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 REPLYING AFFIDAVIT

I, the undersigned,

TSHATSHARA LUCAS MABUSELA

do hereby make oath and state that:

1. I am the Acting Executive Director: Legal Services of the Applicant and the deponent to its founding, replying and supplementary founding affidavits. I am duly authorised to depose to this affidavit.

2. The facts in this affidavit are within my personal knowledge, or appear from the Applicant's records and the affidavits filed, and are true and correct. Legal submissions are made on the advice of the Applicant's legal representatives, which I accept.

3. I reply to the First and Second Respondents' supplementary affidavit, deposed to by Mr Naidu on 19 October 2026 ("the 19 October affidavit"). I refer to his affidavit of 14 August 2026 as "the answering affidavit". Unless otherwise stated, paragraph references are to the 19 October affidavit. My failure to deal with any allegation is not an admission of it.

4. Much of the 19 October affidavit consists of submission and characterisation rather than fact, including paragraphs 9 to 12, 17, 24, 25, 28 to 33, 37 to 44, 54 and 55. I am advised that affidavits in application proceedings must set out the facts relied on. I therefore do not answer those paragraphs in kind. They are denied so far as they are inconsistent with this affidavit, and the Applicant's representatives will address them in argument.

5. The purpose of the application is to vindicate the Applicant's reputation in respect of the two statements that remain in issue. It has no other purpose.

LEAVE TO FILE FURTHER AFFIDAVITS

6. Mr Naidu seeks leave to file his 19 October affidavit (paragraph 5) and says that the Applicant did not apply for leave to file its supplementary founding affidavit (paragraph 56). Paragraph 8.1 of that affidavit referred to leave, and he

answered that request (paragraphs 72 and 74). No separate notice was delivered.

7. By the notice of application delivered with this affidavit, the Applicant formally seeks leave under Rule 6(5)(e) for its supplementary founding affidavit and for this affidavit. It does not oppose leave for the 19 October affidavit. This affidavit supports that application. I ask that it be heard with the main application, so that no separate hearing is needed.

8. The Applicant seeks leave for these reasons:

8.1 The founding affidavit was prepared for urgent interim relief, and addressed the balance of convenience (paragraph 26). The application was struck from the urgent roll. It was not dismissed, as Mr Naidu admits (paragraph 80). No finding was made on the merits. His attorneys accept that it remains pending (annexure PEN1 to the 19 October affidavit, paragraph 7).

8.2 The relief is now final and narrower. Final relief requires the Applicant to address the absence of another satisfactory remedy. Further, due to the urgency of the matter as genuinely believed to have been by the Applicant at the time, some of the facts were not addressed in the founding affidavit and are addressed in the supplementary founding affidavit. No new cause of action is raised therein.

8.3 The Press Council was not mentioned in the founding, answering or replying affidavits, the last of which was sworn on 15 August 2026. On Mr Naidu's own version it was raised by the amicus curiae during the urgent process (paragraph 65).

8.4 The continued publication after the hearing could not have been addressed earlier, and it is admitted (paragraphs 80, 93 and 103).

9. The First and Second Respondents have not been prejudiced. Mr Naidu has answered the affidavit paragraph by paragraph (paragraphs 71 to 122) and identifies only two new averments, escalation of harm and the Press Council (paragraphs 50.3 and 57). He relies on the timetable in the amended notice of motion to say that his own further affidavit causes the Applicant no prejudice (paragraph 6). The timetable equally gave him the opportunity to respond, which he has used.

THE TIME FOR THIS AFFIDAVIT

10. The amended notice of motion provides for any supplementary replying affidavit to be delivered within 10 days of receipt of a supplementary answering affidavit. The 19 October affidavit was received on 19 October 2026. That period ended on Monday, 2 November 2026. This affidavit is delivered on 12 November 2026, seven court days out of time. The Applicant seeks condonation, and explains the delay below.

11. By letter dated 4 November 2026, a copy of which is annexed marked "SRA1", the Applicant's attorneys sought the consent of the First and Second

Respondents' attorneys to the delivery of this affidavit by Monday, 9 November 2026. That consent was declined by letter dated 5 November 2026, a copy of which is annexed marked "SRA2". In paragraph 3.2 of "SRA2" the First and Second Respondents reserved the right to oppose the filing of this affidavit "in the event that the delay is not sufficiently explained, under oath". I explain the delay under oath in paragraphs 12 to 14 below.

