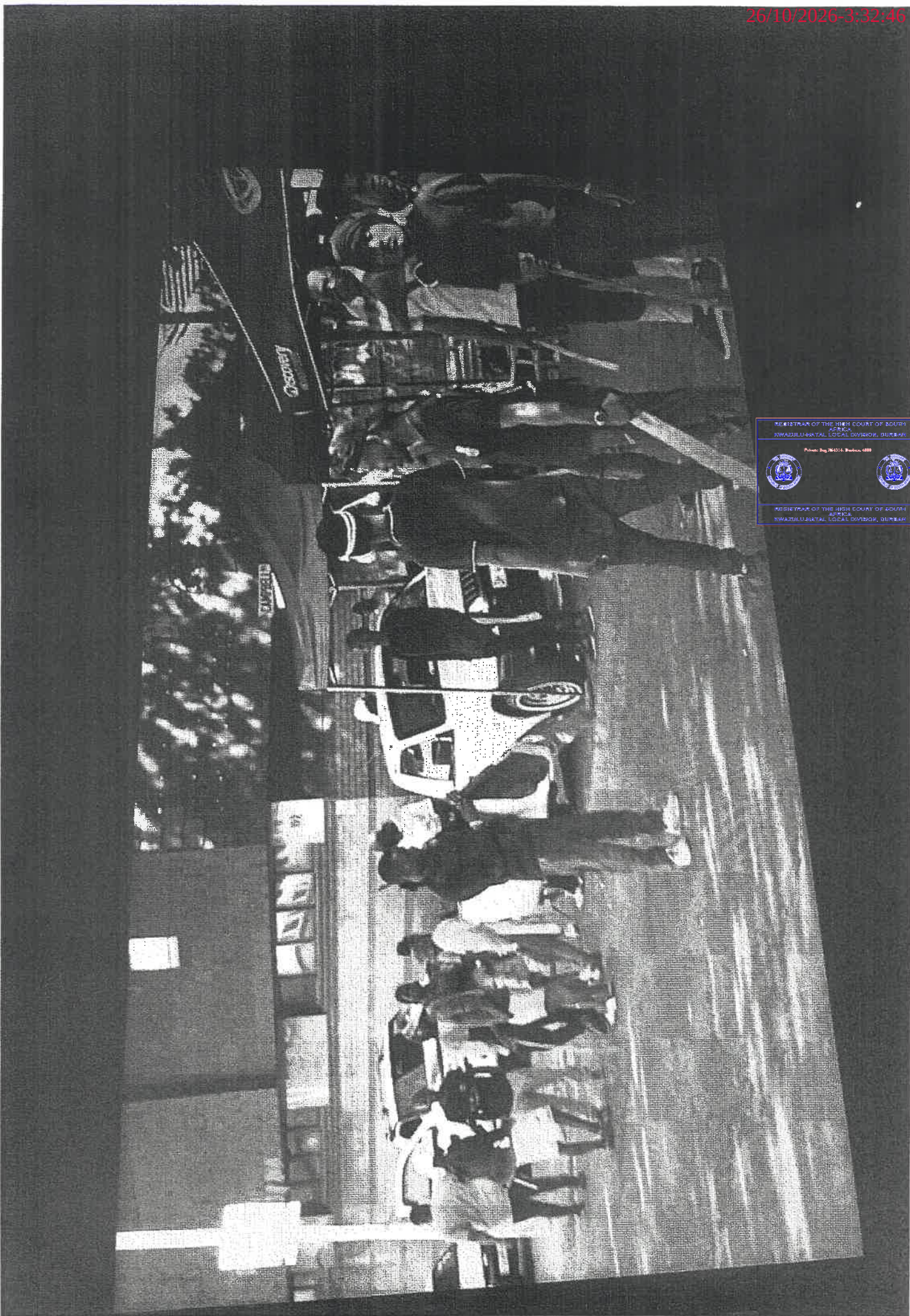
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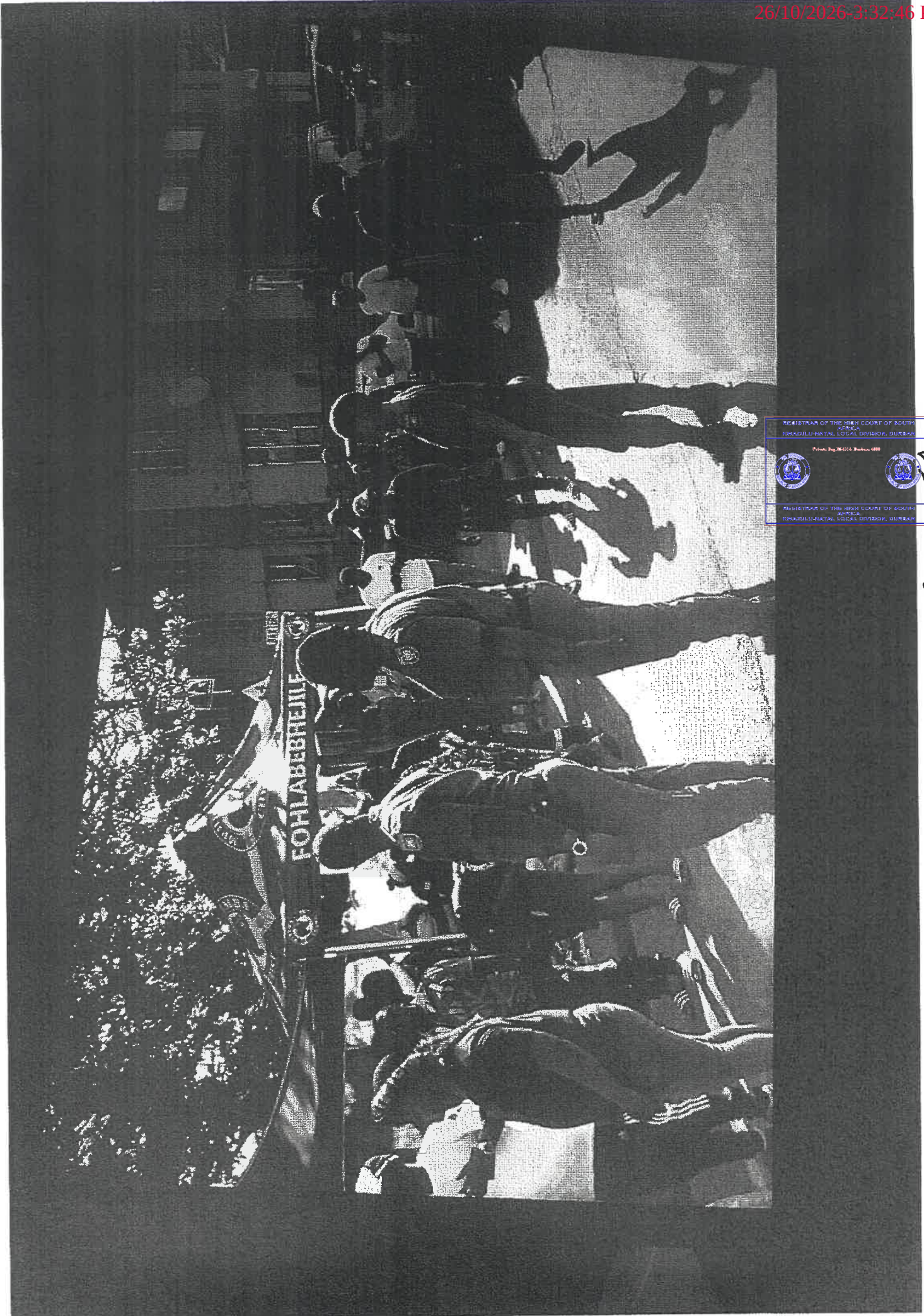
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KWAZULU-NATAL LOCAL DIVISION, DURBAN
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