

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

MOXII (formerly MEDIA MONITORING AFRICA)

Amicus Curiae

NOTICE IN TERMS OF RULE 16A(1) OF THE UNIFORM RULES OF COURT

BE PLEASED TO TAKE NOTICE THAT the constitutional issues set out below arise for determination in this application, and that this notice is delivered in terms of Rule 16A(1) of the Uniform Rules of Court simultaneously with the delivery of the Applicant's amended notice of motion and supplementary founding affidavit.

TAKE NOTICE FURTHER THAT the Applicant does not accept that Rule 16A(1) obliges it to deliver this notice, the constitutional issues described below being raised, in the main, by the First and Second Respondents in answer and not by the Applicant in its founding papers. This notice is delivered expressly without conceding any

obligation to do so, and in order that no person be excluded from participating in these proceedings.

TAKE NOTICE FURTHER THAT the constitutional issues concerned are, succinctly stated, the following:

1. Whether the grant of a final interdict restraining the publication or republication, of and concerning the Applicant, of statements bearing identified defamatory meanings limits the rights entrenched in section 16(1) of the Constitution, including freedom of the press and other media, and the freedom to receive or impart information or ideas and, if so, whether that limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, as contemplated by section 36(1) of the Constitution.
2. Whether, and to what extent, false statements of fact enjoy the protection afforded by section 16(1) of the Constitution.
3. Whether an order directing the removal of statements already published upon an internet website, and directing the publication of a retraction and of a notice recording the terms of the order, constitutes a prior restraint upon expression and, if so, whether and upon what basis such an order is constitutionally permissible.
4. The proper reconciliation of the right to freedom of expression under section 16 of the Constitution with the right to dignity, which includes the right to reputation and to a good name, under section 10 of the Constitution.
5. Whether, and to what extent, a juristic person and in particular a public higher education institution established in terms of the Higher Education Act 101 of

1997 is entitled to invoke section 10 of the Constitution in order to vindicate its reputation, and the weight to be accorded to its reputational interest when balanced against the rights entrenched in section 16.

6. Whether the common law of defamation, and in particular the defences available to a publisher and the remedies available to a person defamed, requires development in terms of section 39(2) of the Constitution in the context of publication upon the internet which remains continuously accessible and susceptible of indefinite republication.

TAKE NOTICE FURTHER THAT the Registrar is respectfully requested, in terms of Rule 16A(1)(c) and (d), to place this notice forthwith upon the notice board designated for that purpose, to stamp it so as to indicate the date upon which it was so placed, and to permit it to remain upon the notice board for a period of 20 (twenty) days.

TAKE NOTICE FURTHER THAT Moxii, formerly known as Media Monitoring Africa, has already been admitted as amicus curiae in these proceedings for the purpose of advancing submissions relating to constitutional rights, and that any other person wishing to be admitted as an amicus curiae may do so in terms of Rule 16A(2) to (6), whether with the written consent of all the parties or upon application to the above Honourable Court.

TAKE NOTICE FURTHER THAT the Applicant records that it will not oppose any bona fide application for the admission of a further amicus curiae, provided that the application is timeously brought and that the submissions sought to be advanced are germane and do not duplicate those of the existing parties. The Applicant reserves only its right to be heard upon the terms of any such admission, and upon any application by a prospective amicus curiae to adduce further evidence.

TAKE NOTICE FURTHER THAT the Applicant has appointed SM Vakalisa Attorneys Inc., at the address set out below, as the address at which it will accept service of all process in these proceedings.

DATED at SANDTON on this the 28 day of September 2026.


SM VAKALISA ATTORNEYS INC.

Applicant's Attorneys
Summer Place
13 Summer Street
Rivonia, Sandton
Tel: 010 054 6971 |

Email: smvakalisa@smvakalisa-inc.co.za
dumisani@smvakalisa-inc.co.za
thato@smvakalisa-inc.co.za

Ref: SMV/UNISA/

**TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT PRETORIA**

AND TO: POWER & ASSOCIATES INC. t/a POWER LAW AFRICA

Attorneys for the First and Second Respondents
20 Baker Street, Rosebank, Johannesburg

Email: tina.power@powerlaw.africa;
michael.power@powerlaw.africa;
sophie.smit@powerlaw.africa;
legal@powerlaw.africa

Ref: PLEN-202614

AND TO: BOWMAN GILFILLAN INC.

Attorneys for the Amicus Curiae
11 Alice Lane, Sandton

Email: vanessa.jacklin-levin@bowmanslaw.com;
rachel.potter@bowmanslaw.com;
kabelo.ramarumo@bowmanslaw.com;

musa.makhusa@bowmanslaw.com

AND TO: INDEPENDENT ONLINE
Third Respondent
Second Floor, Silo 5, Victoria and Alfred Waterfront, Cape Town
Email: info@iol.co.za