

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Division, Pretoria

CASE NO: **2026-192997**

In the matter between:

THE UNIVERSITY OF SOUTH AFRICA

Plaintiff / Applicant / Appellant

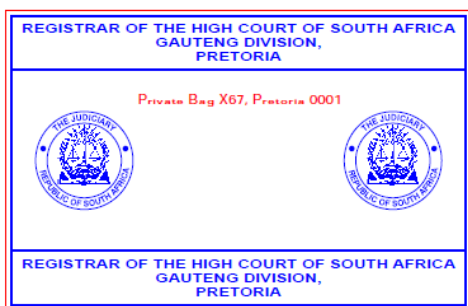
and

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

Defendant / Respondent

Supplementary Affidavit

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ELECTRONICALLY SIGNED BY:

**Registrar of Pretoria , Gauteng
 Division,Pretoria**

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

CASE NO.:2026/192997

In the matter between:

THE UNIVERSITY OF SOUTH AFRICA

Applicant

and

EDNEWS.AFRICA

First Respondent

PRAGASEN EDWIN NAIDU

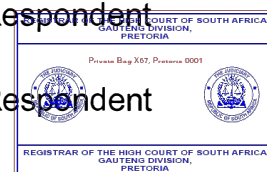
Second Respondent

INDEPENDENT ONLINE

Third Respondent

MEDIA MONITORING AFRICA

Amicus Curiae



FIRST AND SECOND RESPONDENTS' SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

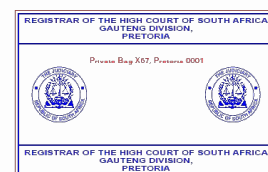
PRAGASEN EDWIN NAIDU

state under oath that:

1. I am an adult, male journalist, cited as the Second Respondent. I am the owner of the First Respondent. My occupational address is 10 Karen Close, Buccleuch, Johannesburg.
2. I remain duly authorised to participate in these proceedings and to depose to this affidavit, in my own right and on behalf of the First Respondent (**"my publication"**).

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3. Unless the context indicates otherwise, I have personal knowledge of the facts set out in this affidavit, and they are, to the best of my belief, true and correct. Where I make legal submissions, I do so on the advice of my legal representatives, which advice I accept as being correct.
4. The contents of my Answering Affidavit, and the annexures thereto, are incorporated herein, save to the extent that they are inconsistent with what I state below, or pertain solely to the question of urgency. Where acronyms, abbreviations, and defined terms were introduced in my Answering Affidavit, these are retained for consistency and bear the same meaning, unless the context indicates otherwise.



THE PURPOSE OF THIS AFFIDAVIT

5. This is a supplementary affidavit filed in response to the Amended Notice of Motion in terms of Rule 28(7) of the Uniform Rules of Court and new averments introduced by the Applicant in its "Supplementary Founding Affidavit". I seek leave of this Court to file it.
6. As a result of the timeframes dictated by the Applicant in its Amended Notice of Motion and its provision for the filing of further affidavits, I submit that there is no prejudice to the Applicant should this Court consider this affidavit. It is also in the interests of justice that I be afforded an opportunity to respond to the Applicant's misguided attempt to persist in its litigation against me.
7. This affidavit is structured as follows:
 - 7.1. Preliminary issues: I address three preliminary matters at the outset, including the Rule 28 process, the failure by the Applicant to file a Rule 41A notice, and why this application now contains all four elements of a strategic lawsuit against public participation ("**SLAPP suit**") and should be dismissed through an early dismissal procedure.

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- 7.2. Mertis: I address the merits of the application, as they presently stand, including why the amended relief is unsuitably tailored and defective, and why the new evidence that UNISA impermissibly seeks to introduce in its Supplementary Founding Affidavit is self-defeating and takes its case no further.
- 7.3. Ad Seriatum response: I provide a brief *ad seriatum* traversal of the Supplementary Founding Affidavit.
8. In an attempt not to overburden this Court's file, I have tried to avoid, wherever possible, any duplicative responses, despite the challenges that have been occasioned by UNISA's attempt to restate and bolster its case in its Supplementary Founding Affidavit.



PRELIMINARY MATTERS

The Rule 28 amendment

9. UNISA has relied on the Rule 28 process to seek to re-enrol this matter in the ordinary course, to “supplement” its case for the final declaratory and interdictory relief that “it now seeks”, and “to update the factual matrix” in this matter. I am advised that it could have simply removed the prayer for urgency from its original notice of motion.
10. However, what it is attempting to do is to re-enrol a bolstered case with recrafted final relief, when the Urgent Court has already refused to grant its *rule nisi*, attempting to do the same thing. UNISA is clearly seeking to relitigate this matter and recast its case by, among others, trying to craft competent relief and attempting to strengthen its averments on the harm element in the final interdict inquiry. It is not simply seeking to re-enrol this case in the ordinary course as it alleges. It is impermissibly trying to bolster its case and introduce new evidence.
11. UNISA's attempts to amend its relief are not new: following the filing of my Answering Affidavit in the urgent application, UNISA routinely sought to “narrow”

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its relief in its Replying Affidavit,¹ its Supplementary Heads of Argument,² and its Amended Draft Order.³ All of this was *before* the application was heard by Collis J in the Urgent Court.

