COPY

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
HELD AT BRAAMFONTEIN, JOHANNESBURG

CCT CASE NO: 109/2024
LAC CASE NO: JA78/21
LC CASE NO: J111/21

In the application for admission as *amicus curiae*:

THE INSTITUTE FOR GOVERNANCE AND LAW Applicant for admission as *amicus curiae*

In re:

In the matter between:

REGISTRAR OF THE CONSTITUTIONAL COURT
PRIVATE BAG X1
CONSTITUTION HILL
28 SEP 2026
BRAAMFONTEIN 2017
GRIFFIER VAN DIE KONSTITUSIONELE HOF

ONICA MARTHA NGOYE First Applicant

TIRO HOLELE Second Applicant

and

THE PASSENGER RAIL AGENCY OF SOUTH AFRICA First Respondent

LEONARD RAMATLAKANE Second Respondent

THINA VUYO MPYE Third Respondent

DINKWANYANE MOHUBA Fourth Respondent

SMANGA SETHENE Fifth Respondent

XOLILE GEORGE Sixth Respondent

NOSIZWE NONKWE MACAMO Seventh Respondent

MATODZI MAKHUBA Eight Respondent

THEMBA ZULU Ninth Respondent

THANDEKA MABIJA Tenth Respondent

NKOSINATHI ALLEN KHENA Eleventh Respondent

NOTICE OF MOTION:

APPLICATION FOR ADMISSION AS *AMICUS CURIAE* IN TERMS OF RULE 10

KINDLY TAKE NOTICE THAT the applicant for admission as *amicus curiae* ("**IGL**") hereby makes application to the above Honourable Court for an order in the following terms:

1 The IGL is admitted as *amicus curiae* in the above proceedings in accordance with rule 10 of the Constitutional Court.

2 Any non-compliance by the IGL with rule 10 is condoned.

3 The IGL is granted leave to file written submissions and to present oral argument should the matter be referred for oral argument.

4 Further and/or alternative relief as may be appropriate.

TAKE NOTICE FURTHER THAT the affidavit of **FRANCIS JOSEPH GEORGE ANTONIE** together with the annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER THAT the Applicant for admission as *amicus curiae* has appointed the offices of **DYLLON NICHOLLS AND ASSOCIATES INC** t/a **DNA ATTORNEYS INC** as its attorneys of record, at which address it will accept notice and service of all process in these proceedings including via electronic mail to the email addresses set out below.

TAKE NOTICE FURTHER THAT if you intend on opposing this application you are required to:

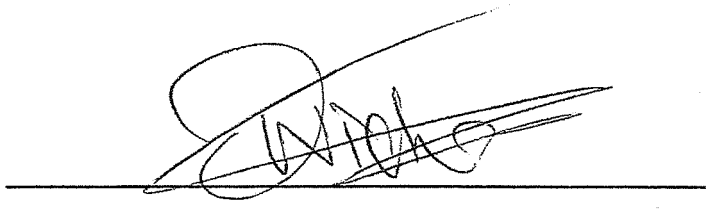
a) Notify the Applicant's attorneys in writing of your notice of intention to oppose within five (5) days of service of this application, and to appoint an address at which you will accept notice and service of all documents in these proceedings and to file a copy of such notice with the Registrar of this Court; and

b) File your answering affidavit, if any, within fifteen (15) days of the date upon which you have notified the Applicant of your intention to oppose this application.

TAKE NOTICE FURTHER THAT if no such notice of intention to oppose is given the Applicant will request that the Registrar place the matter before the Chief Justice to be dealt with in terms of Rule 11(4).

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AT JOHANNESBURG ON THIS THE 28TH DAY OF SEPTEMBER 2026.



DYLLON NICHOLLS AND ASSOCIATES INC

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FOR ADMISSION AS *AMICUS CURIAE*

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REF: M00141/DNA/IGL

TO: **THE REGISTRAR OF THE CONSTITUTIONAL COURT**

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Johannesburg, 2017

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AND TO: **PINSENT MASONS SOUTH AFRICA INC**

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REF: G Allsop / D Woodhouse

AND TO: **DE SWARDT MYAMBO HLAHLA ATTORNEYS**

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AND TO: **NKOSINATHI ALLEN KHENA**

Eleventh Respondent

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REF: N Khena

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
HELD AT BRAAMFONTEIN, JOHANNESBURG

CCT CASE NO: 109/2024
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In the application for admission as *amicus curiae*:

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In re:

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NOSIZWE NONKWE MACAMO Seventh Respondent

MATODZI MAKHUBA Eight Respondent

THEMBA ZULU Ninth Respondent

THANDEKA MABIJA Tenth Respondent

NKOSINATHI ALLEN KHENA Eleventh Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

FRANCIS JOSEPH GEORGE ANTONIE

do hereby make oath and state that:

1 I am an adult male and the Chief Executive Officer ("**CEO**") of the Institute for Governance and Law NPC ("**the IGL**").

