

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

SUPPLEMENTARY FOUNDING AFFIDAVIT

I, the undersigned,

TSHATSHARA LUCAS MABUSELA

do hereby make oath and state that:

INTRODUCTION

1. I am an adult male employed by the Applicant as Acting Executive Director: Legal Services Department, with offices situated at the Main Campus, 330 Preller Street, Muckleneuk Ridge, Pretoria.
2. I am the deponent to the founding affidavit in this application, which is dated 11 August 2026 and was delivered on 12 August 2026 ("the founding affidavit").
3. The facts contained herein are, save where otherwise stated or where the converse appears from the context, within my personal knowledge and are true and correct. Where I do not have personal knowledge, I rely upon the records kept by the Applicant and upon the documents annexed hereto.
4. I remain duly authorised to institute and conduct this application on behalf of the Applicant.
5. The contents of the founding affidavit, and the annexures thereto, are incorporated herein, save to the extent that they are inconsistent with what is stated below. The abbreviations and defined terms employed in the founding affidavit are retained and bear the same meanings, unless the context indicates otherwise.

THE PURPOSE OF THIS AFFIDAVIT

6. This affidavit is delivered simultaneously with the Applicant's amended notice of motion in terms of Rule 28(7) of the Uniform Rules of Court, and in accordance with the undertaking recorded in the Applicant's attorneys' letter of 9 September 2026. A copy thereof is attached hereto marked "SA1."
7. The founding affidavit was filed on extreme urgency and in accordance with the provisions of Rule 6(12) of the Uniform Rules of this honourable court for a

hearing on 18 August 2026 in the urgent court. The matter was rolled over and heard on 19 August 2026, whereafter the matter was struck from the urgent roll.

8. The purpose of this supplementary affidavit is fivefold:

8.1 To explain why the matter was struck from the roll and seek leave for its acceptance by this honourable court,

8.2 to place before this Honourable Court the material developments which have occurred since the delivery of the founding affidavit on 12 August 2026, including the striking of the application from the urgent roll on 19 August 2026;

8.3 to update the factual matrix, and in particular to place before the Court the continued publication of the impugned statements and the escalation of the harm occasioned to the Applicant thereby;

8.4 to supplement the Applicant's case for the final declaratory and interdictory relief which it now seeks in the ordinary course, the relief premised upon urgency having been abandoned; and

8.5 to record the respects in which the relief sought has been narrowed, and correspondingly the respects in which the founding affidavit is no longer persisted in, so that the papers conform to the case now advanced, together with certain matters of citation and correction.

9. This affidavit is delivered to ensure that the application is properly enrolled in the ordinary course and that the Applicant's case for declaratory and interdictory relief is placed before this Honourable Court.

THE STRIKING-OFF ORDER AND ITS EFFECT

10. The application was enrolled upon the urgent roll. On 19 August 2026 it was struck from the roll upon the basis that it lacked the degree of urgency required by Rule 6(12), and by reason of the Applicant's non-compliance with the Practice Directive governing the enrolment of urgent matters, which requires that papers in a matter enrolled for a Tuesday be filed on the preceding Thursday.
11. No finding was made upon the merits of the application. The application was not dismissed.
12. The striking-off order did not dispose of the substantive dispute between the parties. The impugned statements remain published, the harm to the Applicant continues, and the Applicant's rights remain infringed.
13. Notwithstanding the truncated time periods for which the Applicant contended, the First and Second Respondents delivered an answering affidavit before the matter was called. The dispute is accordingly ripe for determination in the ordinary course upon the papers as they will stand.
14. Save as aforesaid, the Amicus Curiae brought an application to be joined and was joined. However, the Amicus Curiae did not only join and advanced argument on the papers as they stood. The Amicus Curiae advanced facts outside the pleadings as they stood before it was joined.
15. The applicant could not have anticipated those facts and did not deal with them. I will address those facts below as the Applicant persists in the declaratory and interdictory relief set out in the amended notice of motion.

FURTHER DEVELOPMENTS SINCE 12 AUGUST 2026

The order in respect of the Third Respondent

16. On 19 August 2026 this Honourable Court granted an order between the Applicant and the Third Respondent, a copy of which is annexed hereto marked “SA2”. The Third Respondent has removed the article which it republished on 27 July 2026. That order stands. The Applicant seeks no further relief against the Third Respondent, and no costs order is sought against it.

The admission of the amicus curiae

17. As stated above, the Amicus Curiae has been admitted in these proceedings for the sole purpose of assisting this Honourable Court by advancing submissions relating to constitutional rights. A copy of the order, alternatively the consent, in terms of which the Amicus Curiae was admitted is annexed hereto marked “SA3”.

The proposed amendment

18. On 28 August 2026 the Applicant delivered a notice of intention to amend its notice of motion in terms of Rule 28(1), a copy of which is annexed hereto marked “SA4”. In order to place beyond any doubt the precise terms of the notice of motion for which the Applicant contends, and in the interests of clarity, the Applicant delivered contemporaneously therewith a copy of the proposed amended notice of motion. That document was not, and was never intended to be, an amendment effected in terms of Rule 28(7).
19. The period of 10 (ten) court days contemplated by Rule 28(3) commenced on Monday, 31 August 2026, the notice of intention to amend having been

delivered upon the attorneys for the First and Second Respondents on Friday, 28 August 2026. That period expired on Friday, 11 September 2026. No objection was delivered within that period, and the Applicant is accordingly entitled, in terms of Rule 28(5) read with Rule 28(7), to effect the amendment by the delivery of the amended notice of motion herewith.

The correspondence between the parties

20. The attorneys for the First and Second Respondents addressed a letter to the Applicant's attorneys on 7 September 2026, to which the Applicant's attorneys replied on 9 September 2026.
21. Copies of that correspondence are annexed hereto marked "SA5" and "SA6" respectively.
22. The attorneys for the Amicus Curiae addressed a letter to the Applicant's attorneys on 9 September 2026, to which the Applicant's attorneys replied on the same date.
23. Copies of that correspondence are annexed hereto marked "SA7" and "SA1" respectively.

The notice in terms of Rule 16A(1)

24. The Applicant does not accept that Rule 16A(1) obliges it to deliver a notice in the present circumstances, the constitutional issues to which the Amicus Curiae refers are being raised, in the main, by the First and Second Respondents in answer and not by the Applicant in its founding papers. The Applicant has no wish, however, to burden this Honourable Court or the parties with an

interlocutory dispute over a formality which may be attended to at no cost and no delay.

25. Accordingly, and expressly without conceding that it is obliged to do so, the Applicant delivers simultaneously herewith a notice in terms of Rule 16A(1), a copy of which is annexed hereto marked “SA8”, and has procured that the said notice be placed upon the notice board designated for that purpose by the Registrar.

THE CONTINUED PUBLICATION AND THE ESCALATION OF THE HARM

26. Since the striking of the application from the urgent roll, the impugned articles have remained continuously accessible upon the ednews.africa website. They have not been removed, corrected or qualified in any respect.
27. The statements of which the Applicant complains, and in respect of which relief is sought in the amended notice of motion, are the following:
- 27.1 “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.”; and
- 27.2 “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 families succumbed to illness after their heavy workloads increased when the university scrapped the roles of 5000 markers.”
28. Those statements remain false, defamatory of the Applicant, and harmful to it.

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MS

29. The continued publication of the articles has resulted in their further dissemination, including:
- 29.1 reposts upon the platforms X, copies of which are annexed hereto marked “SA9”; and
- 29.2 republication by smaller blogs and aggregator websites, copies of which are annexed hereto marked “SA10”.
30. A printout of the impugned articles, as they appeared upon the ednews.africa website on 15 September 2026, is annexed hereto marked “SA11”. It demonstrates that the articles remain published as at the date of the deposition of this affidavit.
31. The Applicant continues to suffer reputational harm among its students, its staff, its funders, its alumni and the general public. That harm is cumulative and ongoing, and it increases with each day that the articles remain published.
32. The First and Second Respondents have not retracted, corrected or qualified the statements, notwithstanding the Applicant's demand of 3 August 2026 and the passage of more than a month since the institution of these proceedings.

THE CONDUCT OF THE FIRST AND SECOND RESPONDENTS SINCE THE HEARING

33. Since the striking of the application from the urgent roll, the First and Second Respondents have not:
- 33.1 removed the impugned articles, or either of them, from the ednews.africa website;

- 33.2 published any retraction, correction or qualification of the impugned statements;
- 33.3 furnished the Applicant with any factual foundation for the assertion that the deaths of its staff members are attributable to it, whether by way of a post-mortem report, a medical report, or any other competent evidence; or
- 33.4 tendered any undertaking not to repeat the impugned statements.
34. Their continued refusal to act demonstrates that the harm to the Applicant will persist indefinitely unless this Honourable Court intervenes.

THE APPLICANT'S RIGHTS REMAIN INFRINGED

35. The Applicant's right to its reputation and good name, protected at common law and under section 10 of the Constitution, continues to be infringed by the continued publication of the impugned statements.
36. Once the publication of matter defamatory of a person is established, that publication is presumed to be both wrongful and animated by an intention to defame, and the onus rests upon the publisher to establish a recognised defence.
37. The imputations that the Applicant caused, or is responsible for, the deaths and hospitalisation of its staff members, and that it blocked access to the ednews.africa website in order to suppress reporting of, or to conceal its responsibility for, those deaths, are objectively false. No post-mortem report, no medical report and no internal investigation supports those imputations.

38. False statements of fact do not enjoy the protection afforded by section 16(1) of the Constitution.

THE CASE FOR DECLARATORY RELIEF

39. A declaratory order is appropriate where there exists a dispute; where the applicant has a direct and substantial interest in its resolution; where the order sought will have a practical effect; and where the matter is ripe for determination.

40. Each of those requirements is satisfied in the present matter:

40.1 the dispute as to the meaning borne by the impugned articles, and as to the truth of the imputations which they convey, remains unresolved;

40.2 the Applicant's reputation and good name are directly and substantially affected by that dispute;

40.3 a declarator as to the meanings borne by the articles will have a practical effect, in that it will determine the foundation upon which the interdictory and take-down relief rests, and will place beyond doubt the falsity of the imputations which continue to circulate; and

40.4 the matter is now properly before this Honourable Court in the ordinary course, the parties having exchanged affidavits and the truncated timetable of the urgent roll no longer applying.