12. The Amended Notice of Motion, the multiple duplicative averments contained in the Supplementary Founding Affidavit (as detailed in my *ad seriatum* traversal), and its belated attempt to adduce more evidence are yet further attempts by UNISA to fit a square peg into a round hole. UNISA has, by now, had so many bites of the proverbial cherry that there is nothing left to eat. Yet, as I detail below, it inexplicably persists with its defective case.

13. In correspondence dated 11 September 2026, which has been omitted by UNISA in its Supplementary Founding Affidavit, and which I attach to this affidavit and mark as annexure “**PEN1**”, my legal representatives expressly advised that—



“any attempt by your client to further ‘recast’ or bolster its case through the filing of any supplementary affidavits will be opposed, and our clients’ election not to object to the amendment of your clients’ notice of motion, at this stage, should not be construed as consent, tacit or otherwise, to the filing of supplementary affidavits by your client.”

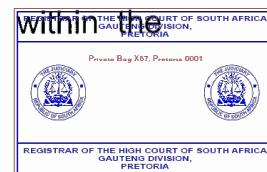
14. Despite this caution from my legal representatives, which UNISA has disregarded, the chilling effect of this litigation persists by design: I continue to fear further reprisal by UNISA, and this continues to impede my ability to report on its ongoing governance crisis, including by reporting on the views of family members and members of the UNISA community, which is precisely what UNISA seeks to interdict.

¹ Applicant’s Replying Affidavit, 012-3, at para 7, when compared to the Applicant’s Founding Affidavit, 006-12, at para 14.

² Applicant’s Supplementary Heads of Argument, 052-13, at para 4.

³ Applicant’s Amended Draft Order, 072-5.

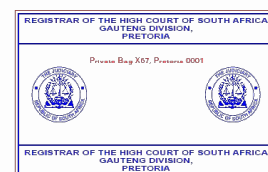
15. Notably, I elected not to oppose the amendment to the Notice of Motion in an attempt to bring this matter to finality as swiftly as possible, without a plethora of interlocutory disputes and the threat of multiple costs awards against me, including now the costs of a senior counsel.
16. My election not to oppose the amendment to the Notice of Motion should not be construed as an admission of the correctness or otherwise of the process that UNISA has adopted in seeking to re-enrol this matter, the suitability of the relief that it now seeks, or whether this Court should grant it leave to file further affidavits and introduce new evidence, which I am advised does not flow as a matter of course following a Rule 28 amendment and remains within the discretion of this Court.
17. I am advised that UNISA is responsible for presenting cogent relief and a case with merit. It is also enjoined, alongside its legal practitioners, not to duplicate or replicate its arguments. It has not done so. My election to address this, at this stage, is solely an attempt to avoid protracted litigation, additional legal fees, and over-burdening this Court's file and its roll.
18. I am advised that, if directed by this Court, my legal representatives will advance further argument in this regard either through further written or oral argument.



The Applicant's failure to file a Rule 41A notice

19. Following the abandonment of the prayer related to urgency and the dispensing with necessary forms and service in the Amended Notice of Motion, I am advised that UNISA was required to file a Rule 41A notice alongside its Amended Notice of Motion. It has failed to do so.
20. This failure should be considered against the raft of procedural missteps by UNISA that characterised the urgent application and evidences an ongoing contempt for complying with the procedures and directives of this Court.

21. As a result, I have instructed my legal representatives to file a Rule 41A notice alongside this Supplementary Affidavit. In it, I oppose mediation, at this stage of the litigation, for reasons already advanced: I seek finality and the swift resolution of this matter. The continuation of this application is distressing and has now hung over my head and professional reputation for far too long.
22. However, I detail later in this affidavit why mediation would have been a more suitable alternative to litigation in this matter, had UNISA adopted a reasonable approach to this dispute, exercised its right of response, and not simply rushed off to the Urgent Court (and this Court) in an attempt to make an example of me and my publication.



The four elements of a SLAPP suit have now been met

23. Outside of these procedural failures, the continuing conduct of UNISA, a *publicly funded* institution of higher learning, in seeking to re-enrol this application demands this Court's censure, and I now seek this Court's protection.
24. This application, regardless of how the relief has been "narrowed" in the Amended Notice of Motion, remains frivolous and without merit. It now borders on vexatious litigation and raises concerns of issue estoppel.
25. More so, and with the benefit of a reasonable time to prepare my response outside of the Urgent Court process, the attempted re-enrolment affirms my reasonable inference of an ulterior purpose and now evidences all four of the established elements of a SLAPP suit:⁴

25.1. It is an abuse of process of court;

25.2. It is not brought to vindicate a right;

⁴ *Mineral Sands Resources (Pty) Ltd and Others v Reddell and Others* [2022] ZACC 37; 2023 (2) SA 68 (CC); 2023 (7) BCLR 779 (CC).

- 25.3. It amounts to the use of court process to achieve an improper end and to use litigation to cause me and my publication financial and/or other prejudice to silence us; and
- 25.4. It violates, or is likely to violate, the right to freedom of expression entrenched in section 16 of the Constitution in a material way.

