**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case No: 131164/2025

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED

DATE: 17 JUNE 2026 SIGNATURE

In the matter between:

| | |
|---|---|
| PUBLIC INVESTMENT CORPORATION SOC LTD | First Applicant |
| KABELO RIKHOTSO | Second Applicant |
| LINDIWE DLAMINI | Third Applicant |
| and | |
| RALEBALA MATOME MAMPEULA | Respondent |

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**JUDGMENT**

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KUNY J:

1 This is an urgent application served by the applicants on the respondent on 9 March 2026 to declare the respondent in breach of an interdict granted by Mohamed J on 4 February 2026. The applicants seek the respondent's

committal to prison for a period of 60 days, alternatively for such period as the court deems appropriate.

2 The first, second and third applicants are, respectively, the Public Investment Corporation SOC Ltd; Kabelo Rikhotso, Chief Investment Officer and Executive Director, PIC; and Lindiwe Dlamini, Executive Head of Legal, PIC. The respondent is Ralebala Matome Mampeula, a businessman who previously had a business relationship with the first applicant and is currently involved in litigation with it.

3 This application is the third application in a series of applications that commenced on 5 August 2025 ("the first application") to interdict the respondent from making defamatory statements about the applicants. The applicants alleged in that application that a case for urgent relief had been made out. However, they did not pursue the application on an urgent basis. Ultimately, even though a full set of affidavits was filed over a period of a number of months, the first application was apparently never heard.

4 Instead, in January 2026 the applicants renewed their urgent application with a fresh set of papers ("the second application"). In addition to a new founding affidavit, the applicants incorporated their founding and replying affidavits in the first application. On 26 January 2026 the respondent's attorneys of record withdrew. The second application appears to have proceeded on an unopposed basis and on 4 February 2026 Mohamed J granted an order as follows:

> *1 Pending the final determination of action proceedings to be launched by the applicants against the respondent within 30 days of this order, the respondent is interdicted from making, publishing or repeating the publication or the making of any defamatory and/or injurious allegations of corruption, extortion, bribery and adultery by* (sic) *the applicants or any other statements including those that suggest that the applicants are implicated in criminal investigations for corruption, bribery and extortion.*
>
> ("the Mohamed J Order")

5 On 23 February 2026, the applicants issued a combined summons out of this

court against the defendant. The relief sought in the summons is as follows:

(a) *A declaratory order that the impugned statements are defamatory and wrongful.*

(b) *The defendant is ordered to retract the allegations by publishing a statement to the recipients of the defamatory statements and through all social media publications under the control of the defendant in the following terms:*

> *"Between 2 July 2025 and 9 January 2026, ..... Ms Lindiwe Dlamini and Mr Kabelo Rikhotso." [redacted]*

(c) *The defendant is ordered to make payment to the second plaintiff in the sum of R8 000 000 (eight million rand) with interest at the prescribed rate of 10,5% per annum from the date of summons to date of final payment.*

(d) *The defendant is ordered to make payment to the third plaintiff in the sum of R8 000 000 (eight million rand) with interest at the prescribed rate of 10,5% per annum from the date of summons to date of final payment.*

(e) *An interdict restraining the defendant from publishing, making, repeating or facilitating or encouraging the publication of any defamatory and/or injurious allegations of fraud, corruption, extortion, bribery and adultery by the plaintiffs or any other statements, including those that suggest that the plaintiffs are implicated in criminal investigations for fraud, corruption, bribery and extortion.*

(f) *Ordering the defendant to pay the costs of the action, including the costs of two counsel, on Scale C of Rule 67A.*

(g) *Further and/or alternative relief.*

6 The documents filed on CaseLines in this matter comprise approximately 1 145 pages and are in a disorderly state. They do not follow a chronological order. The various urgent applications are not separately identified. The papers in the different applications merge into one another and are sometimes difficult to tell apart. Voluminous duplicate documents appear in the papers. Notwithstanding this, the applicants' practice note requested the court to read all of the papers.

**BACKGROUND**

7 On 9 March 2026, at 14h20, the applicants served an urgent application on the

respondent seeking the following relief:

7.1 Declaring the respondent to be in breach of, and wilful contempt of, the order of Mohamed J.

7.2 Directing the respondent to forthwith comply with the order and cease acting in contravention thereof.

7.3 Ordering that the respondent forthwith be committed to imprisonment for a period of 60 days, alternatively such period as the court deems appropriate.

