



REPUBLIC OF SOUTH AFRICA

FORM 3

[Regulation 4]

INTERIM PROTECTION ORDER

SECTION 3(2) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)

Amended

(*Delete whichever is not applicable)

Take note: In terms of section 10(4) of the Protection from Harassment Act, 2011, the physical, home and work address of the complainant or related person must be omitted from the protection order (including any reference to such an address in documents annexed to the interim protection order), unless the nature of the terms of the order necessitates the inclusion of the address.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF Kulmanur

HELD AT Kulmanur APPLICATION NO. H 668 / 2022

In the matter between:

Tyrone Buchanan Johnson (Complainant)

AND

Ruben Theodor Fichart (Respondent)

1. PARTICULARS OF RESPONDENT

Name and surname: Ruben Theodor Fichart

Address: 91 Frangapani Street
Wain Brea Estate
Brackenfell

Contact number (telephone number/cellular phone number/facsimile number/e-mail address (whichever is available)): 083 925 1545

2. PARTICULARS OF APPLICATION

The complainant applied for a protection order against the respondent in terms of the Protection from Harassment Act, 2011 (Act No. 17 of 2011). This court, after considering the application, issued an interim protection order against the respondent.

3. PARTICULARS OF INTERIM PROTECTION ORDER

In terms of the interim protection order:

3.1 The respondent is prohibited by this court from —

(a) engaging in or attempting to engage in harassment of —
(i) the complainant; and/or
(ii) the following related person/s:

• applicant's wife and children
•
•
•

(b) enlisting the help of another person to engage in harassment of the complainant and/or above related person/s; and/or

(c) committing any of the following act/s:

(i) not to threaten applicant with violence
(ii) not to take any photos or videos (or any other recordings) of applicant or his family's doings
(iii)

*3.2 The court imposes the following additional conditions that are necessary to protect and to provide for the safety and well-being of the complainant or related person/s:

- (a)
- (b)
- (c)

*3.3 The court orders:

(a)	That a member of the South African Police Service is to seize the following weapon(s): all fire-arms in possession of respondent
(b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence: to supervise the collection of the complainant's or related person's personal property set out in paragraph 8 of the application for a protection order, and such member is authorised to take all reasonable steps to effect the collection of the said property.

(original date was 2/11/2022)

The respondent is called upon to show cause on 7/2/2023 (the return date) at 08:30 (time) at the abovementioned court, why the court should not issue a final protection order.

- 5. The return date specified in paragraph 4, above, may be anticipated by the respondent on not less than 24 hours' notice to the applicant and the court.
- 6. If the respondent does not appear on the return date and if the court is satisfied that —
 - (a) proper service has been effected on the respondent; and
 - (b) the application contains *prima facie* evidence that the respondent has engaged or is engaging in harassment,
 the court must issue a final protection order.

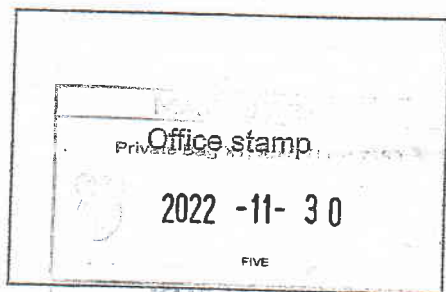
7. A copy of the application of the complainant and the record of any evidence noted during proceedings are attached for the information of the respondent.

8. In terms of section 16 of the Act the court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

9. In terms of sections 3(3) and 15(a) of the Protection from Harassment Act, 2011, WO De Kock (name and surname), who is a *clerk of court/*sheriff/*peace officer is hereby directed to serve the interim protection order, a copy of the application for a protection order and the record of evidence noted on the respondent in accordance with regulation 28 of the Protection from Harassment Regulations, 2013.


MAGISTRATE

30/11/2022
DATE



TAKE NOTE:

- (a) A warrant of arrest has been authorised for the arrest of the respondent, the execution of which is suspended subject to the respondent's compliance with any specified prohibition, condition, obligation or order contained in this protection order.
- (b) A respondent who contravenes any specified prohibition, condition, obligation or order contained in the protection order is in terms of section 18(1)(a) of the Protection from Harassment Act, 2011, guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding five years.

