

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)**

Case Number: **2026-116736**

ADAM MENDELSON

Plaintiff

and

MEGAN CHORITZ

Defendant

DEFENDANT'S PLEA

Defendant pleads to the plaintiff's particulars of claim dated 8 May 2026 as follows:

Ad paragraphs 1 and 2

1. The defendant admits the contents of these paragraphs.

CLAIM 1

Ad paragraph 3

2. The defendant admits that, on or about 26 April 2026, she published a video on the social media platform TikTok titled "*Why are Zionists given platforms at UCT?*" ("**the TikTok video**"). The video includes words, phrases, and sentences substantially as quoted in paragraphs 3.1 to 3.3 of the particulars of claim.
3. The quoted passages are not defamatory of the plaintiff. The video contents are part of a single address into a camera in which the defendant *inter alia*:

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- 3.1. introduced herself as a South African, an anti-Zionist, and an alumna of the University of Cape Town ("**UCT**");
 - 3.2. identified the video's subject to be the inaugural lecture at UCT on 29 April 2026 to be presented by a Zionist, i.e., plaintiff ("**the inaugural lecture**");
 - 3.3. noted that the plaintiff had taken UCT to court and had accused UCT of antisemitic behavior, and remarked that she found it interesting that UCT would nevertheless host the inaugural lecture for the plaintiff; and
 - 3.4. called on viewers to question why UCT would host the inaugural lecture.
4. Defendant avers the TikTok video was posted in the context of robust public debate at the time of its publication, and the plaintiff's participation therein, about controversies related, *inter alia*, to UCT's conferral of an honorary doctorate on Dr Imtiaz Sooliman; the inaugural lecture; Zionism; antisemitism; Islamophobia; apartheid in the State of Israel ("**Israel**"); Palestinian self-determination; Israel's war in Gaza; the International Criminal Court ("**the ICC**") issuing arrest warrants for Israel's Prime Minister and former Defence Minister for war crimes and crimes against humanity in Gaza; support for Israel, despite its atrocities in Gaza; and the case against Israel by the Government of South Africa ("**SA**") at the International Court of Justice ("**the ICJ**") under the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 ("**the Genocide Convention**").
5. The video engages public debate and controversy about UCT hosting a proud Zionist who openly supports Israel at a time when its actions in Gaza were widely, in both SA and abroad, viewed as amounting to genocide. Some governments and human rights organisations/groups called it genocide then (and now).

Ad paragraph 4

6. Save to admit that the TikTok video was published on her TikTok account, the defendant denies the contents of this paragraph. Plaintiff is put to proof thereof.

Ad paragraph 5

7. The defendant denies that any of the impugned contents of the TikTok video is defamatory. She denies that the impugned passages mean, or were intended to mean, or were understood by those who viewed it to mean that which is alleged in paragraphs 5.1 to 5.3. The plaintiff is put to the proof of the contrary. In amplification, and without derogating from her denials, the defendant avers that:

7.1. The TikTok video is an item of political and social commentary, and would have been seen and understood in that context, *inter alia* concerning UCT's decision to host the inaugural lecture for a Zionist supporter of Israel; and touching on certain of the broader public debates and controversies that are enumerated in paragraph 4 above;

7.2. When understood in context, the Tik Tok video meant, was intended to mean, and was understood by those who viewed it to mean:

7.2.1. that the intended speaker at the inaugural lecture is a proud and self-acknowledged Zionist;

7.2.2. that the intended speaker at the inaugural lecture is an academic and professor at UCT who publicly opposed the conferral by UCT of an honorary doctorate on Dr Imtiaz Sooliman of the Gift of the Givers Foundation, and made his feelings on that issue quite clear;