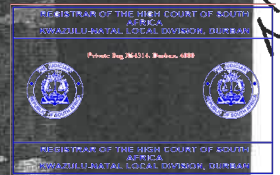
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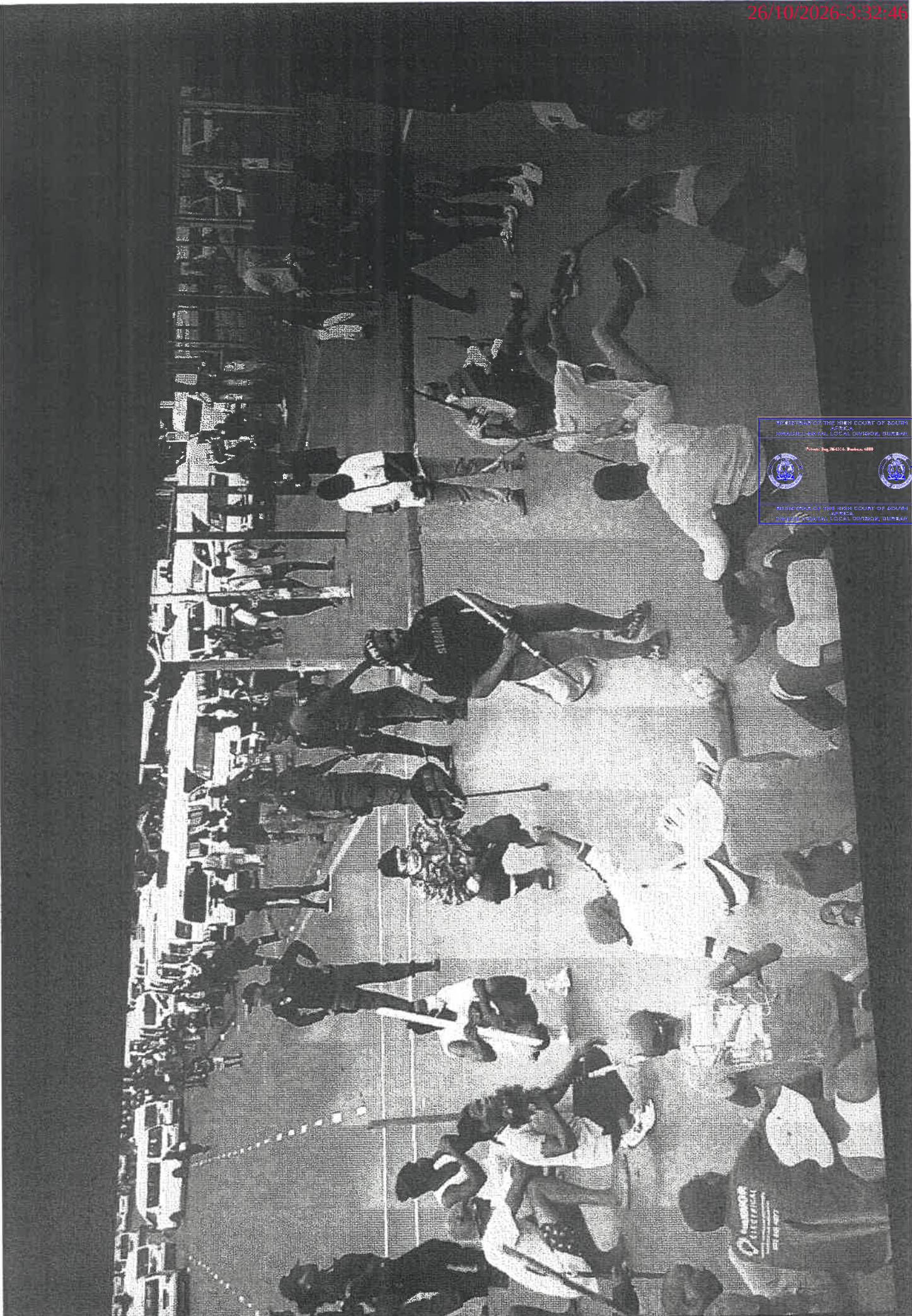


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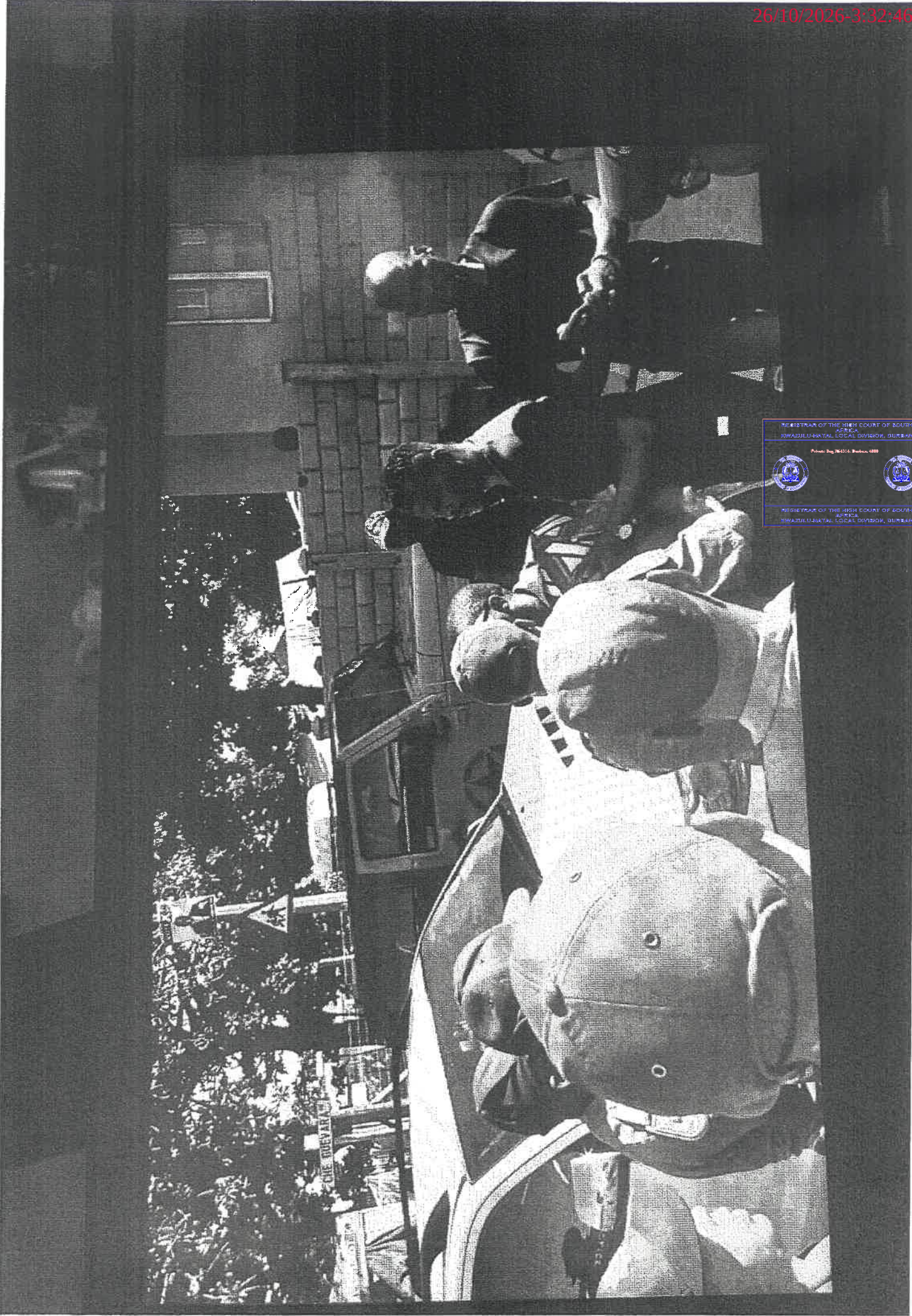
