

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Division, Pretoria

CASE NO: **2026-192997**

In the matter between:

THE UNIVERSITY OF SOUTH AFRICA

Plaintiff / Applicant / Appellant

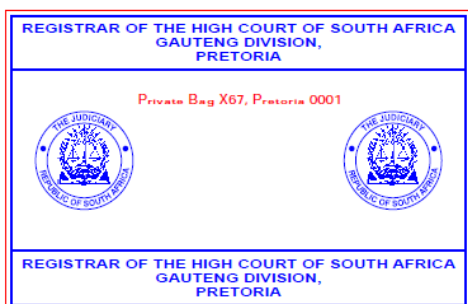
and

**EDNEWS.AFRICA,PREGASEN EDWIN
NAIDU ,INDEPENDENT ONLINE**

Defendant / Respondent

Answering Affidavit

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Division,Pretoria**

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO.:2026/192997

In the matter between:

THE UNIVERSITY OF SOUTH AFRICA

Applicant

and

EDNEWS.AFRICA

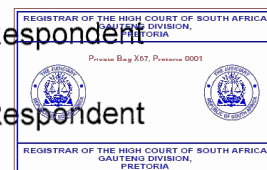
First Respondent

PRAGASEN EDWIN NAIDU

Second Respondent

INDEPENDENT ONLINE

Third Respondent



FIRST AND SECOND RESPONDENTS' ANSWERING AFFIDAVIT

I, the undersigned,

PRAGASEN EDWIN NAIDU

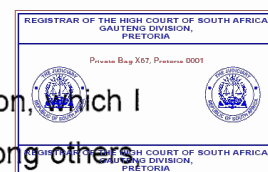
state under oath that:

1. I am an adult, male journalist and the owner of the First Respondent. My occupational address is 10 Karen Close, Buccleuch, Johannesburg.
2. I am cited as the Second Respondent, and I am duly authorised to participate in these proceedings and to depose to this affidavit, not only in my own right but also on behalf of the First Respondent ("**my publication**").
3. For this Court's benefit, I note that I own and operate Higher Education Media Services (Pty) Ltd, which owns the online news website ednews.africa, which is cited as the First Respondent.

4. Unless the context indicates otherwise, I have personal knowledge of the facts set out in this affidavit, and they are, to the best of my belief, true and correct. Where I make legal submissions, I do so on the advice of my legal representatives, which advice I accept as being correct.
5. This affidavit has been prepared on an urgent basis, and I reserve my rights to supplement it.

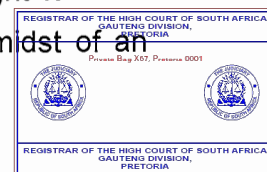
INTRODUCTION

6. This matter concerns, among others, a judicial restraint on publication, which I am advised is colloquially known as a "gagging order". It seeks, among others, to interdict and restrain me, a journalist, from engaging in constitutionally protected journalistic activity that is in the public interest.
7. It directly impacts the constitutionally enshrined right to freedom of expression, which includes the freedom of the press and the freedom to receive and impart information and ideas.
8. In essence, the Applicant, the University of South Africa ("UNISA"), is trying to force me to take down *all* previous articles on the subject matter of this application and prevent the future publication of information concerning recent governance issues, staff deaths, hospitalisations, and burnout, academic standards, and institutional management, *for an indefinite period* and in the midst of an ongoing governance crisis at one of South Africa's most prominent universities. It does so, not because what I say is wrong, but because it does not want the truth to be told. It appears unwilling to accept the facts as they are.
9. This approach adopted by UNISA follows an increasingly concerning trend of abusive court processes which seek to weaponise our courts against investigative journalists who are simply doing their jobs.



AB

10. By design, the application is meant to intimidate and silence me and, as a result, deter me from my constitutional mandate and limit the public's ability to receive information, which is in the public interest.
11. This ulterior purpose and its resultant chilling effect is working: I have not experienced, or been subjected to, a gagging order in my over three decades of experience as a journalist, and, as a result, I have not published any further reportage since the letter of demand was issued by UNISA's legal representatives on 3 August 2026 out of a fear of further reprisal, including a costs order against me. This has severely impacted the public's right to know and the UNISA community's ability to receive information in the midst of an ongoing crisis.
12. This conduct should not be countenanced, and I am advised that this Court, like many courts before it hearing similar abuse of process matters, should dismiss this application, with costs.
13. As a result, I oppose this application on the following grounds:
- 13.1. The application is not urgent;
- 13.2. No exceptional circumstances exist to ventilate this matter in urgent court;
- 13.3. The alleged harm will not be remedied by granting the relief that UNISA seeks;
- 13.4. UNISA has failed to comply with the Uniform Rules of Court;
- 13.5. There is a reasonable inference that this application has been brought for an ulterior purpose;
- 13.6. The impugned statements are true and in the public interest and constitute reasonable publication; and



13.7. The requirements for an interim (and final) interdict have not been met.

14. Following the detailing of these grounds of opposition, I detail the process of appointing legal representatives and opposing this application, including seeking condonation for the late filing of this affidavit (to the extent that it is necessary), my position on costs, and a brief *ad seriatum* traversal of the founding affidavit.

THIS MATTER IS NOT URGENT

15. By the time of the hearing of this matter, the articles in question will have been online and publicly available for over three weeks.



16. Any harm that UNISA has allegedly suffered (which is both denied and wholly unexplained by UNISA) has already occurred. I am advised that the proverbial horse has bolted and that neither an interim order nor a final order, as prayed for by UNISA, can cure this.

17. On UNISA's own version:

17.1. My first article was published on 26 July 2026;

17.2. It took UNISA and its legal representatives eight days to prepare and issue its letter of demand dated 3 August 2026; and

17.3. Thereafter, it took UNISA a further eight days to prepare and file its application, which was only served on me a day later on 12 August 2026. This is despite the application leaning heavily on and, on multiple occasions, directly replicating the text of the letter of demand.

18. In terms of service, UNISA's legal representatives only served the application on me electronically at 13h09 on 12 August 2026, despite the notice of motion stating that my notice of opposition had to be filed by 12h00 on that day and that

my answering affidavit had to be filed by 17h00 on 13 August 2026. The service e-mail is attached to this affidavit and marked as annexure "PEN1".