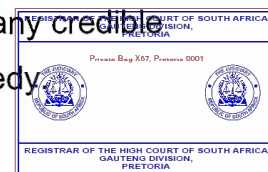
This application constitutes an abuse of this Court's process

26. The Urgent Court has already struck this matter from its roll, *with punitive costs*, a fact which was omitted in the Supplementary Founding Affidavit. It did so after having sight of all pleadings in this matter, including two affidavits, two sets of heads of argument, and two draft orders filed by the Applicant, and after oral argument by both parties. Moreover, UNISA has conceded, more than once, that it disregarded this Court's Practice Directives governing the enrolment of urgent matters.⁵
27. Regardless of the procedure now adopted in an attempt to re-enrol this matter and UNISA's ill-fated attempt to present itself as a reasonable litigant, its conduct speaks to a broader pattern of abuse of process, including:
- 27.1. The approach it adopted in bringing the urgent application and seeking the re-enrolment of an unmeritorious case;
- 27.2. Its disregard for the Practice Directives of this Court;
- 27.3. The material defects in the relief that is now seeks in the Amended Notice of Motion (which was not prepared on urgency);



⁵ First, during the oral argument before Collis J and again, in its Supplementary Founding Affidavit, 014-4.

- 27.4. The duplicative averments and the attempt to introduce new evidence in the Supplementary Founding Affidavit, including “AI-generated” evidence; and
- 27.5. The failure to file a Rule 41A notice in proceedings brought in the “ordinary course”.
28. This application is nothing more than an ill-conceived, meritless, vindictive, and intimidatory campaign against me, and by extension other members of the press and the public, based on a highly questionable and intentionally misconstrued claim of defamation, by an institution and not an individual, without any credible evidence of actual or ongoing harm and with a clear alternative remedy.
29. I am advised that, when considered collectively, there is a reasonable inference that this application has been brought for an ulterior purpose and constitutes an abuse of this Court’s process, the first element of a SLAPP suit.

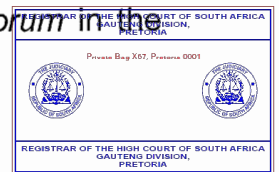


This application is not genuinely brought to vindicate a right

30. In seeking to reframe its relief to find something that sticks (after already having done so before the Urgent Court),⁶ the declarator UNISA now seeks abandons any reference to the alleged falsity, wrongfulness, or unlawfulness of the impugned statements and includes disingenuous and opportunistic imputations or “meanings” that it extracts from them. This, I am advised, makes its relief defective.
31. I am also advised that the Amended Notice of Motion does not refer to any purported legal right or obligation, and it does not refer to wrongful defamation, at all. Yet, UNISA persists in seeking declaratory and interdictory relief, which I am advised will have no practical effect.

⁶ Applicant’s Supplementary Heads of Argument, 052-13, at para 4, and Applicant’s Amended Draft Order, 072-5.

32. More concerning, in its Supplementary Founding Affidavit and its Rule 16A notice, UNISA reasserts and notes its reliance on section 10 of the Constitution, the right to *human dignity*, which is plainly not available to it as an institution, and which it abandoned in its Supplementary Heads of Argument before the Urgent Court after the Constitutional Court's *Reddell* judgment was brought to its attention.⁷ Despite this precedent from our apex Court, it persists.
33. UNISA does not genuinely seek to vindicate a right, the second element of a SLAPP suit. It continues to seek to punish me and deter me from reporting about its affairs, despite extensive legal argument, which is already before this Court, on why it is constitutionally impermissible for it to do so *in this forum* in the absence of exceptional circumstances, which it has not pleaded.



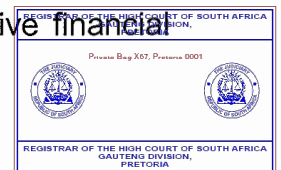
This application amounts to the use of this Court's process to achieve an improper end

34. As I have noted, UNISA seeks to intimidate and silence me and prevent me from continuing to report on its severe governance challenges. The renewed litigation is also designed to prejudice me and threaten my financial resources through the threat of adverse costs awards against me, including now seeking costs of two counsel; costs that I may be unable to satisfy.
35. I am advised that UNISA's amended prayer for party and party costs, inclusive of costs for a junior and a senior counsel without reference to applicable cost scales for counsel as mandated in the Uniform Rules, will, in effect, have the same, if not greater, economic consequence to me, should I be unsuccessful in this litigation, as UNISA's initial attempt to extract punitive costs, which I have already addressed in my Answering Affidavit.⁸

⁷ Applicant's Supplementary Heads of Argument, 052-14, at para 4.1.

⁸ First and Second Respondents' Answering Affidavit, 011-12; 011-35.

36. Moreso, the record in this matter indicates that UNISA is a well-resourced institutional actor, and one that relies on *public funds*, who routinely uses this Court to silence dissent and gag those that it disagrees with. Its litigation budget appears boundless. The re-enrolment of this case extends the pattern of abusive litigation against me, and the series of cases initiated by UNISA in this Court which implicate the constitutional right to freedom of expression.⁹ I am clearly being made an example of amid a chorus of dissent occasioned by the governance crisis at the University.
37. It is now clear that UNISA approaches this renewed litigation for an improper end, which causes significant prejudice to me, including prospective financial prejudice, the third element of a SLAPP suit.



This application violates, or is likely to violate, the right to freedom of expression in a material way

38. Lastly, the ill-conceived declaratory and interdictory relief, if granted, will violate my rights to freedom of expression in section 16 of the Constitution, including the freedom of the press, in a material way, and it will impinge on my right and the right of members of the public to receive and impart information that is in the public interest. Most importantly, families of the deceased, those hospitalised, and all other members of the UNISA community will be deprived of essential information amid an ongoing governance crisis.
39. Given the disingenuous imputations which UNISA relies on, when considered in line with the impugned statements, properly construed, and the articles as a whole, any reportage around the governance issues at UNISA, staff deaths, hospitalisations, burnout, academic standards, institutional management, and the views of family members (or the links that they may elect to draw) regarding working conditions at UNISA may fall foul of the dictates of UNISA's proposed relief.