2 I am duly authorised to bring this application on behalf of the IGL in my capacity as its CEO, as authorised by the resolution dated 18 September 2026 attached hereto as "**FA1**".

3 The facts contained in this affidavit are, unless the context indicates otherwise, within my own personal knowledge and to the best of my belief true and correct. Wherever I make legal submissions, I rely on the advice of IGL's lawyers, which advice I accept as correct.

A. IGL'S INTEREST IN THIS APPLICATION

4 The IGL is an independent, not-for-profit company, registered under the laws of South Africa, with registration number 2024/223599/08.

5 The IGL is dedicated to promoting the following objectives:

5.1 to enhance governance through the application of the rule of law;

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5.2 to promote the advocacy of human rights and democracy by:

5.2.1 pursuing public interest litigation, which involves taking legal action when government institutions or officials fail to meet their obligations, or when the rule of law needs defending. This will include research, which will also be shared with the public where appropriate;

5.2.2 preparing submissions to Parliament on various issues, including draft bills and policy matters;

5.3 to act as a custodian for fair judicial and democratic processes and to support and initiate prosecution where this is not already instituted by the state or another organisation of similar standing; and

5.4 generally, to do all such things as may be expedient to further the interests and objectives of the IGL.

6 I also have a deep, personal and professional interest and experience in the fight against the abuse of power, in breach of the rule of law, and the structural and therefore the individual harms that inexorably flow from such abuse. I was the Executive Director of the Helen Suzman Foundation when it intervened as amicus in the seminal judgment of *Glenister v President of the Republic of South Africa and Others* 2011 (3) SA 347 (CC), cited by the applicants in paragraph 95 of their founding affidavit.

7 Whilst concerned specifically with corruption, this Court explained that the harm that it causes is essentially related to the rule of law:

"There can be no gainsaying that corruption threatens to fell at the knees virtually everything we hold dear and precious in our hard-won constitutional order. It blatantly undermines the democratic ethos, the institutions of democracy, the rule of law and the foundational values of our nascent constitutional project."[1]

8 It is to make submissions on the relevance of equivalent abuses of power to the costs order granted against the applicants by the Labour Appeal Court ("**LAC**"), that the IGL seeks leave to intervene as *amicus curiae*.

B. THE PROPOSED SUBMISSIONS OF THE IGL

9 The IGL' submissions will focus on the costs order against the applicants.

10 As is intimated by the applicants, but not fully explored, this matter should not be viewed merely as a contractual or a labour law dispute. Rather, it concerns the constitutional framework governing the protection of persons who seek to expose or hold to account state officials who abuse their power, including whistleblowers and those who expose offences and impropriety.

11 The conduct of the respondents (collectively, "**PRASA**") that is described in the affidavits and in the record before this Court constitutes abuses of power. They evidence a failure to comply with legal duties and/or anticipated miscarriages of justice which have occurred or are likely to occur.

12 As the applicants note in their founding affidavit:

12.1 In its notice of motion in the court *a quo*, the applicants sought declaratory relief that the termination of their contracts of employment was unlawful.[2] The Labour Court held that the dismissals were unlawful and granted this

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1 *Glenister* para 166.

declaratory relief.[3]

12.2 The LAC upheld the substantive basis for these orders. It did so because "*the Appellant failed to challenge any of the facts and allegations made by the Respondents.*" For this reason: "*In the absence of any challenge to the facts and allegations set out and made by the Respondents, the Court must accept them as correct.*"[4]

12.3 These facts, which were unchallenged and must be accepted as correct, include statements by the Director-General made at a meeting prior to the applicants' dismissal.

12.4 The applicant summarised the statements in paragraph 84 of its founding affidavit in the court *a quo*:

> "*84. The DG spoke in an unfriendly, aggressive, intimidating and threatening tone. As soon as the meeting was over, I took notes of the things that I could remember from the address of the DG. This is a summary of some of the notes that I took:*
>
> *84.1 That Group EXCO was rogue and should not question the legality of the appointment of an Administrator for PRASA by the Minister of Transport;*
>
> *84.2 That the members of Group EXCO had been employed in PRASA for too long and the Administrator should dismiss members of Group EXCO that were rogue without following any due process so that if these employees challenge their unlawful terminations, they must do so from outside of PRASA;*

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2 FA para 37.2.

3 FA para 39, read with paragraph 3 of the court a quo's order.

4 LAC Judgment paras 34-42.

84.3 *That PRASA was well-resourced to out-litigate any employee challenging their unlawful terminations and that the Administrator should employ the resources of PRASA to out-litigate any employee challenging their unlawful terminations; and*

84.4 *That no individual employee will be able to succeed using their own personal resources against the resources of the state."*

12.5 A further unchallenged fact, from paragraph 86, is this: "*It was therefore clear to me from the 25 February 2020 meeting that the opinion that I had co-written had rendered me a target through victimisation and that the meeting was called to humiliate and intimidate me.*"

12.6 In paragraphs 87 to 89 the applicants then articulated what happened after that meeting, which demonstrate that the threats of the Director-General were carried out.