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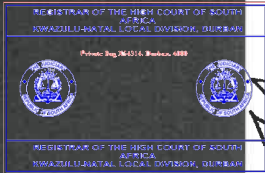
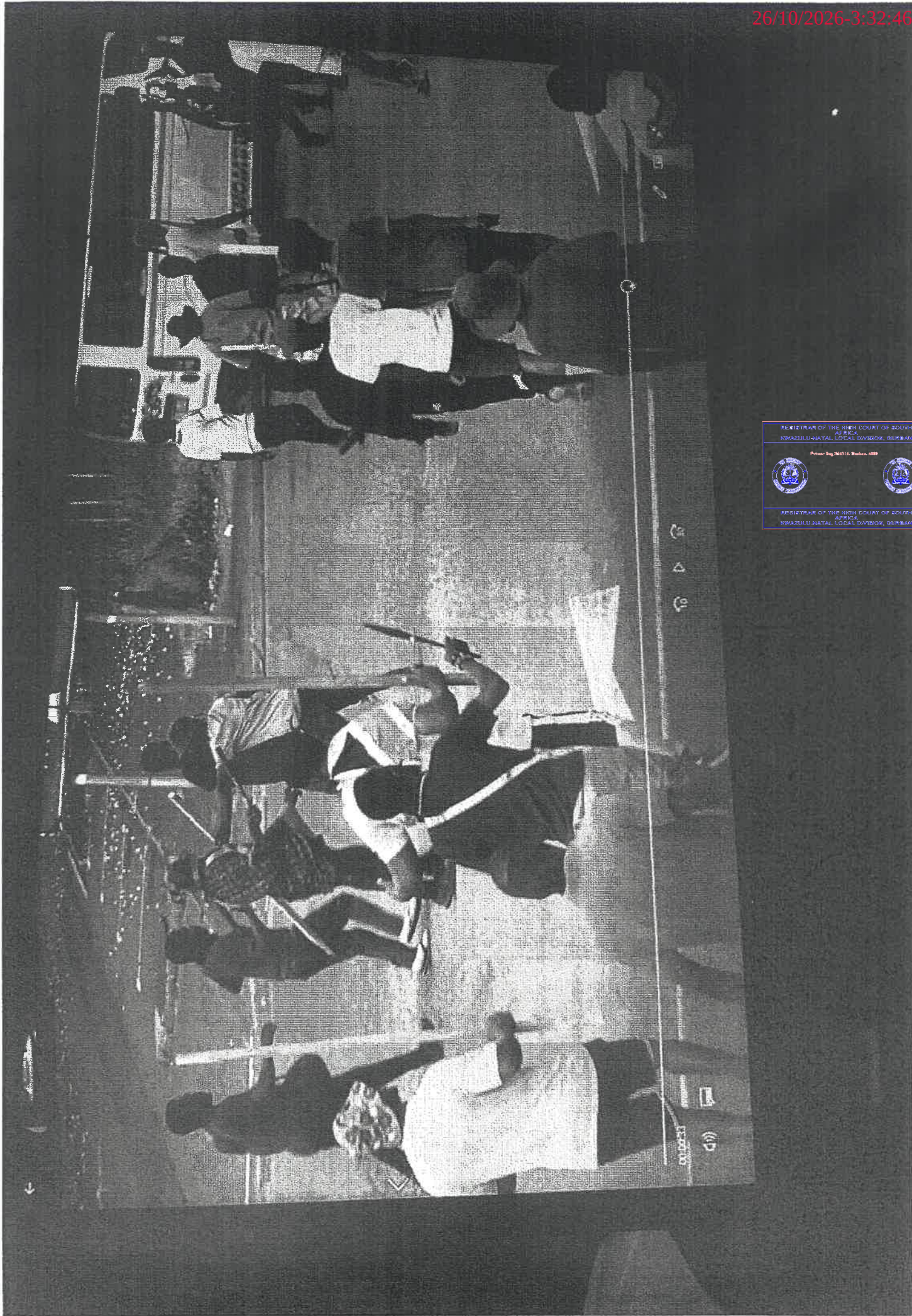
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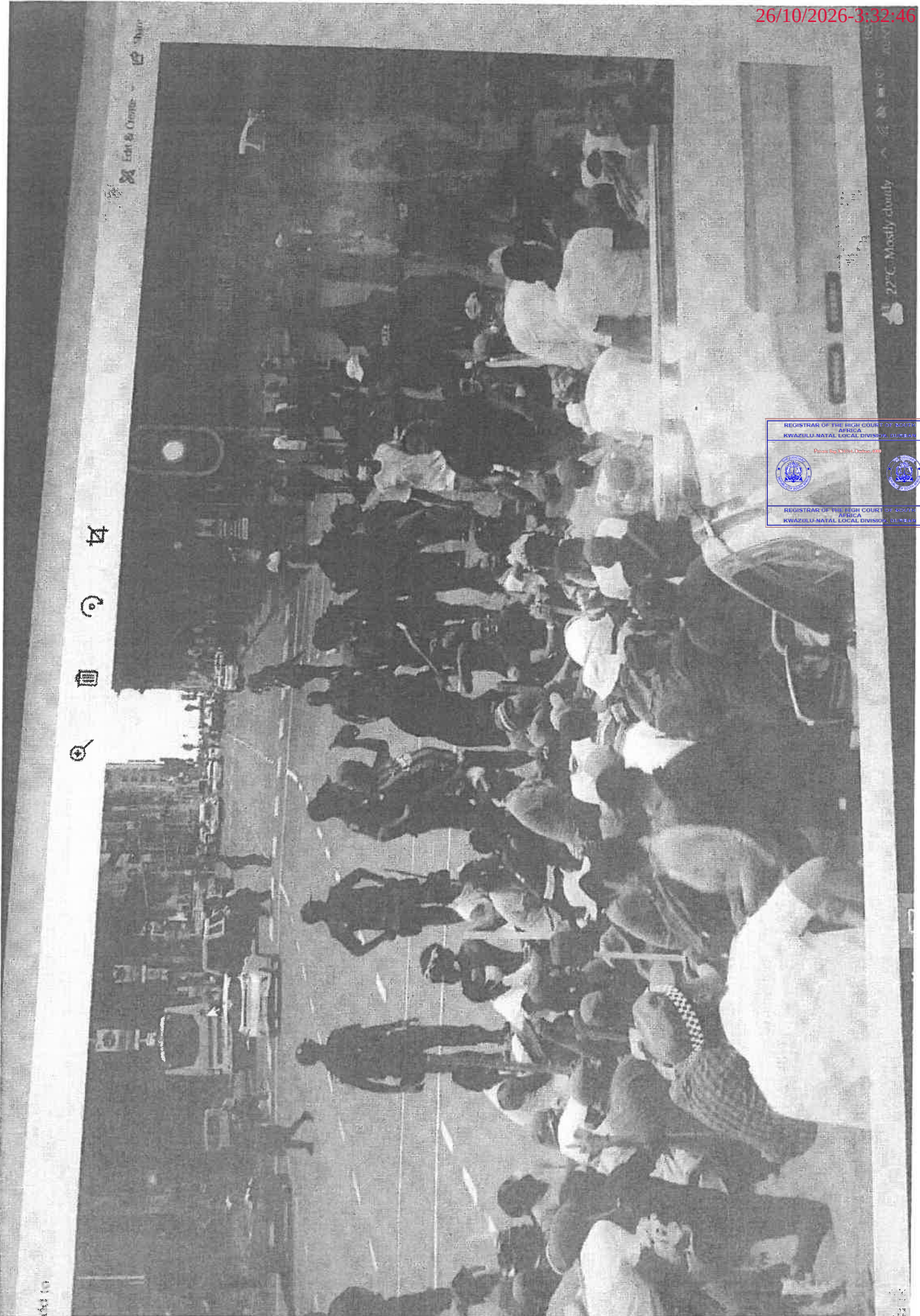


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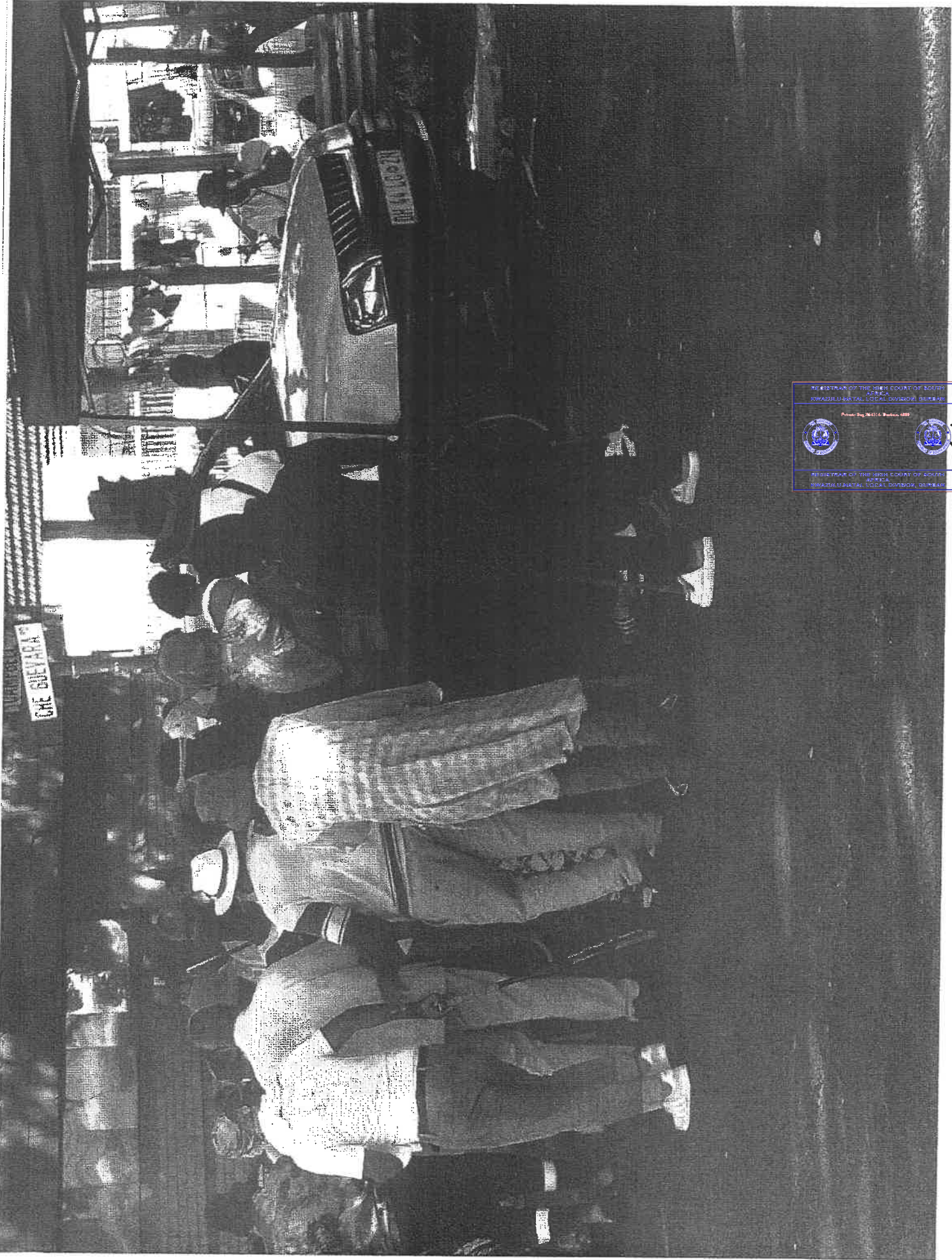