19. I filed my notice of intention to oppose on 13 August 2026, and I worked towards filing my answering affidavit on 14 August 2026, under extreme pressure.
20. The delays in instituting this matter are not adequately or explicitly explained by UNISA, and I am advised that nothing prevented it from approaching this Court sooner to seek its interim relief. It elected not to do so.
21. Instead, it approaches this Court now, *three weeks after the fact*, for interim relief in the form of, among others, a restraint on publication, where, as I detail below, this matter is not capable of being properly ventilated in this Court and the proposed remedies cannot cure the complaint due to ongoing reportage by multiple other (and uncited) publishers.
22. Equally, despite affording itself, at least, eight days to prepare this application, UNISA has afforded me just over one day to answer it. These severely curtailed timeframes are neither explained by UNISA, nor are they reasonable. They certainly do not constitute a "fair opportunity to respond" as alleged by UNISA.
23. The approach adopted by UNISA in instituting this matter, and the timeframes that it has directed, indicates self-created urgency and severely prejudices me.



NO EXCEPTIONAL CIRCUMSTANCES EXIST

24. In addition to the lack of urgency, I am advised that it is settled law that an award of damages is capable of vindicating the right to reputation, which UNISA alleges has been impugned, as an interdict will seldom be warranted to prevent further harm, and should not readily be awarded on urgency where a complex factual matrix exists, as is the case here.
25. The reason for this is that an action for damages already poses a significant chilling effect on further publication, as the latter may aggravate the quantum of

damages in the event that the original publication is found to be wrongfully defamatory.

26. UNISA has elected not to pursue this path. Instead, it seeks to restrain future publication *on urgency*, which can only be justified in exceptional circumstances (which it has not shown, or even attempted to show).
27. For all of these reasons, I am advised that it is inappropriate for this dispute to be ventilated and decided in urgent court, either through the grant of an interim or final order. It is the incorrect forum. As a result, this matter should be dismissed, with costs.



THE ALLEGED HARM WILL NOT BE REMEDIED BY THIS APPLICATION

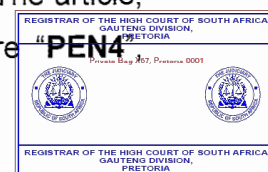
28. In addition to self-created urgency and pursuing this matter in the wrong forum, UNISA has selectively cited me and my publication and the Third Respondent. However, reports containing similar statements by different publications and influencers are also available in the public domain. The journalists, publications, and influencers who published these statements have not been cited in this matter.

- 28.1. On 3 August 2026, **Briefly News** published an article titled "Jackie Phamotse Raises Alarm Over UNISA Staff Deaths, SA Shares Thoughts".¹ The article states, among others, that "South African author Jackie Phamotse set social media alight after raising concerns about reported deaths among UNISA staff members, prompting the university to issue a strongly worded response." The article continues to cite various social media posts about the issue, one of which includes a statement saying "3 staff members dead!". (Own emphasis.) The article is attached to this affidavit and marked as annexure "**PEN2**".

¹ <https://briefly.co.za/entertainment/celebrities/248779-jackie-phamotse-raises-alarm-unisa-staff-deaths-university-hits-back/>.

28.2. On 4 August 2026, **Newsday** published an article titled "Staff at South Africa's largest university say enough is enough."² The article states that "[i]n recent years, [UNISA] has faced administrative, governance, operational, and academic challenges" and "the situation has driven employees to a breaking point and severely affected their physical and emotional well-being." The article is attached to this affidavit and marked as annexure "**PEN3**".

28.3. On 4 August 2026, **PoliticsWeb** published an article titled "UNISA staff at breaking point; urgent intervention needed – Solidarity".³ The article, which is attached to this affidavit and marked as annexure "**PEN4**", states, in relevant part, that:



"Solidarity has called on the government to urgently intervene in the working conditions at [UNISA], which are pushing staff to breaking point.

A survey conducted by Solidarity among its members at Unisa to obtain first-hand information about the serious allegations has, in most cases, confirmed the severity of the situation.

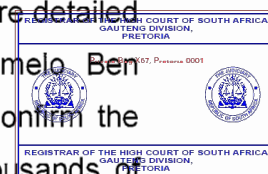
The feedback points to unacceptably high workloads, as well as high levels of stress and burnout, highlighting the impact these conditions are having on employees' physical and psychological wellbeing. These findings are based on first-hand accounts from employees and not merely on media reports – reports that Unisa has dismissed in a statement as "coordinated misinformation".

28.4. On 5 August 2026, the Daily Disclosure hosted by Joanne Joseph ("**Ms Joseph**"), a current affairs talk show on **SAFM**, which is a prominent radio station with significant reach, had a two-part segment

² <https://newsday.co.za/south-africa/24591/staff-at-south-africas-largest-university-say-enough-is-enough/>.

³ <https://www.politicsweb.co.za/news/unisa-staff-at-breaking-point-urgent-intervention-needed-solidarity>

titled “Universities are meant to be places of learning—but what happens when the people doing the teaching are pushed beyond their limits?”.⁴ The official description of the segment is as follows: “Disturbing reports have emerged from Unisa, with claims that overwhelming workloads are taking a devastating toll on staff. Following three staff deaths in June and several stress-related hospitalisations, serious questions are being asked about the working conditions at the institution. One family believes the pressure came at the ultimate cost.” (Own emphasis.) In part 1, Ms Joseph interviews Sibongile Poyo-Hadebe (“**Ms Poyo-Hadebe**”), the late Ms Unathi Poyo’s sister; further details of this interview are detailed below. In part 2, Ms Joseph interviews Professor Boitumelo Ben Senokoane from UNISA.⁵ While I am not in a position to confirm the exact figures, I have been advised by Ms Joseph that thousands of listeners heard the interviews. In any event, the SAFM is a prominent national radio station with a sizeable portion of listeners.



- 28.5. On 12 August 2026, **Rekord**, which is accessible through the Citizen’s website, published an article titled “Trade union demands investigation into Unisa staff complaints”.⁶ The article states, among others, that “[a] trade union says confidential employee feedback paints a disturbing picture of burnout, psychological distress and excessive workplace pressure at Unisa, while the university disputes the claims.” The article is attached to this affidavit and marked as annexure “**PEN5**”.