41. Declaratory relief is particularly appropriate where, as here, the defamatory matter remains published upon the internet and continues to be accessed, disseminated and republished.

THE REQUIREMENTS FOR FINAL INTERDICTIONARY RELIEF

42. The Applicant no longer seeks a rule nisi, nor an order that the interdictory and take-down relief operate as an interim interdict with immediate effect pending a return day. The relief now sought is final relief, sought in the ordinary course. The requirements applicable to such relief are a clear right, an injury actually committed or reasonably apprehended, and the absence of any other satisfactory remedy.

A clear right

43. The Applicant has a clear right to its reputation and good name, protected at common law and under section 10 of the Constitution. That right is dealt with in paragraph 24 of the founding affidavit, and the Applicant persists therein, save that it does not rely upon the alternative of a prima facie right, that alternative having been relevant only to the interim relief which is no longer sought.

An injury actually committed and reasonably apprehended

44. The injury has been committed and is continuing, and the harm continues to accumulate for so long as they do. The further dissemination described above, establishes that the injury is not spent but is being compounded.
45. In the absence of an interdict, the Applicant reasonably apprehends the repetition of the impugned statements, the First and Second Respondents having declined to tender any undertaking not to repeat them.

The absence of any other satisfactory remedy

46. An award of damages would not stem the ongoing harm and would, in any event, be an inadequate remedy for continuing reputational injury. The ability of the First and Second Respondents to satisfy any award of damages is, moreover, unknown to the Applicant.
47. Nor does any other forum afford the Applicant a satisfactory remedy. The jurisdiction of the Press Council of South Africa is consensual: the Press Code of Ethics and Conduct for South African Print and Online Media, and in particular Chapter 2 thereof, governs complaints brought against members of the Press Council, and the Press Council is able to entertain a complaint only against a publication which has subscribed to its jurisdiction.
48. The Applicant has established, from the register of members published by the Press Council, that neither the First Respondent nor the Second Respondent is a member of, or a subscriber to, the Press Council of South Africa. A referral of the Applicant's complaint to the Press Council would accordingly be ineffective, that body having no jurisdiction over the First and Second Respondents.
49. I record, further, that the First and Second Respondents have at no stage contended, whether in correspondence or in their answering affidavit, that the Applicant ought to have approached the Press Council, or that any other remedy was available to it.
50. Only the relief sought in the amended notice of motion can bring the continuing wrong to an end and prevent its repetition.

The relief against the Third Respondent

51. All relief against the Third Respondent is abandoned. Paragraphs 9 and 12 of the founding affidavit are retained as part of the background and the narrative of publication only, and no relief is sought upon them.

The article of 29 July 2026

52. No relief is sought in respect of the article published on 29 July 2026 and titled "UNISA Threatens Action Over Report as Deaths, Hospitalisations and Staff Outcry Mount", annexed to the founding affidavit as "TLM2". Paragraph 11 of the founding affidavit is to be read accordingly. That article is retained as part of the context in which the impugned statements were published, but forms no part of the relief now sought.

The impugned statements

53. The take-down relief sought in paragraph 3 of the amended notice of motion is confined to the two statements quoted in paragraphs 13.1 and 13.4 of the founding affidavit, which are repeated in section E above. The statements quoted in paragraphs 13.2 and 13.3 of the founding affidavit are no longer the subject of any relief, and are retained only as part of the context in which the two impugned statements were published.

The retraction and the apology

54. The Applicant no longer seeks the publication of an apology. It seeks only the publication, upon the ednews.africa website and with the same or similar prominence as the impugned articles, of a retraction of the two meanings referred to above, together with a notice recording the terms of the order, in a

form to be approved by this Honourable Court, alternatively by the Registrar, as set out in paragraph 4 of the amended notice of motion. Paragraph 18 of the founding affidavit is retained as a record of what was demanded in the letter of demand of 3 August 2026, and not as a statement of the relief now sought.

The relief

55. Paragraph 30 of the founding affidavit, which records for the urgent relief there sought, is to be read as seeking for an order in terms of the amended notice of motion.

CITATION AND CORRECTIONS

The Amicus Curiae

56. The Amicus Curiae was admitted in these proceedings under the name Media Monitoring Africa, and is so cited in the notice of intention to amend. Its attorneys have since recorded that their client bears the name Moxii. The Applicant's attorneys have, by their letter of 9 September 2026, sought confirmation of the full and correct name of the Amicus Curiae, together with its registration number and the instrument in terms of which it is constituted, and of the form in which it wishes to be cited.
57. Pending that confirmation, and in order that the papers be accurate, the Amicus Curiae is cited herein as MOXII (formerly MEDIA MONITORING AFRICA). Should the Amicus Curiae prefer a different form of citation, the Applicant will attend to the correction of the papers accordingly. Nothing turns upon the point beyond the accuracy of the papers.

Corrections to the founding affidavit

58. Two typographical errors in the founding affidavit fall to be corrected, neither of which is of any substance:

58.1 in paragraph 2, the words "or where otherwise stated" appear twice, and the duplication is to be disregarded; and

58.2 in the certificate of the Commissioner of Oaths, the deponent is referred to as "she", whereas the deponent is, as recorded in paragraph 1 of the founding affidavit, male. The reference is to be read as a reference to "he".

THE FURTHER CONDUCT OF THE APPLICATION

59. The amended notice of motion expressly affords the First and Second Respondents the opportunity to supplement their answering affidavit in consequence of the amendment, within 15 (fifteen) days of service of the amended notice of motion, and affords the Applicant 10 (ten) days thereafter within which to deliver any supplementary replying affidavit. Those periods run from the date of delivery of the amended notice of motion together with this affidavit.

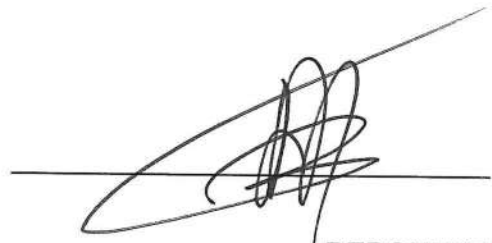
60. The First and Second Respondents accordingly suffer no prejudice whatsoever by reason of the amendment. On the contrary, the relief which they are called upon to meet has been narrowed in every material respect, the relief premised upon urgency and the relief operating with immediate effect having been abandoned, together with the prayer for punitive costs.

61. The Applicant further records that it will not oppose any bona fide application for the admission of a further amicus curiae, whether by the written consent of

the parties or upon application to this Honourable Court, 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.

CONCLUSION

62. The dispute is ripe for determination in the ordinary course. The impugned statements remain published. The harm to the Applicant is continuing and cumulative. The First and Second Respondents have neither removed nor qualified the statements, nor tendered any undertaking not to repeat them.
63. The founding affidavit, read with this affidavit and as qualified herein, establishes the Applicant's entitlement to the final declaratory and interdictory relief set out in the amended notice of motion.
64. For the reasons set out in the founding affidavit and as supplemented herein, I respectfully request this Honourable Court to grant an order in terms of the amended notice of motion, together with costs.

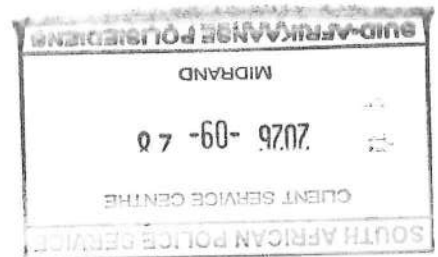


DEPONENT

I CERTIFY that the deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at MIDRAND on this the 9th day of SEPTEMBER 2026, and that the provisions of the regulations contained in Government Notice R1258 of 21 July 1972, as amended, and Government Notice R1648 of 19 August 1977, as amended, have been complied with.

 72168048
Ziyane

COMMISSIONER OF OATHS



FULL NAMES: NARE SINDILE ZIYANE

CAPACITY: POLICE OFFICER

ADDRESS: 105 Smuts Ave and Orkney Close



"SA1"

SMVAKALISA INC

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Your Reference:
V Jacklin-Levin/ R Potter/
K Ramarumo

Our Reference:
SMV 2057

Date:
09 September 2026

Dear Sirs,

RE: THE UNIVERSITY OF SOUTH AFRICA v EDNEWS.AFRICA AND OTHERS
(CASE NO: 2026-192997)

1. We act for the Applicant, the University of South Africa ("our client").

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Email: smvakalisa@smvakalisa-inc.co.za **REG NO: 2011/001067**

Summer Place, 13 Summer Street, Rivonia, Sandton, 2191 (Head Office)

DIRECTORS: SM VAKALISA Dip.Juris.B.Proc (Walter Sisulu University) Management Advancement Programme (Wits Business School);
Z NKUHLU B.Juris & LLB, (University of the Western Cape).

ASSOCIATE: K. NKUNZANA BA (LAW) & LLB (University of the Witwatersrand), D. TEMBANI LLB (Nelson Mandela University).

CANDIDATE ATTORNEYS: T. MOKGOSI LLB (Northwest University), A. XOLO LLB (University of KwaZulu-Natal), N. GODIE LLB
(University of South Africa).

CONSULTANTS: GEORGE GEORGHIADES PG Dip Set (Stellenbosch), NQF Level 8 (University of South Africa), Masters – Doctoral
(Nelson Mandela University), Commissioner (Commission for Conciliation, Mediation and Arbitration), K. SIBEKO
LLB, BA Law (University of Durban-Westville), CEL, DCL, PGDCL (Rand Afrikaans University), S. MAPHOSA LLB
(Walter Sisulu University).

BRANCHES: MPUMALANGA | KWAZULU-NATAL | NORTHWEST | EASTERN CAPE | WESTERN CAPE | LIMPOPO

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VAKALISA

2. We refer to your letter dated 9 September 2026 and respond within the period stipulated in paragraph 15 thereof. We do so in the same collegial spirit in which your letter is written.

PRELIMINARY: THE CITATION OF THE AMICUS CURIAE

3. Paragraph 1 of your letter records that you act on behalf of "Moxii". We understand Moxii and Media Monitoring Africa to be one and the same entity, and we have noted that the amicus curiae admitted in these proceedings now bears the name Moxii.
4. The *amicus curiae* is presently cited in the Notice of Intention to Amend and in the Amended Notice of Motion as Media Monitoring Africa. So that the citation in the amended papers is correct, we should be obliged if you would confirm, by return:
 - 4.1. the full and correct name of your client, together with its registration number and the statute or instrument in terms of which it is constituted; and
 - 4.2. whether your client is to be cited as "Moxii", as "Media Monitoring Africa", or in a composite form such as "Moxii (formerly Media Monitoring Africa)";
5. Our client will attend to the citation accordingly, and records that nothing turns on the point beyond the accuracy of the papers.