7.4 Directing the respondent to pay the costs of this application on the scale as between attorney and client, including the costs of two counsel.

7.5 Granting further and/or alternative relief.

8 The applicants alleged in their founding affidavit that on or about 9 February 2026 the respondent reposted an interview in which he allegedly accused the applicants of corruption, extortion, bribery and theft. In support of this allegation the applicants annexed a screenshot of a post on the Mampeula Foundation's LinkedIn profile allegedly established and controlled by the respondent.

9 On 11 February 2026 the applicants' attorneys sent a letter to the respondent warning him that he was in contempt of the Mohamed J Order and demanding that the LinkedIn post be deleted. The applicants also demanded an apology from the respondent and threatened that if this was not forthcoming, they would urgently seek to hold him in contempt of court and seek his imprisonment or the imposition of a "hefty fine". It is common cause that soon after the warning, the repost of the above interview was deleted.

10 On 11 February 2026 the first applicant published a media release in which it, amongst other things, announced that an interim order had been granted restraining the respondent from making, publishing or repeating defamatory

allegations of corruption, extortion and bribery against PIC officials.

11 Pursuant to this, on 11 February 2026 at 15h58, the respondent sent an email to applicants' attorneys:

11.1 Accusing the PIC of continuing to spread unproven information and demanding that the PIC withdraw its own media statement.

11.2 Warning the PIC that if it did not withdraw the press statement by close of business that day, he would issue a full press release publicly detailing the specifics of the adultery allegations against Lindiwe Dlamini and Kabelo Rikhotso.

11.3 Asserting that the PIC's press statement violated a pre-existing confidentiality agreement between the parties, and that the PIC was in breach thereof.

11.4 Giving the PIC until the close of business on 11 February 2026 to withdraw the press statement, failing which he would carry out his threat.

12 On 12 February 2026 the respondent sent an email to the applicants' attorneys distancing himself from the "Maphephandaba post" (dealt with below). He stated that he did not own or operate any social media or newspaper business and that he did not have control over how the media reported on the matter. He disassociated himself from the above post and undertook not to act in any manner contrary to the court order.

13 The applicants' urgent application was thereafter issued and served on 9 March 2026, apparently without any further notice to the respondent.

**GROUNDS OF CONTEMPT**

14 The alleged breach of the Mohamed J Order is confined to two alleged acts of non-compliance:

14.1 The respondent allegedly made defamatory statements in the King David podcast interview that was reposted on 9 February 2026 on the Mampeula Foundation's LinkedIn account.

14.2 He allegedly published defamatory comments on the social media platform **X** in a post made on the Maphephandaba **X** profile.

**Mampeula Foundation LinkedIn post**

15 To prove the publication of the allegedly defamatory podcast the applicants relied on a screenshot of a post on the LinkedIn account of the Mampeula Foundation in which the following appeared:

> Rali Mampeula likes this ... **X**
>
> **MAMPEULA FOUNDATION**
>
> 1,981 followers
> Just in case you missed the #Kingdavidstudio Podcast Interview with our Chairman **Rali Mampeula** check it out on this link
>
> https://lnkd.in/dkdm_uB4

16 The respondent distanced himself from the post, stating that the Mampeula Foundation is a separate juristic person with its own employees and that the manager of the Foundation's LinkedIn and other social media accounts, Mr Zef Makhatini, posted the content without his knowledge or permission. In support of the above allegation, the respondent annexed an affidavit deposed to by Mr Makhatini in which he states:

16.1 On or about 9 February 2026 Mr Makhatini reposted a podcast interview featuring the respondent on Mampeula Foundation's LinkedIn page.

16.2 He did so in the ordinary course of his duties, without seeking or receiving the respondent's permission.

16.3 At the time of posting, Mr Makhatini was not aware of any court order prohibiting certain publications. Once he was told by the respondent about the letter of complaint from the applicants' attorneys he removed the post.

**Maphephandaba post on X**

17 The second allegation of contempt is that on 11 February 2026 the respondent "facilitated" the publication of a post on the social media **X** account of "Maphephandaba". A screenshot of the post is annexed to the applicants' founding affidavit. It reads:

> MAPHEPHANDABA@maphepha .... 38m **X**
>
> From the Grapevine: There are adultery allegations surrounding Lindiwe Masina Dlamini, Head of Legal at PIC, & Kabelo Rikhotso, the suspended Chief Investment. Officer. (sic) Kabelo Rikhotso was suspended in October 2025 due to misconduct.
> #PIC
> #Maphephandaba

18 In his answering affidavit the respondent denied having facilitated the above post. He stated that he did not know the operators of the account and that in any event, the post was made before the Mohamed J Order was granted. He pointed out that the applicants did not allege or prove when the post was published.

