



IN THE HIGH COURT OF SOUTH AFRICA

(EASTERN CAPE DIVISION, GQEBERHA)

On FRIDAY, the 24TH day of FEBRUARY 2023

BEFORE the Honourable Madam Justice BANDS (Acting)

Case No: 544/2023

In the matter between:

NELSON MANDELA UNIVERSITY

APPLICANT

AND

NMU STUDENTS REPRESENTATIVE COUNCIL

1ST RESPONDENT

SOUTH AFRICA STUDENTS CONGRESS – NMU

2ND RESPONDENT

ECONOMIC FREEDOM FIGHTERS – STUDENT COMMAND

3RD RESPONDENT

DEMOCRATIC ALLIANCE STUDENT ORGANISATION

4TH RESPONDENT

THE GENERAL BODY OF NMU STUDENTS

5TH RESPONDENT

Having heard Advocate Morris, Counsel for the Applicant and having read the papers filed on record

IT IS ORDERED THAT

1. The Applicant's non-compliance with the rules of the above Honourable Court relating to service, time periods and forms is condoned and that the Applicant (the "NMU") is permitted to bring this Application forthwith as a matter of urgency in terms of Rule 6(12) of the Rules of this Honourable Court.
2. A *Rule Nisi* hereby issued calling upon the Respondents to appear and show cause, on or before **Tuesday 14 March 2023** why an Order in the following terms should not be made:
 - 2.1 Directing that no students registered with the NMU may at any time barricade the roadways prevent access to or from to any of the Campuses of the NMU being:
 - (a) South Campus, University Way, Summerstrand, Port Elizabeth;
 - (b) North Campus, Garden Avenue, Summerstrand, Port Elizabeth;
 - (c) Second Avenue Campus, Second Avenue, Summerstrand, Port Elizabeth;
 - (d) Ocean Sciences Campus, 3 Gomery Avenue, Summerstrand, Port Elizabeth;
 - (e) Bird Street Campus, Bird Street, Central, Port Elizabeth;
 - (f) Missionvale Campus, Johnson Road, Missionvale;
 - (g) George Campus, Saasveld Road, George(collectively referred to as "Controlled Premises")

- 2.2 Directing that no students registered with the NMU may at any time, other than for the purpose of lawfully pursuing their academic programme at the NMU in good faith, or performing any other *bona fide* activity in pursuant to their studies as students of the NMU in accordance with the terms of enrolment at the NMU:
- (a) attend at or enter upon the controlled premises;
 - (b) unlawfully or contrary to the rules of the NMU interfere with, obstruct or destruct the business and academic operations and administration processes conducted by the NMU at any of the controlled premises;
 - (c) unlawfully or contrary to the rules of the NMU damage or interfere with the movable or immovable property of the NMU;
- 2.3 Interdicting and restraining the Respondents from gathering in protest or protesting in any manner within 200 meters of the controlled premises;
- 2.4 Directing that any student of NMU wishing to participate in protest action may only do so in strict compliance with the following guidelines:
- (a) No student may barricade the roadway with entering or preventing access to any of the controlled premises;
 - (b) Groups of members of NMU students engaged in protest action may not gather or protest outside areas of the controlled premises designated by the NMU for such purpose;
 - (c) No NMU student may intimidate students to leave the classroom or building or obstruct any university activity, test or examination;
 - (d) No NMU student 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;

- (e) No NMU student may inflict or threaten to inflict damage to property or injure or threaten to injure any person;
 - (f) No NMU student may whilst on any of the controlled premises conceal or attempt to conceal their identity unless for religious reasons and then only with the prior written approval of the NMU;
 - (g) No NMU student may enter upon or remain on any of the controlled premises without having the NMU accredited student cards with them unless they have been specifically authorized by the NMU Campus security to enter upon such NMU campus.
- 3. The Orders in paragraphs 2.1 to 2.4 are of immediate effect and are immediately enforceable.
- 4. This Order be served:
 - 4.1 By posting a copy of this Order on the following internet and social websites:
 - (a) The official NMU website (<http://nmmu.ac.za>), as well as the official NMU student and staff portals associated with such websites;
 - (b) The official NMU Facebook page.
 - 4.2 By displaying a copy of this Order on the doors outside each of the NMU's Libraries; and
 - 4.3 By emailing copy of the order to the Respondents per email at the addresses utilized for communication by the NMU with the organizations.

5. The NMU is authorized and directed, if any NMU student refuses to comply with the terms of this Order in response to the service of this Order, to enlist the assistance of a competent law enforcement authority, to give effect to the provisions of this Order.
6. Any party opposing this application pay the costs of the application on the appropriate scale.

MC BOTHA INCORPORATED

BY ORDER OF COURT

PP [Signature]

**R ABRAHAMS (MS)
REGISTRAR**