12.7 Despite upholding the finding of the court *a quo* that the termination of their employment contracts was unlawful, and despite the fact that this decision was preceded by threats and humiliation related to the applicants' efforts to uphold the rule of law, and despite the fact that the termination of their employment contracts was rooted in their efforts to uphold the rule of law, the LAC ordered the applicants to pay PRASA's costs.

12.8 Neglecting all the above, the LAC only said this about costs: "*In the result, the appeal must succeed. Costs must follow the result.*"[5]

13 The IGL's submissions will concern that aspect of the judgment.

14 The costs order raises a distinct and significant constitutional issue:

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5 LAC Judgment para 55.

14.1 Our law recognises that labour litigation differs from ordinary civil litigation and that considerations of fairness and access to justice generally operate against adverse costs orders being granted against employees acting in good faith. Thus, such orders, the applicants note,[6] are ordinarily reserved for exceptional circumstances involving frivolous, vexatious or otherwise abusive conduct. Those circumstances are not present.

14.2 The LAC's costs order will have a chilling effect that extends beyond the interests of the immediate parties, in the sense contemplated in *Biowatch Trust v Registrar, Genetic Resources and Others* 2009 (6) SA 232 (CC). It will operate to deter employees / whistleblowers from approaching courts to vindicate their rights. It will undermine the constitutional and statutory objective of encouraging the reporting of abuses of power, impropriety and maladministration.

14.3 The issue, therefore, warrants constitutional scrutiny beyond the merits of this particular dispute.

15 In terms of section 39(2) of the Constitution, the Courts have a duty to interpret legislation and develop the common law in a manner that will promote the spirit, purport and objects of the Bill of Rights. Further, according to section 39(1)(b) of the Constitution, when a Court is interpreting the Bill of Rights, it must consider international law. Those duties extend to the law on costs awards.

16 Thus, in respect of this issue, relevant domestic legislation includes the Protected Disclosures Act, 2000 ("**the PDA**"), in terms of which:

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6 FA para 60.1.

16.1 Section 3 states that no employee may be subjected to any occupational detriment by their employer on account, or partly on account, of having made a protected disclosure.

16.2 In terms of section 4, employees subjected to an occupational detriment are entitled to approach any court having jurisdiction for appropriate relief, or pursue any other process that is allowed or prescribed by law.

16.3 Section 6 provides that disclosures made in good faith by employees are protected disclosures, as defined in section 1.

16.4 Section 9 states that disclosure made in good faith by any employee who reasonably believes the information disclosed, and allegation contained in it, are substantially true, and who does not make it for the sake of personal gain, will constitute a protected disclosure if the nature of the impropriety is exceptionally serious. Impropriety includes where miscarriages of justice have occurred, are occurring or are likely to occur.[7]

17 In light of the facts outlined, which "*the Court must accept . . . as correct*", the applicants have suffered an occupational detriment as a result of their protected disclosure. In short, they were dismissed because in carrying out their duties they sought to challenge unlawful conduct, as the applicants have explained in their affidavit before this Court.[8]

18 Moreover, in paragraph 79 of their founding affidavit in this Court, the applicants allege the following:

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7 The definition of "*impropriety*", read the paragraph (c) of the definition of "*disclosure*".

8 FA paras 78-90.

"The only reason PRASA was trying to terminate my employment was because I had blown the whistle, repeatedly, on acts of corruption and maladministration within PRASA. This was generally done through litigation (as was within my purview on behalf of PRASA), such as in the Swifambo and Siyangena litigation, or through internal remedies, such as advising against action on PRASA's behalf. I also authorised litigation to reverse an adverse settlement with Siyaya that had been authorised by the then Acting Chairperson of the Board, Justice TAN Makhube."

19 This is not seriously denied in PRASA's answering affidavit.[9]

20 Contrary to PRASA,[10] that the applicants did not expressly articulate this legal argument in their founding affidavit in the court *a quo* does not mean that this Court may not take the PDA into account:

20.1 The first point to observe is that it is PRASA who has *mero motu* raised the PDA. It did so because it knows it is relevant to the costs order granted by the LAC.

20.2 Litigants are entitled to rely on new legal arguments on appeal where the facts for the arguments have been articulated in the pleadings: "*If covered by the pleadings, and in the absence of unfairness, parties are ordinarily not precluded from raising new legal arguments on appeal.*"[11]

20.3 The undisputed facts on which the IGL's submissions will rely are covered by the pleadings. Plainly, there will not be unfairness to PRASA: it had an opportunity to dispute the facts, but did not. Per the court a quo: "*These are serious allegations which needed the respondents to have pleaded to*

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9 In AA para 120, there is a bald denial.