THE UNDERTAKING SOUGHT IN TERMS OF RULE 16A

6. Our client has taken no step in these proceedings with the object, or with the effect, of excluding any person from participating in them. It does not seek to do so and it has no interest in doing so.



VAKALISA

7. Our client does not accept that Rule 16A(1) obliges it to deliver a notice in the present circumstances. On a proper construction, that sub-rule binds the party "raising a constitutional issue". The constitutional issues to which your letter refers are raised, in the main, by the First and Second Respondents in answer, and not by our client in their founding papers.
8. That said, our client has no wish to burden the Court or the parties with an interlocutory dispute over a formality that can be attended to at no cost and no delay. Accordingly, and expressly without conceding that it is obliged to do so, our client hereby undertakes:
 - 8.1. to deliver a notice in terms of Rule 16A(1) simultaneously with the delivery of its amended notice of motion and supplementary founding affidavit; and
 - 8.2. to procure that the said notice is placed upon the notice board designated for that purpose by the Registrar, and to furnish your offices with proof thereof.
9. That undertaking meets, in full, the request set out in paragraph 12 of your letter. We trust that the formal objection in terms of Rule 28 foreshadowed in paragraph 15 of your letter accordingly falls away, and we should be obliged if you would confirm that by return.

**THE ALTERNATIVE REQUEST THAT THE NOTICE OF INTENTION TO AMEND
BE WITHDRAWN**

10. The alternative request, set out in paragraph 13 of your letter, that our client withdraws its Notice of Intention to Amend and institute fresh proceedings, is respectfully declined. Our reasons follow.



VAKALISA

11. The application was struck from the urgent roll for want of urgency. It was not dismissed. The application remains pending, as do the notice of intention to oppose, the answering affidavit of the First and Second Respondents, the order granted between our client and the Third Respondent on 19 August 2026, and your client's admission as amicus curiae. Amendment in terms of Rule 28 is the procedurally correct means of bringing the relief sought into conformity with the case now to be advanced in the ordinary course.
12. The institution of a fresh application would require the whole of the papers to be recast, would duplicate the costs already incurred by every party, and would require your client to seek admission as amicus curiae afresh. That outcome would defeat, rather than serve, the interest which your letter seeks to advance.
13. The proposed amendment narrows the relief sought in every material respect. Abandoned are: the prayer for urgency in terms of Rule 6(12); the prayer for a rule nisi; the prayer that the interdictory and take-down relief operate as an interim interdict with immediate effect; the prayer for costs on the scale as between attorney and client; and all relief against the Third Respondent. The declaratory relief is now confined to two identified meanings, and the interdictory relief to statements bearing those meanings. The relief no longer extends to the article of 29 July 2026.
14. It is, with respect, difficult to see how an amendment which abandons interim relief with immediate effect, abandons a punitive costs order, and confines the interdict to two identified meanings can be said to imperil constitutional rights more acutely than the relief it replaces.

THE POSITION OF PROSPECTIVE AMICI CURIAE

15. The premise of paragraphs 7 to 11 of your letter is, with respect, inverted. Insofar as any prospective amicus curiae was placed at a disadvantage, that arose from



VAKALISA

the truncated timetable inherent in urgent proceedings, as the submission from the Bar recorded in paragraph 8 of your letter itself acknowledges.

16. That timetable no longer applies. The matter will be enrolled on a date to be allocated by the Deputy Judge President in the ordinary course. Any interested person will accordingly have available to it a period materially longer than that which obtained in August 2026, and the papers are and remain accessible on CaseLines.
17. Our client records, in any event, that it will not oppose any bona fide application for the admission of a further *amicus curiae*, whether by the written consent of the parties or upon application to the Court, provided only 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. Our client 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.

THE SCOPE OF YOUR CLIENT'S ADMISSION

18. We note, and our client respectfully shares, the recordal in paragraph 5 of your letter that your client's admission was for the sole purpose of assisting the Court by advancing novel submissions relating to constitutional rights, and that your client does not seek to embroil itself in procedural disputes between the parties. We have responded above in that spirit and intend no criticism.

CONCLUSION

19. We trust that the undertaking recorded in paragraph 8 above disposes of the matter. Should you consider that it does not, we suggest a discussion between the attorneys of record before any interlocutory step is taken.



VAKALISA

20. Our client's rights are reserved, including in respect of the costs of any interlocutory proceedings.

Yours faithfully


SM VAKALISA INC.

Per: MNCEDI VAKALISA

"SA2"



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

CASE NO: 26/192997

PRETORIA 20 AUGUST 2026

BEFORE THE HONOURABLE MADAM JUSTICE COLLIS

In the matter between:

THE UNIVERSITY OF SOUTH AFRICA

APPLICANT

And

EDNEWS AFRICA

1ST RESPONDENT

PRAGASEN EDWIN NAIDU

2ND RESPONDENT

INDEPENDENT ONLINE

3RD RESPONDENT

HAVING HEARD counsel(s) for the party(ies) and having read the documents filed of record

IT IS ORDERED THAT

1. The application against the first and second respondents is struck off the roll due to lack of urgency.
2. The applicant is to pay costs on the attorney and client scale, including the costs of two counsel.



ATT: SM VAKALISA INC

" X " (M) 18/08/2026

072-15

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

"SA3"

CASE NO.: 2026-192997

ON 18 AUGUST 2026

BEFORE THE HONOURABLE JUSTICE COLLIS

In the application of:

MEDIA MONITORING AFRICA

Applicant for admission as *Amicus Curiae*

In the matter between:

THE UNIVERSITY OF SOUTH AFRICA

Applicant

and

EDNEWS.AFRICA

2026-08-18

First Respondent

PRAGASEN EDWIN NAIDU

GD-PRETORIA-029

Second Respondent

INDEPENDENT ONLINE

Third Respondent

(being a publication of **SEKUNJALO INVESTMENT HOLDINGS**)

C.S.C. DRAFT ORDER - APPLICATION FOR ADMISSION AS AMICUS CURIAE IN
TERMS OF RULE 16A

HAVING considered the matter:

IT IS ORDERED THAT:

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X 2 (M) 18/08/2026 192997126 072-16

1. The Applicant's non-compliance with Rule 16A of the Uniform Rules of Court is condoned.
2. That Applicant is admitted as *amicus curiae* in these proceedings.
3. The Applicant is granted leave to deliver written submissions in this matter prior to the hearing of this matter.
4. The Applicant is granted leave to make oral submissions at the hearing of the matter for approximately 30 minutes.

Disclaimer: This Order is made an Order of Court by the Judge whose name is reflected hereon, duly stamped by the Registrar of the Court and is submitted electronically to the parties or their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or her Judge's Secretary. The date of this Order is deemed to be 18 August 2026.



BY ORDER OF THE COURT

[Signature]

REGISTRAR OF THE HIGH COURT

Applicant's Attorneys:

Bowmans Giffillan
11 Alice Lane
Sandton
Johannesburg

Applicants' Counsel:

Nelisiwe Makhabane
Email: nmakhabane@chambers56.co.za
Tel: 079 232 9996
Ruth Krüger

WNI

072-16

[Signature] N/S

X (18/08/2026) 072-17
192997/26

Tel: +27 11 669 9000 / +27 83 325 3640

Email: ruth.kruger@thulamelachambers.com

Email: kabelo.ramarumo@bowmanslaw.com

Tel: 079 866 4651



NW1

072-17

N-S

"SA4"**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

MEDIA MONITORING AFRICA*Amicus Curiae*

APPLICANT'S NOTICE OF INTENTION TO AMEND**IN TERMS OF RULE 28(1)**

TAKE NOTICE that the applicant intends to amend its notice of motion of 12 August 2026
(**notice of motion**) in the following respects:

1. By deletion of prayer 1 in its entirety, the application is no longer being brought as one of urgency in terms of Rule 6(12).

2. By deletion of paragraph 2 and replacing it with the following paragraph:

"Declaring that the articles published by the First and Second Respondents on the ednews.africa website titled "Deaths, Burnout and Academic Collapse: The Crisis unfolding at Unisa" and "BLOCKED! But not silenced by UNISA" bear, and are understood by the ordinary reasonable reader to bear, the meanings that:

- 2.1. *the Applicant caused, or is responsible for, the deaths and hospitalisation of its staff members; and*
- 2.2. *the Applicant blocked access to the ednews.africa website in order to suppress reporting of, or to conceal its responsibility for, those deaths that is, that the Applicant censored the media to cover up wrongdoing."*

3. By deletion of paragraph 3 and replacing it with the following paragraph:

"Directing the First and Second Respondents, within 10 (ten) days of the grant of this order, to remove the following statements from the said articles, and from every other platform under their control or influence:

3.1 *"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."; and*

3.2 *"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 families succumbed to illness after their heavy workloads increased when the university scrapped the roles of 5000 markers."*

4. By deletion of paragraph 3 and replacing it with the following:

"Directing the First and Second Respondents, within 10 (ten) days of the grant of this order, to publish on the ednews.africa website, with the same or similar prominence as the said articles, a retraction of the meanings set out in paragraphs 1.1 and 1.2 above together with a notice recording the terms of this order, in a form to be approved by this Honourable Court, alternatively by the Registrar."

5. By deletion of paragraph 4 and replacing it with the following:

"Directing the First and Second Respondents, jointly and severally, the one paying the other to be absolved, to pay the costs of this application on the party and party scale, such costs to include the costs of senior and junior counsel."

TAKE NOTICE FURTHER that unless objection to the proposed amendment is made in writing within ten (10) days of delivery of this notice, the applicant will amend its notice of motion accordingly.