FORM 24

7/2/23

[Regulation 26]

**APPLICATION FOR VARIATION OR SETTING ASIDE OF PROTECTION ORDER
SECTION 13(1) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT
NO. 17 OF 2011)**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF KUILSRIVER

HELD AT KUILSRIVER

APPLICATION NO. H/68/2023

In the matter between:

Tyrone Buchanan Johnson (Applicant)

AND

Ruben Theodor Fichat (Respondent)

PART A : AFFIDAVIT (To be completed by applicant)

1. PARTICULARS OF APPLICANT

Surname:	JOHNSON
Full names:	TYRONE
Identity number / Date of birth:	7509235151084
Home or temporary address:	19 KLEINBROW ROAD, KLEINBROW ESTATE BRACKENFELL
Home /contact telephone number/s :	0833022842
Work address :	SAME AS ABOVE
Work telephone number :	0219754761

The reasons for my request are:

WE HAVE INTERIM PROTECTION ORDER AGAINST EACH OTHER, SINCE THEN HE HAS BEEN RECORDING ME IN MY HOUSE, IN MY BACKYARD, IN HOUSE WITH CHILDREN PRESENT

[Signature]
 Signature of Deponent

30/1/22
 Date

PART B : CERTIFICATION (for official use)

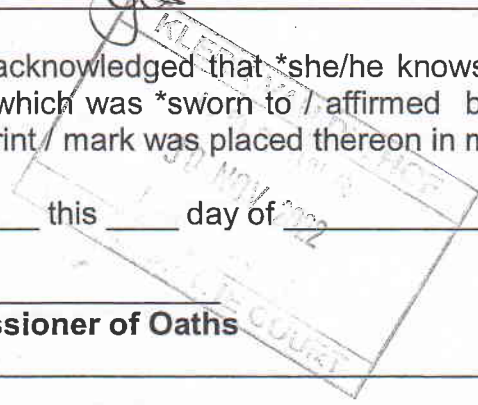
I certify that before administering the *oath / taking the affirmation I asked the Deponent the following questions and noted *her/his answers in *her/his presence as indicated below:-

- (a) Do you know and understand the contents of the above declaration?
 Answer Yes
- (b) Do you have any objection to taking the prescribed oath?
 Answer No
- (c) Do you consider the prescribed oath to be binding on your conscience?
 Answer Yes

I certify that the Deponent has acknowledged that *she/he knows and understands the contents of this declaration which was *sworn to / affirmed before me, and the Deponent's *signature / thumb print / mark was placed thereon in my presence.

Dated at KIRIE this 30 day of 2022

Justice of the Peace / Commissioner of Oaths
 Full Names: M. Muller
 Designation: SAC
 Area for which appointed: _____
 Business Address: 122 Van Riebeeck Rd
Kuils River



SWORN AFFIDAVIT - BEËDIGDE VERKLARING

Naam / Name TYRONE JOHNSON
ID Nr / No 750923 5151084
Adres / Address 19 KLEIN BROW ROAD,
KLEIN BROW ESTATE, BRACKENFELL
Tel (h) 021 975 4761 Tel (w) _____

Verklar onder eed in Afrikaans / States under oath in English

MR FICHART HAS BEEN FILMING
OUR FAMILY IN OUR BACK YARD OVER
OUR WALL AND INTO OUR CHILDRENS
BEDROOM.

MAGISTRATE HAS ALREADY ORDERED
ALL HIS WEAPONS TO BE REMOVED.

MR FICHART IS FILMING US WHERE EVER
WE GO

Ek is vertrouwd met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die affê van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewete.
I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

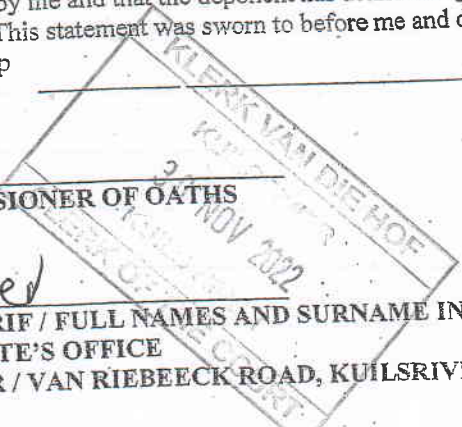
[Signature]
VERKLAARDER / DEPONENT

Ek sertifiseer dat die verklaarder erken dat hy/sy vertrouwd is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening is in my teenwoordigheid daarop aangebring te
KUILSRIVIER op _____ om _____

I certify that the above statement was taken by me and that the deponent has acknowledge that he/she knows and understands the contents of this statement. This statement was sworn to before me and deponent's signature was placed in my presence at KUILSRIVIER op _____ om _____

[Signature]
KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS

M. Muller
VOLLE NAME EN VAN IN DRUKSKRIF / FULL NAMES AND SURNAME INPRINT
LANDDROSKANTOOR / MAGISTRATE'S OFFICE
VAN RIEBEECKWEG, KUILSRIVIER / VAN RIEBEECK ROAD, KUILSRIVIER



(A) MR FEENART IS FILMING WITH A
CELL PHONE INTO OUR HOUSE AND
BACKYARD WITH OUR CHILDREN THERE.

ANNEXURE (A)

OUR CHILDREN OR SCARED AND
ASKING WHY THIS IS HAPPENING.
THEY ARE SCARED TO COME OUTSIDE

(B) A WITNESS - NEIGHBOR SAW
HIM AND HIS WIFE FILMING
OVER OUR YARD.