29. Inexplicably, UNISA does not seek relief against these journalists, publications, or influencers in this application. As a result, I am advised that due to the

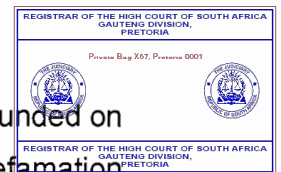
⁴ <https://omny.fm/shows/thedailydiscourse/universities-are-meant-to-be-places-of-learning-but-what-happens-when-the-people-doing-the-teaching-are-pushed-beyond-their-limits-disturbing-reports-have-emerged-from-unisa-with-claims-that-overwhelming-workloads-are-taking-a-devastating-toll-on-staff/>

⁵ https://omny.fm/shows/thedailydiscourse/universities-are-meant-to-be-places-of-learning-but-what-happens-when-the-people-doing-the-teaching-are-pushed-beyond-their-limits-disturbing-reports-have-emerged-from-unisa-with-claims-that-overwhelming-workloads-are-taking-a-devastating-toll-on-staff?in_playlist=podcast

⁶ <https://www.citizen.co.za/rekord/news-headlines/2026/08/12/trade-union-demands-investigation-into-unisa-staff-complaints/>

publication of similar statements on multiple platforms, the relief that UNISA seeks against me is fatally defective: it will not remedy the harm that UNISA alleges has been caused.

30. Should I be ordered to take down my articles and should an interdict be granted against me, this will not remedy the fact that allegations against UNISA will remain online and will remain publicly accessible through Briefly News, Newsday, PoliticsWeb, Citizen websites, and SAFM, over which I have no control, and which are not subject to the relief that UNISA seeks in this application.
31. This highlights the abusive urgency of this case by the fact that it is grounded on defamation, but even if the relief is granted against me, the alleged defamation will continue on other platforms.



FAILURE TO COMPLY WITH THE UNIFORM RULES OF COURT

32. In addition to this raft of missteps in this application by UNISA, I am advised that it has failed to comply with the Uniform Rules of Court ("**Rules**").
33. As a result of the constitutional implications of this application on the right to freedom of expression, which I've detailed above and which apply not only to the parties but to interested parties, including members of the UNISA community, and the public at large, I am advised that UNISA should have filed a Rule 16A notice alongside its application. It has not done so.
34. On its own version, UNISA relies on its right to "human" dignity, which, while denied, clearly raises a constitutional issue, and it advances arguments on freedom of expression.
35. Rule 16A is the entry point for interested parties in public interest matters with constitutional ramifications. For the reasons set out in this affidavit, this is a public interest matter with constitutional ramifications.

36. The failure by UNISA to file a Rule 16A notice has severely impacted the ability of interested parties to apply to intervene in these proceedings and has the effect of shielding this application from the process that Rule 16A seeks to enable. The result is that UNISA have impeded this Court's ability to receive submissions from interested parties, including members of its own community, which are relevant to these proceedings.
37. This conduct should not be condoned as it disables the important role of *amici curiae* in constitutional matters. It also further evidences the reasonable inference of an ulterior purpose behind this application.
38. In an attempt to remedy this non-compliance with the Rules, I instructed my legal representatives to file a Rule 16A notice alongside my notice of intention to oppose in an attempt to enable the Rule 16A process.
39. However, due to the severely curtailed and unreasonable timeframes contained in UNISA's notice of motion, interested parties may now be under insurmountable time constraints to intervene in this matter.
40. This failure by the Applicants to file a Rule 16A notice is yet another factor motivating in favour of dismissing this application, with costs, and compounds the reasonable inference of an ulterior purpose in this matter.



REASONABLE INFERENCE OF AN ULTERIOR PURPOSE

41. In its notice of motion, UNISA seeks a *rule nisi* directing me to show cause as to why a final order should not be made on the following terms:
- 41.1. A declaration that the impugned statements are false and defamatory;
- 41.2. A take-down order to remove all three of the cited articles from my website, *in their entirety*;

41.3. A prior restraint order interdicting and restraining me from the future publication of any statements suggesting that UNISA “caused, or is responsible for, the deaths and hospitalisation of its staff members” and that UNISA “blocked access to the ednews.africa website in order to suppress reporting of, or to conceal responsibility for, such deaths”, or any statements with a “similar effect”;

41.4. An unconditional retraction and apology for the impugned statements; and

41.5. A punitive costs order against me on an attorney and client scale.



42. In effect, UNISA seeks, among others, a declarator that the Respondents' conduct is defamatory and to restrain future reportage, without properly testing the facts in a trial court.

43. The only reasonable inference that can be drawn from this is that UNISA is acting with an ulterior purpose: It seeks to limit my freedom of expression and ability to impart information with a take-down order and a prior restraint, and to misuse the urgent court process to strengthen a future defamation claim through a declarator. This should not be entertained. In its effect, this ulterior purpose seeks to punish and deter me from my constitutional mandate. It is clearly a weaponisation of this court against me.

44. As I detail more fully throughout, this ulterior purpose is further evidenced by:

44.1. The selective nature of this litigation in that it only targets me, in my personal capacity, and not the raft of other journalists, publications, and influencers reporting on this story;

44.2. The punitive costs that UNISA seeks against me for acting in the course and scope of my duties as a journalist. No explanation is given for this by UNISA; and

- 44.3. UNISA's failure to file a Rule 16A notice, which deprives interested parties of the opportunity to involve themselves in this matter.
45. The result is that this application has a manifestly intimidatory componentry, which is invidious, and constitutes an abuse of process.
46. Based on these five grounds of opposition, when considered collectively and alone, I submit that this application falls to be dismissed, with costs.

THE IMPUGNED STATEMENTS ARE TRUE AND IN THE PUBLIC INTEREST AND CONSTITUTE REASONABLE PUBLICATION



The impugned statements

47. UNISA identifies the following four impugned statements in my three articles as defamatory:
- 47.1. **Statement 1:** "Three staff members, including two academics, died during June 2026. They say many of the cases are linked to stress and exhaustion following the university's decision last year not to renew contracts for markers and e-tutors."
- 47.2. **Statement 2:** "The death of Unathi Poyo, a lecturer in the Department of Criminal and Procedural Law, has raised separate concerns... Her passing has prompted questions ... about the university's long term fixed-term contracts."
- 47.3. **Statement 3:** "...the University of South Africa (Unisa) has blocked staff from accessing education news website www.ednews.africa."
- 47.4. **Statement 4:** "Academics and staff at Unisa have been barred from accessing the site while on the Unisa WI-FI amid allegations that the site was blocked after weekend reports on the deaths of three staff members who according to the families succumbed to illness after their heavy

workloads increased when the university scrapped the roles of 5000 markers.”

