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Form No. 29C/Provisional Order/Rule 246

REGISTRAR OF THE HIGH COURT  
OF ZIMBABWE  
CIVIL DIVISION

22 JAN 2019

P.O. BOX CY 275, CAIRO  
ZIMBABWE  
CASE NO. HC 265/19

IN THE HIGH COURT OF ZIMBABWE  
HELD AT HARARE

In the matter between:-

ZIMBABWE LAWYERS FOR HUMAN RIGHTS  
MEDIA INSTITUTE OF SOUTHERN AFRICA

1<sup>ST</sup> APPLICANT  
2<sup>ND</sup> APPLICANT

AND

THE MINISTER OF STATE IN THE PRESIDENT'S OFFICE  
RESPONSIBLE FOR NATIONAL SECURITY  
DIRECTOR GENERAL OF INTELLIGENCE  
PRESIDENT OF THE REPUBLIC OF ZIMBABWE  
ECONET WIRELESS (PVT) LIMITED  
NETONE CELLULAR (PVT) LIMITED  
TELECEL ZIMBABWE (PVT) LIMITED

1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT  
3<sup>RD</sup> RESPONDENT  
4<sup>TH</sup> RESPONDENT  
5<sup>TH</sup> RESPONDENT  
6<sup>TH</sup> RESPONDENT

### PROVISIONAL ORDER

#### TO THE RESPONDENTS

**TAKE NOTE** that, on the 21st day of January 2019 the High Court sitting at Harare before the Honourable Mr Justice Tagu issued a provisional order as shown overleaf.

The annexed Chamber application, affidavit/s and documents were issued in support of the application for this provisional order.

If you intend to oppose the confirmation of this provisional order, you will have to file a notice of Opposition in Form No. 29B, together with one or more opposing affidavits/s, with the Registrar, of the High Court at Harare with ten (10) days after the date of which this provisional order and annexures were served upon you. You will also have to serve a copy of the Notice of Opposition and affidavit/s on the applicant at the address for service specified in the application.

If you do not file an opposing affidavit within the period specified above, this matter will be set down for hearing in the High Court at Harare, without further notice to you and will be dealt with as an unopposed application for confirmation of the provisional order.

If you wish to have the provisional order changed or set aside sooner than the Rules of Court normally allow and can show good cause for this, you should approach the applicant/applicant's legal practitioner to agree, in consultation with the Registrar, on a suitable hearing date. If this cannot be agreed or there is a great urgency, you make a



Chamber application, on notice to the applicant, for directions from a Judge as to when the matter can be argued.

BY THE JUDGE

  
REGISTRAR

**PROVISIONAL ORDER**

**TERMS OF ORDER MADE**

That you show cause to this Honourable Court why a final order should not be made in the following terms:-

1. It is ordered and declared that:

- a) The 1<sup>st</sup> respondent's directives issued in terms of Section 6 (2) (a) of the Interception of Telecommunications Act (Chapter 11:20) in January 2018 be and are hereby set aside.

**TERMS OF THE INTERIM RELIEF GRANTED**

1. The directives or warrants issued by the 1<sup>st</sup> and 2<sup>nd</sup> respondents shutting down or suspending all internet communications on the 14<sup>th</sup>, 15, 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> and any other subsequent days of January 2019 be and is hereby forthwith suspended.
2. The 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents and all other holders of telecommunications licences in terms of the Postal and Telecommunications Act (Chapter 12:05) be and are hereby ordered to unconditionally resume the provision of full and unrestricted internet services to all their subscribers forthwith.