- 7.2.3. that the intended speaker is a person who supports and defends Israel, including its war waged in Gaza since 7 October 2023, notwithstanding that the war is a genocide against the Palestinian people;
- 7.2.4. that UCT's decision to host the inaugural lecture at its campus should be questioned, criticized, and protested because the speaker is a Zionist supporter of Israel at a time when its actions in Gaza were widely viewed and accepted as amounting to genocide against the Palestinian people;
- 7.3. The phrase "he therefore is a supporter of Israel and Israel's genocide" does not mean, nor was it intended to mean, that plaintiff committed a crime or supports genocide generally, nor would it be understood as such;
- 7.4. In context, the quoted phrase is, was intended to be, and would have been seen as an opinion and conclusion drawn from the preceding comment made during public discourse concerning Zionism, Israel and the atrocities committed by Israel in Gaza, and would have been understood in the light, *inter alia*, that SA's Government (and others) view Israel's actions in Gaza as a genocide and referred that issue to the ICJ for final determination;
- 7.5. The phrase "*also is an Islamophobe, as is shown in his ...*" was not intended to be, nor is it, used literally or in the abstract. It is, and would have been understood as, an opinion and value-judgment based on the reasons tendered therewith, namely, plaintiff's known opposition to UCT's conferral of an honorary doctorate on Dr Imtiaz Sooliman, and his stated reasons for that view. Accordingly, a reasonable viewer would not have understood the reference to "*Islamophobe*" as a literal factual assertion that the plaintiff hates, fears, or discriminates against Muslims generally;

7.6. The video's parting questions mentioned in para 3.3 of the particulars did not, nor were they intended to, convey, nor would they be understood to convey that plaintiff should not be permitted to speak publicly. The video's title makes UCT and Zionism (not the plaintiff) its subject focus. The final questions are, were intended to be, and would have been understood as rhetorical food for thought and engagement. They implicitly criticize UCT for its controversial decision to host a political Zionist at the time that it did.

Ad paragraph 6

8. The defendant denies every averment in this paragraph. To the extent necessary, the defendant relies on the triad of defences pleaded below.

First defence: protected comment (fair comment)

9. To the extent that the impugned passages in paragraphs 3.1, 3.2, and/or 3.3 of the particulars of claim is in the nature of comment, opinion, value-judgment, political rhetoric, and/or rhetorical criticism, its publication is protected by law including, but not limited to, the common-law of fair comment read in light of sections 15 and 16 of the Constitution, 1996 ("**the Constitution**"). At all material times, publication of the video and its contents is protected speech (comment), is lawful, and not wrongful. Publication is protected by reason that *inter alia*:

9.1. the publication is expression of genuine, *bona fide* comment, opinion, value-judgment, hyperbole, political criticism and/or rhetoric based on facts stated in the TikTok video or fairly referred to in it, or facts that are sufficiently known in the public domain (see paragraphs 4 and 9.4), rather than a literal assertion of fact in the meanings alleged by the plaintiff;

- 9.2. the comments are fair having regard, *inter alia*, to the context, the subject matter dealt with, the public controversy, the nature of political speech on social media, and facts known and/or disclosed (see paras 4, 9.4 - 9.5);
- 9.3. the averments in paragraphs 7.1 to 7.5 above, all of which are repeated;
- 9.4. the publication was based on facts stated in the TikTok video, or fairly referred to in it, or sufficiently known in the public domain (including the facts stated in paragraphs 13.1 to 13.11 below), having regard to *inter alia*:
- (a) the notoriety of Israel's military campaign and other actions in Gaza;
 - (b) the notoriety of public statements by various governments and human rights organisations/groups describing Israel's actions as a genocide;
 - (c) the notoriety of the charge of genocide brought against Israel at the ICJ, and the ICJ's provisional ruling and order issued on 26 January 2024;
 - (d) the plaintiff's own admission that "*the ICJ may ultimately side with SA in interpreting Israel's actions as genocide*" (Business Day: 16.1. 2024);
 - (e) the notoriety of the ICC issuing arrest warrants on 21 November 2024 for Israel's Prime Minister and former Defence Minister for war crimes and crimes against humanity committed by Israel in its Gaza war campaign;
 - (f) the notoriety of the plaintiff's attachment to Israel and Zionism, and his publicly stated support for Israel and his defence of its actions in Gaza;
 - (g) the notoriety of the plaintiff's public utterances in relation to the ICJ case, Zionism, antisemitism, and Israel's occupation of Palestinian lands;