⁹ Annexure "WRB4" to the Amicus Curiae's Founding Affidavit, 075-32.

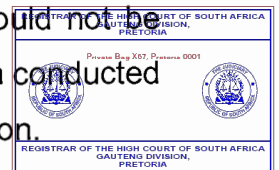
40. I am advised that this, in turn, may lead to a rule of law issue as a lack of specificity in UNISA's relief may lead to subsequent contempt of court applications on uncertain terms, which may be used to further intimidate and silence me and other journalists.
41. This, in its practical effect and by design, substantially and unjustifiably impinges on the right to freedom of expression, the fourth and final element of a SLAPP suit.
42. Consequently, the furtherance of this application constitutes nothing more than a targeted SLAPP suit, designed to intimidate and silence me and limit the public's ability to receive information, which is in the public interest. It depletes both judicial and public resources, and it offends our Constitution. This Court should not permit its processes to be weaponised for these ends.



The need for a suitable early dismissal procedure

43. As a result, I am advised that this Court, in exercising its inherent jurisdiction to regulate its own processes and develop the common law in terms of section 173 of the Constitution, may elect to dismiss this application on the papers or through an early dismissal procedure, at the outset, as an abuse of its process in the form of a SLAPP suit.
44. I submit that it is in the interest of justice that this Court does so in order to:
- 44.1. Protect its processes and avoid clogging its roll;
- 44.2. Uphold the rule of law and the Constitution, especially the rights to freedom of the press and the free flow of information that is in the public interest in the midst of UNISA's ongoing governance crisis;

- 44.3. Avoid the accrual of any further and unnecessary legal fees (for me and the public) in the preparation of further affidavits, heads of argument, and re-ventilating this matter in Court; and
- 44.4. Enable me to continue to practice my profession, without uncertainty, threat, or intimidation.
45. This Court should also, *again*, order punitive costs against the Applicant. Alternatively, I am advised that this Court may, in exercising its inherent powers in terms of section 173 of the Constitution, consider ordering that UNISA's legal representatives show cause as to why costs *de bonis propriis* should not be awarded against them for the manner in which this litigation has been conducted and for enabling a SLAPP suit, which does violence to our Constitution.
46. In terms of procedure, I am advised that while no formal mechanism or procedure presently exists for the early disposal of SLAPP suits in motion proceedings, which I submit is warranted in this case, a special allocation may be best suited to consider this matter and my request for its early dismissal, which falls within this Court's inherent jurisdiction. This is especially so as this matter has already been heard by the Urgent Court.
47. I am further advised that while the Special Interlocutory Court may be considered, for the reasons of finality and the swift resolution of this matter that I have already detailed above, a special motion is likely better placed in the event that this Court elects to proceed to the merits of this application.
48. I am advised that, if directed by this Court, my legal representatives will advance further argument on this point *in limine* either through further written or oral argument.



THE MERITS OF THIS APPLICATION

49. To the extent that this Court is disinclined to consider and/or dismiss this application as a SLAPP suit at the outset, I submit that the preceding section

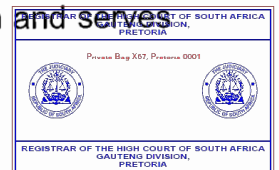
should be considered alongside my averments on the merits of the recast application.

50. To avoid repetition, I only respond to the Amended Notice of Motion and new averments introduced by UNISA in its Supplementary Founding Affidavit. These include:

50.1. The primary impugned statement remains selectively quoted in the Amended Notice of Motion;

50.2. The declarator does not evidence a legal right or obligation and serves no practical purpose; and

50.3. The two new averments on the “escalation” of harm and the Press Council, and the evidence that they rely on, are impermissibly introduced, self-defeating, and without merit.



One of the impugned statements remains selectively quoted

51. UNISA now relies only on two impugned statements to found defamation, which are referred to as statements 1 and 4 in my Answering Affidavit.¹⁰ However, despite bringing this to UNISA’s attention before the Urgent Court,¹¹ in its Amended Notice of Motion, UNISA inexplicably persists in selectively citing statement 1 by omitting an entire sentence from the three-sentence paragraph.¹²

52. The effect of this is material: should this Court elect to proceed with an inquiry based on the legal construct of a reasonable reader, the omitted sentence is material to the proper interpretation of the impugned statement as it clarifies who “they” are and why they, the “multiple university sources”, linked “many of the

¹⁰ First and Second Respondents’ Answering Affidavit, 011-13, at para 47.

¹¹ *Id* at para 47.

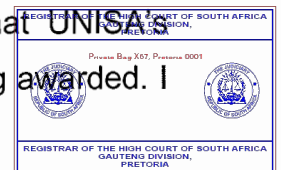
¹² First and Second Respondents’ Answering Affidavit, 011-13, at para 48.

cases” of deaths and hospitalisations to stress and exhaustion resulting from operational and governance decisions taken by UNISA.

53. It also indicates the irresponsible and opportunistic manner in which UNISA continues to approach this litigation, and it will lead to a practical challenge in that should the removal of the impugned statement be ordered, a hanging sentence will be left in my article.

