



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CASE NO: 2025/251001

(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED.
<i>Labuschagne</i>	
SIGNATURE	22/1/2026
DATE	

In the application of:

**TEBOGO LETSIE**

Applicant

and

**SIMAMKELE XANI**

First Respondent

**CITY PRESS (A PUBLICATION OF MEDIA24 (PTY) LTD)**

Second Respondent

**ABRAM MASHEGO**

Third Respondent

**UNIVERSITY OF SOUTH AFRICA**

Fourth Respondent

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**JUDGMENT**

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LABUSCHAGNE J

- [1] The applicant approached the court for urgent interim relief seeking an order restraining the first, second and third respondents from repeating an allegation that the applicant was linked to a corrupt or irregular security tender of R82 million allegedly awarded by the Vice Chancellor of UNISA to the applicant.
- [2] The applicant seeks a declarator that the allegations are false, unlawful and defamatory, and constitute an infringement of the applicant's right to dignity, reputation and good name. The applicant seeks an order restraining the first, second and third respondents from publishing, republishing, disseminating or causing to be published whether orally, or in writing, electronically, digitally or on any media or social media platform, the aforesaid defamatory statement.
- [3] The applicant further applied for relief against the second and third respondents, which fell away because of the withdrawal of the application against them.
- [4] The applicant is the chairperson of the Parliamentary Portfolio Committee on Higher Education. The allegation that he was awarded a security tender in the amount of R82 million by UNISA is *per se* defamatory. It directly implies corruption on his part. This allegation was made in a letter written by the first respondent's attorneys dated 26 November 2025.
- [5] The fourth respondent (hereafter UNISA) has filed a notice to abide and has provided an explanatory affidavit. The applicant seeks no relief against UNISA. The only dispute is therefore between the applicant and the first respondent.

[6] The first respondent refers to himself as the deputy secretary of a forum called Save UNISA, established to publicise irregularities in respect of UNISA. He has crossed swords with UNISA regarding, inter alia, the appointment of the current Vice Chancellor, Prof LenkaBula, and is involved in other litigation with UNISA.

#### URGENCY AND PRIMA FACIE RIGHT

[7] The tone of the answering affidavit is aggressive and hostile to the applicant and the defamatory statement was, despite a demand for a retraction, repeated at least twice. As the applicant is Chairperson of the Parliamentary Portfolio Committee on Higher Education, the adverse allegations against him could trigger the “step aside” policy of the ANC, the political party to which he belongs. The publication took place days before a national conference of the ANC which the applicant attended. The allegation has the capacity to harm the applicant in his political career.

[8] In an explanatory affidavit filed by UNISA the following is stated in paragraph 10:

*“The allegation that the fourth respondent’s Principal and Vice Chancellor awarded a security tender to the applicant are (sic) patently false and defamatory. The fourth respondent has not procured any security services in the past five years. On the contrary, the security services of the fourth respondent are in-housed. This renders the allegation made by the first respondent to be unfounded and false, with the intention of damaging the good name of the fourth respondent, its Principal and Vice Chancellor and the*

*applicant. It is completely unbecoming of the first respondent to make false and unsubstantiated allegations, hugely defamatory allegations, without producing proof to that fact. The first respondent has made these false and defamatory allegations knowing them to be false. This is the conduct the court should frown at and censure."*

- [9] This averment was not placed in dispute by the first respondent. The Unisa affidavit takes the attorney for the first respondent to task for failing to verify what could easily have been established. In the letter of 26 November 2025, sent by the first respondent's attorney to a number of recipients, it was alleged that the Vice Chancellor was corruptly awarded a security tender in the amount of R82 million (eighty-two million Rand for a period of three years) to the applicant. This averment has been made since 2021 and gave rise to previous litigation.
- [10] UNISA pointed out that in a court order of 28 November 2024, Potterill J interdicted the first respondent from publishing defamatory statements against UNISA or its Vice Chancellor and Principal.
- [11] The first respondent regards himself as an activist, publishing irregularities as far as UNISA is concerned, and regards himself to be a whistleblower. Whilst it is an honourable thing to point out irregularities and the wastage of public funds, the facts on which those allegations are based have to be stated, must be correct and cannot be patently false. No supporting facts were provided and the allegations are false.

[12] The applicant sent a letter to the first respondent seeking a retraction, but none was forthcoming. In the answering affidavit the first respondent repeated the defamatory allegations in paragraph 8 and paragraph 14 of his answering affidavit.

[13] Rather than dealing with the allegation complained of, the first respondent takes the applicant to task for turning a blind eye to complaints as far as UNISA is concerned that he has submitted to the Portfolio Committee on Higher Education. He states in paragraph 20:

*“20. The applicant cannot jump and ignore all the information which is before his committee and come to court without addressing the complaints first. It is his own doing to find himself crying foul of his own making. He has made the bed, so he must sleep on it, so the saying goes.*

*21. The applicant is avoiding scrutiny and approaches court with blood in his hands on a pending investigation by parliament and law enforcement agencies ...”.*

[14] The first respondent is ostensibly oblivious to the defamatory nature and the falsity of the allegations made against the applicant and, through the tone of his answering affidavit, appears to take pleasure in the discomfort of the applicant. Such an approach cannot be countenanced.