**ONUS**

19 The following principle was established in *Fakie NO v CCII Systems (Pty) Ltd* 2006 (4) SA 326 (SCA):

19.1 Civil contempt is a hybrid civil and criminal procedure.

19.2 Where committal is sought, the applicants must prove the elements of

contempt beyond reasonable doubt.

19.3 Once the order, service or notice, and non-compliance have been proved, the respondent bears an evidential burden to rebut the element of wilfulness and *mala fides*. If the respondent fails to raise a reasonable doubt on those elements, contempt is proved beyond reasonable doubt.[1]

20 The granting of an interdict and the respondent's knowledge of the Mohamed J Order are common cause, and no further proof is required in this regard. However, the respondent disputes that he breached the order. On the basis that the applicants have sought the imprisonment of the respondent, the breach of the order must be proved beyond reasonable doubt.

**DISCUSSION**

21 It is common cause that the repost of the King David podcast was deleted soon after the applicants' attorneys' letter was sent on 11 February 2026. The applicants did not provide a transcript of the podcast interview. They rely on a general allegation that during the interview the respondent levelled allegations of corruption, extortion, bribery and theft against the second and third applicants. The applicants do not provide any context or identify precisely which statements made during the interview are alleged to be defamatory.

22 It is trite that in a defamation action the plaintiff is required to allege and prove the defamatory statement relied upon, and that the defamatory words were published of and concerning the plaintiff.[2] Although the remedy sought in this application is based on contempt of court, in proving the breach the applicant must prove the prohibited statements relied upon. This cannot be done unless the content of the defamatory statements is placed before the court with

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1 Fakie (supra) at paragraphs 26 and 42 and see also Uncedo Taxi Service Assoc v Maninjwa 1998 (3) SA 417 (E)

2 SA Associated Newspapers Ltd v Estate Pelser 1975 (4) SA 797 (A), International Tobacco Co of SA Ltd v Wollheim and Others 1953 (2) SA 603 (A) at p613-4

sufficient precision, to enable the court to determine whether there has been a breach of the prohibition and if so, the extent of the breach. The determination of wilfulness and *mala fides* must necessarily involve an assessment of the context, manner, and extent to which the prohibition has been breached. The contempt application does not deal with this aspect at all.

23 It is significant that the King David podcast is not referred to in the second application. There is only a general reference to "*podcasts listened* [to] *by millions in our country*" as part of the respondent's alleged wider defamatory campaign. The content of these "podcasts" is not disclosed in the second application. The applicants merely refer to podcasts in which defamatory utterances are made. The express wording of the prohibition in the Mohamed J Order refers to:

> *"…. the making of any defamatory and/or injurious allegations of corruption, extortion, bribery and adultery by* (sic) *the applicants or any other statements including those that suggest that the applicants are implicated in criminal investigations for corruption, bribery and extortion."*

24 The difficulty faced by the applicants is compounded by the wider dispute as to whether the respondent was responsible for the reposting of the King David podcast, or whether the post was made by Mr Makhatini without the respondent's knowledge or consent.

25 The applicants' rebuttal of the respondent's denial that he wilfully and in bad faith breached the Mohamed J Order is speculative for the following reasons:

25.1 It cannot, without more, be inferred from the fact that the Mampeula Foundation was founded by the respondent and bears his name, that he is therefore necessarily responsible for each and every post on its LinkedIn account.

25.2 The fact that the King David podcast was reposted on 9 February 2026 and taken down on 11 February 2026 after the applicants complained does not prove that the respondent knew about and was responsible for

the post.

25.3 Complicity between Mr Makhatini and the respondent in relation to the King David podcast repost was not established on the facts.

26 In relation to the Maphephandaba post on **X** the applicants contend the following:

26.1 That the post must have been published after the Mohamed J Order because it was not placed before the court when the urgent interdict was sought in the second application.

26.2 Maphephandaba allegedly confirmed that it does not have an **X** account. The applicants argue that it can be inferred from this that the respondent himself created the page in order to publish the alleged defamatory allegations.

26.3 The allegations of adultery in relation to Dlamini and Rikhotso must have come from the respondent, because he was the only person with knowledge of the allegations and the only person actively propagating them.