(h) the notoriety of the plaintiff's case against UCT in this Court under case no. 18465/2024 ("**the UCT case**"), and the controversy related to it; and

(i) the express reference in the TikTok video to the plaintiff's opposition to the conferral by UCT of an honorary doctorate on Dr Imtiaz Sooliman;

9.5. it was presented as an inference from disclosed and/or known facts, including the plaintiff's self-acknowledged Zionism and his support for, and defence of, Israel, as well as the plaintiff's openly stated opposition to the conferral of an honorary doctorate by UCT on Dr Imtiaz Sooliman.

Second defence: truth and public interest

10. To the extent that the content of the TikTok video alleged in paragraph 3.1, and/or 3.2, and/or 3.3 of the particulars of claim is found by this Court to be in the nature of a statement of fact rather than a comment or opinion then, in such event, the defendant pleads that its/their publication was not wrongful because the TikTok video was true or substantially true, and was published in the public interest as per paragraph 14 below, and related to controversies listed in paragraph 4 above.

11. This defence of truth is pleaded in respect of the factual *substratum*, and not as an admission that the TikTok video bore the alleged defamatory meanings.

12. At all material times, defendant held the genuine and *bona fide* belief that the contents of the TikTok video, including the impugned extracts, are true, alternatively substantially true, and in the public interest, and/or otherwise lawful.

13. In amplification of the averment made in paragraph 11 above, the relevant statements of fact concerned are true, or substantially true, of the plaintiff in that:

- 13.1. at all material times to the video's publication, the plaintiff publicly opposed the conferral by UCT of an honorary doctorate on Dr Imtiaz Sooliman, a Muslim renowned for his humanitarian work in Palestine and elsewhere;
- 13.2. in 2024, the plaintiff instituted the UCT case which concerned two UCT Council resolutions, including one restricting academic collaboration with research groups or networks affiliated with the Israeli Defence Force;
- 13.3. the plaintiff had publicly identified with, and supported or defended, Zionism and/or a Jewish connection to Israel;
- 13.4. the Plaintiff had publicly written and spoken on, *inter alia*, Israel, Zionism, antisemitism, the Gaza conflict, the ICJ proceedings, and related matters;
- 13.5. the plaintiff had expressed that Jews are a people with a right to self-determination in a Jewish-Zionist homeland, being the State of Israel;
- 13.6. the plaintiff had publicly expressed that Jews in SA, including himself, have, by reason of their Jewish identity, a deep attachment to Israel and to Zionism, the latter being described by the plaintiff as "*the civil religion of SA Jews which is in some ways more important than Judaism*" (Mendelsohn, Business Day: 29 November 2023);
- 13.7. the plaintiff had publicly expressed that Israel is not in occupation of Palestinian lands and that "[b]y the language of 75 years of occupation [by Israel over Palestinian land] our government also affronts much of the SA Jewish community", including the plaintiff himself (Mendelsohn, Business Day: 29 November 2023);

- 13.8. at all material times to the video's publication, plaintiff publicly defended Israel's actions in Gaza, and stated that the Government of SA is biased against Israel and is antisemitic by reason that it launched the ICJ case;
- 13.9. the plaintiff, whether expressly, tacitly, or implicitly, had publicly supported and/or defended Israel, including its war and other actions in Gaza;
- 13.10. the plaintiff had publicly expressed the following view: *"The horrors of Hamas' slaughter of Israeli civilians are quickly forgotten (and perhaps excused?) when Israel is described as engaging in systematic genocide."* (Mendelsohn, Cape Jewish Chronicle: 1 December 2023);
- 13.11. the matters dealt with in paragraphs 13.1 to 13.10 above are part of the public debate and controversies referred to in paragraph 4 above;
- 13.12. since 7 October 2023, and at all material times to the TikTok video's publication, Israel's military actions in the Gaza Strip against the Palestinian people constituted "*genocide*" within the contemplation of Article II read with Article III (a) of the Genocide Convention. In amplification, and further substantiation of the truth and public interest defence, the defendant avers the following:
- 13.12.1. Israel's campaign in Gaza involved killing tens of thousands of Palestinian civilians, including men, women, and children;
- 13.12.2. Israel's military campaign in Gaza involved the indiscriminate bombardment of civilian areas including, but not limited to, residential localities, homes, places of shelter, refugee camps, hospitals, schools, mosques, and humanitarian facilities;