48. Regrettably, using selective quotations and ellipsis, UNISA misrepresents the first two statements. They should correctly read as follows:

48.1. **Statement 1:** “Three staff members, including two academics, died during June. At least nine employees have been hospitalised over the past two months, with three still receiving treatment, according to multiple university sources who spoke on condition of anonymity. They say many of the cases are linked to stress and exhaustion following the university’s decision last year not to renew contracts for markers and e-tutors.”



48.2. **Statement 2:** “The death of Unathi Poyo, a lecturer in the Department of Criminal and Procedural Law, has raised separate concerns after she had reportedly been working on contract since 2016. Her passing has prompted questions from labour representatives about the university’s use of long-term fixed-term contracts.”

49. Notably, the four statements only appear in two of the articles that I published on 27 and 30 July 2026. Despite seeking an order for me to take down all three articles referred to in the Founding Affidavit, including the article dated 29 July 2026, UNISA provides no evidence as to why my 29 July 2026 article is allegedly defamatory or for what reason it should be taken down. It persists regardless.

50. Based on its interpretation of the impugned statements, UNISA binds itself to three selected meanings or interpretations derived from the impugned statements in order to point to the so-called “sting” of my reportage, which I deny:

50.1. UNISA “is responsible for, alternatively caused, the deaths of three of its staff members and the hospitalisation of others, by overlooking them and disregarding their health and safety”;

50.2. UNISA “acted with reckless disregard for the wellbeing and lives of its employees; and

50.3. UNISA “blocked access to the ednews.africa website in order to suppress reporting of, or to conceal its responsibility for, the said deaths, and thereby sought to censor the media and cover up wrongdoing.”

51. I am advised that once an applicant identifies selected meanings, they are bound by them.



The reasonable reader

52. As a point of departure, I deny the imputed meaning that UNISA ascribes to the impugned statements. When the articles and the impugned statements are properly considered within the broader context of my reportage:

52.1. The sting of statements 1 and 2 is that there is a governance crisis at UNISA, and that staff at UNISA, family members of staff at UNISA, and trade union representatives are concerned about the impact of stress and burnout on the health and well-being of staff at UNISA, which, in limited instances, may be leading to hospitalisations and even deaths in the view of those impacted by the crisis; and

52.2. The sting of statements 3 and 4 is simply that UNISA is limiting access to my website because of my recent reporting.

53. At no point in any of my articles do I state or suggest that UNISA is directly responsible for the deaths and hospitalisations of its staff, and such an interpretation cannot reasonably be inferred.

Reasonable defences to the alleged defamation

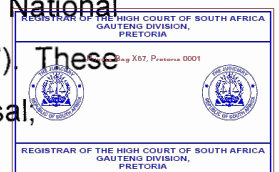
54. However, in the event that my statements are considered defamatory, when determined objectively by the legal construct of the reasonable reader, I submit that they are true (or substantially true) and in the public interest. Alternatively, they constitute reasonable publication. As a result, they are not *wrongfully* defamatory, and therefore UNISA does not have a clear or prima facie right to an interim or final interdict.
55. I am advised that I am not required to prove that the impugned statements are true in every detail, but rather that the so-called “sting” of the statements, when properly construed, is true (or substantially true).
56. In relation to the impugned statements, it is true (or substantially true) that, among others:
- 56.1. The recent passing of three staff members at UNISA, including the late Ms Unathi Poyo, and the hospitalisation of others has led to questions being asked about the impact of the working conditions at UNISA, including from labour representatives, as well as the ongoing structural changes;
- 56.2. The three staff members of UNISA died in June 2026, including the late Ms Unathi Poyo, and that many others have been hospitalised and some are still receiving treatment;
- 56.3. Multiple sources, including family members, have linked the hospitalisations and deaths to stress and exhaustion following the university’s decision last year not to renew contracts for markers and e-tutors; and
- 56.4. For a period shortly after the publication of my articles, there were challenges in accessing the website ednews.africa through UNISA’s network.



57. In what follows, I detail the information I received and corroborated during the course of my investigation that shows that the statements are true (or substantially true). I submit that the information I have received comes primarily from:

57.1. Sources who are presently employed at UNISA and who have expressly requested to remain anonymous due to a fear of reprisal;

57.2. A telephonic engagement with representatives from the National Education, Health and Allied Workers' Union ("NEHAWU"). These sources have similarly requested anonymity for fear of reprisal,



57.3. A memorandum from NEHAWU, detailed below; and

57.4. Engagements with family members of the late Dr Mmatsatsi Madileng and Ms Unathi Poyo.

58. As a journalist, I hold the duty to respect source confidentiality in high regard. Where I have written confirmation from sources, I have attached redacted versions of these communications to this affidavit.

59. I am advised that questions surrounding source confidentiality and the approach that I have adopted to disclosing this information will be addressed by my legal representatives at the hearing of this matter, should the Court so direct.

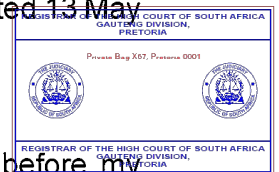
Statement 1

60. In relation to statement 1, it is true that three people, who work at UNISA, passed away in June 2026. This is not disputed by the Applicants and has been confirmed by various sources who advised me of the deaths, and shared, among others, the details of the memorial services for the late Dr Mary Madileng and the late Mr John Mboweni. Redacted screen shots from various sources are attached to this affidavit and marked as annexure "PEN6".

61. It is also true that “they” (trade unions, sources who are academics and staff at UNISA and labour representatives) have raised concerns regarding the recent deaths and the stress and exhaustion experienced at UNISA:

The NEHAWU Memorandum

62. On 15 June 2026, one source shared a Memorandum from the NEHAWU UNISA branch. The NEHAWU Memorandum is attached to this affidavit and marked as annexure “PEN7”. It was addressed to the Council of UNISA and is dated 13 May 2026.



63. Notably, this Memorandum was prepared and submitted 6 weeks before my publications. While it does not pertain to the deaths, it does expressly detail the concerns relating to the structural changes, the health and occupational safety risks, and the risks of this being left unaddressed.
64. In the Memorandum, NEHAWU presents a “cause, effect, and institutional-risk matrix”, which raises several concerns including:
- 64.1. An “unsustainable workload” as a risk of the removal and reduction of markers, e-tutors, and teaching assistants.⁷
- 64.2. “Additional strain” is imposed on academics who must now train, support and moderate Adjunct Academics.⁸
- 64.3. That “[o]ccupational health and safety risks arise, including fatigue, stress, burnout and work-life imbalance” because the “workload now exceeds what can reasonably be performed within official working hours”.⁹

⁷ NEHAWU Memorandum, p 8.

