



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)

(\*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 Kullshur

HELD AT Kullshur APPLICATION NO. H 36 / 2023

In the matter between:

Marianne Johnson (Complainant)

AND

Theo Fitchat (Respondent)

1. PARTICULARS OF RESPONDENT

Name and surname: Theo Fitchat

Address: 91 Frangipani Street  
Kleinbroek Estate  
Brackenfell

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

.....

.....

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:

- .....
- .....
- .....
- .....
- .....

(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 suggest that applicant is involved in organised crime
- (ii) Not to suggest that applicant is a fraudster or to claim that applicant has no medical knowledge
- (iii) Not to psychologically harass applicant by making false claims of whatever nature

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) Respondent is ordered not to make any contact with applicant, her employer, colleagues or any professional body whom she is registered (except withdrawal - see b)
- (b) Respondent is also ordered not to mention applicant's name, address or other personal detail anywhere, or to make reference to her, and to withdraw all allegations against her within
- (c) and to withdraw all allegations against her within

\*3.3 The court orders: 24 hours after this document has been served.

*(a)	That a member of the South African Police Service is to seize the following weapon(s): ..... .....
*(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.

4. The respondent is called upon to show cause on 5 April 2023 (the return date) at 8:15:00 (time) at the abovementioned court, why the court should not issue a final protection order.

*(Kinrosser Magistrate Court Room no. 14)*

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, Wolde 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.

[Signature]  
MAGISTRATE

18/1/2023  
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.

- \*3. PARTICULARS OF RELATED PERSON/S AFFECTED BY HARASSMENT (A RELATED PERSON IS ANY MEMBER OF THE FAMILY OR HOUSEHOLD OF A COMPLAINANT, OR ANY OTHER PERSON IN CLOSE RELATIONSHIP TO THE COMPLAINANT):

Name:	Age:	Relationship to complainant:

#### 4. INFORMATION REGARDING ACTS OF HARASSMENT

(Take note:

- (a) Supporting affidavits by persons who have knowledge of the matter concerned may accompany this application and must be annexed as an annexure to this form.
- (b) If reference is made to any documents, photographs, recordings, videos etc. —
- (i) the original thereof must at all times be kept by the complainant for purposes of submitting it as evidence in this application and a subsequent hearing that may take place;
  - (ii) copies of documents and photographs may be attached to this form as an annexure; and
  - (iii) copies of audio and video recordings may also be attached to this form as an annexure if it is furnished on a CD, DVD or other computer readable device and in a computer readable format and sealed in an envelope.)
- (c) TAKE NOTE: All annexures to this document must be —
- (i) numbered alphabetically starting with "A"; and
  - (ii) listed under paragraph 10, below.

Give full details of all incidents of harassment:

Theo Fitchat send an email to my work at Tygerberg Hospital and Stellenbosch University making extremely defamatory and untrue claims. This puts my professional career and reputation as well as means of provision for my family at high risk.

He defamed and falsely accused me of: (not exhaustive list):

- ① Identity fraud [I am claiming to be in Johnson]
- ② Being involved in organised crime
- ③ Professional fraud: [I claim I am an anaesthetist]
- ④ That I have no medical knowledge

5) That I bribed personnel of Stellenbosch university to put my name on their website.

6) Manipulation

He claimed and instructed my superiors to question me thoroughly and notify the police as well as himself if they should see me.

These are very defamatory and untrue since I am Marianne Johnson, employed by Stellenbosch University. I am an anaesthetist by profession. I am married to Tyrone Johnson. I am not involved in organised crime or bribery.

He is fully aware of these facts, and thus wrote this email with no other intention than to slander and defame me, causing reputational damage.

By providing my home address he jeopardises my personal safety.

By providing my photo he is in contravention of POPIA act.

**From:** Theo Fitchat <[theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)>

**Sent:** Monday, 16 January 2023 08:00

**To:** Dryding, HA, Me [[hdryding@sun.ac.za](mailto:hdryding@sun.ac.za)] <[hdryding@sun.ac.za](mailto:hdryding@sun.ac.za)>; Janse van Rensburg, Charlaine [[cvrens@sun.ac.za](mailto:cvrens@sun.ac.za)] <[cvrens@sun.ac.za](mailto:cvrens@sun.ac.za)>; Williams, N, Miss [[nadeemaw@sun.ac.za](mailto:nadeemaw@sun.ac.za)] <[nadeemaw@sun.ac.za](mailto:nadeemaw@sun.ac.za)>; [mesterh@pgwc.gov.za](mailto:mesterh@pgwc.gov.za)

**Subject:** Query regarding Dr Marianne Johnson

Some people who received this message don't often get email from [theo@cluedapp.co.za](mailto:theo@cluedapp.co.za). [Learn why this is important](#)

CAUTION: This email originated from outside the Stellenbosch University network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Stellenbosch Anaesthesiology and Critical Care,

I am being harassed by a person who claims to be a member of your staff, but who appears to be involved in organised crime.

The person claims to be Dr Marianne Johnson. Her husband claims to be Mr Tyrone Johnson. Her husband's attorney has indicated that her email address is [mariannejohnson@sun.ac.za](mailto:mariannejohnson@sun.ac.za).

Her name appears on the Stellenbosch University anaesthesiology staff web page, but there is no photo.

[https://www.sun.ac.za/english/faculty/healthsciences/anaesthesiology\\_critical\\_care/staff](https://www.sun.ac.za/english/faculty/healthsciences/anaesthesiology_critical_care/staff)



**Dr Carmen Drude**

MBChB(Stell), DA(SA), FCA(SA), MMed(Anaes)

Special interest: Trauma Anaesthesia and Obst

**Dr Marianne Johnson**

MBChB (Stell), DA(SA), MMed (Anaes), FCA

Special Interest: Pre-operative assessment clinic

Administrative responsibilities: Consumables



**Dr Andre Links**

MBChB (Stell) DA (SA) DMH (SA) FCA(SA)

Special Interest: Neuroanaesthesia and Intensiv

Administrative responsibilities: Electronic theatre

If you search for "marianne johnson anaesthetist" on a search engine ([Bing.com](http://Bing.com), [DuckDuckGo.com](http://DuckDuckGo.com), [Yahoo.com](http://Yahoo.com)) then the following photo comes up.



The photo below has the following URL:

[https://www.sun.ac.za/english/faculty/healthsciences/anaesthesiology\\_critical\\_care/PublishingImages/Marianne-Johnson.gif](https://www.sun.ac.za/english/faculty/healthsciences/anaesthesiology_critical_care/PublishingImages/Marianne-Johnson.gif)



The person in the photo claims to be Dr Marianne Johnson, and that she is employed as an anaesthetist at Tygerberg Hospital.

Could you please confirm if the person in the photo is Dr Marianne Johnson, and if she is your staff member.

There is someone registered with HPCSA with the name Marianne Johnson, but there are no photos on their website. There may be someone with that name who really is an anaesthetist, but I don't think it is the person in the photo. The person in the photo is often seen wearing hospital theater clothes in public, but she has no medical knowledge. If you see her, please question her thoroughly.

We suspect the person in the photo has either bribed or manipulated someone at the Stellenbosch IT department to upload her photo on your website.

If the person in the photo is not an anaesthetist who works at Tygerberg and Stellenbosch, please contact the police as soon as possible. Her address is 19 Kleinbron Avenue, Kleinbron Estate, Cape Town, 7560.

Regards,

Theo Fitchat

The integrity and confidentiality of this email are governed by these terms. [Disclaimer](#)  
Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalinge bereël. [Vrywaringsklousule](#)