

IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)

PORT ELIZABETH, the 19th day of FEBRUARY 2020

BEFORE The Honourable Madam Justice ROBERSON (In Chambers)

Case Number: 480/2020

In the matter between:

NELSON MANDELA UNIVERSITY

Applicant

and

NMU STUDENTS REPRESENTATIVE

COUNCIL

1st Respondent

NMU SASCO

2nd Respondent

DASO NELSON MANDELA UNIVERSITY

3rd Respondent

NMU ECONOMIC FREEDOM FIGHTERS

STUDENT COMMAND ("EFF")

4th Respondent

THE GENERAL BODY OF PRESENT AND

FUTURE NMU STUDENTS

5th Respondent

MINISTER OF POLICE

6th Respondent

SOUTH AFRICAN POLICE SERVICE,

HUMEWOOD

7th Respondent

PUBLIC ORDER POLICING UNIT,

PORT ELIZABETH

8th Respondent

Having heard Advocate MW Nobatana, Counsel for the Applicant, and having read the documents filed of record.

IT IS ORDERED:

1. That a rule *nisi* returnable on the **3rd March 2020** is hereby issued calling on the respondents to show cause why an order should not be made directing that:

1.1 no students including members of the first to fifth respondent registered with the applicant may at any time barricade the roadways to prevent access to or from:

1.1.1 any of the campuses of the applicant, being:

1.1.2 South Campus, University Way, Summerstrand, Port Elizabeth;

1.1.3 North Campus, Gardham Avenue, Summerstrand, Port Elizabeth;

1.1.4 2nd Avenue Campus, 2nd Avenue, Summerstrand, Port Elizabeth;

1.1.5 Ocean Sciences Campus, 3 Gomery Avenue, Summerstrand, Port Elizabeth;

1.1.6 Bird Street Campus, Bird Street, Central, Port Elizabeth;

1.1.7 Missionvale Campus, Cnr Johnson & Old Uitenhage Road, Missionvale, Port Elizabeth

1.1.8 George Campus, Saasveld Road, George

(Collectively referred to as the “*controlled premises*”)

- 1.2 no students including members of the first to fifth respondents registered with the applicant may at any time, other than for purpose of lawfully pursuing their academic programmes at the applicant in good faith, or performing any other *bona fide* activity in pursuant to their studies as students of the applicant in pursuant to their enrolment at the applicant:
- 1.3 may attend at or enter upon the controlled premises;
- 1.4 may unlawfully or contrary to the rules of the Nelson Mandela University interfere with, obstruct or destruct the business and academic operations and administration processes conducted by the applicant at any of the controlled premises;
- 1.5 may unlawfully or contrary to the rules of the applicant damage or interfere with the movable or immovable property of the applicant;
- 1.6 the First to Fifth Respondents are interdicted from gathering in protest or protesting in any manner within 200 meters of the controlled premises.

1.7 any student of the applicant including the members of the first to fifth respondents, wishing to participate in protest action on any of the Nelson Mandela University Campuses, may only do so in strict compliance with the following guidelines:

1.7.1 no student including the members of the first to fifth respondents may barricade the roadway with entering or preventing access to any of the controlled premises;

1.7.2 no groups of members of the applicant's students engaged in protest action may gather or protest outside areas of the controlled premises designated by the applicant for such purpose;

1.7.3 no student of the applicant including the members of the first to fifth respondents may intimidate students to leave a classroom or building, or disrupt any university activity or examination;

1.8 no student of the applicant including the members of the first to fifth respondents may, on any of the controlled premises, carry rocks, stones, weapons or any other items that may be used to destroy property or inflict harm

1.9 no student of the applicant including the members of the first to fifth respondents may inflict or threaten to inflict damage to property or injure or threaten to injure any person;

1.10 no student of the applicant including the members of the first to fifth respondents may, whilst on any of the controlled premises, deliberately conceal their identity, unless for religious reasons and then only with the prior written approval of the applicant;

1.11 no student of the applicant including the members of the first to fifth respondents may enter upon or remain on any of the controlled premises, without having their accredited student cards with them, unless they have been specially authorised by the applicant's campus security to enter upon such campus.

2. Directing that the orders in paragraphs 1.1 to 1.11 and 5, operate with immediate effect, and be immediately enforceable.

3. Directing that this Order be served:

3.1 by posting a copy of this Order on the following internet and social websites:

3.1.1 the official applicant's website (<http://mandela.ac.za>), as well as the official student and staff portals of the applicant associated with such websites;

3.1.2 the official Facebook page. of the applicant

3.1.3 by displaying a copy of this order on the doors outside each of the applicant's Libraries.

3.1.4 by serving a copy of this order on the respective presidents of the first, second, third and fourth respondents by Sheriff.

4. Directing that the respondents may anticipate the return date on 48 hours' notice to the applicant.

5. Directing that if any of the applicant's student refuse to comply with the terms of this order in response to the service of this order, directing the sixth, seventh and eighth respondents to give effect to the provisions of this order, subject to normal policing discretion.

6. Directing that any party opposing this application pay the costs of the application on the appropriate scale, such costs to

include the costs of one counsel.

BY ORDER OF THE COURT
C Mc CARTHY
pp REGISTRAR

anthony

MLN Law Inc