12. In paragraph 4 of "SRA2" the First and Second Respondents require that, if the Applicant attaches any correspondence to this affidavit, it must also attach "this response" and their earlier letter dated 30 October 2026. The Applicant has done so. Their letter of 30 October 2026 is annexed marked "SRA3". In that letter the First and Second Respondents record that they do not intend to litigate through correspondence, that the admission of any further supplementary affidavit lies within the discretion of this Honourable Court, and that they were instructed to await service of this affidavit before responding to the Applicant's correspondence of 28 October 2026 and to the proposed joint letter to the Deputy Judge President. No correspondence other than these three letters is attached.

13. The delay arose as follows. The 19 October affidavit runs to 122 paragraphs and raises matters not previously before the Court, including an early dismissal procedure, a show-cause order against the Applicant's legal representatives, Rule 41A and the Press Council Complaints Procedure. The Applicant instructed senior counsel to settle the reply. Senior counsel was already engaged in an arbitration which occupied an entire week, and he was unable to attend to this matter during that period. He was required to read the 19 October

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affidavit before he could settle the reply. He settled it on 6 November 2026. These facts are confirmed by Mr Tembani in "SRA4".

14. As to paragraph 2.4 of "SRA2": when the Applicant's attorneys wrote on 28 October 2026 the Applicant still expected to deliver within the period, and the extent of counsel's unavailability and of the work required became apparent thereafter. As to paragraph 2.5, the harm of which the Applicant complains is the continued publication of the impugned statements, which Mr Naidu admits (paragraphs 80, 93 and 103). The Applicant's inability to deliver a settled supplementary replying affidavit within the period does not bear upon whether that publication continues.

15. The Applicant does not seek to escape the periods in the amended notice of motion. It proposed them. It asks only that a delay of five court days be condoned. The grounds are these. The delay is short, and it is explained above. No hearing date has been allocated, the parties still being engaged in settling a joint letter to the Deputy Judge President. The First and Second Respondents identify no prejudice arising from the delay itself, as distinct from their objection to the affidavit being received at all. In paragraph 3 of "SRA3" they recorded, on 30 October 2026, that they were instructed to await service of this affidavit before responding to the Applicant's correspondence and to the proposed joint letter. The short delay therefore postponed a step which they had in any event elected to defer. The Applicant, for its part, did not oppose the receipt of the 19 October affidavit, which was itself delivered with a request for the leave of the Court. The consent which the Applicant sought concerned time only. The

Applicant does not suggest that consent, had it been given, would replace the Court's discretion under Rule 6(5)(e).

CORRECTIONS TO THE SUPPLEMENTARY FOUNDING AFFIDAVIT

16. Having considered the 19 October affidavit, I correct or qualify the supplementary founding affidavit as follows.

17. Striking from the roll: the order was granted on 20 August 2026 after argument on 19 August 2026. It records that the application against the First and Second Respondents is struck off the roll due to lack of urgency, and that the Applicant is to pay the costs on the attorney and client scale, including the costs of two counsel. Those facts should have been stated in paragraphs 7, 8.2 and 10.

18. Correspondence: the letter of 11 September 2026 (PEN1) was not annexed. The Applicant accepts that the First and Second Respondents did not object to the amendment but did not consent to further affidavits (PEN1, paragraphs 3 and 6; paragraphs 15 and 16 of the 19 October affidavit).

19. Rule 28: the reference in paragraph 19 to Rule 28(3) should be to Rule 28(2).

20. Annexure SA2: the order was not attached; it appears in the CaseLines bundle.

21. Section 10: the Applicant does not rely on the right to human dignity in section 10 of the Constitution. References to section 10 in paragraphs 35 and 43, in paragraph 24 of the founding affidavit and in the Rule 16A notice are withdrawn. The Applicant relies on its right to its reputation and good name.