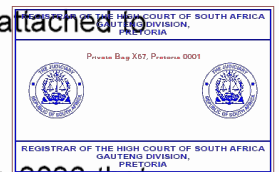
⁸ Id. p 9.

⁹ Id. p 10.

64.4. NEHAWU, having formally placed the risks and consequences on record, noting that "failure to intervene may create governance risk for Council and expose the University to foreseeable academic, labour, reputational and stakeholder harm."¹⁰

UNISA Staff

65. On 15 June 2026, one source stated that "one of our colleagues died of a stroke due to stress". A redacted screenshot of this WhatsApp message is attached to this affidavit and marked as annexure "PEN8".



66. In relation to the late Mr John Mboweni, a source noted on 17 June 2026 that "[a]nother staff member in ICT passed away on Monday. He was complaining about stomach pains. They are also under severe stress with all the new [Adjunct Academic] appointments on top of all other issues. Staff in ICT was reduced." The source further noted that "people from ICT are suffering as much as we do." Redacted screenshots of these WhatsApp messages are attached to this affidavit and marked as annexure "PEN9" and "PEN10".

67. On 24 June 2026, a source revealed that "[a]nother colleague has passed on in CLAW. She marked 15000 scripts she passed on from stress. A redacted screenshot of this WhatsApp message is attached to this affidavit and marked as annexure "PEN11".

68. On 30 July 2026, a source, in response to my first article of 26 July, messaged me noting that "the article truly reflects the state of our work conditions. I have constant medical costs related to stress." The source further noted that they personally know of at least three staff members who are being treated for severe stress and/or heart conditions related to stress." A redacted screenshot of this

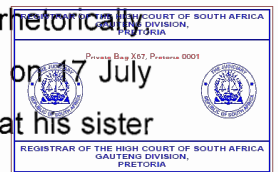
¹⁰ Id.

WhatsApp message is attached to this affidavit and marked as annexure "PEN12".

Family members

69. Notably, similar concerns have been raised by the families of the deceased:

69.1. On 20 June 2026, I attended the late Dr Madligeng's funeral, during which Thulare Madileng ("Mr Madileng"), Dr Madileng's brother, urged UNISA to do something about its human capital and asked rhetorically "what is going on at UNISA?". I reached out to Mr Madling on 17 July 2026 and engaged with him on 18 July 2026. He told me that his sister had been under immense pressure and was overwhelmed.



69.2. On 27 July 2026, Ms Poyo-Hadebe, the late Ms Unathi Poyo's sister, posted several videos on the social media platform TikTok, expressing her grief over the loss of her sister. She expressed concern that her sister "died of pains of anxiety, pains of burnout, pains of depression".¹¹ In one TikTok video titled "Justice for Unathi Poyo", Ms Poyo-Hadebe posted that "Unathi died very young. She served the university so faithfully and diligently. Her kidney failure was a result of her stress, anxiety, burnout, and depression." (Own emphasis.)¹² A screenshot of the post is attached to this affidavit and marked as annexure "PEN13". In another video, on the same day, Ms Poyo-Hadebe called for justice for Unathi, for UNISA to "vindicate", and for UNISA to do right by its employees.¹³ A screenshot of the post is attached to this affidavit and marked as annexure "PEN14".

¹¹ The video can be accessed here:
<https://www.tiktok.com/@jesus.geologistap/video/7667126961088564501>

¹² The video can be accessed here:
<https://www.tiktok.com/@jesus.geologistap/photo/7667081085771189524>

¹³ The video can be accessed here:
<https://www.tiktok.com/@jesus.geologistap/video/7667126961088564501>

69.3. On 5 August 2026, Ms Poyo-Hadebe was interviewed by Joanne Joseph on the Daily Discourse on SAFM. During the interview, when asked about her sister's working conditions, Ms Poyo-Hadebe stated that "the last few years of her life were really years of distress on her, we saw her changing from a vibrant woman to someone who we could not recognise, her health was declining."¹⁴ Ms Poyo-Hadebe went on to note that "when she started getting sick she was also still expected to work. She asked for leave, they said no, you cannot go on leave Unathi, we need you."¹⁵ She further remarked that "she was getting worse and worse, hence she was admitted on the 15th of May",¹⁶ and that "her working conditions were not good for her, she was overloaded."¹⁷ While this interview was given after the publication of my article, it speaks to the concerns that have been raised surrounding Ms Poyo's death, and ongoing reporting about this tragic event.



70. From the above, it is clear that staff at UNISA and NEHAWU and other members of the UNISA community have been concerned by the recent tragic passing of three staff members, and the ongoing challenging workloads, stress, and significant structural changes at the University. The NEHAWU memorandum, presented six weeks before my first article was published, expressly notes that the UNISA is faced with occupational health and safety challenges that include "chronic stress, burnout, fatigue-related marking errors, increased sick leave, work-related mental-health harm, work-life imbalance, and increased institutional liability where foreseeable workload risks are ignored."¹⁸

¹⁴ The recording of the interview can be accessed here: https://omny.fm/shows/thedailydiscourse/universities-are-meant-to-be-places-of-learning-but-what-happens-when-the-people-doing-the-teaching-are-pushed-beyond-their-limits-disturbing-reports-have-emerged-from-unisa-with-claims-that-overwhelming-workloads-are-taking-a-devastating-toll-on-staff-fo?in_playlist=podcast. The relevant part can be found at 02:00 – 02:28.

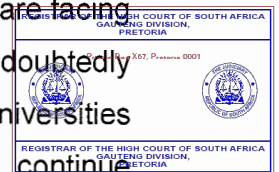
¹⁵ Id. The relevant part can be found at 04:25 – 04:37.

¹⁶ Id. The relevant part can be found at 04:42 – 04:49.

¹⁷ Id. The relevant part can be found at 04:50 – 05:54.

¹⁸ NEHAWU Memorandum, p 6.