- 13.12.3. Israel intentionally deprived Gazans of the essentials for life including access to adequate food, water, shelter, medical care, humanitarian aid, and an environment that is not harmful;
- 13.12.4. Israel committed intentional acts, including killing thousands of civilians in Gaza; causing bodily and mental harm; and deliberately inflicting conditions of life calculated to cause the physical destruction of Palestinians, with the intent to destroy, in whole or in part, Palestinians as a national or ethnic group;
- 13.12.5. in or about November 2023, the Government of SA, launched a genocide case against Israel at the ICJ. That case is supported by, *inter alia*, Ireland, Spain, Belgium, and the Netherlands;
- 13.12.6. on 26 January 2024, the ICJ issued binding provisional rulings and orders which directed, *inter alia*, that Israel take steps to prevent genocidal acts in Gaza, allow humanitarian aid to Gaza, and halt certain specific military offensives in the Rafah area;
- 13.12.7. on 21 November 2024, the ICC issued arrest warrants for Israel's Prime Minister, Mr Benjamin Netanyahu, and its former Defence Minister, Mr Yoav Gallant, for war crimes and crimes against humanity committed in Gaza in the period post-7 October 2023;
- 13.12.8. Israel's actions in Gaza constitute genocide; and
- 13.12.9. at all material times, the plaintiff, whether expressly, tacitly, or implicitly, supported, defended, justified, and/or associated himself with Israel and its actions in Gaza against Palestinians.

14. At all material times, the subject matter dealt with in the video was the focus of debate and controversy. Publication served public interest because *inter alia*:
- (a) UCT, a public institution, decided to host the inaugural lecture for a self-confessed Zionist who openly supports the apartheid, settler colony in Israel, as well as defends, justifies, and/or associates himself with Israel's actions in Gaza, all of which are widely accepted to be genocide, war crimes, and crimes against humanity that led, on the one hand, to the ICJ case by SA (and other States) against Israel and, on the other, to the ICC issuing arrest warrants for some of Israel's political leadership;
 - (b) the plaintiff openly opposes the genocide case against Israel on the basis that it is a charge infused with political bias and antisemitism;
 - (c) the plaintiff openly supports Israel and its political Zionism against the Palestinian people – an apartheid policy, and a crime against humanity;
 - (d) the plaintiff's case against UCT caused public debate and interest; and
 - (e) the plaintiff opposed UCT honouring Dr Imtiaz Sooliman, a Muslim man.

Third defence: absence of an intent to injure/harm (*animus iniuriandi*)

15. The TikTok video, including the impugned extracts, was not published with *animus iniuriandi*. Publication occurred in the course of robust public debate on controversial matters of public interest. Its publication was reasonable and justifiable in the circumstances. The defendant avers that wrongfulness and *animus iniuriandi* are lacking, alternatively rebutted, having regard, *inter alia*, to the video's title, context, aim, content, form, platform, and subject matter.