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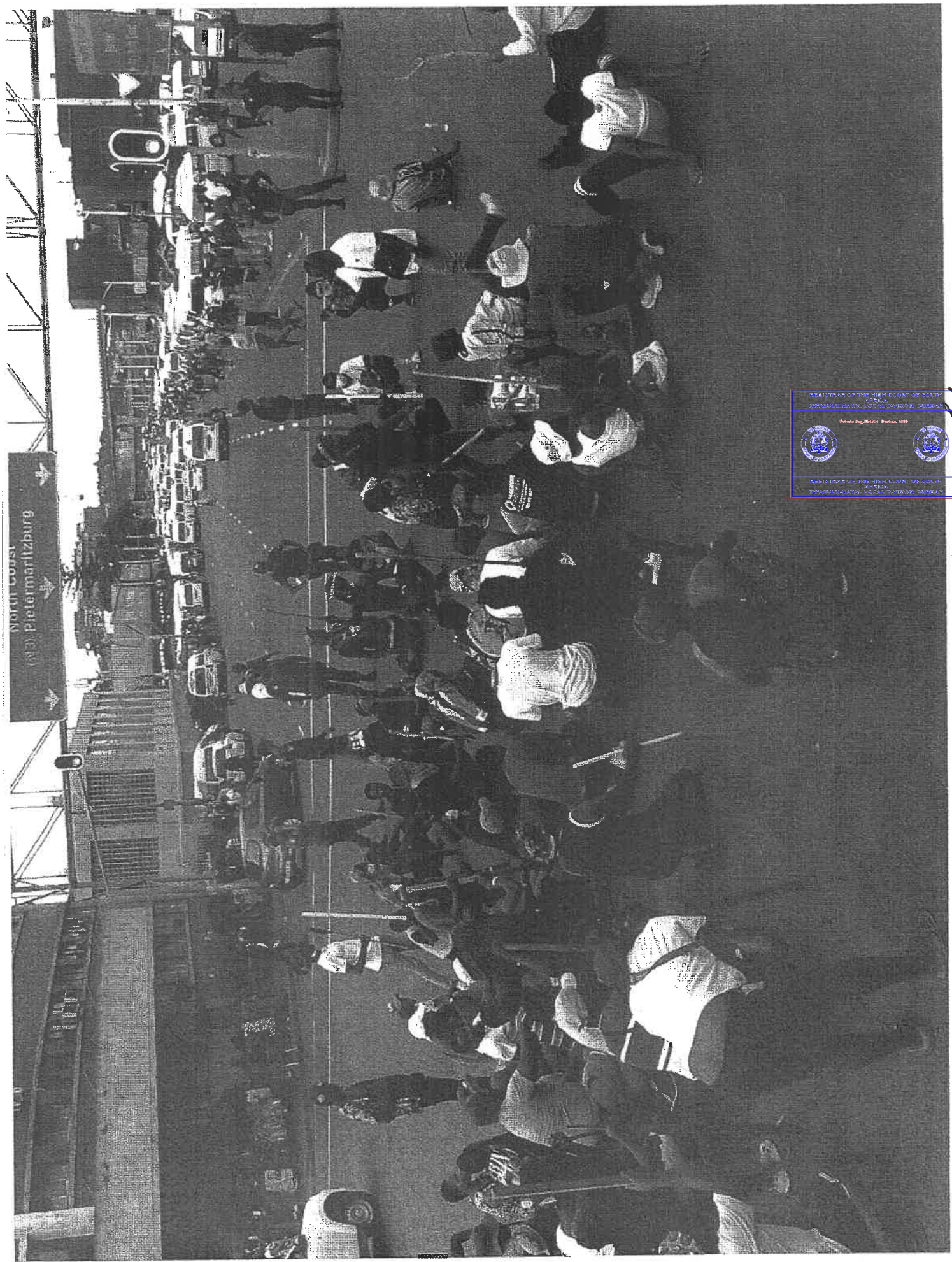


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KwaZulu-Natal Local Division, Durban
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KwaZulu-Natal Local Division, Durban