The declarator has no practical purpose

54. Following multiple attempts to recraft its relief, I am advised that UNISA's declaratory relief is by now so confused that it is incapable of being awarded. I am advised that:



- 54.1. The declarator, as it is currently framed, is vague and imprecise, and it is overly broad, when considered in the light of the statements it derives the so-called “meanings” from;
- 54.2. UNISA makes out no case for a declaration of rights, and the declarator now does not specify the falsity, wrongfulness, or unlawfulness of the so-called “meanings” or the rights or obligations that it argues are violated;
- 54.3. Declarators for past defamation generally serve no practical purpose, and they can amount to no more than abstract opinion, especially when the impugned statements will remain in the public domain;
- 54.4. The declarator, especially as presently framed, risks being used as a springboard for future claims against my publication and I, and may give rise to ongoing piecemeal litigation and issue estoppel; and
- 54.5. The disingenuous and strained interpretation of my reportage posited by UNISA raises rule of law concerns due to a lack of specificity and enables UNISA to seek to hold me (and potentially others) in contempt of court

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on very uncertain terms. This, in turn, will substantially inhibit my ability and willingness to report on the ongoing governance crisis at UNISA and materially impede my expression.

55. Resultantly, the declarator is not only unsuitably tailored but also serves no practical purpose. I am advised that further submissions in this regard will be made in written or oral submissions, should this Court so direct.

The new averments and evidence introduced in the Supplementary Founding Affidavit are self-defeating and without merit

56. Through its Supplementary Founding Affidavit, UNISA misuses the Rule 28 procedure and seeks to introduce new evidence and averments on two of the requirements for a final interdict, without applying to this Court for leave to do so.



57. While the majority of its submissions on the merits, which I address in my *ad seriatum* traversal, remain largely duplicative, it impermissibly attempts to introduce these new averments and evidence to bolster its case:

57.1. First, UNISA argues, without substantiation, that there has been an “escalation” of harm since this matter was heard in the Urgent Court, and it introduces evidence in an attempt to prove this; and

57.2. Second, UNISA argues that the Press Council, as an alternative remedy, was not available to it when it plainly was, and still is.

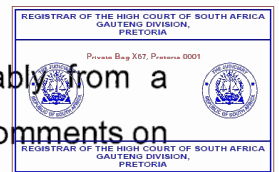
There is no evidence of an escalation of harm

58. As I have stated in my Answering Affidavit, UNISA has failed to make out a case to satisfy the injury requirement for an interim or a final interdict. It provides no evidence of injury or actual or ongoing harm. Its attempt to re-plead this requirement still takes its case no further. There is simply no evidence of injury that may be reasonably apprehended.

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59. UNISA's averments in relation to harm, including now "escalating" harm, remain speculative, vague, and non-specific. Equally, any alleged harm has already occurred and will continue to occur through publications and online posts over which I or my publication have no control.
60. Despite failing to make out a case for harm in its founding papers, UNISA now tries to introduce evidence regarding harm occasioned by the alleged "further dissemination" of the articles. However, this evidence is patently misleading, self-defeating, and should not be considered by this Court:

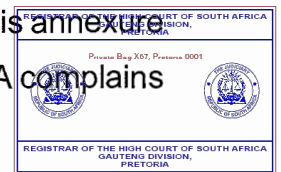
- 60.1. Annexure "SA9" contains a vague screenshot, presumably from a Facebook post, which is date-stamped 27 July 2026. The comments on the post all indicate "7w", which I understand to mean that they were posted seven weeks ago, around the time of the Facebook post, and before the Urgent Court hearing. This is not evidence of escalating harm.
- 60.2. Thereafter, annexure "SA9" contains a post from X which is already in the record before this Court.¹³ It is dated 2 August 2026, alongside three comments on the post on the same date. This too does not evidence an escalation in harm or "further dissemination". Instead, it is evidence, as I have already pleaded, that an interdict against me will have no practical effect, as the impugned statements will remain online, regardless of whether I and my publication are interdicted and restrained from future publication.
- 60.3. Following the X post, annexure "SA9" appears to refer to a Reddit thread, suggesting it is from one month ago, although this is unclear. The comments on this thread appear to refer to academic standards and marking at UNISA. It does not appear to evidence any escalating harm.



¹³ First and Second Respondents' Answering Affidavit, Annexure "PEN2", 011-42.

Instead, it is evidence of necessary ongoing public discourse on current affairs at UNISA, and how my reporting enables this.

- 60.4. Annexure “SA10”, which UNISA argues is evidence of republication by smaller blogs and aggregators, is inexplicable. The annexure refers to an article published by “News Trends” on 27 July 2026, which expressly refers to a “Pretoria News” article. It does not refer to me or my publication. Most concerning, the article itself states that it is “AI-generated”, and no evidence is adduced as to how this Court should interpret it, or what safeguards and guardrails exist to ensure the accuracy of the AI-generated evidence. As with the X post, this annexure instead evidences that similar statements to those that UNISA complains of will remain in the public domain.



61. What the introduction of this evidence does do is:

- 61.1. Provide guidance to this Court that the impugned statements will remain in the public domain, whether or not it grants relief against me, rendering the declarator, interdict, and retraction impractical and academic;
- 61.2. Indicate how my reportage may be interpreted by the reasonable reader of ordinary intelligence and the important public discourse that it enables; and
- 61.3. Reaffirm UNISA's disingenuity in seeking to extend this litigation against me, its continued efforts to impermissibly bolster its case, and the reasonable inference of the ulterior purpose for which this litigation has been brought.