10 AA para 21.

11 *Carmichele v Minister of Safety and Security* 2001 (4) SA 938 (CC) para 31.

them."[12] That it chose not to do so betrays the fact that there is no answer to them. It is not open to PRASA to allege unfairness where it has decided not to deny the abuse of power alleged by the applicants.

20.4 It is telling that PRASA in its affidavit,[13] where it alleges that the applicants' claim that they are whistleblowers is a red herring, conspicuously neglects to deal with the factual allegations in the applicants' affidavit in the court *a quo*. In fact, not only does it not deal with these facts, it mischaracterises the factual basis on which the applicants allege in the affidavit that they are whistleblowers: "*they only place reliance on the portion of the State Capture Commission Report that supports their claim*".[14] PRASA knows that this is not true.

20.5 In any event, PRASA itself raised the PDA, so it is alive to its relevance. Rather than dealing with it, however, it continues to raise the same type of technical defences as those castigated by the State Capture Commission when dealing with this issue.

20.6 Indeed, in the circumstances, one is led to ask the same question posed by the State Capture Commission: "*It must accordingly be asked whether what the Board and Acting Chief Executive Officer did could have been in the best interests of PRASA.*" Plainly, a consideration of the PDA is in the interests of justice, and therefore is in the best interests of PRASA as a public body. So, PRASA is not acting in its own interests, from which the

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12 Paragraph 43.

13 AA pars 76-83.

14 AA para 78.

second question posed by the Commission must be asked: "*If they were not, the question is: in whose interests were the Board and the Acting Chief Executive Officer acting*".[15]

20.7 PRASA's abuse of power continues unabated. It refuses to address issues of substance, raises technical defences and refuses to be held to account. Its strategy borders on Stalingrad.

21 In the circumstances, the LAC's costs order will operate to have a chilling effect on whistleblowing. The LAC misdirected itself, which fact warrants interference with its discretion (apart from the fact that the LAC upheld the substantive factual basis for the declaratory relief sought by the applicants). The applicants rightly note that interfering with the LAC's costs order is warranted, albeit without them dealing with the provisions of the PDA. The IGL's proposed submissions will deal with this particular issue.

22 The United Nations Convention Against Corruption ("**UNCAC**") is international law relevant to this issue. Chapter III criminalises certain conduct.

23 On the facts, the following, *inter alia*, provisions are implicated: article 19 ("*Abuse of functions*"), article 24 ("*Concealment*"), article 25 ("*Obstruction of Justice*"), article 32 ("*Protection of witnesses, experts and victims*"), and further article 33 ("*Protection of reporting persons*"). Owing to the chilling effect of the costs order, it undermines each of these provisions of UNCAC. The submissions proposed by IGL will deal with this particular issue. And since the submissions arise from the undisputed facts, it is permissible to raise this novel legal argument.

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[15] Paragraph 2143, attached as "**MN8**".

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C. IGL'S ADMISSION AS *AMICUS CURIAE*

24 On 22 August 2026, the IGL obtained a copy of the directives that were issued by this Court on 21 August 2026. It delivered its letter requesting consent of the parties to its admission as *amicus curiae* on 8 September 2026. A copy of that letter is attached as "**FA2**".

25 The applicants consented by way of a letter dated 14 September 2026, a copy of which is attached as "**FA3**".

26 On 9 September 2026, the first to tenth respondents acknowledged receipt of the request for consent. A copy of that acknowledgment is attached as "**FA4**". The eleventh respondent likewise acknowledged receipt, as is apparent from "**FA5**". Whilst no explicit consent was provided by the respondents, they did not object to the IGL's admission. In the circumstances, it is reasonable to infer that consent has been provided.

27 If this Court finds otherwise, I submit that it would be in the interests of justice for the IGL to be admitted as *amicus curiae*. The IGL is acting in the public interest, it does not intend to introduce new evidence in the matter, it seeks to make novel submissions, and it cannot be gainsaid that its proposed submissions, per this Court in *Glenister*, pertain to an issue of fundamental importance: violation of the rule of law through an abuse of constitutional and statutory powers.

28 Its submissions, I respectfully submit, will be of assistance to this Court.

D. CONCLUSION

29 In the circumstances, the IGL prays for an order in terms of the notice of motion

to which this affidavit is attached, and that it be admitted as *amicus curiae* in this application.