CLAIM 2

Ad paragraph 7

16. The defendant admits that on or about 1 May 2026 she published an article on the online platform known as *Substack* titled "*UCT and me – Reflections on poor decision making about the Adam Mendelsohn inaugural lecture*" ("**the Substack article**"). It includes words, phrases, and sentences substantially as quoted in paragraphs 7.1 to 7.4 of the particulars of claim.
17. The Substack article, including each impugned passage, is not defamatory. The plaintiff is put to the proof of the contrary. The Substack article must be viewed against the backdrop particularized in paragraphs 4 and 5 above, and also considering the article's framework as particularized in the ensuing paragraphs:
 - 17.1. the Substack article is a first-person opinion piece written in emotive and rhetorical language, and in the context of robust public debate and controversy concerning matters of public interest in which the defendant, after critical reflection, expressed anger and shame at herself and other anti-Zionists for not protesting the inaugural lecture;
 - 17.2. the Substack article recorded that the plaintiff took UCT to court in respect of two resolutions of UCT's Council — the first rejecting the International Holocaust Remembrance Alliance ("IHRA") definition of "*antisemitism*" in favour of the Jerusalem Declaration on Antisemitism, and the second restricting academic collaboration with research groups or networks affiliated with the Israeli Defence Force. The article expressly

acknowledged that the plaintiff was "*fully entitled*" to deliver the inaugural lecture;

17.3. the statements quoted in paragraphs 7.1 and 7.2 of the particulars of claim concerned "*Mendelsohn and his friends*" and "[t]hese Zionists", that is, a group of persons who, in the defendant's opinion, treat Muslims and anti-Zionists as supporters of the Hamas group in Gaza; and

17.4. the Substack article recorded that, in the inaugural lecture, the plaintiff had repeated his criticism of the award by UCT of an honorary doctorate to Dr Imtiaz Sooliman, whom the plaintiff had described as uttering "*antisemitic tropes*" and being antisemitic. The defendant avers that the plaintiff did so in a manner that wrongly conflates criticism of Israel with the notion of 'antisemitism'.

Ad paragraph 8

18. Save to admit that the Substack article was published on the online platform *Substack*, the defendant denies the contents of this paragraph. The defendant puts the plaintiff to proof of his allegations as if specifically traversed.

Ad paragraph 9

19. The defendant denies every averment in this paragraph viewed as a whole. The plaintiff is put to the proof of his allegations as if specifically traversed.

20. The impugned quoted passages are not defamatory. They do not mean, nor were they intended to mean, nor were they understood by those reading them to mean what is alleged in paragraphs 9.1 to 9.7. Without derogating from these denials,

- 20.1. the reasonable reader would know and understand the opinion piece as robust, emotive, political criticism, and social commentary on social media, rather than as literal factual allegations directed at the plaintiff;
- 20.2. defendant avers that the Substack article, including the impugned extracts, mean, was intended to mean, and was understood to mean that:
 - 20.2.1. the defendant was, after critical reflection, perturbed that the inaugural lecture proceeded without protest;
 - 20.2.2. in the defendant's opinion, she and anti-Zionist, pro-Palestinian groups, including SA Jews for a Free Palestine (SAJFP), "*were railroaded into not protesting at exactly the time that we should have been taking a visible, unified stand*";
 - 20.2.3. in the defendant's opinion, the plaintiff (and his supporters in attendance) used the space and opportunity of the inaugural lecture as a "*platform to generate more hate and division*";
 - 20.2.4. in the defendant's opinion, the plaintiff and those who share his views are too quick to treat Muslims as Hamas, and anti-Zionists as supporters of Hamas, and that they thereby display a hostility towards Muslims that resembles the hostility towards Jews that constitutes antisemitism; and
 - 20.2.5. in the defendant's opinion, the plaintiff's accusations of antisemitism against critics of Israel and of Zionism by reason of that criticism are oversensitive, made in bad faith, and ought to be challenged at every opportunity for its incorrectness.

20.3. In particular, as regards the impugned extracts, the defendant pleads that:

20.3.1. references to "*Zionist paranoia*", "*fragile feelings*", "*bad faith slurring*", "*hateful, racist views*", "*every Muslim is Hamas*", and similar expressions are, and, depending on context, were intended to be, rhetorical, hyperbolic, evaluative, and/or opinion-based language. A reasonable reader would have understood the expressions concerned in such a way, and would not have understood them as literal factual assertions that the plaintiff was psychiatrically paranoid, and/or objectively irrational or dishonest, and/or a bad faith actor, and/or personally hateful, nor that the plaintiff literally believes every Muslim is Hamas, or that every anti-Zionist supports Hamas;