62. In addition to this, and despite acknowledging the substantial period of time that has now elapsed since the first of my articles was published and the hearing of the urgent application – *over twelve weeks ago*, UNISA adduces no evidence of any proactive steps that it has taken against other publications, authors, and content creators who have published similar content and reportage, including

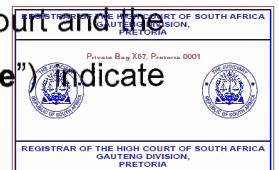
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those who appear in the evidence that it has adduced in its Supplementary Founding Affidavit. This reaffirms that the relief that it seeks will have no practical effect, and again leads to a reasonable inference that this application has been brought for the ulterior purpose to punish and silence me and my publication.

The Press Council was, and still is, available to UNISA

63. In addition to the above evidence seeking to bolster its case on the harm inquiry, UNISA also seeks to adduce evidence about the Press Council in relation to the alternative remedies. It argues that the Press Council was not available to it as a result of it not having jurisdiction. However, the record before this Court and the Press Council's Complaints Procedure¹⁴ ("**Complaints Procedure**") indicate that this interpretation is plainly wrong.



64. The Complaints Procedure expressly details the approach to be adopted in lodging a complaint with the Press Council against reportage such as mine, including where a publication or an author is not a subscriber member:

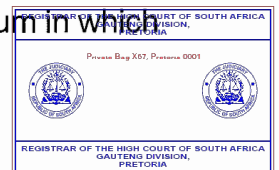
- 64.1. As a point of departure, a complaint must be lodged with the Public Advocate no later than 20 working days after the date of publication, which period may be extended if there is a good and satisfactory explanation of the delay;¹⁵
- 64.2. Importantly, in instances where a publication or the author of an article is not a subscriber member, the Public Advocate is entitled to approach the editor of the publication or the author of the article and request that it submit to the jurisdiction of the Press Council;¹⁶ and

¹⁴ Annexure "WRB6" to the Amicus Curiae's Founding Affidavit, 075-47.

¹⁵ *Id* at para 1.3.

¹⁶ *Id* at para 1.6.3.1.

- 64.3. If the editor or author submits, the complaint proceeds as an ordinary Press Council complaint.¹⁷
65. As a result, UNISA's allegation that jurisdiction impeded it from approaching the Press Council is misguided. It clearly did not consider approaching the Press Council before rushing off to the Urgent Court. It also has taken no proactive steps since being advised of the Press Council's suitability by the *amicus curiae* during the Urgent Court process.
66. The Press Council was, and still is, an alternative remedy available to UNISA in ventilating this dispute. It would have been a far more appropriate forum in which to mediate this dispute.
67. While I confirm that my publication and I are not presently subscriber members of the Press Council, I commenced the process of applying for Press Council membership on 21 July 2026, before UNISA instituted the urgent application, and I would have submitted to the Press Council's jurisdiction, had I been asked to do so by the Public Advocate before UNISA instituted the urgent application.
68. Subject to this matter being withdrawn, with costs, I may still consider submitting to the Press Council process to avoid overburdening this Court's roll, subject to my want for finality in this matter. However, UNISA has neither tendered this alternative, nor does it seem inclined to do so.



CONCLUSION

69. As a result of the uncertainty occasioned by the procedure adopted by UNISA, especially as it relates to the furtherance of these proceedings, I am advised that a special allocation is well suited for the further management of this matter, including whether this matter should be dismissed at the outset as a SLAPP suit and whether further written and oral submissions are necessary.

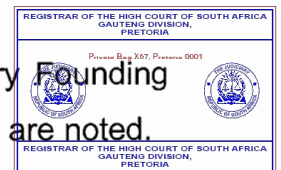
¹⁷ *Id.*

70. Alternatively, and should this matter proceed in the ordinary course, I am advised that it should be dismissed, with attorney and client costs, including the cost of two counsel. Alternatively, this Court may direct UNISA's legal representatives to show cause as to why costs *de bonis propriis* should not be awarded against them.

AD SERIATUM RESPONSE

Ad paras 1-5

71. Save to deny that the allegations contained in the Supplementary Founding Affidavit are both true and correct, the contents of these paragraphs are noted.



Ad paras 6-7

72. Save to deny that the Founding Affidavit was filed on "extreme urgency" and that this Court should grant leave for UNISA to file the Supplementary Founding Affidavit, the contents of these paragraphs are noted.
73. As I have already stated in my Answering Affidavit, urgency was self-created, and UNISA did not adequately explain its delays in filing its Founding Affidavit, to which it remains bound.

Ad para 8

74. The contents of this paragraph are denied. This Court should not grant UNISA leave to file its Supplementary Founding Affidavit.
75. Equally, UNISA is not permitted to relitigate this case by:
- 75.1. Providing "material developments" since the Urgent Court struck this application from its roll;

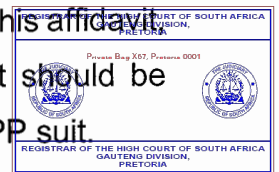
75.2. Updating the factual matrix; and/or

75.3. Supplementing its case with new averments and evidence.

76. I am advised that UNISA remains bound to its Founding Affidavit, and nothing “material” has occurred pertaining to the substance of this matter since it was struck from the Urgent Court roll.