FRANCIS JOSEPH GEORGE ANTONIE

I hereby certify that the deponent has acknowledged that the deponent knows and understands the contents of this affidavit, which was signed and sworn before me at PARKVIEW SAPS on this the 26 day of SEPTEMBER 2026, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

Commissioner of oaths

Full names: EDUARD MARAIS

Business address: 2071, Bernadette Ave

Designation: Lt/Kol

Capacity: W/O

SOUTH AFRICAN POLICE SERVICE
STATION COMMANDER
2026 -09- 26
PARKVIEW
SOUTH AFRICAN POLICE SERVICE

INSTITUTE FOR GOVERNANCE AND LAW NPC
REGISTRATION NUMBER: 2024/223599/08
("THE COMPANY")

"FA 1"

WRITTEN RESOLUTIONS OF THE DIRECTORS OF THE COMPANY

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1. **THE DIRECTORS OF THE COMPANY RESOLVED AS FOLLOWS:**

1.1 The Company will bring an application in the Constitutional Court of South Africa in case number CCT 109/24 for leave to intervene as *amicus curiae* in the rescission application currently before the court in that matter and will participate in the rescission application as *amicus curiae* to the extent permitted by the court.

1.2 Francis Antonie will represent the Company for the purposes set out in paragraph 1 and is authorized to bring the application on behalf of the Company and to participate in the rescission application on behalf of the Company.

1.3 For these purposes Francis Antonie is authorized to appoint attorneys and counsel and generally to do or cause to be done whatsoever shall be required.

SIGNED _____
Tanja Ajam
Director
Date:

SIGNED _____
Robert Lee Harley
Director
Date:

SIGNED _____
Beverley Anne Johnson
Director
Date:

SIGNED _____

Moray Howard Hathorn
Director
Date:

SIGNED WM Gumede

William-Mervin Gumede
Director
Date:

INSTITUTE FOR GOVERNANCE & LAW

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NPC Reg No: K2024223599
PBO No: 930084742

Enhancing governance through the application of the rule of law.

To the applicants c/o

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"FA 2"

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To the 1st to 10th respondents c/o

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To the 11th respondent

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Umhlanga Rocks
Prestondale

Email: nathik@live.co.za

Dear Sirs

NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE – REQUEST FOR CONSENT)

1. **Introduction**

1.1 The Institute for Governance and Law NPC ("**the IGL**") is a non-profit company and non-governmental organization, registered under the laws of South Africa, with reg no: 2024/223599/08.

1.2 This letter is directed to the parties in the matter of *Ngoye and another v The Passenger Rail Agency of South Africa and others, Constitutional Court Case Number: CCT 109/24*, currently before the Constitutional Court ("**the rescission application**"). We write to you in accordance with Rule 10 of the Rules of the

Chief Executive Officer: Francis Antonie
Board of Directors: Moray Hathorn (Chairman) | Tania Ajam | William Gumede | Robert Harley | Beverley Johnson

Constitutional Court, 2003 GN R1675/2003, read together with the directions received from the Constitutional Court in this matter dated 21 August 2026, to request the written consent of your respective clients for the IGL to be admitted as *amicus curiae* in the rescission application. The IGL has had an opportunity to consider the papers in this matter and is of the view that it can bring a perspective of material importance to the matter which is different from the submissions and perspectives of the parties.

1.3 If granted admission, the IGL intends to draw on its expertise and interest in the issues raised in the rescission application and to make written and oral submissions. The IGL is of the view that the rescission application raises constitutional issues of great importance for South Africa and all South Africans. The submissions intended to be advanced by the IGL in the hearing of the rescission application are underpinned by the IGL's commitment to acting in the public interest, including, where appropriate, the protection of persons reporting on corrupt activities in their essential role in fighting corruption.

1.4 The IGL has perused the papers in the application, and it does not intend to duplicate the submissions which will be made by the main parties in the rescission application.

2. IGL's standing

2.1 The IGL is an independent, non-profit, non-governmental research institute in South Africa, dedicated to enhancing governance through the application of the rule of law, as contemplated by paragraph 1(j) of Part I of the Ninth Schedule to the Income Tax Act as well as paragraph 1(j) of Part II of the Ninth Schedule to the Act.

2.2 The ancillary objects of the IGL are to:

2.2.1 promote the advocacy of human rights and democracy by –

2.2.1.1 pursuing public interest litigation, which involves taking legal action when government institutions or officials fail to meet their obligations and / or to uphold the rule of law, including research, which will also be shared with the public where appropriate;

2.2.1.2 preparing submissions to Parliament on various issues, including draft bills and policy matters;

2.2.1.3 acting as a custodian for fair judicial and democratic processes;

2.2.1.4 supporting and initiating prosecution where such proceedings have not already been instituted by the State or another organisation of similar standing; and

2.2.1.5 generally, to take all steps necessary and expedient to further the interests and Objects of the IGL.

2.3 A summary of the IGL's submissions is as follows:

2.3.1 A reading of the record of the Commission of Inquiry into State Capture shows that whistleblowers are at the apex of the fight against corruption in South Africa.