22. Paragraph 38: this paragraph, and the corresponding sentence in paragraph 29 of the founding affidavit, are withdrawn as framed. The Applicant accepts that reasonable publication is a recognised defence, on which the publisher bears the onus.

23. Paragraph 49: this paragraph was too widely stated. The answering affidavit contended that damages and a trial were available (paragraphs 24 to 26, 101 and 102). It did not mention the Press Council.

24. Paragraph 53: the reference to "section E" should be to paragraph 27.

25. Annexures SA9 and SA10: having considered paragraph 60 of the 19 October affidavit, the Applicant accepts that the dated items in these annexures do not show dissemination after the hearing, and it no longer relies on them for that purpose. It does not rely on the "News Trends" item in SA10, or on the word "escalation". It relies on the admitted fact of continued publication.

RULE 41A

26. Mr Naidu says that the Applicant had to file a Rule 41A notice with its amended notice of motion (paragraph 19). I am advised that Rule 41A(2)(a) refers to a notice served with the summons or notice of motion in a new action or application. An amended notice of motion does not begin a new application.

27. The application was launched as urgent. Prayer 1 of the original notice of motion sought dispensation with the forms, service and time periods under Rule 6(12). No Rule 41A notice accompanied it. Mr Naidu ties his complaint to the

abandonment of that prayer (paragraph 19). He does not say that a notice was required earlier.

28. The answering affidavit complained of non-compliance with the Rules (paragraphs 13.4, 32 to 40 and 113). The only rule it identified was Rule 16A. It did not mention Rule 41A.

29. The First and Second Respondents' notice of intention to oppose did not include a Rule 41A notice. I am advised that Rule 41A(2)(b) required their notice no later than their answering affidavit, delivered on 14 August 2026. Mr Naidu says that he instructed that a notice be filed alongside the 19 October affidavit (paragraph 21).

30. Mr Naidu has not delivered a Rule 30 notice. He has answered the amended notice of motion and the supplementary founding affidavit on their merits.

31. He says he opposes mediation at this stage (paragraph 21). He also says that mediation would have been more suitable (paragraph 22), that the Press Council would have been a more appropriate forum to mediate (paragraph 66), and that the Applicant has not attempted mediation (paragraph 105).

32. The failure to comply with Rule 41A was not intended. The matter was brought as one of urgency, and out of that urgency and inadvertence the notice was omitted. The Applicant accordingly seeks condonation for that omission. Since the First and Second Respondents oppose mediation, the absence of the Applicant's notice has caused them no prejudice.

33. Without conceding that it was obliged to do so, the Applicant delivers a Rule 41A notice with this affidavit. In that notice the Applicant agrees to the referral of this dispute to mediation, and it invites the First and Second Respondents to reconsider their opposition. The Applicant's agreement is without prejudice to its case, and it does not withdraw the application or the request that the application be enrolled in the ordinary course.

THE FIRST IMPUGNED STATEMENT AND ITS MEANING

34. Mr Naidu complains that the first statement is selectively quoted (paragraphs 51 to 53 and 96). Paragraph 13.1 of the founding affidavit, prayer 3.1 of the amended notice of motion and paragraph 27.1 of the supplementary founding affidavit do omit a sentence. As quoted in paragraph 48.1 of the answering affidavit, the passage reads:

> *"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."*

35. The Applicant accepts the passage as quoted, and the Court may read it in full. The omitted sentence identifies the speakers. It does not remove the link that the passage draws.

36. In the answering affidavit Mr Naidu denied that his articles state or suggest that the Applicant is directly responsible for the deaths and hospitalisations (paragraph 53). He now describes the passage as showing why the sources linked "many of the cases" of deaths and hospitalisations to stress and exhaustion resulting from "operational and governance decisions taken by UNISA" (paragraph 52). See also paragraph 56.3 of the answering affidavit. That is the link of which the Applicant complains.

THE FACTUAL FOUNDATION: ANNEXURE PEN6

37. Mr Naidu says that the foundation for the statements is "based on competent evidence" in the answering affidavit (paragraph 104). He repeats the charge of selective quotation. I therefore refer to annexure PEN6, which he tendered to show the fact of the deaths (answering affidavit, paragraph 60). The Applicant does not dispute that those deaths occurred, and it extends its condolences to the families.