Ad para 9

77. The contents of this paragraph are denied. As detailed elsewhere in this affidavit, this application should not be enrolled in the “ordinary course”. It should be subject to an early dismissal procedure as it now constitutes a SLAPP suit.



78. For reasons detailed elsewhere in this affidavit, to allow this matter to continue in the ordinary course will cause undue and ongoing prejudice to me.

Ad para 10

79. The contents of this paragraph are admitted, save to clarify that this matter was struck from the Urgent Court roll on 20 August 2026 after being argued on 19 August 2026.

Ad paras 11-12

80. Save to admit that this application was not dismissed and that the impugned statements remain published, not only by my publication but by other publications over which I have no control, I deny that harm to UNISA continues or is “escalating” and that any alleged infringement of UNISA’s rights are capable of being remedied by the relief that it now seeks.

81. As detailed elsewhere in this affidavit, I submit that any alleged harm has already occurred and may be vindicated through a claim for damages.

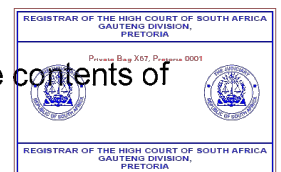
KK

Ad para 13

82. Save to admit the truncated time periods for which UNISA contended and that an Answering Affidavit was delivered, I deny that this matter should be heard in the ordinary course.
83. As detailed elsewhere in this affidavit, I submit that this matter should be subject to an early dismissal procedure as it now constitutes a SLAPP suit.

Ad paras 14-15

84. Save to admit that the *amicus curiae* was admitted in this matter, the contents of these paragraphs are noted.

**Ad para 16**

85. Save to deny that the order is attached to the Supplementary Founding Affidavit as annexure "SA2", the contents of this paragraph are admitted. For this Court's ease of refence, the order is not attached to the Supplementary Founding Affidavit but can be found at 072-22 in the Caselines bundle.
86. While I do not dispute the existence of the order, its terms are telling. UNISA was prepared to consent to an order, which does not include a declarator or any restraint on the Third Respondent publishing similar, if not identical statements, to those that UNISA complains of in future.
87. Resultantly, even if this Court grants declaratory and interdictory relief against me, such relief will not apply to the Third Respondent (or any other publications), who remains at liberty to re-publish the impugned statements without falling foul of any order that this Court may make.

Ad para 17

88. The contents of this paragraph are noted.

KK

Ad paras 18-19

89. Save to note the reason for the delivery of the “proposed” Amended Notice of Motion, the contents of this paragraph are admitted.
90. As detailed elsewhere in this affidavit, the delivery of an Amended Notice of Motion does not entitle any parties to litigation to file supplementary affidavits or adduce new evidence, without leave of this Court to do so.

Ad paras 20-23

91. The contents of these paragraphs are noted.

**Ad paras 24-25**

92. The contents of this paragraph are noted, save to deny, for reasons already advanced in my Answering Affidavit,¹⁸ that the Applicant was not enjoined to file a Rule 16A notice.

Ad para 26 (and para 32)

93. Save to admit that the impugned articles remain accessible on my publication's website, I deny any imputation that they should be removed, corrected, or qualified when they are not defamatory and/or wrongfully defamatory.
94. For reasons detailed elsewhere in this affidavit, I also deny the accuracy of the term “escalation of harm” in the header of this section.

¹⁸ First and Second Respondents' Answering Affidavit, 011-10, at paras 32 onwards.

Ad para 27

95. The contents of these paragraphs are noted.

96. For reasons detailed elsewhere in this affidavit, I note that the first impugned statement remains selectively quoted, as it was in the Founding Affidavit,¹⁹ and uncorrected, despite me bringing this to UNISA's attention in paragraph 48 of my Answering Affidavit.²⁰

Ad para 28

97. For reasons detailed elsewhere in this affidavit and in my Answering Affidavit, the contents of this paragraph are denied.

**Ad para 29**

98. For reasons detailed elsewhere in this affidavit, the contents of this paragraph are denied. I have detailed, at length, why the introduction of this new evidence is impermissible, self-defeating, and without merit.

Ad para 30

99. The contents of this paragraph are noted.

Ad paras 31

100. For reasons detailed elsewhere in this affidavit and in my Answering Affidavit, the contents of this paragraph are denied.

101. This paragraph replicates paragraph 25 in the Founding Affidavit.

¹⁹ Applicant's Founding Affidavit, 006-11, at para 13.

²⁰ First and Second Respondents' Answering Affidavit, 011-14.

Ad para 32

102. The contents of this paragraph are denied and replicate paragraph 26 of the Supplementary Founding Affidavit.

Ad para 33

103. Save to admit that the impugned articles remain accessible on my publication's website for reasons detailed elsewhere in this affidavit and that I have not tendered to not repeat them, I deny that I am enjoined to retract, correct or qualify the impugned statements (or not repeat them) when they are not defamatory and/or wrongfully defamatory.



104. I further deny that I have not provided a factual foundation for the impugned statements. Such foundation, based on competent evidence, is clearly detailed in my Answering Affidavit.

105. I note for the benefit of this Court that UNISA has taken no steps to engage with me on this matter following the Urgent Court order, outside of court filings. It has not exercised a right of reply, or attempted negotiation or mediation.

Ad para 34

106. For reasons detailed elsewhere in this affidavit and in my Answering Affidavit, the contents of this paragraph are denied.