71. Sources who are directly affected by these issues shared their concerns with me. I, in turn, then took satisfactory steps to verify the truth of the statements and published the concerns, making it clear in the articles that my investigations have unearthed allegations of burnout, fear, and heightened anxiety at UNISA, which, in the view of family members and others, have led to hospitalisations and even deaths. The statement is therefore true (or substantially true), or it constitutes reasonable publication.
72. The statement is also in the public interest. A governance crisis at one of South Africa's largest universities, which has aired concerns that staff are facing serious challenges that are impacting their health and well-being, is undoubtedly in the public interest. As I have reported elsewhere, "South Africa's universities are at risk of losing their academic identity if governance failures continue unchecked."¹⁹ UNISA's staff and academic community, and the public at large, have the right to receive information that may be relevant to them, speaks to the functioning of a key academic institution, and ultimately raises concerns about structural challenges that are perceived to be causing significant harm.
73. Additionally, it is in the public interest for the media to play the invaluable role of exposing the truth, especially when others are intimidated or silenced by fear. One source confirmed that they hoped that media exposure would help in getting them solutions for the "suffering", but that their colleagues were too scared to speak to the media. Another expressly stated that they were afraid of getting in trouble. Several sources expressly stated that they did not want to be identified due to fear. Redacted screen shots of these statements are attached as "PEN15". The statement is in the public interest, as it gives a voice to those who presently cannot safely speak.



¹⁹ <https://mg.co.za/news/education/2026-05-11-universities-south-africa-sounds-alarm-on-rising-campus-governance-risks/>.

Statement 2

74. In relation to statement 2, it is true that the passing of the late Ms Unathi Poyo has prompted concerns and questions about UNISA's contracting. During my investigation, sources revealed that the late Ms Unathi Poyo had been working on a contract basis at UNISA for 10 years and that some colleagues have said that while she had kidney problems, "stress and workload cannot be ruled out". A screenshot of this message is attached to this affidavit and marked as annexure "PEN16".
75. I engaged with Ms Poyo-Hadebe on 28 July 2026, during which she confirmed that her sister was on a fixed contract, worked at UNISA for ten years, and was "deprived of a good quality of life by UNISA". She went on to express her concern that "if she was permanent, she would have medical aid; we would have taken her to the best private hospitals, or she wouldn't even be sick as a result of stress, depression, anxiety, and burnout." A screenshot of this message is attached to this affidavit and marked as annexure "PEN17".
76. Ms Poyo-Hadebe had held this view prior to our engagement. On 27 July 2026, in reference to my article dated 26 July 2026, Ms Poyo-Hadebe posted on her TikTok account that her sister worked on a fixed-term contract for 10 years.²⁰ In another post, she explained that her sister was suffering from anxiety, depression, and burnout, which were linked to the stresses of perpetually being a contractor.²¹
77. On 5 August 2026, in the SAFM interview, reporter Joanne Joseph asked MS Poyo-Hadebe about the issue of her contract, noting that the late Ms Unathi Poyo was contracted to UNISA for 10 years but was not on permanent staff and had



²⁰ The video can be accessed here:
<https://www.tiktok.com/@jesus.geologistap/photo/7667081085771189524>

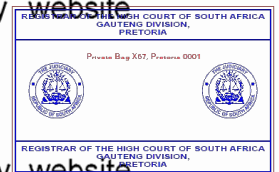
²¹ The video can be accessed here:
<https://www.tiktok.com/@jesus.geologistap/video/7667126961088564501>

limited benefits. In response, Ms Poyo-Hadebe noted that the contracting and lack of benefits really affected her late sister.

78. Similarly to statement 1, it is in the public interest to report on challenges impacting staff at an important academic institution, and how these challenges impact their families.

Statements 3 and 4

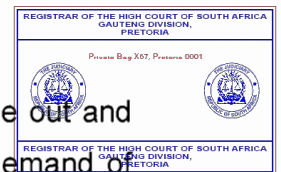
79. Both statements 3 and 4 relate to the alleged blocking of my website ednews.africa.



80. On 29 July 2026, I was advised by a source that access to my website ednews.africa had been blocked by UNISA. The source stated that “they blocked access to your website when on UNISA wifi”. A screenshot of these messages is attached to this affidavit and marked as annexure “**PEN18**”.
81. I made attempts to enquire about why this had happened, including in a call and message to Professor Puleng LenkaBula, UNISA’s Vice Chancellor, to which no response has been received. A screenshot of this message is attached to this affidavit and marked as annexure “**PEN19**”.
82. On the morning of 14 August 2026, while finalising this affidavit, at least two sources attempted to access the website and confirmed that they were still unable to access the site when connected to UNISA’s network. While I cannot attest to the technical components of this under the time constraints, trusted sources have confirmed that they were connected to the UNISA Wi-Fi and that the site remains down as of mid-morning 14 August 2026. A screenshot of the sources’ unsuccessful attempts to access the site while on the UNISA network is attached to this affidavit and marked as annexure “**PEN20**”.
83. For, at least, a period of time on 29 July 2026, and more recently on the morning of 14 August 2026, people connected to the UNISA network were unable to

access my website. The statement is therefore true (or substantially true). That “allegations” have been raised that the website is inaccessible due to recent reportage is also true (or substantially true). Sources reached out to me, alleging that the site was blocked due to my reportage.

84. As an important source of information on issues directly affecting the UNISA community, limiting access to the website, in the absence of a reasonable explanation, raises concerns that UNISA is intentionally limiting or disrupting access to information. UNISA’s conduct to date illustrates their willingness to silence me and quash reporting on this matter.



85. In the context of the media response of 27 July 2026 that singled me out and noted UNISA will not hesitate to hold me to account, the letter of demand of 3 August 2026, and now this application, it is in the public interest to report on matters where attempts are made to limit access to information and stifle media freedom.
86. From the above, it is clear that the impugned statements are not false or calculated to undermine UNISA’s reputation. To the contrary, they are the truth. Alternatively, I submit that the statements amount to reasonable publication. I am advised that it is not wrongful to publish statements that one believes to be reasonably true, and it is in the public interest for them to be published.
87. I am advised that reasonableness is tied to the nature of the information on which the statements were based, the reliability of the source, the steps taken to verify the information, and the opportunity to provide a response. As set out above, the statements are a fair account of the information that I received from sources who work at UNISA, NEHAWU, and family members of the deceased, and I took reasonable steps to verify the information and engage directly with the University on the issues raised.
88. I reasonably believe the statements to be true, and that they ought to be published to serve the public interest.

