

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE, GRAHAMSTOWN
BEFORE THE HONOURABLE MADAM JUSTICE JACOBS, AJ
20th APRIL 2016

CASE NO.: 1937/2016

In the matter between:

RHODES UNIVERSITY

APPLICANT

AND

STUDENTS REPRESENTATIVE COUNCIL
OF RHODES UNIVERSITY

1ST RESPONDENT

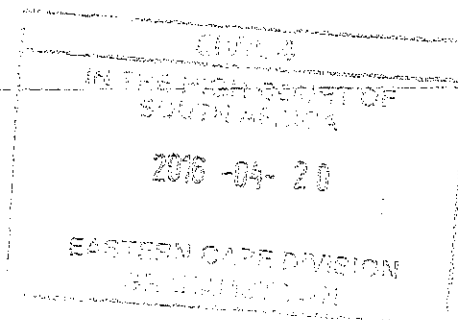
STUDENTS OF RHODES UNIVERSITY
ENGAGING IN UNLAWFUL ACTIVITIES
ON THE APPLICANT'S CAMPUS

2ND RESPONDENT

THOSE PERSONS ENGAGING IN OR
ASSOCIATING THEMSELVES WITH
UNLAWFUL ACTIVITIES ON
THE APPLICANT'S CAMPUS

3RD RESPONDENT

SIAN FERGUSON
STUDENT NO.: 15F4288

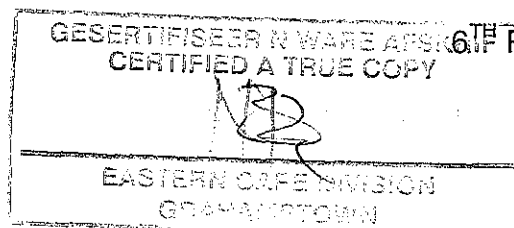


4TH RESPONDENT

YOLAND DYANTYI
STUDENT NO.: 13D3012

5TH RESPONDENT

SIMAMKELE HELENI
STUDENT NO.: 16H7237



6TH RESPONDENT

ORDER

Having heard Adv. Smuts (S.C.), Counsel for the Applicant and having read the papers filed of record and after having heard the oral evidence of Vice Chancellor, Dr. Mabuzela, Registrar, Dr Fourie, the Executive Director of Infrastructure, Dr. L'Ange, The Campus Protection Unit Manager, Mr. Naidu and the House Warden, Mr. Benyon. And further with due regard to the sensitive nature of the incidents that gave rise to the discord at the University.

IT IS HEREBY ORDERED:

1. Dispensing with the forms and time limits for service prescribed by the Rules of Court and ordering that this matter be heard as a matter of urgency in terms of Rule 6(12) of the Rules of Court.

2. That a Rule Nisi do issue calling upon the Respondents to show cause, if any, on Tuesday the 17th of May 2016 why a final order in the following terms should not be made:
 - 2.1 Restraining the Respondents from participating in encouraging, facilitating and/or promoting any unlawful activities on the campus of the Applicant which activities shall include, but not be limited to:
 - 2.1.1 Access to, egress from and the free movement on the Applicant's campus of all members of the Rhodes University community and all others who have lawful reason to move on to, off and upon the said campus;

 - 2.1.2 Kidnapping, assaulting, threatening, intimidating or otherwise interfering in any manner with the free movement, bodily integrity and psychological and mental wellbeing of any members of the Rhodes University community on the Applicant's campus;

- 2.1.3 Disrupting, obstructing or in any other manner interfering with the academic process of the Applicant, which shall include but not be limited to lectures, tutorials, practicals tests and use of the Applicant's library facilities and laboratory;
 - 2.1.4 In any manner interfering with the academic and/or administrative staff of the Applicant while on the Applicant's campus;
 - 2.1.5 Disrupting, obstructing or in any other manner interfering with the ordinary function of the Applicant's residents system;
 - 2.1.6 Causing any damages to the Applicants property;
 - 2.1.7 That the Respondents be ordered to pay the costs of this Application.
3. That the Order set out in prayers 2.1 operate as a temporary interdict, depending on the return date.
4. That the Order be served on the Respondents by way of:
 - 4.1 Service by placing a copy of this Notice of Motion and Order of Court on the Rhodes University Student Zone Website;
 - 4.2 Emailing a copy of the application directly to the first to First Respondent;
 - 4.3 Affixing copies of this application to various notice boards at the main entrances to the applicant's campus;
 - 4.4 By the South African Police Services upon various members participating in unlawful activities as set out in paragraph 2.1.


ORDER OF COURT



N. BIKITSHA

COURT REGISTRAR

HUXTABLE ATTORNEYS

CIVIL 5
IN THE HIGH COURT OF
SOUTH AFRICA
2016-04-20 
EASTERN CAPE DIVISION
GRAHAMSTOWN