2.3.2 As the Constitutional Court held in a number of seminal judgments, including *Glenister v President of the Republic of South Africa and others* (Helen Suzman Foundation intervening as amicus curiae) 2011 (3) SA 347 (CC) and subsequent cases (see *Sonke Gender Justice NPC v The President of the Republic of South Africa and others* 2021 (3) BCLR 269 (CC)), international law

Chief Executive Officer: Francis Antonie

Board of Directors:

Moray Howard Hathorn (Chairman) | Tania Ajam | William-Mervin Gumede | Robert Lee Harley | Beverley Anne Johnson

has a profound effect on the interpretation and application of South African legislation and the Bill of Rights. There is also a positive duty on the State to protect, promote and fulfil all the rights in the Bill of Rights. Corruption has an invidious effect on all the rights which are constitutionally enshrined.

2.3.3 The *United Nations Convention against Corruption* (2003) imposes a duty on states to combat and prevent corruption. Articles 32 and 33 specifically emphasise the protection of witnesses and experts who report on corrupt activities. Article 32 reads as follows:

> "*Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.*"

2.3.4 In addition, Section 39(2) of the Constitution provides, "*When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.*" The protection of whistleblowers and persons who report corruption engages constitutional values of accountability, openness and the rule of law. To the extent that the present dispute requires the interpretation of legislation or the development of the common law, those constitutional values must inform the Court's approach.

2.3.5 The present dispute should not be viewed merely as a contractual or labour law dispute. Properly understood, it concerns the constitutional framework governing the protection of whistleblowers and those who expose corruption and maladministration. The Protected Disclosures Act, 2000 gives effect to constitutional imperatives (underpinned by international law) designed to ensure that persons who make disclosures in the public interest do not suffer occupational detriment as a consequence of doing so. That statutory protection forms part of broader constitutional and international law frameworks directed at combating corruption and encouraging accountability in both the public and private spheres.

2.3.6 IGL further submits that the costs order granted against the former employees raises a distinct and significant constitutional issue. South African labour law has consistently recognised that labour litigation differs from ordinary civil litigation and that considerations of fairness and access to justice generally operate against adverse costs orders being granted against employees acting in good faith. Such orders are ordinarily reserved for exceptional circumstances involving frivolous, vexatious or otherwise abusive conduct. No such finding appears from the present matter.

2.3.7 The adverse costs order against the former employees who sought relief in circumstances has consequences extending beyond the interests of the immediate parties. Such orders may deter employees and whistleblowers from approaching courts to vindicate their rights and may undermine the constitutional and statutory objective of encouraging the reporting of corruption and maladministration. The issue therefore warrants constitutional scrutiny independent of the merits of the underlying dispute.

2.3.8 The powers of the courts extend to removing the fear of adverse costs to encourage public interest litigation. This was the case in *Biowatch* where the court found that cost orders would have a crippling and chilling effect on civil society organisations protecting constitutional rights. Witnesses and experts

Chief Executive Officer: Francis Antonie

Board of Directors:

Moray Howard Hathorn (Chairman) | Tania Ajam | William-Mervin Gumede | Robert Lee Harley | Beverley Anne Johnson

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reporting corruption in good faith have a public interest equivalence, which matches the principles enunciated in the *Biowatch* principle, that individuals and organisations should not be burdened in litigation because of good faith reporting on corrupt activities with crippling cost orders. Similarly, in labour law, the Court ordinarily would not make an adverse costs order, making employee challenges prohibitively expensive. The departure of the courts below from these basic principles without adequate explanation is a matter of concern.

2.4 Under these circumstances the IGL submits that the Honourable Court would benefit from the submissions of the IGL which include a consideration of the legal framework applicable to the protection of persons who report corruption, including the implications of imposing adverse costs orders against them. We submit that the IGL's submissions will assist the Court by drawing its attention to constitutional and international law considerations that may not have been considered thus far.

2.5 The IGL does not intend to introduce new evidence in the matter.

2.6 The IGL contends that its submissions are novel and useful because they locate the dispute within the broader constitutional framework, the Protected Disclosures Act and related anti-corruption instruments, and materially different to the parties. They further raise the constitutional significance of imposing adverse costs orders upon whistleblowers and demonstrate exceptional circumstances warranting careful consideration by the Court.

3. **Conclusion**

3.1 Should your clients consent to the IGL's admission as *amicus curiae*, it will ensure that its application for admission is delivered without delay.

3.2 If admitted, the IGL intends to make brief written submissions and will deliver these as soon as possible, without dislocating the timetable in the matter in any way, and with due deference to the parties, make short oral submissions at the hearing of the matter.

3.3 Kindly confirm by no later than Friday, 11 September 2026 whether your clients consent to the admission of the IGL as *amicus curiae*, and confirm whether they are amenable to receiving all further documentation and correspondence by email.