20.3.2. reference to plaintiff's views as "*hateful*" or "*racist*" are, and were intended as, value-judgments and political criticism based on defendant's disagreement with plaintiff's publicly stated positions concerning UCT, Zionism, Israel/Gaza, and Dr Sooliman, and the defendant's words would have been understood as such;

20.3.3. references to "*Mendelsohn and friends*", "*these Zionists*", "*they*", "*them*" and "*their*" are, and were intended as, group-oriented and rhetorical references within a political opinion piece. They were intended as, and would have been understood to be, political rhetoric and criticism directed at a class of pro-Israeli, pro-Zionist commentators and supporters, not as literal factual allegations that plaintiff personally hates every person of Muslim faith; and

20.3.4. reference to “*According to them, every Muslim is Hamas. Every anti-Zionist is a Hamas supporter*” is, was intended to be, and would be seen as hyperbole in an opinion piece. A reasonable reader would not understand these words in a literal sense, i.e., that the plaintiff believes every Muslim in the world is a member of the Hamas group, or is a supporter of Hamas; or that plaintiff literally believes that every person who opposes Zionism, whether s/he is a Muslim or not, naturally supports Hamas.

Ad paragraph 10

21. On the basis of the same triad of defences outlined earlier in this plea in relation to Claim 1, the defendant denies every averment in this paragraph. The plaintiff is put to the proof of his allegations as if specifically traversed.

22. In relation to the Substack article, the defendant repeats, *mutatis mutandis*, the contents pleaded in paragraphs 9 to 15 above in support of her defences, namely, (i) protected comment, to the extent applicable; (ii) the truth and public interest, to the extent applicable; and (iii) lack of *animus iniuriandi*.

23. In amplification, and without derogating from her denials, defendant pleads that:

23.1. insofar as the Substack article, including the impugned quoted extracts, constitutes comment, opinion, value-judgment, rhetorical criticism, or hyperbole rather than statements of fact, its publication is protected comment, is lawful, and is not wrongful. Plaintiff is put to prove otherwise.

23.2. the publication of the impugned content is protected for the reasons pleaded in paragraph 9 above and in para 23.6 below, as amplified here,

namely, same was an expression based on facts stated in the Substack article itself, or fairly referred to therein, or is sufficiently notorious in the public domain (see paragraphs 4 and 9.4 read with 11 and 13.1 to 13.12), rather than a literal assertion of fact in the meanings alleged by plaintiff;

23.3. for purposes of the defence pleaded in paragraphs 23.1 and 23.2, the comments is/are fair having regard, *inter alia*, to the context, the subject matter dealt with, the public controversy, the nature of political speech on social media, and the facts known and/or disclosed (see para 4, 9.4 - 9.5);

23.4. insofar as the contents of the Substack article, including the impugned passages, constitute statements of fact rather than opinion or comment, they are true, or substantially true, and in the public interest;

23.5. the truth, or substantial truth, defence pleaded in paragraph 23.4 is grounded in the reasons recorded in paragraphs 13.1 to 13.12 above and 23.6 below, all of which are repleaded here by reference. This defence is not an admission that the article bore the alleged defamatory meanings. Rather, the truth defence is in respect of the relevant factual *substratum*;

23.6. in amplification and substantiation of the defences pleaded in paragraph 23.2 and paragraph 23.5 above respectively, the defendant avers that:

23.6.1. the plaintiff had publicly criticised certain debates and criticisms concerning Israel, Zionism, antisemitism, and UCT, including in the terms quoted or referred to in the particulars of claim and the Substack article itself;

