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Media Statement

12 November 2025

STATEMENT ON PUBLIC STATEMENTS THAT OPEN SECRETS WAS ‘GAGGED’ BY AN UNKNOWN JUDGE IN AN UNKNOWN COURT IN AN ORDER OBTAINED *EX PARTE*.

The Office of the Chief Justice (OCJ) is aware of public allegations by Open Secrets that it was ‘gagged’ by an unknown judge, in an unknown court, in a court order obtained *ex parte*. Having learned about these disturbing allegations, the OCJ gathered the following facts:

On 5 November 2025, an urgent application was brought before the Western Cape Division of the High Court by Integrated Convoy Protection (PTY) LTD (the Applicant) against Open Secrets (RF) NPC and one other (Open Secrets). It served before a judge who was on urgent duty, Acting Judge Cooper.

A hearing took place in open court where several people attended. Open Secrets was represented by Tina Power, an attorney from Power Law. Parties presented argument in open court. Given the short time periods, Open Secrets had not yet filed any papers.

It was clear that the matter had to be postponed but the parties proposed different dates. No agreement could be reached on the order. The judge heard further argument from the parties and ultimately granted an order postponing the hearing of the matter to 18 November 2025, provided that the date was confirmed with the Acting Deputy Judge President as the special allocation of a judge was required. This was recorded in the order, and stated in court.

In the interim, the Court established a clear timetable for the filing of papers and granted brief, temporary relief.

The Court’s Order:



The court's order is set out below.

“Urgency and timelines

1. For purposes of this hearing, the forms and service provided for in the rules are dispensed with in accordance with Rule 6(12)(a).
2. The final determination of the issue of urgency remains open for determination at the hearing of this matter, once pleadings have closed.

Service

3. Service of this application by email and/or WhatsApp to the Respondents' known addresses/numbers is authorised and is accepted to have constituted proper and sufficient service of the application.
4. This application is postponed for hearing on 18 November 2025, provided that such date is confirmed as being suitable for the hearing of the matter with the Acting Deputy Judge President, alternatively the matter is postponed for hearing to such date as may be arranged with the Acting Deputy Judge President.

Temporary interdict

5. Pending the postponed hearing the Respondents are directed not to publish any article containing material which forms the subject of this application.
6. Pending the hearing referred to above the Respondents are interdicted and restrained from publishing the contents of and facts relating to this application and this Order and are directed to keep the contents of this application confidential to the parties.

7. It is further directed that, given the allegations of confidentiality, the papers do not have to be filed on Court Online / Case Lines.
8. The Respondents are directed to file their answering affidavits in respect of the interim relief on or before 10 November 2025, or such other date as may be agreed between the parties;
9. The Applicant is directed to file its replying affidavit in respect of the interim relief on or before 12 November 2025, or such other date as may be agreed between the parties;
10. The Applicants are to file their heads of argument on or before 14 November 2025, or such other date as may be agreed between the parties.

Costs (Part A)

Costs of today to stand over for later determination.”

The parties met with the Acting Deputy Judge President through their counsel and a hearing date of 27 November 2025 was confirmed with the parties. The Acting Deputy Judge President held a further case management with the parties this morning where further directives on the further conduct of the matter were given.

The Court’s interim order is a standard and proportionate measure to preserve the status quo until all arguments can be properly heard and considered.

The order expresses no view on the merits of the application. The order is temporary and procedural, designed to allow for a fair and orderly judicial process. The Court set a truncated timetable for the swift exchange of papers, ensuring that both parties will have an opportunity to fully present their case and the matter will be adjudicated in a timely manner. Characterising the legal process followed by the Court as a "gag order" is an unfortunate misrepresentation and undermines the role of the courts in adjudicating disputes.

Ends.

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Issued by the Office of the Chief Justice

Note to Editors:

The Court Order is attached.