26.4 Reliance was also placed on the respondent's threat in his letter to the applicants' attorneys on 11 February 2026 that if the first applicant did not withdraw its press statement he would issue a full press release detailing the specifics of the Maphephandaba story about Dlamini and Rikhotso.

27 The applicants' case connecting the respondent to the Maphephandaba **X** post is exceedingly tenuous. What admissible evidence connects the respondent to the creation, control, authorship, instruction, procurement, or facilitation of the Maphephandaba publication, apart from the fact that the publication is said to have repeated allegations previously made by him? The applicants rely solely on inference and speculation rather than direct evidence. They give no

explanation regarding the identity of Maphephandaba, the ownership of the relevant account, or the mechanics by which the publication came into existence.

28 The difficulty for the applicants begins at the threshold. The papers do not properly identify what “Maphephandaba” is, who owns or operates it, whether it is a media organisation, a social media profile, a pseudonymous account, or an independent third-party publisher. The applicants appear to assume that the court will simply accept that annexure “FA9” to their founding affidavit establishes the dissemination of defamatory material by the respondent, without laying any evidential foundation to that proposition. Equally absent is any explanation of the relevant social media platform, the manner in which content is posted or reposted, who had access to the account, whether the account was authentic, or whether the publication could have originated from some person other than the respondent. These are not peripheral matters. They are fundamental facts which would ordinarily be required before any finding can be made regarding responsibility for an online publication.

29 The evidential gap widens further because the applicants do not produce any direct evidence linking the respondent to the publication itself. There is no evidence that he owned the account, controlled it, posted the content, communicated with the account holder, supplied material for publication, instructed publication, or even had contact with the publisher. The assertion that he “facilitated” the publication is advanced as a conclusion rather than a fact supported by evidence.

30 Ultimately, the applicants’ reasoning appears to be no more than that the respondent previously advanced similar allegations and therefore must have been responsible for their appearance on the Maphephandaba account. That is speculation rather than proof. Similarity of content may give rise to suspicion, but suspicion cannot substitute for evidence, particularly in contempt proceedings where the consequences are serious. On the papers before the court, the applicants’ attempt to connect the respondent to the publication does not merely suffer from evidential weakness; it fails to establish the factual

foundation necessary to support the inference which they ask the court to draw.

31 I conclude that the applicants failed to prove beyond reasonable doubt that the respondent himself, after 4 February 2026, made, published, repeated, or procured the publication of statements prohibited by the Mohamed J Order. Even if it were assumed that there had been publication, the respondent's version raises a reasonable doubt as to wilfulness and mala fides.

**URGENCY**

32 The applicants' grounds of urgency are:

32.1 Contempt of court proceedings are by their very nature urgent.

32.2 Urgency was established when the Mohamed J Order was issued.

32.3 The applicants continue to suffer irreparable harm given the alleged malicious and unfounded campaign of defamation being perpetuated by the respondent against them.

32.4 The respondent is causing ongoing harm by continuing to wilfully breach the Mohamed J Order and such breach can only be cured on an urgent basis.

33 The applicants' attitude is that, because the respondent does not challenge urgency, the issue falls away. That is not correct. Even if the respondent does not challenge urgency, the court is entitled and, in my view, duty-bound to consider urgency, whether when the matter is enrolled or, at the very least, when costs are considered.

34 The urgent application to declare the respondent in contempt was brought approximately seven months after the first application had been brought and almost a month after the Mampeula Foundation LinkedIn repost had been deleted. Even if the respondent breached the Mohamed J Order, his contempt

had been purged by the removal of the post long before the urgent application was launched, and any harm allegedly occasioned by the reposting of the podcast had already abated.

35 The applicants did not state when the Maphephandaba post is alleged to have been posted on **X**. The court would have expected the applicants to be specific about the date, circumstances, and nature of the post.

36 The purpose of contempt of court proceedings is twofold: firstly, to vindicate the honour and authority of the court; and secondly, to punish the guilty party and compel compliance with the order. There are plainly cases in which disobedience of a court order gives rise to urgency, and in some instances to extreme urgency. However, the applicants' reliance on the broad proposition that contempt proceedings are inherently urgent, without establishing a concrete link between the alleged breach and the urgency asserted, is misplaced.

37 In the case of the Mampeula Foundation LinkedIn post, no urgency can arise when the post had been removed long before the urgent application was brought. Any urgency that existed rests solely on the Maphephandaba post. In this regard, there is an affirmative statement from the respondent on 12 February 2026 disassociating himself from this post. In light of this and the fact that it took the applicants nearly a month to settle their application, one would have expected the applicants to have established a proper evidential foundation for the breach. They did not.