38. The Applicant does not seek the identity of any source. Consistently with paragraph 29.6 of the replying affidavit, it accepts for present purposes that these messages were sent. Its point is that they do not justify the two imputations.

39. PEN6 records the following:

39.1 On 15 June 2026 a correspondent wrote: "One of our colleagues died of a stroke due to stress". The message gives no name and no medical basis for that statement.

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39.2 On 17 June 2026 a correspondent wrote about a staff member in ICT: "He was complaining about stomach pains. They are also under severe stress with all the new AA appointments on top of all other issues. Staff in ICT was reduced." The message does not say that stress caused his death.

39.3 On 24 June 2026 Mr Naidu received a forwarded message: "Another colleague has passed on in CLAW. She marked 15000 scripts she passed on from stress." Its author is not identified. Paragraph 67 of the answering affidavit attributes the same words to "a source", without stating that they were forwarded.

39.4 On 29 June 2026 Mr Naidu wrote that he would "aim to publish in MG Friday sorry awaiting response from varsity", and added: "But would like to get name of first and third as they won't divulge."

39.5 On 17 July 2026, about nine days before the first article, the thread contains a forwarded memorial notice for Mr Mboweni and these messages: "What is the guy's name", "John he passed away last, he was working @ network department" and "I will get the surname". A reply follows that appears to be Mr Naidu's: "Eish three people who died and snowed under work. Sad".

40. PEN6 contains no medical report, post-mortem report or statement by a treating doctor. On its face, it contains no statement identified as coming from a family

member. Its messages are redacted and are excerpts: the content of the voice note and calls it mentions is not disclosed, and the screenshot for 24 June 2026 begins below an earlier message that is cut off.

41. The answering affidavit shows the following about the families and causes of death:

41.1 Mr Naidu refers to engagements with the families of Dr Madileng and Ms Poyo (paragraph 57.4). He refers to no statement by the family of Mr Mboweni. The statement in prayer 3.2 of the amended notice of motion (statement 4 in the answering affidavit, "the fourth statement") refers to three staff members who "according to families succumbed to illness".

41.2 Mr Madileng is said to have stated that his sister was under immense pressure and overwhelmed (paragraph 69.1). No reference to markers or e-tutors is attributed to him.

41.3 Ms Poyo-Hadebe is said to have linked her sister's illness to stress, anxiety, burnout, depression and contract work (paragraphs 69.2, 75 and 76). Mr Naidu's first recorded engagement with her was on 28 July 2026 (paragraph 75), after the first article and before the article of 30 July 2026.

41.4 Mr Naidu says that colleagues stated that, while Ms Poyo had kidney problems, "stress and workload cannot be ruled out" (paragraph 74).

41.5 Mr Naidu says that the NEHAWU memorandum "does not pertain to the deaths" (paragraph 63). It is dated 13 May 2026 (paragraph 62).

42. Prayer 3.1 of the amended notice of motion includes the sentence recording the deaths. The Applicant does not dispute that sentence. At the hearing it will ask that prayer 3.1 be granted only in respect of the sentence beginning "They say". It seeks no relief on the omitted sentence. The removal it seeks therefore leaves no sentence incomplete.

43. Mr Naidu's allegation that the Applicant's costs and relief are designed to punish him is denied. The further inferences to be drawn from these facts will be addressed in argument.

FREEDOM OF EXPRESSION AND THE SLAPP ALLEGATION

44. Mr Naidu alleges that the application is a SLAPP suit, violates section 16 of the Constitution and has an ulterior purpose (paragraphs 23 to 48). These allegations are denied. I state the relevant facts below.

45. Mr Naidu says that the Applicant relies on public funds (paragraph 36). The Applicant is partly funded by the State. It also depends on student fees, research grants, donor funding and other income. It is governed by its Council, members of which the Minister appoints. It does not govern members of the public, and it competes with other public and private providers of higher education.

46. Under the heading "The four elements of a SLAPP suit have now been met" (paragraphs 23 to 48), Mr Naidu groups together complaints about the urgent hearing, the amendment, the costs prayer, the Applicant's funding and its other litigation. I deny that this application is an abuse of process, that it was brought

for an ulterior purpose, and that it was brought to silence, intimidate or punish him or anyone else.