3.4 We look forward to hearing from you.

Yours faithfully

Francis JG Antonie

Chief Executive Officer

The Institute for Governance and Law

Chief Executive Officer: Francis Antonie

Board of Directors:

Moray Howard Hathorn (Chairman) | Tania Ajam | William-Mervin Gumede | Robert Lee Harley | Beverley Anne Johnson

Pinsent Masons

"FA 3"

BY E-MAIL

INSTITUTE FOR GOVERNANCE AND LAW
Email:
Jonathan@igl.org.za
Anton@igl.org.za
Moray@igl.org.za
sonal@igl.org.za
Francis@igl.org.za

Your Ref .F Antonie / M Hathorn
Our Ref: G Allsop / D Woodhouse

DDI +27872923708
E geoffrey.allsop@pinsentmasons.com
david.woodhouse@pinsentmasons.com

Copy:

DE SWARDT MYAMBO HLAHLA ATTORNEYS
Email
mxolisi@deswardt.co.za
francisca@deswardt.co.za

NATHI KHENA
Email
nathik@live.co.za

14 September 2026

Dear Sirs

NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE – REQUEST FOR CONSENT)

1. We confirm we act for Martha Ngoye and Tiro Holele ("**our clients**") in the above matter.

2. We confirm receipt of your letter dated 08 September 2026. Our clients consent to the Institute for Governance and Law participating as an amicus curiae.

3. Should you have any further queries, please do not hesitate to contact us.

Yours sincerely
Geoffrey Allsop
Senior Associate
for Pinsent Masons South Africa Inc

This letter is sent electronically and so is unsigned

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For a full list of the jurisdictions where we operate, see www.pinsentmasons.com

Jonathan van der Walt

"FA 4"

From: Michelle Smith <michelle@deswardt.co.za>
Sent: Wednesday, 09 September 2026 12:49
To: Jonathan van der Walt; Geoffrey.Allsop@pinsentmasons.com; David.Woodhouse@pinsentmasons.com; nathik@live.co.za
Cc: Francis Antonie; Anton van Dalsen; Moray Hathorn; Sonal Bhoolia; Mxolisi Myambo; Francisca Shai; Kgothatso Mokgabudi; Molatelo Ramohlola; Ayanda Dhlamini
Subject: RE: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE – REQUEST FOR CONSENT)

Good day

We refer to the abovementioned matter as well as your e-mail below.

We herewith acknowledge receipt thereof.

Trust you find the above in order.

Kind regards

Michelle Smith
(PA to Mr MA Myambo)

DMH | DE SWARDT MYAMBO HLAHLA ATTORNEYS

941 Jan Shoba Street
Cnr Jan Shoba & Mackenzie Streets
Brooklyn, Pretoria
PO Box 6461, Pretoria, 0001. Docex 244
+27 (0) 12 346-0050
+27 (0) 12 346-0240
www.deswardt.co.za
michelle@deswardt.co.za

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From: Jonathan van der Walt <Jonathan@igl.org.za>
Sent: Wednesday, 09 September 2026 12:20
To: Geoffrey.Allsop@pinsentmasons.com; David.Woodhouse@pinsentmasons.com; Mxolisi Myambo <mxolisi@deswardt.co.za>; Francisca Shai <francisca@deswardt.co.za>; Michelle Smith <michelle@deswardt.co.za>; nathik@live.co.za
Cc: Francis Antonie <Francis@igl.org.za>; Anton van Dalsen <Anton@igl.org.za>; Moray Hathorn <Moray@igl.org.za>; Sonal Bhoolia <sonal@igl.org.za>
Subject: RE: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE – REQUEST FOR CONSENT)

Some people who received this message don't often get email from jonathan@igl.org.za. Learn why this is important

Dear Sirs,

Regarding the letter emailed from the Institute for Governance and Law yesterday, could you kindly acknowledge receipt?

Kind regards,
Jonathan van der Walt
Legal Researcher
The Institute for Governance and Law

From: Jonathan van der Walt
Sent: Tuesday, 08 September 2026 12:40
To: Geoffrey.Allsop@pinsentmasons.com; David.Woodhouse@pinsentmasons.com; mxolisi@deswardt.co.za; francisca@deswardt.co.za; michelle@deswardt.co.za; nathik@live.co.za
Cc: Francis Antonie <Francis@igl.org.za>; Anton van Dalsen <Anton@igl.org.za>; Moray Hathorn <Moray@igl.org.za>; Sonal Bhoolia <sonal@igl.org.za>
Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE – REQUEST FOR CONSENT)

Dear Sirs,

Attached, please find a letter requesting consent for the Institute for Governance and Law's intervention as *amicus curiae* in the matter Ngoye and Another // The Passenger Rail Agency of South Africa (CCT 109/24).