ZINTLE NKUHLU

Admitted to appear in the High
Court of South Africa in terms of
Section 4(2) of the Right of Appearance
In Courts Act 62 of 1995



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

Ref: SMV/UNISA/
c/o NGENO MTETO INC
Unit 7, The Guild House
239 Bronkhorst Street
Brooklyn
PRETORIA
Tel: 012 004 0424



Email: glenda@ngenomtetoinc.co.za

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT, PRETORIA

AND TO: POWER & ASSOCIATES INC.
Attorneys for the First and Second Respondents
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JOHANNESBURG
Tel: 010 822 7860
Fax: 086 614 5818
Email: tina.power@powerlaw.africa
michael.power@powerlaw.africa
sophie.smit@powerlaw.africa
Ref: PLEN-202614
c/o CENTRE FOR CHILD LAW FACULTY OF LAW
Law Building (Room 4 – 31)
University of Pretoria
PRETORIA
Tel: 012 420 4502
Fax: 012 420 4499
Email: tshegofatso.mothapo@up.ac.za
Ref: T Mothapo

AND TO: BOWMAN GILFILLAN INC.
Attorneys for the *Amicus Curiae*
11 Alice Lane
SANDTON
(P O Box 785812, Sandton, 2146)
Tel: 011 669 9529 / 9452
Email: vanessa.jacklinlevin@bowmanslaw.com
rachel.potter@bowmanslaw.com
kabelo.ramarumo@bowmanslaw.com
Ref: V Jacklin-Levin/R Potter

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

MEDIA MONITORING AFRICA

Amicus Curiae

AMENDED NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE THAT the Applicant intends to make application to the above Honourable Court on a date to be allocated by the Deputy Judge President, or so soon thereafter as counsel may be heard, for an order in the following terms:

1. Declaring that the articles published by the First and Second Respondents on the ednews.africa website titled "Deaths, Burnout and Academic Collapse: The Crisis

Unfolding at Unisa" and "BLOCKED! But not silenced by UNISA" bear, and are understood by the ordinary reasonable reader to bear, the meanings that:

- 1.1. the Applicant caused, or is responsible for, the deaths and hospitalisation of its staff members; and
- 1.2. the Applicant blocked access to the ednews.africa website in order to suppress reporting of, or to conceal its responsibility for, those deaths that is, that the Applicant censored the media to cover up wrongdoing.
2. Interdicting and restraining the First and Second Respondents from publishing or republishing, in any medium, of and concerning the Applicant, any statement bearing the meanings set out in paragraphs 1.1 and 1.2 above.
3. Directing the First and Second Respondents, within 10 (ten) days of the grant of this order, to remove the following statements from the said articles, and from every other platform under their control or influence:
 - 3.1. "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."; and
 - 3.2. "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 families succumbed to illness after their heavy workloads increased when the university scrapped the roles of 5000 markers."
4. Directing the First and Second Respondents, within 10 (ten) days of the grant of this order, to publish on the ednews.africa website, with the same or similar



prominence as the said articles, a retraction of the meanings set out in paragraphs 1.1 and 1.2 above together with a notice recording the terms of this order, in a form to be approved by this Honourable Court, alternatively by the Registrar.

5. Directing the First and Second Respondents, jointly and severally, the one paying the other to be absolved, to pay the costs of this application on the party and party scale, such costs to include the costs of senior and junior counsel.

6. Further and/or alternative relief.

TAKE NOTICE FURTHER THAT the Applicant seeks no further relief against the Third Respondent, which has removed the article republished by it on 27 July 2026, and that the order issued by this Honourable Court between the Applicant and Third Respondent on 19 August 2026 stands. No costs order is sought against the Third Respondent.

TAKE NOTICE FURTHER THAT the founding affidavit of **TSHATSHARA LUCAS MABUSELA**, delivered on 12 August 2026, together with the annexures thereto and the supplementary founding affidavit delivered herewith, will be used in support of this application.

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.

TAKE NOTICE FURTHER THAT the First and Second Respondents have delivered a notice of intention to oppose and an answering affidavit, and that, insofar as either wishes to supplement its answering affidavit in consequence of this amendment:

a) any supplementary answering affidavit is to be delivered within 15 (fifteen) days of service of this amended notice of motion; and



b) any supplementary replying affidavit is to be delivered within 10 (ten) days of receipt thereof,

failing which the Applicant will apply for the allocation of a hearing date on the papers as they stand.

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



ZINTLE NKUHLU

Admitted to appear in the High
Court of South Africa in terms of
Section 4(2) of the Right of Appearance
In Courts Act 62 of 1995



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

Ref: SMV/UNISA/
c/o NGENO MTETO INC
Unit 7 the Guild House



239 Bronkhorst Street

Brooklyn

PRETORIA

Tel: 012 004 0424

Email: glenda@ngenomtetoinc.co.za

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

AND TO: POWER & ASSOCIATES INC.
Attorneys for the First and Second Respondents
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JOHANNESBURG
Tel: 010 822 7860
Fax: 086 614 5818
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PRETORIA
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Fax: 012 420 4499
Email: tshegofatso.mothapo@up.ac.za
Ref: T Mothapo

AND TO: BOWMAN GILFILLAN INC.
Attorneys for the *Amicus Curiae*
11 Alice Lane
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(P O Box 785812, Sandton, 2146)
Tel: 011 669 9529 / 9452
Email: vanessa.jacklinlevin@bowmanslaw.com
rachel.potter@bowmanslaw.com
kabelo.ramarumo@bowmanslaw.com
Ref: V Jacklin-Levin/R Potter

 N.S

"SA5"

POWER LAW /AFRICA

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a Founding Member of the **Power Law Africa Alliance**

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w. powerlaw.africa

a. 20 Baker Street, Rosebank,
Johannesburg, South Africa, 2196

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Date: 7 September 2026

Your ref: SMV/UNISA/

Our ref: PLEN-202614

TO: SM VAKALISA ATTORNEYS INC.

Summer Place, 13 Summer Street, Rivonia, Sandton

Tel: +27(0)10 0546971

E-mail: thato@smvakalisa-inc.co.za | smvakalisa@smvakalisa-inc.co.za

Good day,

THE UNIVERSITY OF SOUTH AFRICA V EDNEWS.AFRICA AND OTHERS

1. As you are aware, we represent the First and Second Respondents ("our clients") in this matter.
2. We refer to the undated Notice of Intention to Amend in terms of Rule 28(1) and to the Amended Notice of Motion dated 28 August 2026 which, in our clients' view, has been prematurely served and filed.
3. We note that both documents were served on our offices on 28 August 2026 and filed on Caselines on 31 August 2026.
4. Despite our clients' view on the correct date on which the Amended Notice of Motion should be filed, which we reserve the right to address in due course, we note that it provides that "the founding affidavit of Tshatshara Lucas Mabusela, delivered on 12 August 2026, together with the annexures thereto *and the supplementary founding affidavit delivered herewith*, will be used in support of this application."
5. While we hold instructions to object to the filing of any further affidavits from your client in this matter, we note that the "supplementary founding affidavit" referred to in your Amended Notice of Motion has *not* been delivered to, or served on, our offices, despite the

Directors: T Power B.A., LL.B., LL.M. (Wits), M.Sc. (Oxford) (*Managing*), M Power B.A., LL.B., LL.M. (Wits), E.M.B.A (UCT) | **Associate Director:** T Lloyd LL.B. (Wits), LL.M. (Edin.) | **Senior Associate:** S Khumalo LL.B. (Wits), LL.M. (UP) | **Associates:** C Dehosse B.A., LL.B. (Stell.), LL.M. (UCT), S Smit B.A., LL.B., LL.M. (Wits) | **Candidate Legal Practitioner:** P Sekati B.Comm., LL.B., LL.M. (UP) | **Technologist:** K Nwana | **Researchers:** M Hunter B.A Hon. (UCT), M.A. (SOAS, London), W Trott B.A (UGA), M.A. (Sciences Po Paris) | **Office Manager:** J Rashid B.Comm. PGDip B.A. (UNISA) | **Office Support:** S Mncube.

* **Cape Town Office:** Venture Workspace, Brookside Office Park, 11 Imam Haron Road, Claremont, Cape Town, South Africa, 7708.

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M N.S

text of the notice. This has created confusion in relation to filing timeframes, which may prejudice our clients.

6. As a result, please advise if your client intends to file a supplementary founding affidavit. If so, please confirm when we can expect to receive it and kindly advise from which date you anticipate the filing timeframes specified in your Notice of Intention to Amend to run.
7. In addition, kindly confirm that the 10-day period referred to in your undated Notice of Intention to Amend commenced on Monday, 31 August 2026.
8. Our clients' rights are reserved, including the right to object to the proposed amendments to the notice of motion and to the filing of any further affidavits from your client.

With kind regards,

POWER LAW AFRICA

Per: Tina Power & Sophie Smit | *Managing Director & Associate*

E-mail: tina.power@powerlaw.africa & sophie.smit@powerlaw.africa

(Transmitted electronically without signature. A signed version will be provided on request.)

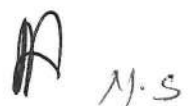
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BY E-MAIL**

Second floor, Silo 5, Victoria and Alfred, Waterfront
CAPE TOWN
E-mail: info@iol.co.za

**AND TO: BOWMAN GILFILLAN INC.
BY E-MAIL**

Attorneys for the Amicus Curiae
11 Alice Lane
SANDTON
Tel: 011 669 9529/9452
Email: vanessa.jacklinlevin@bowmans.com | rachel.potter@bowmanslaw.com | kabelo.ramarumo@bowmanslaw.com

ENDS.

Handwritten signature and initials, possibly 'M.S.', in the bottom right corner.

thato@smvakalisa-inc.co.za

From: thato@smvakalisa-inc.co.za
Sent: Tuesday, 08 September 2026 16:48
To: 'Sophie Smit'
Cc: 'Michael Power'; 'tshegofatso.mothapo@up.ac.za';
'rachel.potter@bowmnaslaw.com';
'kabelo.ramarumo@bowmanslaw.com'; 'dumisani@smvakalisa-inc.co.za'; 'Mncedi Vakalisa'; 'Mncedi Vakalisa';
'vanessa.jacklinlevin@bowmanslaw.com';
'smvakalisa@smvakalisa-inc.co.za'; 'Tina Power'; 'info@iol.co.za'
Subject: RE: [PLEN-202614] UNISA // EDNEWS [Case No. 2026-192997]

Tracking:	Recipient	Read
	'Sophie Smit'	
	'Michael Power'	
	'tshegofatso.mothapo@up.ac.za'	
	'rachel.potter@bowmnaslaw.com'	
	'kabelo.ramarumo@bowmanslaw.com'	
	'dumisani@smvakalisa-inc.co.za'	
	'Mncedi Vakalisa'	
	'Mncedi Vakalisa'	
	'vanessa.jacklinlevin@bowmanslaw.com'	
	'smvakalisa@smvakalisa-inc.co.za'	
	'Tina Power'	
	'info@iol.co.za'	
	smvakalisa@smvakalisa-inc.co.za	Read: 2026/09/09 08:26

Good day,

We refer to your letter dated 7 September 2026.