47. The Applicant brought this application for one purpose: to enforce its right to its good name in respect of the two statements and the two meanings identified in prayers 1 and 3 of the amended notice of motion.

48. Before it approached the Court, the Applicant's attorneys sent a letter of demand to the First and Second Respondents on 3 August 2026, asking that the statements be removed and retracted. The Applicant instituted these proceedings only thereafter, when the statements were not retracted.

49. When the Third Respondent removed the article it had republished, the Applicant sought nothing further from it, including costs.

50. The Applicant claims no damages. In the amended notice of motion it has abandoned the urgent relief, the rule nisi and interim interdict, the apology, the attorney-and-client costs prayer, all relief against the Third Respondent, any relief on the article of 29 July 2026, and any relief on the statements in paragraphs 13.2 and 13.3 of the founding affidavit.

51. No order restrains Mr Naidu from publishing anything. His articles remain accessible (paragraphs 80, 93 and 103). In August he said that he had not published further reportage since the letter of demand, out of fear of reprisal (answering affidavit, paragraph 11). He now says that this fear impedes his reporting (paragraph 14). The Applicant has sought no order against reporting in general.

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52. The Applicant's position on the website remains as stated in paragraph 15 of the founding affidavit and paragraph 14 of the replying affidavit. Whether or not access was disrupted, the Applicant did not act to censor the media or to conceal responsibility for any death. The 19 October affidavit adds no fact on this issue.

53. Mr Naidu fears that reporting on governance, working conditions and the views of families may fall foul of the relief (paragraphs 38 to 40). Prayer 2 is confined to statements bearing the meanings in prayers 1.1 and 1.2, and prayer 3 to two quoted statements. The Applicant has said from the outset that it does not seek to prevent reporting or debate on staff welfare, workloads, the non-renewal of contracts or governance (founding affidavit, paragraphs 26 and 28; replying affidavit, paragraph 6). The Applicant will ask that any order expressly say so.

54. The answering affidavit lists other reports on conditions at the Applicant by Briefly News, Newsday, PoliticsWeb, SAFM and Rekord (paragraph 28). The Applicant has taken no proceedings against any of them. Mr Naidu records that Professor Senokoane of the Applicant was interviewed on SAFM (paragraph 28.4).

55. Mr Naidu says that the Third Respondent's order contains no declarator or restraint (paragraphs 85 to 87), and describes it as one to which the Applicant consented (paragraph 86). The Third Respondent has removed the article it republished. Mr Naidu has not removed his articles and has not undertaken not to repeat the statements (paragraph 103).

56. Mr Naidu refers to other litigation by the Applicant (paragraph 36, referring to WRB4).

57. Mr Naidu complains that the costs prayer includes two counsel, without stating a scale for counsel (paragraph 35). The Applicant will indicate the scale contemplated by Rule 67A(3) read with Rule 69(7) in its draft order.

58. Mr Naidu alleges that the Applicant has not engaged with him since the urgent hearing (paragraph 105). The Applicant's attorneys wrote to his attorneys on 9 September 2026 (annexure SA6), and the Applicant's position on mediation appears from paragraphs 31 and 32 above.

59. The request for a show-cause order against the Applicant's legal representatives (paragraphs 45, 70 and 122) is denied. I record the following.

59.1 The request identifies no conduct on the part of the Applicant's legal representatives other than the institution and conduct of this application upon the Applicant's instructions. It is denied that they enabled any abuse of the process of this Honourable Court.

59.2 An order that a practitioner pay costs de bonis propriis is relief directed at that practitioner personally. The Applicant's legal representatives are not parties to these proceedings. They have received no notice of the relief sought against them, save by way of an averment contained in an affidavit directed at their client, and they have had no opportunity to answer it.

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59.3 I am advised that relief of that nature must be sought on notice, by way of a counter-application, so that the practitioner concerned may know the case to be met and may answer it upon affidavit, and that an order of that nature ought not to be made absent a proper opportunity to be heard. The same applies to the dismissal of this application at the outset and to the punitive costs order sought in paragraphs 43 to 45 and 70, neither of which is sought on notice.