B

To whom it may Concern: Harassment Court

24 November 2022

On the 23rd of September ~~2023~~²⁰²² we got an Interim Protection Order against Mr Fichart and the Magistrate ordered that all his guns be removed.

Mr Fichart also has a Interim Protection Order against me an the Magistrate has set a trial date for the 7th of February 2023 to hear the matter.

Ever since then Mr Fichart and his wife Sonet Fichart have been filming us were ever we go, even to the point of filming us on our own property, in our Childrens bedroom and holding there cellphones over our 1.8m wall into our back yard (PLEASE SEE ANNEXURE A & B). This happened on the 14th November and the 16th November

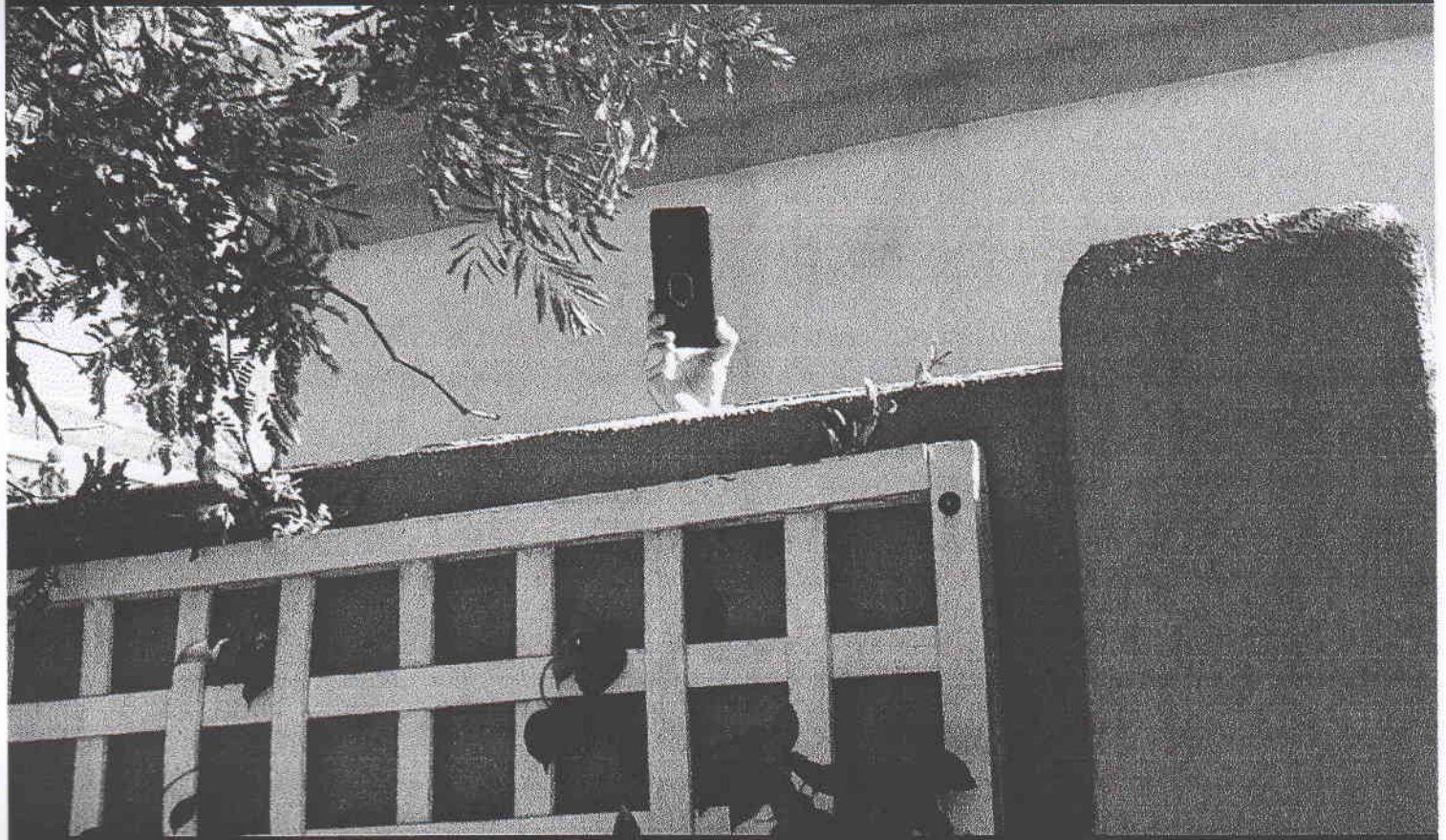
Our Children are asking why are they filming us.

This letter is to confirm that our neighbour Mrs Marine Franken has also spotted them filming us over our boundary wall by our pool and will give proof that the above is correct.



Kind Regards
Tyrone Johnson
19 Kleinbron Road
Brackenfell

Marine Franken
ID: 790315 0053 088
89 Frangipani Street, Kleinbron
Brackenfell



A