Our response to same letter is as follows:

1. That our client has served your client with the Rule 28 (1) Notice (Notice of Intention to Amend) together with the proposed Notice of Motion in its amended form.
2. Therefore, in terms of the Rule 28 (1) Notice, your client has 10 days starting from the 31st of August until the 11th of September 2026 to object to the Proposed Amendment.
3. The proposed Amended Notice of Motion served should not be taken as a final amended Notice of Motion. This is subject to any anticipated objections in line with the rule 28 (1) Notice.

Handwritten signature and initials, possibly 'M.S.' or similar, in the bottom right corner.

Kindly be advised that our client can only file the Supplementary Founding Affidavit once the final Amended Notice of Motion has been effected.

We trust that you shall find the above in order.

Kind Regards



E-mail disclaimer:

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From: Sophie Smit <sophie.smit@powerlaw.africa>

Sent: Monday, 07 September 2026 16:08

To: thato@smvakalisa-inc.co.za; 'Mncedi Vakalisa' <smvakalisa@smvakalisa-inc.co.za>

Cc: Michael Power <michael.power@powerlaw.africa>; tshegofatso.mothapo@up.ac.za; rachel.potter@bowmanslaw.com; kabelo.ramarumo@bowmanslaw.com; dumisani@smvakalisa-inc.co.za; 'Mncedi Vakalisa' <smvakalisa@smvakalisa-inc.co.za>; 'Mncedi Vakalisa' <mvnabster09@gmail.com>; vanessa.jacklinlevin@bowmanslaw.com; Tina Power <tina.power@powerlaw.africa>; info@iol.co.za

Subject: Re: [PLEN-202614] UNISA // EDNEWS [Case No. 2026-192997]

Good day,

RE: THE UNIVERSITY OF SOUTH AFRICA V EDNEWS.AFRICA AND OTHERS

Please find correspondence attached for your attention.

Kindly acknowledge receipt.

Warm regards,

SOPHIE SMIT | Associate - JHB
Power & Associates Inc., South Africa

POWERLAW
/AFRICA

sophie.smit@powerlaw.africa
+2710 822 7860
powerlaw.africa

20 Baker Street, Rosebank, **Johannesburg**, South Africa 2196 | 5th Floor, Merchant Square, Riverside

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Upcoming leave:

Handwritten signature and initials in the bottom right corner of the page.



From: thato@smvakalisa-inc.co.za <thato@smvakalisa-inc.co.za>
Sent: 28 August 2026 12:50 PM
To: Tina Power <tina.power@powerlaw.africa>; vanessa.jacklinlevin@bowmanslaw.com <vanessa.jacklinlevin@bowmanslaw.com>
Cc: Michael Power <michael.power@powerlaw.africa>; Sophie Smit <sophie.smit@powerlaw.africa>; tshegofatso.mothapo@up.ac.za <tshegofatso.mothapo@up.ac.za>; rachel.potter@bowmanslaw.com <rachel.potter@bowmanslaw.com>; kabelo.ramarumo@bowmanslaw.com <kabelo.ramarumo@bowmanslaw.com>; dumisani@smvakalisa-inc.co.za <dumisani@smvakalisa-inc.co.za>; 'Mncedi Vakalisa' <smvakalisa@smvakalisa-inc.co.za>; 'Mncedi Vakalisa' <mvnabster09@gmail.com>
Subject: RE: UNISA / EDNews.Africa & Others [Case No. 2026-192997]

Good day,

The above matter refers.

Kindly find attached hereto the Applicant's Notice of intention to Amend and the Amended Notice of Motion for purposes of service.

We trust that you shall find the above in order.

Kind Regards

 SM VAKALISA INC.	THATO MOKGOSI Candidate Attorney ✉ thato@smvakalisa-inc.co.za ☎ 010 054 6971 / 078 616 3607 🌐 www.smvakalisa-inc.co.za 📍 Summer Place, 13 Summer Street, Rivonia, Sandton, 2191
--	---

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BOWMANS

"SA7"

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Our Reference: V Jacklin-Levin/ R Potter/ K Ramarumo
Direct Line: 011 669 9529/ 9452 / 9614
Email Address: vanessa.jacklin-levin@bowmanslaw.com
rachel.potter@bowmanslaw.com
kabelo.ramarumo@bowmanslaw.com
musa.makhusha@bowmanslaw.com

Your Reference: 09 September 2026
Date:

BY EMAIL

To:

THE UNIVERSITY OF SOUTH AFRICA
SM Vakalisa Attorneys Inc.
Email: smvakalisa@smvakalisa-inc.co.za; and
dumisani@smvakalisa-inc.co.za

Copy to:

EDNEWS.AFRICA and PRAGASEN EDWIN NAIDU
Power & Associates Inc.
Email: tina.power@powerlaw.africa;
michael.power@powerlaw.africa; and
sophie.smit@powerlaw.africa

Dear Sirs/Madams

RE: THE UNIVERSITY OF SOUTH AFRICA v EDNEWS.AFRICA AND OTHERS – CASE NO.: 2026-192997

1. We confirm that we act on behalf of Moxii ("our client").
2. We refer to:
 - 2.1 the Applicant's Notice of Intention to Amend and its Amended Notice of Motion served on the parties simultaneously on 28 August 2026; and
 - 2.2 the First and Second Respondent's letter dated 7 September 2026.
3. We acknowledge receipt of the Applicant's undated Notice of Intention to Amend in terms of Rule 28(1), together with the Amended Notice of Motion dated 28 August 2026.
4. We write to you in a spirit of collegiality and in the interest of the efficient administration of this matter. We wish to draw to your attention certain concerns arising from the proposed amendments,

Bowman Gilfillan Inc. Reg. No. 1998/021409/21 Attorneys Notaries Conveyancers

Directors: MEC Davids (Chairman & Senior Partner) | AJ Keep (Managing Partner) | AG Anderson | JS Andropoulos | M Angumuthoo | J Augustyn | L Aviva | J Barnes | AM Barnes-Webb | TL Beira | JM Bellw | RJ Braggavan-Bryce | ZD Bledkin | K Chisala | J Choate | RS Coelho | ML Cogger | ON Cunningham | AB da Costa | L Dahms-Jansen | RA Davey | AD Davidson | O Deckers | JM de Hutton | TC Dini | MS Dladla | CR Douglas | SB Dube | S Ellery | N Erasmus | AA Felleke | KA Fulton | KE Gagne | BJ Genven | TM Gcabashe | E Geldenhuys | DJ Gera | TJ Gordon-Grant | AR Graham | S Grimswood-Norley | O Gusha | A Hiale | N Hassan | VJ Herholdt | SC Heunis | NA Hlophe | JB Howard | HPM Irvine | V Jacklin-Levin | CS Jackson | P Jani | JR Jank | AJ Jones | T Jordaan | JR Kasau | M Keep | CP Kennedy | KM Kiem | PWP Kigomo | ID Kirman | RDW Kitcat | JG Kruger | JP Kruger | N Kwinana | R la Grange | R Labuschagne | T Laubscher | AB Louisa | LA Levin | J Liebenberg | DA Lotter | L Ludick | J Lurie | NE Maboko | M Makola | HW Mandlana | HL Manson | NR Mather | TP McDougall | JM McKinnell | W Mairijes | AKY Mfuphi | MC Mkhwa | SA Moch | L Mongie | UEBU Naumann | BNM Nhlango | KT Nkasing | X Nyali | NT Nzima | CMR O'Connor | MAJ Oppenheim | G Orme | KJ Peterson | KA Peter | B Pillay | JD Prain | DM Pretorius | BC Price | JL Power | JR Rammages | LV Raphulu | CL Reidy | CP Robinson | CDS Rodrigues | GJ Rudolph | S Saffy | JW Sahl | MY Sassi | CG Schafer | HB Senekal | NJ Shaw | BT Sibaya | AJ Simpson | A Siwisa | EC Steyn | LR Stockton | ML Swartland | L Thahane | BF Tibane | FJ Trichardt | CE Tucker | D Vallabh | CL van Heerden | MG Vermaak | DS Webb | REE Webster | DCJ Wessels | RS Wessels | JWL Westgate | HJ Wilsenach | KS Wright | DD Yull | **Senior Consultants** CM Bouwer | IL Brink | RM Carr | PM Carter | RA Cohen | GH Damant | HD Duffey | P Hart-Davies | PR Kyle | A McAllister | DM Phillips | AJ Pike | MS Rusa | GI Rushton | JH Schlosberg | RZ Shem | CFN Todd | RJ van Voore | **Group COO** RJ Smith | **Group CFO** A Naidoo | **Company Secretary** NL van Vuuren

KENYA MAURITIUS NAMIBIA **SOUTH AFRICA** TANZANIA ZAMBIA
ALLIANCE FIRMS: ETHIOPIA | NIGERIA

Handwritten initials: RS and M.S.



and to afford the Applicant the opportunity to address these issues before we consider a formal objection to the amendments in terms of Rule 28.

Our role as amicus curiae

5. At the outset, we wish to place on record that our client's admission as *amicus curiae* was for the sole purpose of assisting the Court, by providing novel submissions relating to constitutional rights. We therefore do not seek to embroil ourselves in procedural disputes between the parties.
6. However, there is a particular substantive point – relating to our position as *amicus curiae* – that we wish to bring to the Applicant's attention.