59.4 By letter dated 27 October 2026 the Applicant's attorneys called upon the attorneys for the First and Second Respondents to confirm whether a substantive application for that relief was to be brought, and by when. Their letter of 30 October 2026, annexed marked "SRA3", does not answer that enquiry, and no such application has been brought.

59.5 The rights of the Applicant's legal representatives, in their own right, are reserved in full. Nothing in this affidavit is to be construed as a waiver of those rights, or as an acceptance that the relief may competently be advanced in the manner in which it has been advanced.

THE PRESS COUNCIL

60. Mr Naidu says that the Press Council "was, and still is" available to the Applicant (paragraphs 63 to 68). The Applicant did not approach it, for the reason given in paragraph 48 of the supplementary founding affidavit.

61. Mr Naidu confirms that neither he nor his publication is a subscriber member (paragraph 67). That confirms the non-membership recorded in paragraph 48 of the supplementary founding affidavit.

62. On his own description of the Complaints Procedure, a complaint against a non-member can proceed only if the editor or author submits to the Press Council's jurisdiction after a request by the Public Advocate (paragraphs 64.2 and 64.3).

63. He says that he began applying for membership on 21 July 2026 (paragraph 67). On 19 October 2026 he was still not a member, and he does not explain why.

64. He says that he would have submitted if asked before the urgent application (paragraph 67). His present position is that he "may still consider" submitting, subject to "this matter being withdrawn, with costs" and to his wish for finality (paragraph 68).

65. He also says that complaints must be lodged within 20 working days of publication, unless extended on a good and satisfactory explanation (paragraph 64.1). That period has passed.

66. The Applicant therefore has no right to a Press Council process against him. It would depend on his election, and he has made his election conditional on the withdrawal of this application with costs.

CONCLUSION

67. Save as admitted above, the allegations in the 19 October affidavit that are inconsistent with the Applicant's papers are denied.

68. I ask that the further affidavits be admitted and that an order be granted in terms of the amended notice of motion, as qualified above. The request for dismissal, attorney-and-client costs and a show-cause order should be refused.

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 SANDTON **on this the** 12th **day of NOVEMBER 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.**

COMMISSIONER OF OATHS

FULL NAMES: _____

CAPACITY: _____

ADDRESS: _____

ANDILE SETH
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Your Ref:	**Our Ref:**	**Date:**
PLEN-202614	**SMV/UNISA/**	04 November 2026

Dear Colleagues,

THE UNIVERSITY OF SOUTH AFRICA v EDNEWS.AFRICA AND OTHERS
CASE NO: 2026-192997
SUPPLEMENTARY REPLYING AFFIDAVIT: REQUEST FOR AN EXTENSION

1. We act for the Applicant. We refer to your clients' Supplementary Answering Affidavit delivered on 19 October 2026, and to our letter dated 27 October 2026.

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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

2. In that letter we recorded that our client would deliver its supplementary replying affidavit by Monday, 2 November 2026. That date has passed and the affidavit has not been delivered. We regret that, and we write to request your clients' indulgence.

3. The position is as follows. The supplementary replying affidavit has been prepared and is with Senior Counsel for settling. Senior Counsel was briefed in an arbitration which occupied the whole of the preceding week, and he was unable to attend to this matter during that period. He has not yet had the opportunity to read your clients' Supplementary Answering Affidavit, which he must do before he is able to settle the reply. He has undertaken to complete the settling by Friday, 6 November 2026.

4. Once the affidavit has been settled it must be placed before the deponent for signature and attested before a commissioner of oaths, which cannot be accomplished on the same day.

5. We accordingly request your clients' agreement to an extension, to Monday, 9 November 2026, for the delivery of our client's supplementary replying affidavit. The affidavit will be delivered upon or before that date.

6. We record that no prejudice can arise from the indulgence sought. The matter is not enrolled for hearing. The parties are presently engaged in settling a joint letter to the Deputy Judge President requesting a special allocation, and no

date has been allocated. An extension of a few court days accordingly affects no date in these proceedings and delays nothing.