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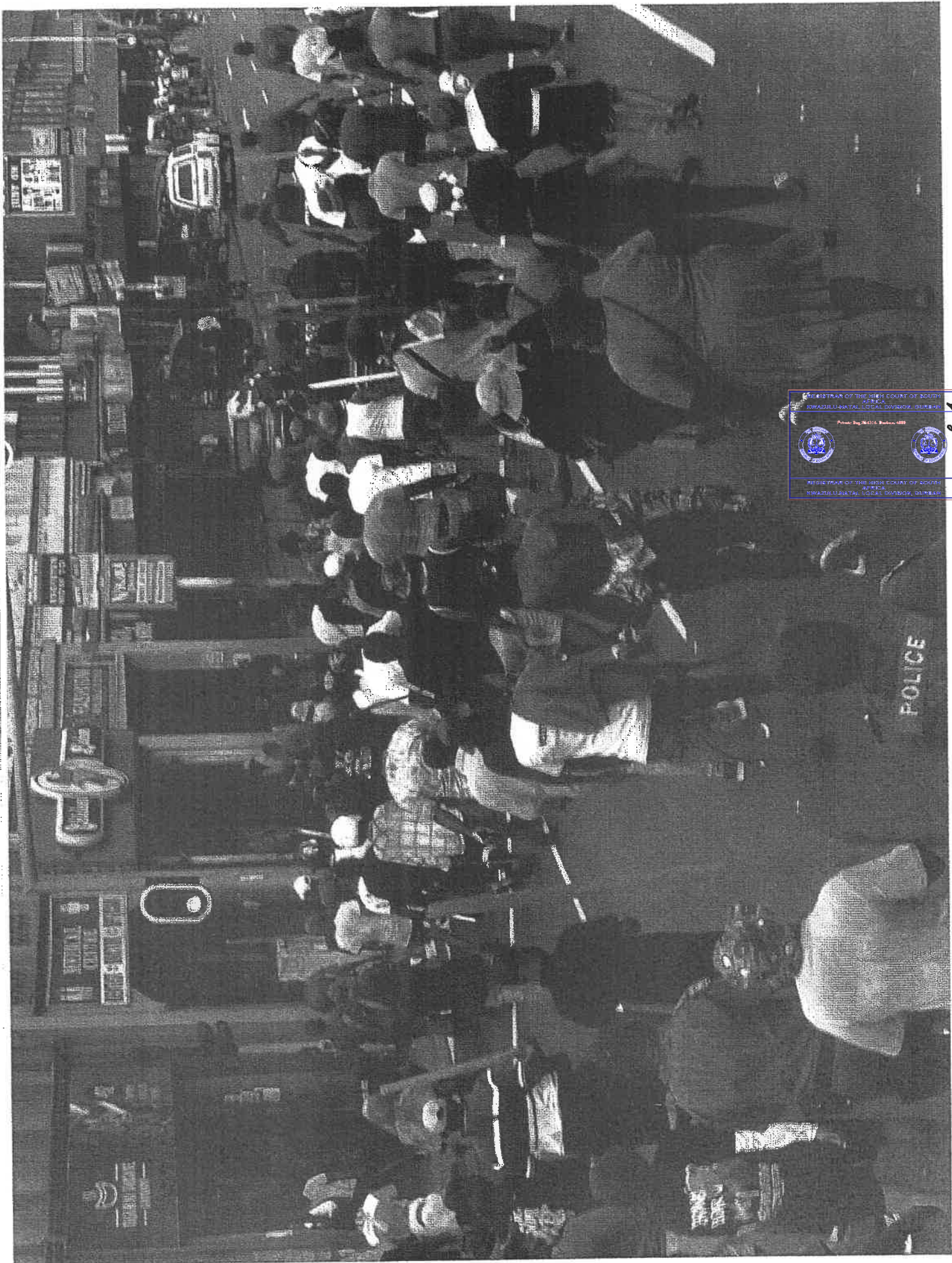
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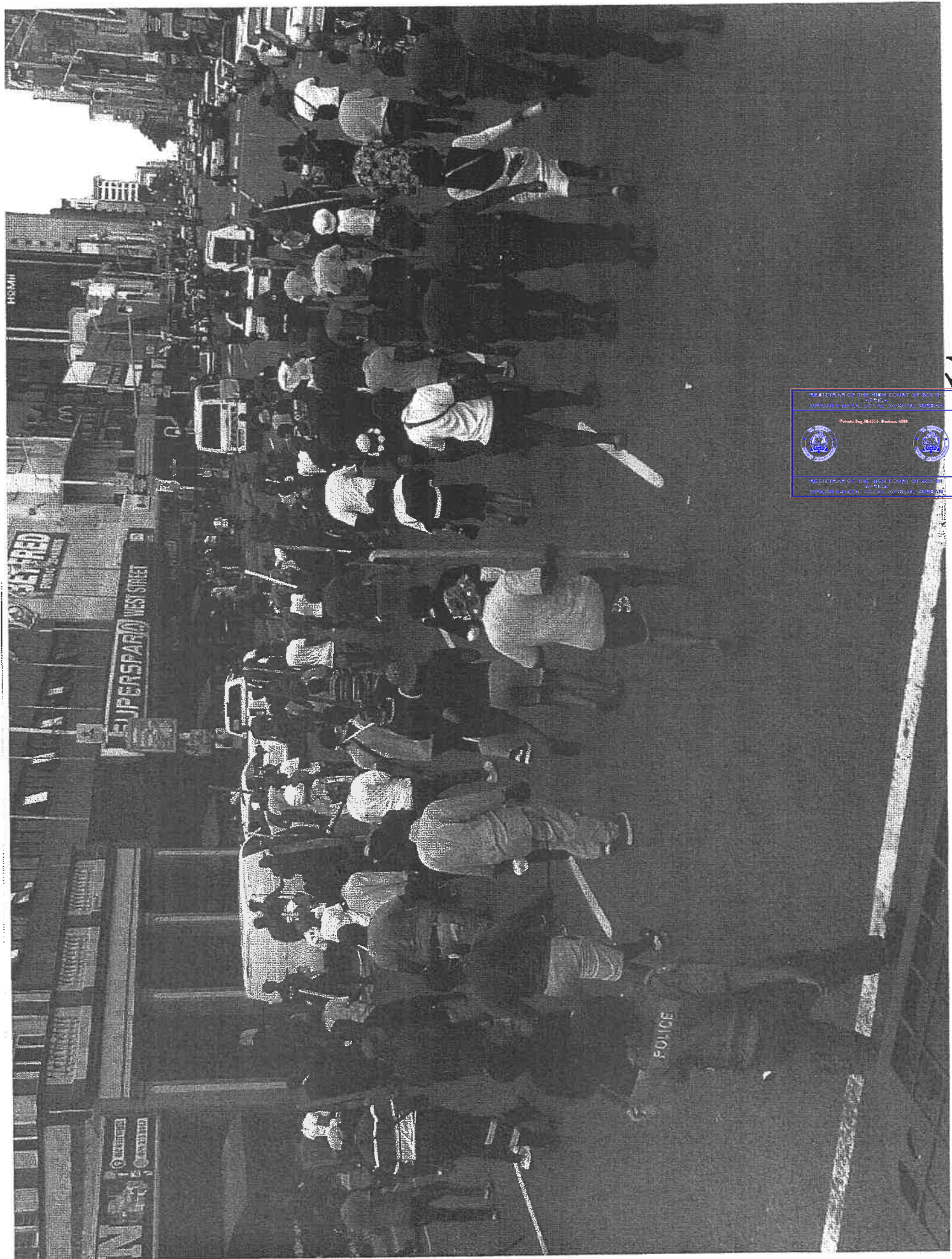
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