[15] In *Mbalula v Mda* [2025] ZAGPPHC 878 (20 August 2025) Baqwa J states the following:

"Urgency

[4] *The applicant submits, and I accept, that the matter is urgent based on the present and continuous harm to dignity that he cannot reasonably be expected to endure with the intended anxiety and embarrassment brought about by the continued violation of his Dignitas and his rights.*

[5] *He further submits that there is ongoing and prolonged reputational harm, humiliation, and indignity accompanying the respondent's acts, aided by the continuous accessibility of the tweets on X. This results in harm justifying the urgent relief sought."*

- [16] The same considerations apply in this matter. The applicant has established a *prima facie* right to protect his *fama* and *dignitas* against repetition of the defamatory allegation. The answering affidavit does not detract from the aforesaid. The answering affidavit consists of 260 pages, very little of which is relevant to the issue at hand. The first respondent's grievance with UNISA in respect of the appointment of its Vice Chancellor has permeated the entirety of the answering affidavit. The first respondent expects the applicant to deal with that issue rather than the defamatory statement that he has been awarded a corrupt tender.
- [17] The applicant gave notice that he will seek costs *de bonis propriis* in respect of the aforesaid conduct.

- [18] Counsel who appeared for the first respondent was not responsible for the drafting of the papers and has conceded that the papers are defective as they go wider than the dispute at hand.
- [19] I am satisfied that on the facts the applicant has established the risk of repetition of the false allegations made against the applicant and that he has established an entitlement to protect his good name and dignity. This establishes urgency and the first three elements of an interim interdict. The fact that the first respondent failed or refused to retract the defamatory statement leaves the applicant with no alternative remedy but to seek urgent interdictory relief.
- [20] The first respondent's contention that he has made a protected disclosure, is untenable. He has published and repeated a patently false defamatory allegation against the applicant.
- [21] A number of other defences were raised. It was contended that, as the publication complained of is in a letter of the first respondent's attorneys, that the allegation is privileged, that it is not a disclosure or publication made by the first respondent, is confidential and that the application should therefore fail. Each of these defences merely needs to be stated to be rejected.
- [22] The declarors sought are not necessary in light of the order I give below.

## COSTS

[23] The unnecessary inflation of the court papers in urgent proceedings by the careless manner in which the answering papers were prepared, and introducing irrelevant issues are worthy of censure. As a mark of disapproval, the attorney for the first respondent will be disallowed any fees arising from the preparation of the answering affidavit. I have considered the issue of costs *de bonis propriis*. The only consideration that moves me to decline the invitation to order such costs, is that the first respondent instructed his attorney to drag the dispute regarding the Vice Chancellor into these proceedings. The attorney should have known better than to blindly comply with such instructions, without even a basic enquiry into the factual basis for the relevant allegations. However, the first respondent is ultimately responsible for the applicant's wasted costs in this regard.

## CONCLUSION

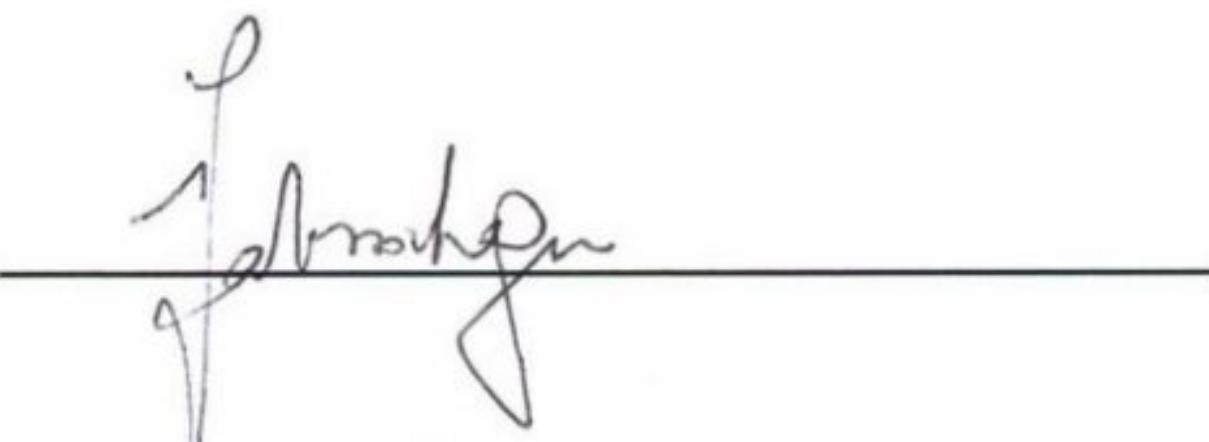
[24] In the premises I am satisfied that the applicant has made out a case as far as the first respondent is concerned. I consequently make the following order:

1. The first respondent is interdicted and restrained, pending the final determination of proceedings to be instituted within 30 (thirty) days of date of this order, from publishing, republishing, disseminating or causing to be published or disseminated in any form, or on any platform,

the allegation that the Vice Principal of UNISA awarded a security tender in the amount of R82 million to the applicant.

2. The first respondent shall pay the costs of this application on the scale as between attorney and client, and where applicable, on Scale C.
3. The attorney of the first respondent is denied any fees arising from the drafting of the answering affidavit.

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A handwritten signature in black ink, appearing to read "Labuschagne J".

**LABUSCHAGNE J**  
JUDGE OF THE HIGH COURT