The proposed amendments and the exclusion of prospective amici curiae

7. We are concerned that the procedural steps the Applicant is taking – following an amendment process rather than bringing a new application in the ordinary course – have the effect of excluding potential *amici curiae* from proceedings in which constitutional rights are imperiled.
8. The parties will recall that our counsel, at the initial hearing of this matter in urgent Court, made a submission from the Bar on the exclusion of *amici curiae* from those urgent proceedings. She submitted that the Applicant's failure to file a Rule 16A notice, coupled with the stringent timelines set out in the Applicant's Notice of Motion in the urgent proceedings, had the practical effect of depriving at least one prospective *amicus curiae* of a reasonable opportunity to seek admission. We were aware of one such prospective *amicus curiae* at the time of the hearing, but it is likely that others were similarly excluded.
9. The Applicant's approach now has the effect of excluding prospective *amici curiae* even more completely. The Applicant's proposed amendments – read together with the filing timetable set out in the Amended Notice of Motion – appear to proceed on the basis that the matter concerns only the existing parties and our client as *amicus curiae*. There is no provision made for an additional opportunity for *amici curiae* to intervene in these proceedings. However, it is highly likely that other interested parties may wish to seek admission as *amici curiae* in this matter, given the important issues raised relating to the public interest and constitutional rights. Such interested parties may not have been able to file their papers within the urgent timelines set previously, and ought now to be afforded an opportunity to seek admission as *amici curiae*.
10. The effect of the Applicant's proposed procedural steps is the narrowing of the scope for meaningful participation by potential *amici curiae*. Irrespective of whether this is the Applicant's intention, those steps risk excluding and limiting valuable submissions that may be of assistance to the Court.
11. Procedural steps that have the effect, whether by design or by omission, of curtailing the ability of prospective *amici curiae* or other interested parties to participate in proceedings concerning constitutional rights are at odds with the spirit and purpose of the Constitution.

Our instructions

12. In light of the above, and noting the procedural concerns already raised by the First and Second Respondents regarding the implementation of the proposed amendments, it is our client's instruction that we respectfully request your client to give consideration to the concerns raised in this letter. In particular, we request your client to provide an undertaking that it will file a further Rule 16A notice calling upon other interested parties to seek admission as *amici curiae*, if any amended papers are filed.
13. Alternatively, we request your client to withdraw its Notice of Intention to Amend, and further request that any additional steps taken by your client accommodate not only the existing parties but also any interested parties who may wish to seek admission as *amicus curiae*.
14. We trust that this request will be received in the collegial spirit in which it is intended. We remain committed to assisting the Court in the determination of this matter.



BOWMANS

15. Should your client not give an undertaking to file a further Rule 16A notice together with any amended papers, or withdraw its Notice of Intention to Amend, by no later than **17h00 on Thursday, 10 September 2026**, our client will be forced to bring a formal objection to the proposed amendments in terms of Rule 28.
16. We look forward to your urgent response.

Yours faithfully

Bowman Gilfillan

per: V Jacklin-Levin / R Potter / K Ramarumo

"SA8"

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

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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

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 _____ day of _____ 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

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.makhusha@bowmanslaw.com

 ⁴ N.S

AND TO: INDEPENDENT ONLINE

Third Respondent

Second Floor, Silo 5, Victoria and Alfred Waterfront, Cape Town

Email: info@iol.co.za

A stylized, handwritten signature in black ink, appearing to be the letters 'M' and 'D' intertwined.

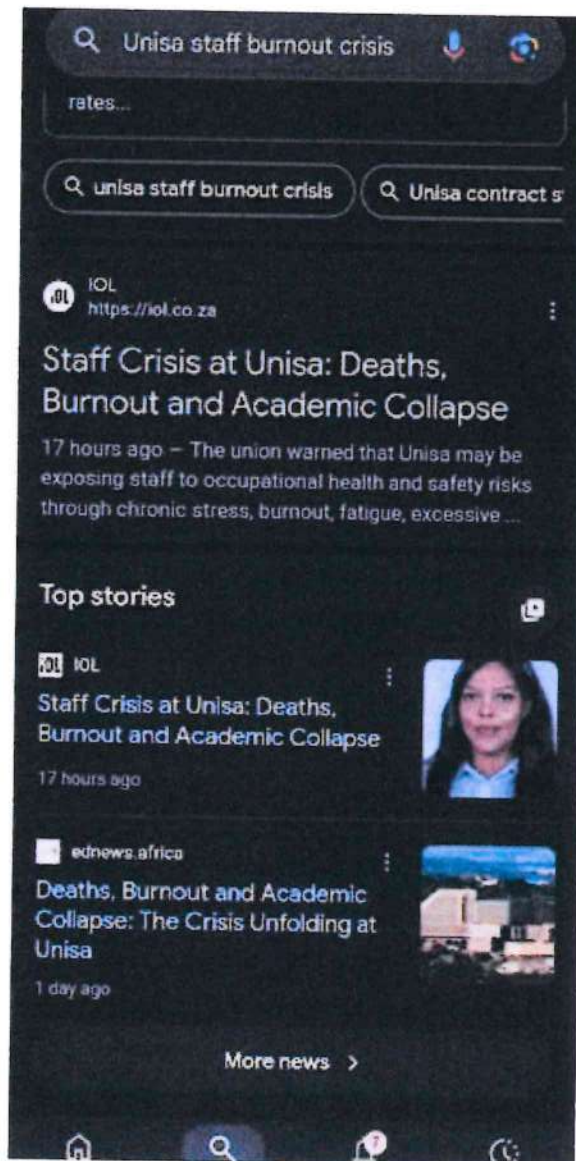
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UNISA 2026/2027 students · Join

Thandeka Mntungwa · 27 July · 🌐

What's happening at UNISA? If it's not remi, it's UNISA staff dying 🙄



Three staff deaths in June, multiple stress-related hospitalisations and a mounting workload crisis have pushed academics at the University of South Africa (Unisa) to breaking point.

An investigation by *ednews.africa* reveals allegations of burnout, fear, declining academic standards and growing unrest among staff and students after the university scrapped the posts of thousands of markers and e-tutors.

Academics and staff at Unisa, Africa's largest distance-learning institution, say they are buckling under pressure following a dramatic increase in workloads, a culture of intolerance and what they describe as inadequate intervention by oversight bodies.

Three staff members, including two academics, died in 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 believe many of the cases are linked to stress and exhaustion following the university's decision not to renew contracts for markers and e-tutors.

The pictures are contained in a linked 27

👍❤️👍 512

136 comments · 19 shares

Like

Comment

Share

Most relevant ▼



Anna Molepo

That's the reason were allocated marks that aren't supposed to get, they capitalise even on modules and some marks are not released. Incompetence at another level.

7w

45 👍❤️

facebook



Kgaugelo Lediga

Thats why so many assessments changed to quizzes 🙄🙄

7w

20 🍷🍷🍷

View all 2 replies



Reitumetsi Maroga

Aii 🙄 Today if we dont get Remi we strike.
If the work load is too much u resign.

7w

27 🍷🍷🍷

View 1 reply

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3 of 75

X ← Post

Log in

**Jackie Phamotse**
@JackiePhamotse

...

Wait! Are you guys aware of the deaths @unisa ! The countless staff members that are fighting for their lives. What's really going on? 3 staff members dead! Same week? 🤔 How is this true, please educate us. They say the staff is struggling with mental breakdowns daily. What's going on?

7:04 PM · Aug 2, 2026 · **170.4K** Views

56



356



1.2K



210

**SirboringZAZAZA** @sirboring_26 · Aug 2

...

The consequences of cost saving is over working your staff and creating a toxic environment claiming you increasing production



5



62

7.2K

**Pheli Makaveli** @Jahappinesslove · Aug 2

...

This is crazy. But expected. We're in an unemployment crisis but no one wants to hire. They need to hire tutors and other academics to assist with tutoring. You don't need to have a PhD to do either of those things.



1

3



39

5.8K

**Oraa.** @OratengSmile · Aug 2

...

Yho! I only came across the article last week about the staff member who suddenly fell ill and sadly passed away. I've honestly been so shocked ever since reading it.

Also, the university has been dead quiet since everything happened.



1



14

6K



See all the r

N.S

1/1

9/15/26, 4:19 PM

Deaths, Burnout and Academic Collapse: The Crisis Unfolding at Unisa : r/unisa

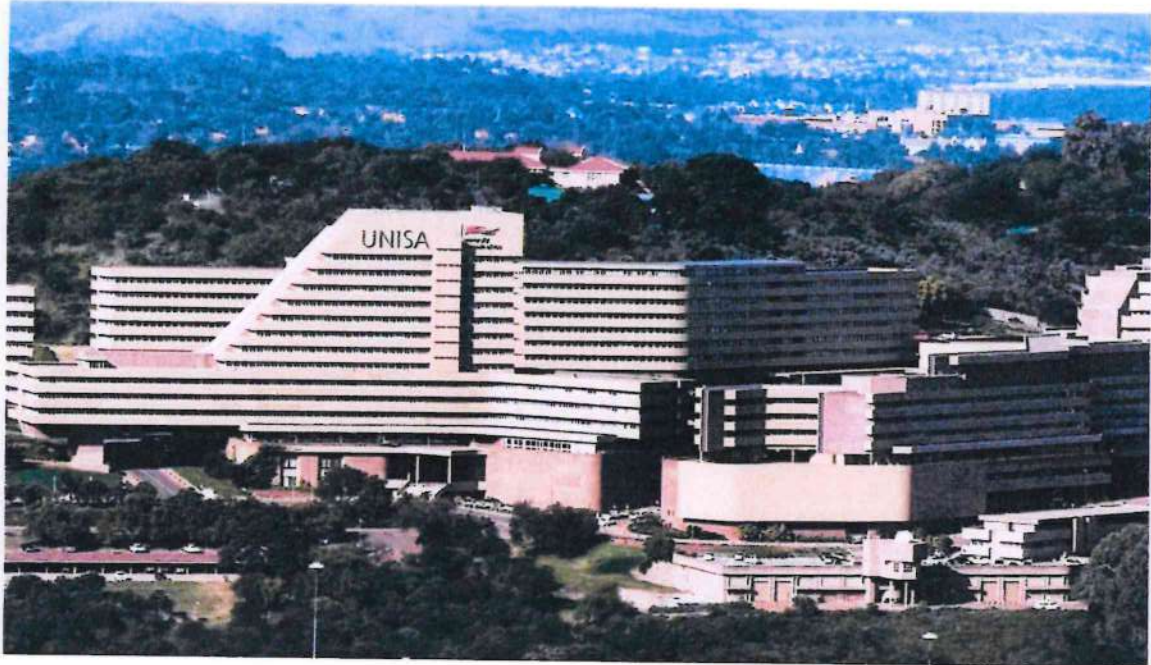
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9/15/26 1:19

 [r/unisa](#) • 1mo ago
lukewarmtaco124

Deaths, Burnout and Academic Collapse: The Crisis Unfolding at Unisa



ednews.africa

Staff deaths, escalating burnout, crippling workloads and growing concerns over governance have exposed deep cracks within South Africa's largest university

[Open](#)

 47  6



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We got screwed by Vimeo's new owners in 2024, now we've built the Vimeo alternative they're terrified of.