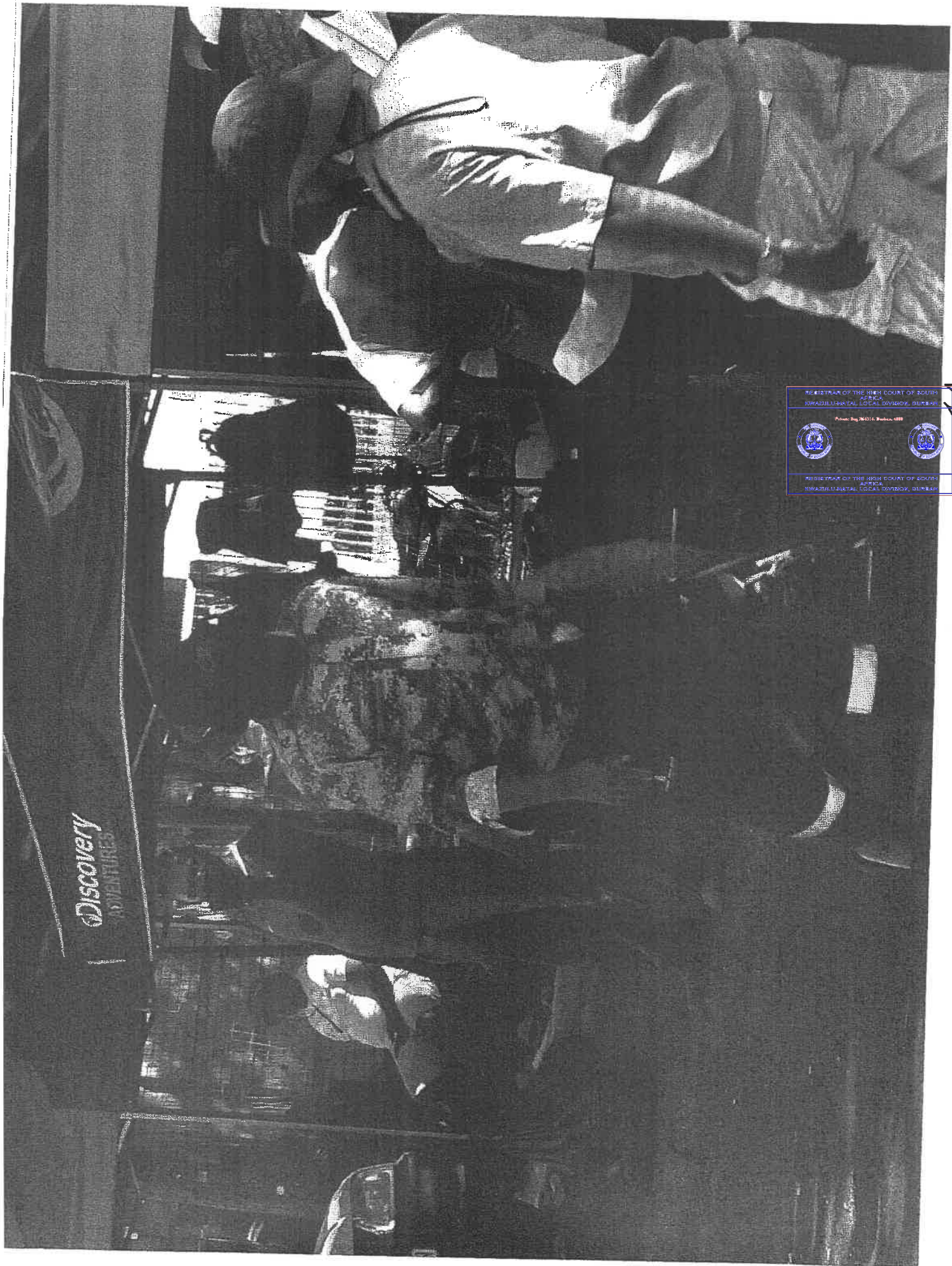
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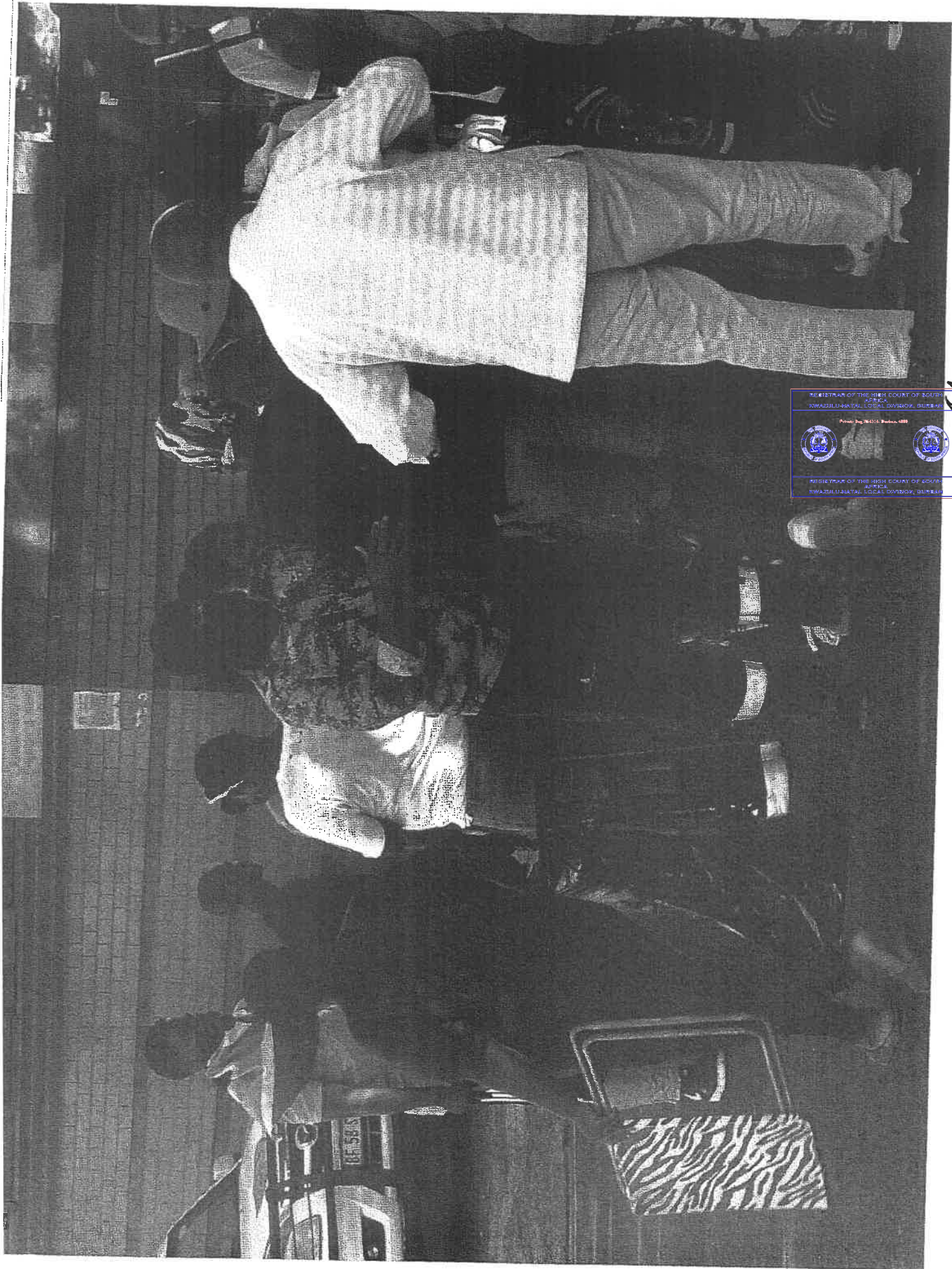
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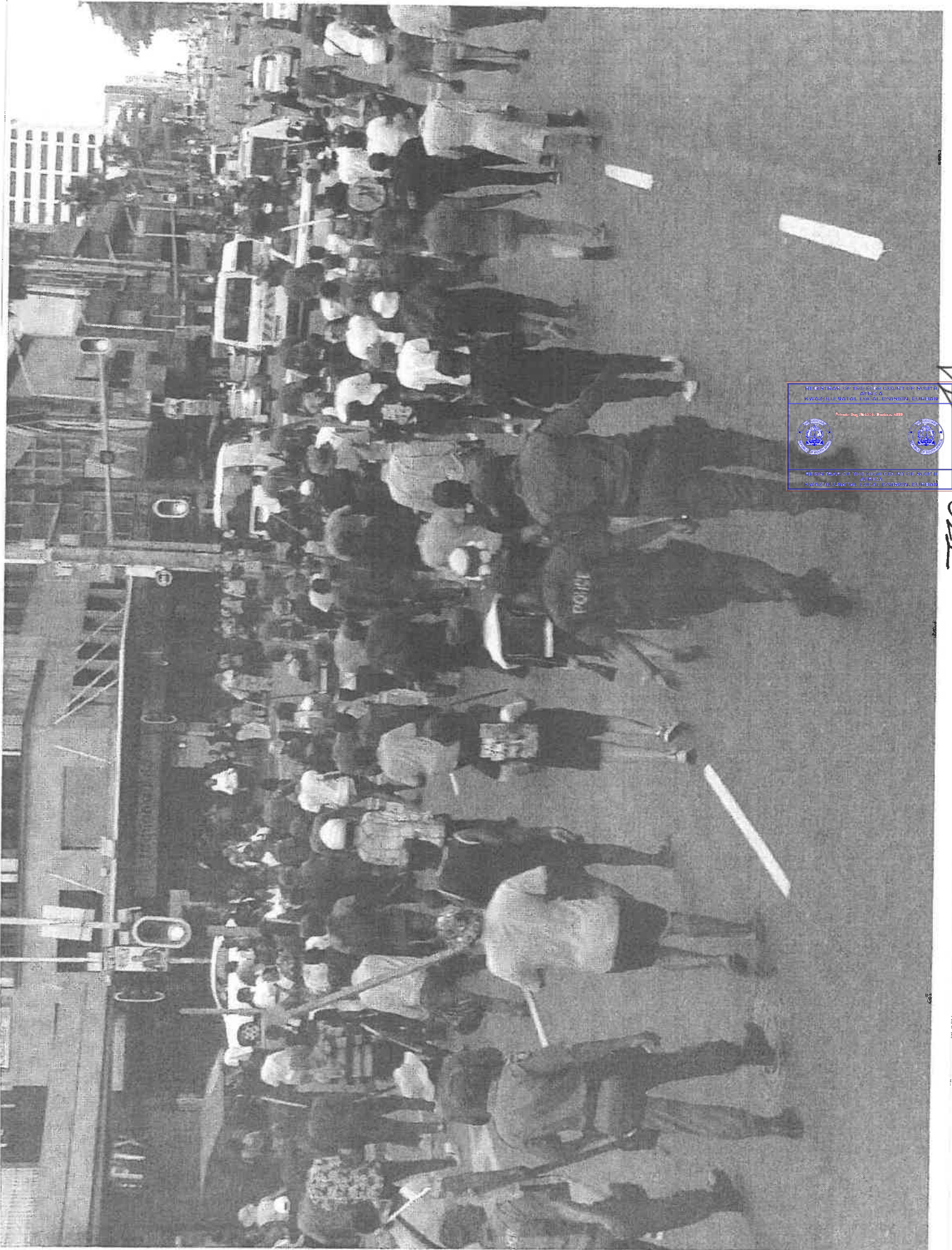