THE REQUIREMENTS OF A FINAL (OR INTERIM) INTERDICT HAVE NOT BEEN MET

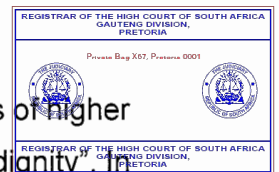
89. I am advised that it is settled law that where the opposition to an interdict is based on a reasonable defence based on facts advanced in the answering affidavit that cannot be rejected on the papers and require oral evidence, *a final interdict may not be given*. Whether interim relief can be granted will depend on the application of the well-established rules for interim interdicts.

There is no clear right and the injury is self-inflicted

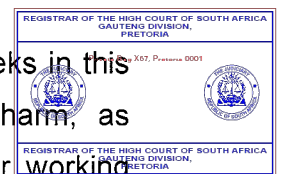
90. UNISA has not established a clear right. It is trite that public institutions of higher learning, such as UNISA, *do not* have a constitutional right to “human dignity”. In relation to its reputation and good name, any defamation, if it has occurred (which is denied), was not wrongful or unlawful. The impugned statements, as detailed above, are true (or substantially true) and in the public interest. Alternatively, they constitute reasonable publication.
91. As a result, a clear or *prima facie* right has not been established, and, as detailed above, I have raised a sustainable defence to the presumption of wrongfulness. More so, this matter is complex and may require oral evidence to establish the existence of a clear right in the first instance. This is precisely why an interim or final interdict should not be granted.
92. In addition, UNISA was afforded a reasonable right to reply through the multiple e-mails and phone calls, containing detailed questions, which I sent and made. Its representatives elected not to substantively respond to me.

The apprehension of irreparable harm is not well grounded

93. UNISA does not have a well-grounded apprehension or fear of irreparable harm. The alleged harm that UNISA has suffered, or is suffering, is vague and non-specific. On its own version, it includes only that:



- 93.1. “[t]he continued publication of the statements causes ongoing and cumulative damage to [UNISA’s] reputation and standing with its students, staff, funders and the public”; and
- 93.2. Such reputational harm is not readily quantifiable or fully remediable in damages, and the Respondents’ ability to satisfy any award of damages is unknown and doubtful”.
94. UNISA takes it no further, because it cannot.
95. Equally, as I have detailed above, granting the relief that UNISA seeks in this application will not remedy any alleged ongoing or continuing harm, as statements concerning the deaths of its staff, hospitalisations, poor working conditions, and the broader ongoing governance crisis within UNISA will remain accessible to the public and may continue to be published by other journalists, publications, and influencers on various websites and social media platforms which are not subject to this application.



Balance of convenience

96. I am advised that our courts should be cautious to entertain applications for prior restraints against journalists, which should only be awarded in exceptional circumstances. Freedom of expression is not a right which should be overridden lightly. This is so because persons allegedly defamed will, if an interdict is refused, have a cause of action for damages. On the other hand, the denial of a right to publish will likely be the end of the matter for a member of the press, given the time-sensitive and fluid nature of reporting.
97. This is the case here: my right to freedom of expression and the right of members of the UNISA community, including family members of the deceased and the public at large, to receive information substantially outweigh UNISA’s right to a reputation and good name, especially where the impugned statements are true (or substantially true) and in the public interest.

98. UNISA can vindicate its rights in due course. I cannot. Should an interdict be granted against me, in the midst of UNISA's ongoing governance crisis which may warrant ongoing reporting, the time-sensitive nature of my reportage will be lost, and the families of the deceased and the public at large will be poorer for it. The very purpose of journalistic activity and the constitutional protections of a free press will be defeated.

99. Equally, when considering the balance of convenience, I am advised that this Court should consider and balance:

99.1. The multiple weaknesses that I have identified in UNISA's case, including that the relief that it seeks constitutes a "gagging order",



99.2. The limited nature of the defamation, which I deny exists or is wrongful, when compared to the totality of the information and the public interest in reportage contained in my articles, especially for members of the UNISA community;

99.3. The difficulty that I have had in evidencing reasonable defences to the alleged defamation in the limited time period of just over one day afforded to me by UNISA; and

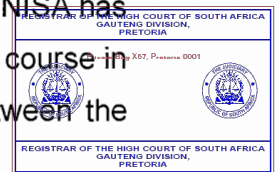
99.4. The fact that UNISA seeks a disproportionate order which will result in a permanent interdict, which includes, among others, taking down all three of my articles, when only four impugned statements in two of my articles are implicated in the alleged defamation, seeking to restrain any future publications about staff deaths and hospitalisations at UNISA in the midst of an ongoing crisis where there is evidence that people are dying and being hospitalised, and directing that I apologise to it when no averments whatsoever as to why I should apologise are pleaded.

100. For all of these reasons, and without more, I am advised that the balance of convenience does not favour granting the relief that UNISA seeks.

There are alternative remedies

101. Lastly, I am advised that there are also multiple alternative remedies available to UNISA:

101.1. My articles have already been in the public domain for a considerable period — over three weeks — and similar reportage remains available on websites and social media platforms over which I have no control. The proverbial horse has bolted, and no legitimate purpose will be achieved by gagging me in this Court. Any alleged harm that UNISA has suffered due to the impugned statements can be heard in due course in the appropriate forum, a trial court, and after the issues between the parties are fully ventilated.



101.2. As I have stated above, an award of damages can vindicate the right to reputation. An interdict will seldom be warranted to prevent further harm, and should not readily be awarded on urgency where a complex factual matrix exists, such as in this case.

102. There are clearly adequate alternative remedies available to UNISA. An interim or final interdict on urgency, especially against the constitutionally protected right to free speech, should be an absolute last resort, not a first recourse. For this reason alone, this application is fatally defective and should be dismissed, with costs.

103. As a result, I am advised that the Applicants have failed to meet the requirements of either an interim or final interdict, particularly on urgency. As a result, this matter falls to be dismissed, with costs.