**COSTS**

38 The general rule is that costs follow the result on a party and party scale. An order on the attorney and client scale is exceptional, and is generally made as a mark of the court's disapproval of the manner in which a litigant has conducted the proceedings, rather than as a penalty in the ordinary sense. Litigants who do not comply with practice directives may be ordered to pay costs on a higher

scale.[3]

39 The applicants elected to launch urgent contempt proceedings nearly a month after the LinkedIn post had already been removed on 11 February 2026. That interval afforded them ample opportunity to assess the evidential material properly, identify the precise prohibited statements relied upon, and place before the court a coherent and properly organised record. They did not do so. Instead, they sought grave relief, including imprisonment and punitive costs, on a factual foundation that was ultimately inadequate.

40 The court was further burdened with prolix and disordered papers. While no formal rule prescribes a maximum page limit for urgent applications, the filing of some 1 145 pages of papers, containing duplicate documents and intermingled applications, is inconsistent with the obligation resting upon litigants seeking urgent relief to present a focused, coherent and manageable record. Litigants, especially where urgent and penal relief is sought, ought to present their cases with precision and discipline. The burden placed upon both the court and the opposing litigants by unnecessarily prolix papers is self-evident.

41 The prejudice occasioned by prolix urgent litigation extends beyond the immediate parties. Judges sitting in the urgent court are required to manage substantial rolls comprising numerous matters, often of considerable complexity, competing for limited judicial time. The unnecessary filing of duplicate, repetitive and disorganised material diverts judicial resources away from other litigants seeking urgent relief and impedes the efficient administration of justice.

42 The applicants' prayer for punitive costs attracts scrutiny against them. They had nearly a month to formulate their case after the LinkedIn post had been

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3 Caterham Car Sales & Coachworks Ltd v Birkin Cars (Pty) Ltd and Another 1998 (3) SA 938 (SCA), Premier, FS v Firechem FS (Pty) Ltd 2000 (4) SA 413 (SCA), Bonugli v Standard Bank of SA Ltd 2012 (5) SA 202 (SCA)

removed, yet they launched urgent committal proceedings without placing before the court clear evidence of the prohibited statements relied upon. They then invited the court simply to read “all the papers”. That is not an acceptable manner in which to seek grave relief. Moreover, the basis upon which the first applicant, a public entity entrusted with public funds, was separately defamed was not articulated on these papers. The court is left with the overriding impression that the contempt application was brought *ab irato*, to punish the respondent. In those circumstances, I am satisfied that the manner in which the applicants conducted this litigation, and not merely their failure on the merits, justifies an order on the attorney and client scale.

43 As will be seen below, this judgment has been delivered some two and a half months after the matter was heard. Judgment in urgent matters is usually delivered within a substantially shorter period.

44 At the conclusion of the hearing on 2 April 2026 the court reserved judgment. The court put to counsel that, if indeed the respondent was found to have been in contempt, there appeared to be no danger, on the facts, of him repeating such contempt. The alleged breaches on the applicants’ papers were historical and unlikely to recur. If they did, the applicants would have had reason to set their urgent application down again duly supplemented with details of any new breach that may have been committed. No such further breach was brought to the attention of the court.

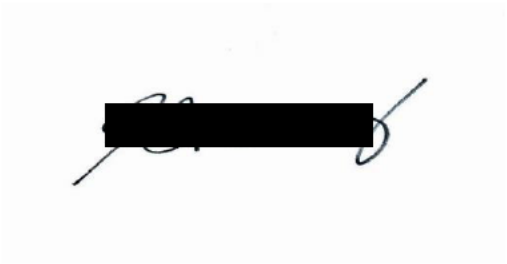
45 I conclude that the applicants failed to prove beyond reasonable doubt that the respondent was in contempt of the Mohamed J Order based on either the Mampeula Foundation LinkedIn repost or the Maphephandaba post. Furthermore, in my view, the facts of the matter did not establish a basis for the urgency contended for by the applicants. These findings are independent and dispositive in their own right.

46 In all the circumstances the following order is made:

1 The application to declare the respondent in contempt of the

Mohamed J Order of 4 February 2026 is dismissed.

2 The applicants are ordered to pay the respondent's costs on an attorney and client scale, including the costs of two counsel if so employed.



JUDGE S KUNY
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

Date of hearing: 2 April 2026

Date of judgment: 17 June 2026

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