7. We record further that our client did not oppose the receipt of your clients' Supplementary Answering Affidavit, which was itself delivered with a request for the leave of the Court, nor the leave sought in paragraph 5 thereof. We trust that the same courtesy will be extended to our client.

8. Kindly confirm by no later than 16h00 on Thursday, 5 November 2026 whether your clients agree to the extension. Should they decline, our client will deliver the affidavit as soon as it is in a position to do so and will seek the leave of the Court to do so, in which event this correspondence will be placed before the Court.

9. Our client's rights are reserved. Nothing contained in this letter constitutes a waiver, whether express or implied, of any right available to our client.

Yours faithfully

SM VAKALISA ATTORNEYS INC.
Per: DUMISANI TEMBANI

POWER LAW /AFRICA

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Date: 5 November 2026 Your ref: SMV/UNISA Our ref: PLEN-202614

TO: SM VAKALISA ATTORNEYS INC.
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Good day,

THE UNIVERSITY OF SOUTH AFRICA V EDNEWS.AFRICA AND OTHERS

1. We refer to your correspondence dated 4 November 2026 ("**your correspondence**"), which was issued on a public holiday, and which belatedly seeks an indulgence for the late filing of a further supplementary affidavit from your client.

2. We are instructed to note as follows:

   2.1. The timeframes for the filing of further supplementary affidavits were dictated by your client in the Amended Notice of Motion dated 28 September 2026.

   2.2. As recently as Wednesday, 28 October 2026, in correspondence addressed to our offices, you expressly advised that your client's "supplementary relying affidavit" would be delivered to our offices by Monday, 2 November 2026, which was the last day available to your client to deliver the affidavit based on the self-defined filing time periods in the Amended Notice of Motion.

   2.3. On Wednesday, 4 November 2026, two days after failing to file the further supplementary affidavit on time, you requested our clients' indulgence to file the further supplementary affidavit by Monday, 9 November 2026. This was the first

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

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occasion on which the indulgence was sought. The explanation provided for this was that your counsel "was briefed in an arbitration which occupied the whole of the preceding week" and would only be able to settle a draft of the affidavit on Friday, 6 November 2026.

2.4. Regardless of how the term "preceding week" is interpreted, it is inexplicable as to why the indulgence was not sought in your correspondence dated 28 October 2026. It is equally inexplicable as to why an indulgence was not sought sooner, given that your counsel team would likely have been aware of the arbitration well in advance.

2.5. Notably, your client has expressly pleaded an "escalation" and "ongoing" harm to seek to evidence why this matter should be re-enrolled. However, the failure to comply with self-defined filing time periods, which your client has dictated should flow in the ordinary course, does violence to this claim. Equally, if the harm is so acute, the further supplementary affidavit could have been prepared, served, and filed before the self-imposed filing deadline and your counsel's arbitration.

2.6. As you will note from the supplementary affidavit filed by our clients on 19 October 2026, your client's attempt to re-litigate this matter is causing ongoing prejudice and distress to our clients, as it impedes their ability to report on your client and impacts their professional reputation. This prejudice is compounded by your client's filing delays, and it delays the proposed joint approach to the Deputy Judge President for a special allocation for the reasons advanced in our correspondence dated 30 October 2026.

3. As a result, we are instructed to advise that:

3.1. A sufficient explanation for the requested indulgence has not been provided. Accordingly, the request is declined.

3.2. Our clients reserve the right to oppose the filing of any further supplementary affidavits from your client, including your client's "supplementary replying affidavit" in the event that the delay is not sufficiently explained, under oath.

3.3. Should there be any further filing delays, our clients reserve the right to directly approach the DJP for a special allocation and guidance on the further management of this matter, including directions on the filing of any further supplementary affidavits from your client.

4. In the event that your client does file a further supplementary affidavit, we trust that any correspondence that your client may elect to attach to it will include this response, and our

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correspondence dated 30 October 2026, failing which our clients reserve the right to seek leave of the Court to introduce the correspondence into the record, should they so elect.