- 23.6.2. in the inaugural lecture, the plaintiff repeated his criticism of UCT and his opposition to the conferral of the honorary doctorate on Dr Imtiaz Sooliman on the basis that he, according to plaintiff, is one who *"openly and unabashedly traffics in antisemitic tropes"*;
- 23.6.3. in the inaugural lecture, the plaintiff stated that, by reason of Dr Imtiaz Sooliman's antisemitism, UCT's conferral of an honorary degree on him caused Jews to feel unwelcome at UCT;
- 23.6.4. in the inaugural lecture, the plaintiff described public debate in South Africa about the definition of antisemitism as *"frankly ludicrous"*, and as *"deeply ignorant, conducted in bad faith, and often itself a symptom of prejudice"*;
- 23.6.5. the plaintiff had publicly characterized criticism of Israel as antisemitic, biased, and *"sloganeering of Hamas and Iran"* (Mendelsohn, Business Day: 29 November 2023);
- 23.6.6. the matters dealt with in paragraphs 23.6.1 to 23.6.5 were part of the controversies in the public domain referred to in paragraph 4 above and on which there was considerable public debate. Accordingly, publication of the Substack article was in public interest; and
- 23.6.7. at all material times, defendant held the genuine and *bona fide* belief that the article's content is true, alternatively substantially true, and in the public interest, and/or is otherwise lawful.

23.7. the Substack article, including the impugned passages, was not published with *animus iniuriandi*. Publication was reasonable and justifiable in the circumstances. Publication occurred as part of robust public debate and controversy on important matters, so that publication of the article was in public interest. To this end, the defendant avers that the Substack article:

23.7.1. was primarily an *ex-post facto* reflection on poor decision-making by anti-Zionists, namely, the decision not to protest the inaugural lecture. This aligns with the article's title and essence;

23.7.2. aimed to express to readers the defendant's disgust after critical self-reflection, and to indicate the consequences that ensued owing to the lack of protest, namely, "*Mendelsohn and his audience of supporters were allowed a critique free moment*";

23.7.3. aimed to encourage critical reflection, debate, and comment by readers, as well as to promote vigilance among anti-Zionists so that they are not again "*railroaded*" by "*actors who deliberately shut down the idea of protest to serve their own agenda*"; and

23.7.4. aimed at shedding light on the need for robust debate, comment, criticism, and protest action against Zionists who espouse political views that foster "*more hate and division*" in society.

24. The defendant avers that, as regards the publication, wrongfulness and *animus iniuriandi* are lacking, alternatively rebutted, having regard, *inter alia*, to the Substack article's title, context, aim, content, form, platform, and subject matter.

Fourth defence: abuse of process – SLAPP suit (ad Claim 1 and 2)

25. The TikTok video and the Substack article are publications in relation to matters of public interest and in respect of which the plaintiff — a professor, the director of a research centre at UCT, and a frequent commentator — has himself participated prominently in the public discourse and debate.
26. Notwithstanding all the foregoing, the plaintiff:
 - 26.1. claims damages of R500 000,00 arising from expression contained in the TikTok video and the Substack article, an unconditional apology, and costs on attorney and client scale, including the costs of two counsel;
 - 26.2. has sued in the High Court with a view to inflating his costs and that of defendant to the latter's extreme prejudice, although each claim falls within the monetary jurisdiction of the lower courts; and
 - 26.3. has opposed referral of this matter to mediation.
27. This lawsuit constitutes abusive litigation - it is an abuse of the judicial process.
28. In amplification, the defendant avers that Claim 1 and 2, both individually and collectively:
 - 28.1. is/are meritless for the reasons outlined in this plea viewed holistically;
 - 28.2. is/are not brought genuinely to access a court for the purpose of vindicating the plaintiff's right to a good name and reputation;
 - 28.3. is/are instituted with an ulterior motive and improper purpose, namely:

(a) to increase the defendant's financial costs and to expose her to the risk of a High Court judgment so as to thereby deter the defendant from voicing her criticisms of the plaintiff, and/or Zionism, and/or Israel; and/or

(b) retaliating against the defendant for criticising UCT for its decision to host the inaugural lecture and for encouraging public protest; and/or

(c) increasing the risks for persons who are critical of Israel and Zionism so as to thereby deter anti-Zionists from voicing criticisms of the plaintiff, the genocide in Gaza, and/or other supporters of Zionism and Israel; and/or

(d) using this lawsuit to inflict financial and/or other prejudice with a view to causing, or to likely cause, appreciable damage to the defendant's rights in sections 16 of the Constitution and the public interest served by the voicing of her views on matters of public significance;

28.4. is/are violating, or likely to violate, the defendant's rights to freedom of conscience, thought, opinion, and/or belief, and/or freedom of expression (sections 15(1) and 16(1) of the Constitution), and in a material way; and

28.5. is/are having, or likely to have, a chilling effect on public discourse and debate concerning matters of public interest.