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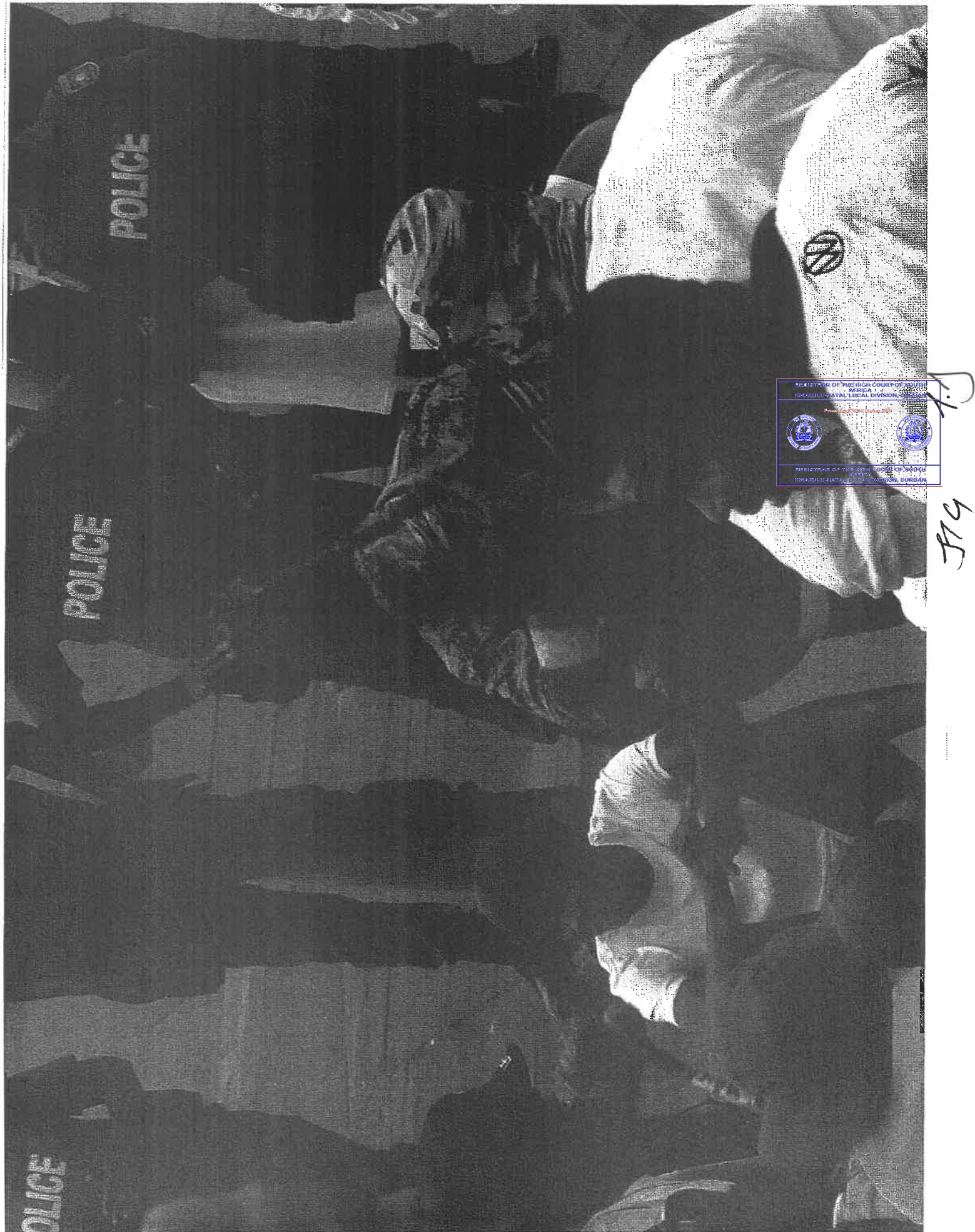
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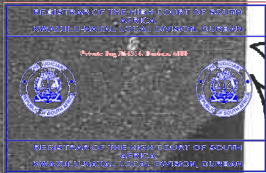
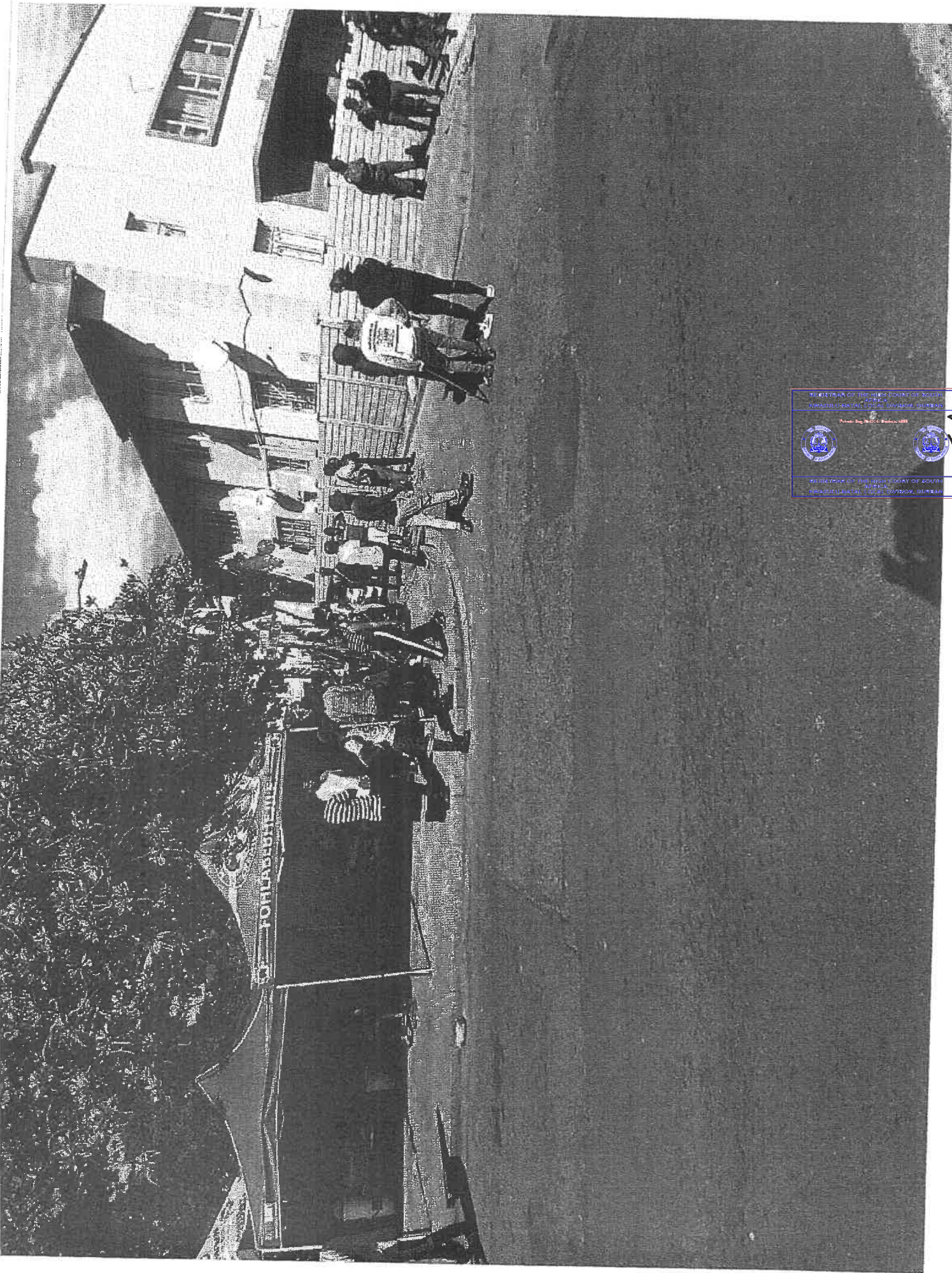






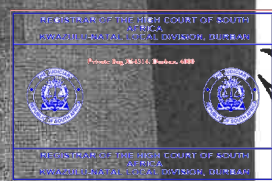
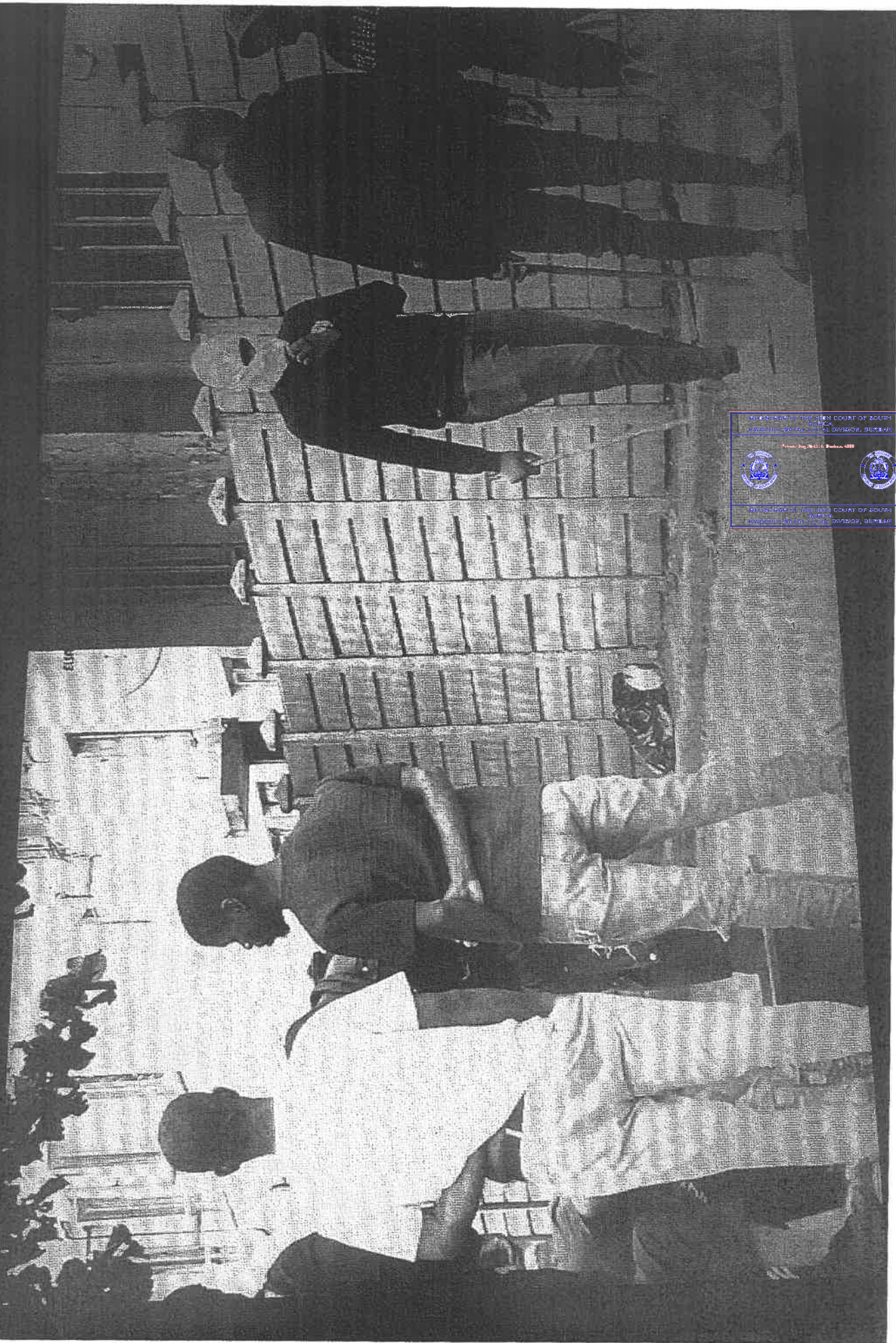
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KWAZULU-NATAL LOCAL DIVISION, DURBAN





P. J.

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KWAZULU-NATAL LOCAL DIVISION, DURBAN

P. J.
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