5. Our clients' rights are reserved, in full.

With kind regards,

POWER LAW AFRICA
Per: Sophie Smit | *Associate*
E-mail: sophie.smit@powerlaw.africa

AND TO: **BOWMAN GILFILLAN INC.**
BY E-MAIL
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POWER LAW /AFRICA

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Date: 30 October 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

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Good day,

THE UNIVERSITY OF SOUTH AFRICA V EDNEWS.AFRICA AND OTHERS | REQUEST FOR SPECIAL ALLOCATION

1. We refer to your correspondence dated 28 October 2026 (**"your correspondence"**), which is replete with factual statements, which are not under oath, and legal argument, which is premature and inappropriate, at this stage.

2. We are instructed to advise that:

   2.1. Our clients do not intend to litigate through correspondence, and our clients' rights are reserved, in full, to address the factual averments and legal argument raised in your correspondence at the appropriate time. For present purposes, any matter not expressly dealt with in this correspondence is denied.

   2.2. Any further supplementary affidavit that your client intends to file is subject to the ordinary rules of pleading and its admission is solely within the discretion of the Court.

   2.3. Any attempt to introduce your correspondence into the record through any further supplementary affidavit will swiftly be brought to the Court's attention.

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2.4. You provide no explanation as to why you seek our clients' position in relation to matters concerning the proposed joint approach to the Deputy Judge President ("**DJP**") by Friday, 30 October 2026, when you have advised that your client intends to file a further supplementary affidavit on Monday, 2 November 2026. Your correspondence appears to conflate ongoing pleadings and the proposed joint correspondence to the DJP. In our view, these matters should be separated, and any substantive response to your correspondence, in the midst of ongoing pleadings, may prejudice our client.

3. As a result, we are instructed to await service of your client's further supplementary affidavit. Thereafter, and should our client so direct, we will be better placed to respond to your correspondence, the proposed draft joint correspondence to the DJP, and/or any additional averments that your client may make in its further supplementary affidavit.

4. Our clients' rights are reserved.

With kind regards,

POWER LAW AFRICA
Per: Sophie Smit | *Associate*
E-mail: sophie.smit@powerlaw.africa

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

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"SRA4"

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

CONFIRMATORY AFFIDAVIT

I, the undersigned,

DUMISANI TEMBANI

do hereby make oath and state that:

1. I am an attorney at SM Vakalisa Attorneys Inc., the Applicant's attorneys of record in this matter. The facts set out below are within my personal knowledge and are true and correct.

2. I have read the supplementary replying affidavit of Tshatshara Lucas Mabusela delivered herewith.

DT

3. I confirm paragraphs 10 to 14 of that affidavit so far as they concern the conduct of this office and the availability of counsel. In particular:

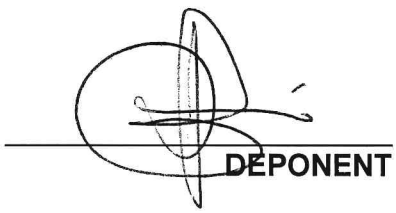
3.1 The 19 October affidavit was received at this office on 19 October 2026.

3.2 Senior counsel was briefed in an arbitration which occupied an entire week, and he was not available to settle the supplementary replying affidavit during that week.

3.3 Senior counsel was required to read the 19 October affidavit, which runs to 122 paragraphs, before he could settle the reply. He settled it on 6 November 2026, and the affidavit was delivered on 9 November 2026.

3.4 On 4 November 2026 I addressed a letter to the attorneys for the First and Second Respondents seeking their consent to delivery by Monday, 9 November 2026. That consent was declined by letter dated 5 November 2026.

3.5 The delay was occasioned by the matters set out above and not by any want of diligence on the part of the Applicant, which has at all times given prompt instructions.



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

SANDTON on this the 12th day of November 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.

COMMISSIONER OF OATHS

FULL NAMES: _____

CAPACITY: _____

ADDRESS: _____

ANDILE SETH
ATTORNEYS, COMMISSIONER OF OATHS
NOTARIES & CONVEYANCERS
4TH FLOOR SANDTON TOWERS EAST
SANDTON CITY, FIFTH ROAD, SANDTON
TEL: 011-869-6300 FAX: 0866 264 37
LODGMENT NO: JHB 689 PTA 1147