DAMAGES AND APOLOGY (ad Claim 1 and Claim 2)

Ad paragraph 11

29. The defendant denies every averment in this paragraph and puts the plaintiff to the proof thereof as if specifically traversed.

30. The defendant avers that she did not cause the plaintiff to suffer any damages in the sums claimed, or any other sum. Therefore, the defendant denies liability to the plaintiff for damages.

31. In amplification, and without derogating from the aforementioned denials, the defendant pleads that:

31.1. the plaintiff is put to the proof of the reach, audience, and extent of publication of the TikTok video and the Substack article;

31.2. the plaintiff's views *inter alia*

(a) on Zionism in Israel rooted in Jewish ethno-nationalism;

(b) on Israel's colonization, control, and occupation of Palestinian lands for the sake of Jewish self-determination;

(c) on the ICJ case, including the charge of genocide against Israel, the motives of the South African government, and Israel's opposition to the charge of genocide;

(d) on the definition of "*antisemitism*";

(e) on the two UCT Council resolutions at the heart the UCT case;

(f) on the opposition to the UCT case by UCT itself and other persons and/or groups;

(g) on the honorary doctorate conferred on Dr Imtiaz Sooliman by UCT,

were all widely known from the plaintiff's own prior public statements, so that the defendant's publications conveyed little of substance about the

plaintiff that he had not himself published previously, or that was not already known in the public sphere at all material times to the publications;

31.3. the TikTok video and the Substack article were not defamatory at all; and

31.4. the TikTok video and the Substack article did not cause the plaintiff to suffer damages, whether in the sums claimed or any other.

32. In the premises, the plaintiff is put to the proof of any alleged non-patrimonial injury, causation, and *quantum*. Alternatively, if any liability is proved, which is disputed on the basis pleaded herein, then any damages should be nominal, or materially reduced, by having regard, *inter alia*, to the context; the nature and extent of the publications; the plaintiff's pre-existing utterances and participation in the public debates concerned; the absence of any patrimonial loss; and the aggravating factor that knowledge of this action was brought to the attention of pro-Zionist media, ostensibly by the plaintiff, which culminated in the alleged defamatory statements, or some among them, being re-published for public consumption.

33. The defendant denies that demand was made and puts the plaintiff to the proof thereof. In any event, the defendant denies that the alleged demand, if proved, entitles the plaintiff to the relief sought. The defendant denies liability to compensate the plaintiff for the sums claimed, or any other.

Ad paragraph 12

34. The defendant denies every averment in this paragraph, and denies that the plaintiff is entitled to an apology. The plaintiff is put to the proof of the contrary.

35. On the claim for costs, the defendant denies that the plaintiff is entitled to an award of costs on an attorney-client scale, including costs of two counsel. The plaintiff is put to the proof of his claim for costs on any scale whatsoever.

WHEREFORE the defendant prays for an order dismissing the plaintiff's claims with punitive costs as determined by this Court in the exercise of its discretion, alternatively on a party and party scale with Counsel's fees on tariff scale C. **FURTHERMORE**, the defendant prays that her special plea enclosed with this plea be upheld with costs.

DATED AND SIGNED AT CENTURY CITY ON THE 7th DAY OF AUGUST 2026.



As attorney certified with rights of
appearance in the High Court, Legal
Practice Act No. 28 of 2014

ASHMODIEN ATTORNEYS INC.



As attorney for the Defendant

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(SERVICE VIA EMAIL AS AGREED)