CONDONATION

104. I am advised to seek condonation for the late filing of this affidavit, which has been filed half a day late.

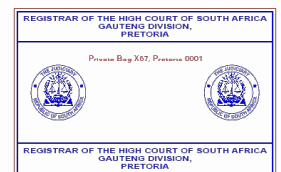
105. As detailed in annexure "**PEN1**", this application was served on me at 13h08 on 12 August 2026.
106. Thereafter, and throughout the afternoon of 12 August 2026, I tried to secure legal representation. By the early evening, I made contact with Ms Tina Power ("**Ms Power**") from Power & Associates Inc.
107. At 08h30 on 13 August 2026, I had a brief online consultation with Ms Power and other members of my legal team to work through their onboarding processes. Thereafter, I was advised to collect and collate certain evidence, and a full consultation was held with my legal team from 15h00-16h30 that afternoon with the intention to work overnight and file my affidavit by midday on 14 August 2026.
108. During the morning of 14 August 2026, I received and reviewed a draft of my affidavit and, after attending to certain changes, I commissioned the affidavit at or around 13h00 that day.
109. In sum, this affidavit has been prepared in just over one day.
110. I submit that UNISA has not been unduly prejudiced by this delay and this matter may still proceed to hearing as detailed in the Notice of Motion. Alternatively, I submit that any prejudice that UNISA may face is incomparable to the prejudice that I will suffer should this application be successful, without this Court having heard my version. As I have detailed above, I have also made out a clear defence and therefore have reasonable prospects of success.
111. For these reasons, I respectfully request that this Court condone the late filing of this affidavit.
112. I am advised that this will be further addressed, if needed, by my legal representatives at the hearing of this matter.



COSTS

113. I am advised that this application is an abuse of the urgent court process, and it has been brought for an ulterior purpose. There are also a series of procedural glitches and challenges with this application, including the failure by UNISA to file a Rule 16A Notice.

114. As a result, I am advised that this matter should be dismissed with costs, as between attorney and client, with such costs to include the costs of two counsel, where so employed.

**AD SERIATUM RESPONSE****Ad paras 1 to 5**

115. Save to deny that the allegations in the Founding Affidavit are both true and correct and that the application is urgent, the contents are noted.

Ad paras 6 to 9

116. The contents of these paragraphs are noted, save to admit that the Higher Education Media Services (Pty) Ltd and I are correctly cited.

Ad para 10

117. Save to deny that UNISA has suffered or continues to suffer harm, the contents of this paragraph are admitted.

Ad para 11

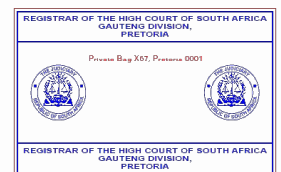
118. The contents of this paragraph are admitted.

Ad para 12

119. The contents of this paragraph are noted.

Ad para 13

120. Save to deny that the statements are false and defamatory, that my article dated 29 July 2026 is relevant to this matter, and to reaffirm that the first two impugned statements are selectively cited as detailed elsewhere in this affidavit, the contents of this paragraph are admitted.

**Ad para 14**

121. The contents of this paragraph are denied.

122. As dealt with elsewhere in this affidavit, the impugned statements are not wrongfully defamatory. They are true (or substantially true) and in the public interest. Alternatively, they constitute reasonable publication.

123. As detailed elsewhere in this affidavit, the imputed meaning that UNISA ascribes to the statements is denied.

Ad para 15

124. Save to deny that the statements are false, the averments in this paragraph are noted.

125. As detailed elsewhere in this affidavit, the imputed meaning that UNISA ascribes to the statements is denied.

Ad para 16

126. Save to deny that I have raised no substantive defence and that the imputed meaning that UNISA ascribes to the statements is correct, I am advised that the paragraph pertains to a matter of law, which will be addressed in argument.

Ad para 17

127. Save to deny that the UNISA has suffered any harm or that the harm is ongoing or continues to spread, the contents of this paragraph are denied as UNISA has failed to provide any competent evidence to this Court on the “mass media” distribution of my articles, the public debate and comment that my articles have solicited, or their reach on social media.

**Ad para 18 and 19**

128. The contents of these paragraphs are admitted, save to deny that I was given 72 hours to respond to the letter of demand.

129. Paragraph 9 of Annexure “TLM5” clearly indicates that I had to respond by “tomorrow”, within just over 24 hours.

Ad paras 20 to 23

130. As detailed elsewhere in this affidavit, the allegations contained in this paragraph are denied:

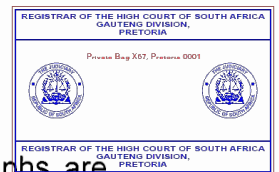
130.1. This application is not urgent. UNISA has failed to explicitly set out the circumstances which render this matter urgent and why it cannot be afforded substantial redress at a hearing in due course;

130.2. The alleged harm that UNISA is suffering is vague and non-specific, and there is no competent evidence that it is ongoing or escalating. Even in the event that UNISA is suffering harm, granting UNISA the relief that it

seeks will not remedy the alleged harm, as similar statements to those that they challenge in this application are published by other publications and social media platforms over which I have no control and which are not cited in this application; and

130.3. UNISA has not “acted with expedition” in bringing this matter. It has taken over three weeks. And, affording me just over one day to prepare this affidavit, when it afforded itself over eight days to prepare the founding papers, does not constitute a “fair opportunity” to respond.

Ad paras 24 to 27



131. As detailed elsewhere in this affidavit, the contents of these paragraphs are denied. UNISA has not made out a case for an interim or final interdict.

Ad para 28

132. As detailed elsewhere in this affidavit, the contents of these paragraphs are denied.

Ad para 29

133. As detailed elsewhere in this affidavit, the contents of these paragraphs are denied.

134. The impugned statements are true (or substantially true) and in the public interest. Alternatively, they constitute reasonable publication. As a result, they are not wrongfully defamatory and are constitutionally protected.

135. In addition, as detailed elsewhere, the relief that UNISA seeks is not narrowly tailored. It is disproportionate, over-broad, and unsubstantiated.

Ad paras 30 to 31

136. The contents of these paragraphs are denied. The Applicant is neither entitled to the relief that it seeks, nor has it made out a case for it.

137. In addition, no case is made out by UNISA for a punitive costs order against me and my publication.

CONCLUSION

138. For the reasons set out in this affidavit, I pray that the application is dismissed with costs, including the costs of two counsel, where so employed. For the reasons advanced above, those costs should be on a punitive basis, as between attorney and client, due to the flawed and constitutionally unconscionable nature of this application, which constitutes an abuse of process.


PRAGASEN EDWIN NAIDU

I certify that this affidavit was signed and sworn to before me at **Rosebank** on this the **14th** day of **August 2026** by the deponent who acknowledged that he knew and understood the contents of this affidavit, had no objection to taking the prescribed oath, and considered this oath to be binding on his conscience.

COMMISSIONER OF OATHS

LAUREN BOTHA
 Commissioner of Oaths
 Practising Attorney
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