107. Any alleged harm has already occurred and will not be remedied by the relief that UNISA seeks against me.

108. In addition, the alleged harm that UNISA is suffering is speculative, vague, and non-specific.

Ad paras 35-38

109. For reasons detailed elsewhere in this affidavit and in my Answering Affidavit, the contents of this paragraph are denied.

110. These paragraphs replicate paragraphs 14, 15, 16, 24, and 29 of the Founding Affidavit.²¹

Ad paras 39-41

111. Save to admit the requirements for declaratory relief, which I am advised is a matter for argument, I deny, for reasons detailed elsewhere in this affidavit and in my Answering Affidavit, that the requirements for declaratory relief have been met in this matter.

**Ad para 42**

112. The contents of this paragraph are noted.

Ad paras 43-46

113. For reasons detailed elsewhere in this affidavit and in my Answering Affidavit, the contents of this paragraph are denied.

114. These paragraphs replicate paragraphs 21, 24, 25, and 27 of the Founding Affidavit.

Ad paras 47-50

115. For reasons detailed elsewhere in this affidavit, the contents of this paragraph are denied.

²¹ Applicant's Founding Affidavit, 006-14 – 006-16.

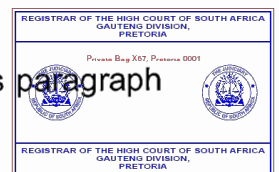
116. The Press Council is plainly available to UNISA, as is a claim for damages in due course. I am advised that it is not my responsibility to advise UNISA on known remedies for complaints against the press.

Ad paras 51-59

117. The contents of these paragraphs are noted.

Ad para 60

118. For reasons detailed elsewhere in this affidavit, the contents of this paragraph are denied.



Ad para 61

119. The contents of this paragraph are noted.

At paras 62-64

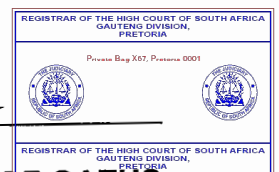
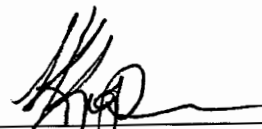
120. For reasons detailed elsewhere in this affidavit, the contents of this paragraph are denied.

121. The contents of these paragraphs are duplicative, and, for all of the reasons detailed elsewhere in this affidavit and in my Answering Affidavit, I submit that this Court should not grant an order in terms of the Amended Notice of Motion. Instead, this application should be dismissed, with attorney and client costs.

122. Alternatively, I am advised this Court may direct UNISA's legal representatives to show cause as to why costs *de bonis propriis* should not be awarded against them.

**PRAGASEN EDWIN NAIDU**

I certify that this affidavit was signed and sworn to before me at **Rosebank** on this the **19th** day of **October 2026** by the deponent who acknowledged that he knew and understood the contents of this affidavit, had no objection to taking the prescribed oath, and considered this oath to be binding on his conscience.

**COMMISSIONER OF OATHS**

KELLY KROPMAN
Commissioner of Oaths
Practising Attorney
20 Baker Street,
Rosebank, Johannesburg
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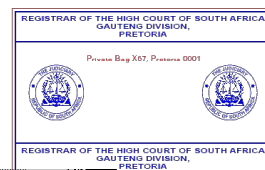
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Good day,

THE UNIVERSITY OF SOUTH AFRICA V EDNEWS.AFRICA AND OTHERS

1. Our correspondence dated 7 September 2026, your e-mail dated 8 September 2026, and the correspondence with the *amicus curiae* dated 9 and 10 September 2026 refers.

The proposed Amended Notice of Motion

2. We now understand from your correspondence that the Amended Notice of Motion, which is signed and dated and has been filed on Caselines, is only in a "proposed" form, and will be superseded by a "final" Amended Notice of Motion, which will be filed alongside a notice in terms of Rule 16A and a "supplementary founding affidavit".
3. Provided that the "proposed" Amended Notice of Motion is withdrawn once the "final" Amended Notice of Motion is filed to ensure certainty, and subject to the below, we are instructed to advise that our clients' do not intend to formally object to the proposed amendments to your client's notice of motion, at this stage.

The filing of further affidavits

4. In your correspondence to the *amicus curiae*, you note that your client has adopted the Rule 28(1) procedure in order to advance its case in the ordinary course.

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

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5. You note further that your client has adopted this procedure to, among others, avoid recasting the papers and duplicating costs. However, in the same vein, you confirm that your client intends to file a "supplementary founding affidavit", the purpose of which is unclear, especially as you note that the purpose of amending the notice of motion is to further restrict the relief that your client seeks.
6. While reserving our clients' rights to address the procedure that your client has adopted and the adverse impact that the furtherance of these proceedings has on our clients, we are instructed to advise that any attempt by your client to further "recast" or bolster its case through the filing of any supplementary affidavits will be opposed, and our clients' election not to object to the amendment of your clients' notice of motion, at this stage, should not be construed as consent, tacit or otherwise, to the filing of supplementary affidavits by your client.
7. As you have noted, your client's application remains pending, and, as a result, your client is bound to its pleaded case. Should your client seek to alter it, the application should be brought afresh.
8. We await the filing of further processes in this matter.
9. Our clients' rights are reserved.



With kind regards,

POWER LAW AFRICA

Per: Sophie Smit | Associate

E-mail: sophie.smit@powerlaw.africa

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

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KK