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Original: 404-not-found • 1mo ago

I've been in the academic industry for almost 8 years. Unfortunately, at many institutions this is normal.

I know of brilliant lecturers who simply couldn't handle it anymore. Some of them even gave [indication marks](#) , quickly scanned through their assignments and gave indication marks to get through things quicker because of markers being removed.

UNISA is not the only institution suffering, all companies and institutions are suffering.

 9



OP • 1mo ago

It's terrible and it really is lowering [academic standards](#) . Just wrote an assignment where the same

https://www.reddit.com/r/unisa/comments/1vef202/deaths_burnout_and_academic_collapse_the_crisis/

 M.S.
1/5

[Skip to main content](#)[Search Reddit](#)

Very true. Based on what I'm seeing in the academic subs, it's an international problem too. Though the numbers quoted in this article are shocking.

1



Blueberry71028 • 1mo ago

Yes, and the stress then gets passed on to us. Assignments are being released late, not marked, or not marked correctly. It's a really just a mess.

21



Anthonio5417134 • 1mo ago

This is incredibly sad. These days there's ai marking tools for teachers

2



Wise-Dragoon1016452 • 1mo ago

As much as Unathi Poyo was on contract and didn't have benefits, the fact still remains that she DID receive a salary. So what was she doing with her salary? At the end of the day, it's better than being unemployed trust me. Always wondering how to make ends meet juggling from day to day. Imagine the 1000s of people unemployed

0



r/Unisa • 9d ago

SO SCARED FOR UNI

51 upvotes · 16 comments



Ad

Buying a hybrid or electric vehicle is initially more expensive, however, you save down the line on day-to-day running costs. With the constant price increases of fuel in South Africa, Lexus have brought in the all-new ES with a choice between hybrid or electric power. Which one would you choose?

lexus.co.za



Lexus ES

9d ago

r/UNIS Weekly Discussion Thread

22 upvotes · 41 comments

10mo ago

We have to prepare our good bye to UNIS as we know it

Staff Crisis at Unisa: Reports of Deaths and Burnout Spark Fears of Academic Collapse

Reports from the Pretoria News have exposed a severe staff crisis at the University of South Africa (Unisa), citing staff deaths, severe burnout, and a looming academic collapse. The developing situation has raised urgent concerns regarding the institution's management and employee welfare.

✦ NEWSTRENDS AI NEWSROOM PUBLISHED 27 JUL 2026

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🔗 COPY LINK

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M.S.



STAFF CRISIS AT UNISA: DEATHS, BURNOUT AND ACADEMIC COLLAPSE

READING MODE

☰ FOCUS MODE

Reports of a severe internal crisis at the University of South Africa (Unisa) have emerged, pointing to a distressing situation involving staff deaths, extreme burnout, and what has been described as an impending academic collapse. The revelations, published by the Pretoria News on 27 July 2026, have sent shockwaves through the country's higher education sector, raising urgent questions about the working conditions and operational stability at one of Africa's largest distance-learning institutions.

The details of the crisis were brought to light in a report by the Pretoria News, a prominent regional publication under the Independent Online (IOL) banner. According to the initial reports captured in late July 2026, the situation at the university has escalated to a critical point where the well-being of academic and administrative staff is severely compromised. The use of terms like "deaths" and "burnout" in relation to the institutional environment suggests a deeply toxic or unsustainably high-pressure workplace, though specific individual cases and official medical linkings have not yet been publicly detailed in the primary reports.

As a premier open distance-learning institution, Unisa occupies a unique and vital position in the South African educational landscape. It serves hundreds of

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thousands of students not only within South Africa but across the African continent and globally. Consequently, any internal disruption, let alone a crisis characterized by "academic collapse," carries profound implications for the country's tertiary education goals. A collapse of academic standards or administrative capacity at Unisa would directly impact student grading, degree accreditations, and the overall pipeline of graduates entering the South African workforce.

At this stage of the developing story, several critical details remain unconfirmed. The exact number of staff members affected by severe burnout, the specific departments most impacted, and the precise circumstances surrounding the reported deaths remain unclear. It is also not yet publicly specified whether these tragic events are directly attributed to administrative overreach, severe understaffing, or systemic failures within the university's management structures. Observers and stakeholders are currently waiting for comprehensive disclosures to understand the full scale of the tragedy.

While the specific administrative failures at Unisa are still being investigated, the mention of "burnout" aligns with broader, ongoing discussions about the pressures faced by academic staff globally and locally. In South Africa, higher education institutions have frequently grappled with increased student enrollment numbers without a corresponding rise in academic and support personnel. This imbalance often leads to excessive workloads, administrative fatigue, and a decline in the mental and physical health of university employees, which may be reaching a breaking point at Unisa.

The practical implications of an "academic collapse" at Unisa are wide-ranging. For the student body, a staff crisis of this magnitude could translate to delayed assignment feedback, postponed examinations, and difficulties in registering for courses. For the remaining staff, the loss of colleagues and the compounding stress

[SKIP TO CONTENT](#)

M 1/5

of managing an operational crisis can create a self-reinforcing cycle of burnout, further crippling the university's ability to function.

Moving forward, the public and educational analysts will be closely monitoring the responses from key stakeholders. This includes official statements from Unisa's management, university council, and representative labor unions, who are expected to address these severe allegations. Furthermore, intervention or comments from the Department of Higher Education and Training (DHET) will be crucial in determining whether external oversight or a formal inquiry is necessary to stabilize the institution and safeguard the welfare of its employees.

 **REPORTING RECORD**

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Staff Crisis at Unisa: Deaths, Burnout and Academic Collapse

SIGNAL CAPTURED 27 JUL 2026

EDITORIAL STANDARDS

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🕒 CHRONOLOGY

Story timeline

🌟 AI-GENERATED ORIENTATION

A generated chronology for orientation; dates and details may require source verification.



2026-07-27

Update

Pretoria News publishes a report detailing a severe staff crisis at Unisa, citing deaths, burnout, and academic collapse.

🔍 READER FILE

Frequently asked questions

3 ANSWERS

- 01 What is the primary cause of the Unisa staff crisis? 
- 02 When were these issues at Unisa reported? 
- 03 How does this crisis affect Unisa students? 

#UNISA

#HIGHER EDUCATION

#SOUTH AFRICA

#MENTAL HEALTH

#LABOR RELATIONS

TRUST LEDGER



AUTOMATED ESTIMATES

Unisa's reputation is declining due to the staff crisis, with a 10% drop in trust scores.

The crisis has led to a significant loss of trust among students and staff, with a 15% drop in satisfaction.

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The crisis has led to a significant loss of trust among students and staff, with a 15% drop in satisfaction.

The crisis has led to a significant loss of trust among students and staff, with a 15% drop in satisfaction.

88%

100%

89%

SKIP TO CONTENT

100% of the content is relevant.

M 24.5



On 2026-07-27, Pretoria News published a report detailing a severe staff crisis at Unisa, citing deaths, burnout, and academic collapse.

INTELLIGENCE MATRIX

The story beneath *the story*.

Persisted signals tracing sentiment, momentum, credibility, entities, and what may happen next.

COLLAPSE MATRIX ^

SIGNAL / SENTIMENT

Sentiment

neutral

POLARITY -0.80

NEGATIVE

POSITIVE



FEAR INDEX 90%

OPTIMISM INDEX 5%

CONTROVERSY RATE 85%

SIGNAL / CREDIBILITY

Credibility

FACT CONFIDENCE RATING



SOURCE TRUST

BIAS & TRANSPARENCY

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Reader Emotion

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SIGNAL / TIMELINE

Timeline

2026-07-27

Pretoria News publishes a report detailing a severe staff crisis at Unisa, citing deaths, burnout, and academic collapse.

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Curiosity 75% Concern 92%

Hope 15% Excitement 5%

Anxiety 88%

AI ESTIMATE

WHAT CHANGED

No changes yet

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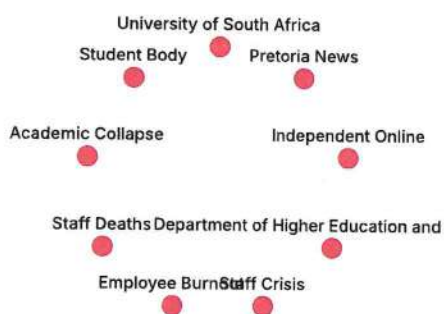
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Entity Graph



University of South Africa (Institution)	0 related articles
Pretoria News (Publication)	0 related articles
Independent Online (Organization)	7 related articles
Department of Higher Education and Training (Government Body)	0 related articles
Staff Deaths (Event)	0 related articles
Employee Burnout (Event)	0 related articles
Staff Crisis (Event)	0 related articles

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Academic Collapse (Risk)

0 related articles

Student Body (Group)

0 related articles

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NEWS

Deaths, Burnout and Academic Collapse: The Crisis Unfolding at Unisa

Staff deaths, escalating burnout, crippling workloads and growing concerns over governance have exposed deep cracks within South Africa's largest university



EDWIN NAIDU

JUL 26, 2026



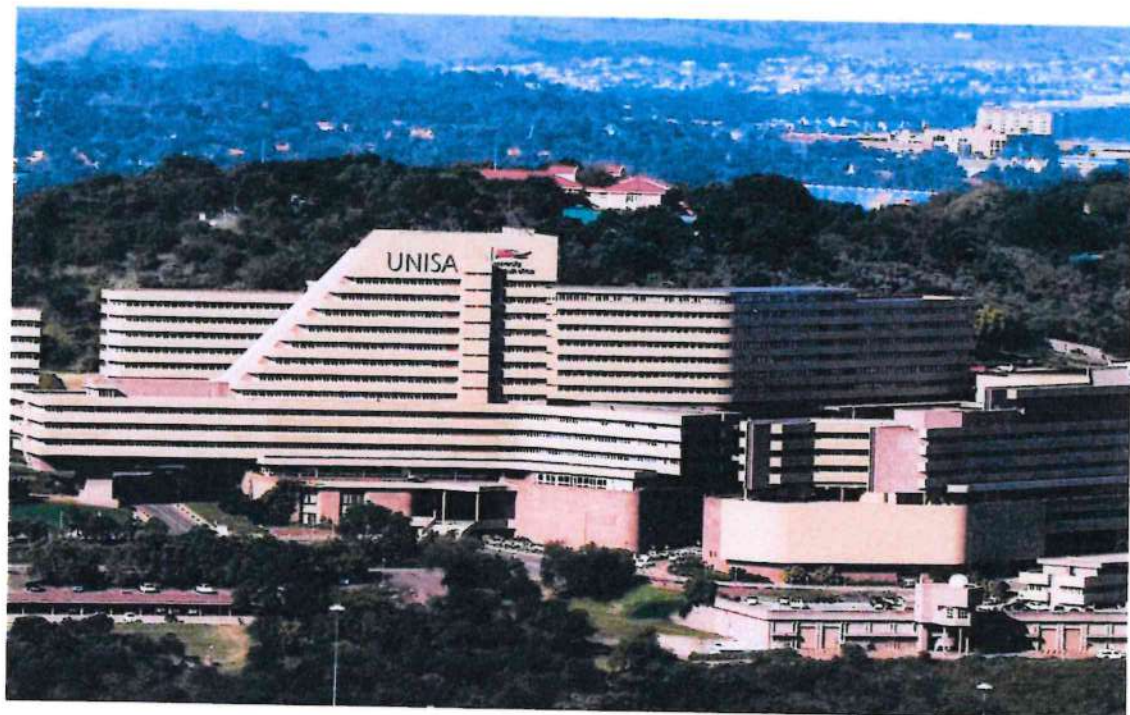
11



2



4



Under Pressure...Staff health takes a pounding as workloads increase following the axing of more than 5 000 markers, while student assignments delays expected to continue until August.

Three staff deaths in June, multiple stress-related hospitalisations and a mounting workload crisis have pushed academics at the University of South Africa (Unisa) breaking point.

An investigation by education website, *ednews.africa* reveals allegations of burnout, fear, declining academic standards and growing unrest among staff and students. The university scrapped the posts of thousands of markers and e-tutors.

A University Under Strain

Academics and staff at Unisa, Africa's largest distance-learning institution, say they are buckling under pressure following a dramatic increase in their workload, a climate of intolerance and the lack of help from oversight bodies.

Deaths and Hospitalisations

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.

Union Sounds the Alarm

The concerns are detailed in a leaked 37-page memorandum submitted by the National Education, Health and Allied Workers' Union (Nehawu) to the university Council on 13 May. The union warned that Unisa may be exposing staff to occupational health and safety risks through chronic stress, burnout, fatigue, excessive workloads, work-related mental health harm and poor work-life balance. This was borne out by the deaths and hospitalizations of staff members, said academics.

The Markers Decision

According to an academic, vice-chancellor, Professor Puleng LenkaBula, led the charge against markers at a workshop last year, claiming that some academics had engaged family members to carry out marking tasks. Although no evidence was provided to support LenkaBula's claims, the university insists it was a management decision to make the switch which has now boiled over onto staff – and students.

Unisa's most recent workforce data, published in its 2023 Integrated Report, shows the institution, which has more than 400 000 students, employed 3,493 permanent academics and 2,197 academics on fixed-term contracts (1 485 contracts were more than 12 months; and 712 contracts less than 12 months). Previously, the university relied heavily on 26,150 e-tutors and 5,095 markers, engaged as independent contractors. Since the start of the 2026 academic year, they were replaced by around 850 adjunct academics.

Nehawu says that the removal of markers and e-tutors engaged on contracts renewable for up to three years has destabilised the university's academic operations. Academics are now expected to teach and absorb work previously performed by markers, e-tutors and teaching assistants.

"Markers, e-tutors and teaching assistants are not optional extras. They are essential to teaching, learning, assessment, feedback, student support, throughput, retention and academic quality assurance," said Nehawu in the memorandum.

The Human Toll

The human cost and its impact on staff have become increasingly visible.

Dr Mary Mmatsatsi Madileng, 64, a senior lecturer in the Department of English Studies, died on 11 June, two days after collapsing at home from an aneurysm.

Her brother, Thulare Madileng, said she was deeply committed to her work. "My sister never complained, but she just had to do it. As a mother of two, she had no option but to just carry on," he said.



Dedicated...Dr Mary Madileng died two days after collapsing at home.

During a memorial service on 18 June at Unisa, he appealed to university leaders reflect on the working conditions facing employees.

Three colleagues said Madileng had repeatedly expressed concern about her health and struggled to cope with mounting pressure. An academic in her department, recalled: "She kept saying she was not coping." On many occasions she was ill at work and in severe pain.

Questions Over Contract Staff

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 university's use of long-term fixed-term contracts.



Unathi Poyo

Colleagues have launched a collection for her two children because, as a contract staff, she did not receive a pension, medical aid and other benefits available to permanent staff.

John Mboweni was employed in the IT department which came under pressure at the hiring of new adjunct academics at the beginning of the year when new staff members had to be onboarded, while at the same time, they were swamped with existing staff computing requirements. He died on 15 June.

M 11.5



John Mboweni

A Growing Exodus

At least three academics indicated that they were considering resigning or taking retirement given the toxic environment, the decline in standards, and failure by the university Council to hold management accountable on the “unilateral” axing of markers.

Students Feel the Impact

While academics and staff have taken severe strain, the main losers have been students, who have been waiting for months for assignment marks, which delays their studies. Scores took to social media to vent their frustration as recently as yesterday.

There was more bad news for students following the news this week that due to maintenance of the “myUnisa”, their results would only be available in August.

The Marking Backlog

An outstanding assessment marking analysis in the Nehawu memorandum given to the Council showed that the annual marking load for formative assessments for the first semester, includes around 2.1 million assignments received across 7 colleges. By 7 May 2026, 557,319 assignments had not been marked.

A professor said on average each academic marked between 12500 to 20 000 assignments a term. She was aware that some academics had included multiple answers in their assignments to manage the workload. "This will undoubtedly affect the quality of qualifications."

Nehawu said students are entitled to proper academic support, fair assessment and meaningful feedback within reasonable timelines. When marking is delayed, results performed under crisis conditions, students are prejudiced.

According to the Nehawu memorandum, their concern is that the current resource model appears to have shifted substantial marking, assessment, and student support onto academics "without proper workload adjustment, consultation, risk assessment or quality safeguards".

Management Responds

Council Chairperson Dr Dan Mosia referred enquiries to Unisa management.

Unisa Executive Director of Institutional Advancement, Professor Boitumelo Be Senokoane confirmed that the university did not renew or extend the contracts of external markers and e-tutors, saying it had received Council approval.

He said Unisa appointed adjunct academics who are South Africans with Master or Doctoral degrees and most of whom who had been unemployed. The university followed institutional policies and procedures as well as applicable legislation.

He denied "malicious and false allegations" intended to portray Unisa as uncaring, contributing "to any ill health or any death", adding that policies regulating both performance and employee wellness are in place. "All employees, including academics, are aware of the steps to be taken to address whatever wellness challenges they may encounter."

Matshepo Seedat, the spokesperson for Minister of Higher Education and Training Buti Manamela, said he would seek a report on the matter before commenting.

Council on Higher Education chief executive Dr Whitty Green said the statutory has not been formally informed of the developments at Unisa and could not com

Universities South Africa did not comment while Higher Health, which deals with wellness at universities, could not be reached.

Sipho Stuurman, the spokesperson for newly appointed Deputy Minister of Higher Education and Training Yusuf Cassim, who has oversight for Unisa, said time was needed to establish the facts around “internal governance matters”.

‘People Are Dying Inside’

Prof Stewart Mothatha, a dismissed former Registrar, who had been embroiled in a bitter ongoing legal battle with the university, said staff feared for their jobs.

“They may not say so publicly but they (academics and staff) are dying inside, shown by the actual deaths and hospitalizations of several people. Stress levels are high because people are protecting their livelihoods,” he said.

For many academics, however, the crisis goes beyond workloads and staffing mo-

“It is about the future of the institution,” said one senior professor. “People are exhausted, frightened and losing faith. The question is how much longer Unisa can continue like this before something gives.”

Burnout Beyond Unisa

A 2025 study published in Behavioral Sciences by Abraham et al. found that nearly (49%) of academic staff surveyed at a South African university experienced severe psychological distress, while 27% reported high levels of burnout.

Research by Naidoo-Chetty, Du Plessis and Becker (2026) found that high job demands—including workload, online teaching pressures and publication requirements significantly increase burnout among academics in South African higher education institutions.”

Handwritten signature and initials, possibly 'M' and 'n.g.', in the bottom right corner.

A narrative review by N.G. Dlamini and N.D. Dlamini (2024) found that heavy workloads, limited resources, poor work-life balance and inadequate support systems are among the major contributors to burnout and reduced well-being among South African academics.

A staff member at a university who asked not to be named, said massification means more resources for students and less for teaching staff, amplifying the pressure.

A Sector-Wide Concern

Thandwa Mthembu, the vice-chancellor of Durban University of Technology, said all universities made provisions for markers, as it depends on the workload and the classes one teaches.

Mthembu added that there is a “insidious practice of academic precariousness via part-time or short-term contracts even when there are permanent positions”.

“You find long vacancy lists and more short-term contracts. Some use the vacancies to hire people - sometimes foreign nationals - who they know would not make it via the open recruitment process.”

The vice-chancellor said he told staff at DUT that this was not the university position.

“There are some sadists who overload academics and fail to appoint permanent or relief staff even when funds have been made available. I just don’t understand why some people think academics are modern day slaves,” Mthembu said.

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Harold Wren Aug 1

♥ Liked by [ednews.africa](#)

Utterly pathetic...how on earth does a non-entity with a degree in theology get to have so much influence in one of the biggest universities in the world? Absolutely no proof produced of family members used as markers but LenkaBula and the UNISA Council proceeded regardless. Could it have been possible to disguise that funds may have gone missing and UNISA would have been unable to pay the contractors? Reinstate the e-tutors, TA's and markers as a matter of urgency if you want to save the next Semester...

♥ LIKE (1) 💬 REPLY



Noluvuyo Gqadu Jul 29

This is 😞 sad!

♥ LIKE 💬 REPLY

Handwritten signature and initials.