Kind regards,
Jonathan van der Walt
Legal Researcher
The Institute for Governance and Law

Subject: [External]:Re: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE)

Date: Friday, 18 September 2026 at 11:53:26 South Africa Standard Time

"FA 5"

From: Nathi Khena

To: Geoffrey Allsop

CC: Dyllon Nicholls, David Woodhouse, mxolisi@deswardt.co.za, francisca@deswardt.co.za, michelle@deswardt.co.za

Attachments: image001.png, image002.jpg, image003.png

⚠ External Email

This message originated from outside the organisation. Be cautious with links, attachments, and requests for sensitive information.

I confirm receipt of documents
Sent from my iPhone

On 17 Sep 2026, at 14:25, Geoffrey Allsop <Geoffrey.Allsop@pinsentmasons.com> wrote:

Dear Dyllon.

Thank you for the email and the attached documents. We confirm receipt.

<image002.jpg>

Geoffrey Allsop
Senior Associate

A purpose-led professional services business with law at the core

<image001.png> +27718955761

For Pinsent Masons Africa LLP

Pinsent Masons supports agile working, so please don't feel you need to respond to this email outside your working hours.

From: Dyllon Nicholls <dyllon@dnaattorneys.co.za>
Sent: Thursday, 17 September 2026 12:38
To: Geoffrey Allsop <Geoffrey.Allsop@pinsentmasons.com>; David Woodhouse <David.Woodhouse@pinsentmasons.com>; mxolisi@deswardt.co.za; francisca@deswardt.co.za; michelle@deswardt.co.za; nathik@live.co.za
Subject: [EXTERNAL] NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): INSTITUTE FOR GOVERNANCE AND LAW (INTERVENTION AS AMICUS CURIAE)

Our reference: M00141/DNA/IGL

Dear Sirs / Madams,

We refer to the above matter.

We enclose herewith for ***service***:

1. Notice of filing in terms of Rule 10(2) of the Constitutional Court of letter by the Institute for Governance and Law to request consent to enter as *amicus curiae* and responses thereto.

We request that you kindly confirm receipt hereof as proof of service via e-mail.

We look forward to hearing from you.

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 10:03:14 South Africa Standard Time

From: Dyllon Nicholls

To: Geoffrey.Allsop@pinsentmasons.com, David.Woodhouse@pinsentmasons.com, mxolisi@deswardt.co.za, francisca@deswardt.co.za, michelle@deswardt.co.za, nathik@live.co.za

Attachments: image.png, IGL Application for Admission as Amicus Curiae 28092026.pdf

Our reference: M00141/DNA/IGL

Dear Sirs / Madams,

We refer to the above matter.

We enclose herewith for ***service***:

1. Application for admission as a*micus curiae*.

We request that you kindly confirm receipt hereof as proof of service via e-mail.

We look forward to hearing from you.

Sincerely,

DYLLON NICHOLLS
MANAGING DIRECTOR

TEL: 010 500 7543
CELL: 072 967 6848

45 KINGFISHER DRIVE
FOURWAYS, SANDTON
JOHANNESBURG
2191

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Subject: Relayed: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 10:03:48 South Africa Standard Time

From: Microsoft Outlook

To: Geoffrey.Allsop@pinsentmasons.com, David.Woodhouse@pinsentmasons.com

Attachments: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE).eml

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Geoffrey.Allsop@pinsentmasons.com (Geoffrey.Allsop@pinsentmasons.com)

David.Woodhouse@pinsentmasons.com (David.Woodhouse@pinsentmasons.com)

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Subject: [External]:Delivered: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 10:04:10 South Africa Standard Time

From: postmaster@deswardt.co.za

To: dyllon@dnaattorneys.co.za

Attachments: ATT00058, ATT00059

Your message has been delivered to the following recipients:

mxolisi@deswardt.co.za (mxolisi@deswardt.co.za)

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Subject: [External]:Delivered: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 10:04:10 South Africa Standard Time

From: postmaster@deswardt.co.za

To: dyllon@dnaattorneys.co.za

Attachments: ATT00074, ATT00075

Your message has been delivered to the following recipients:

francisca@deswardt.co.za (francisca@deswardt.co.za)

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Subject: [External]:Delivered: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 10:04:10 South Africa Standard Time

From: postmaster@deswardt.co.za

To: dyllon@dnaattorneys.co.za

Attachments: ATT00066, ATT00067

Your message has been delivered to the following recipients:

michelle@deswardt.co.za (michelle@deswardt.co.za)

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Subject: [External]:Delivered: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 10:04:02 South Africa Standard Time

From: postmaster@outlook.com

To: dyllon@dnaattorneys.co.za

Attachments: ATT00050, ATT00051

Your message has been delivered to the following recipients:

nathik@live.co.za (nathik@live.co.za)

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Subject: [External]:RE: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)
Date: Monday, 28 September 2026 at 11:53:01 South Africa Standard Time
From: Geoffrey Allsop
To: Dyllon Nicholls
Attachments: image003.png, image004.jpg, image005.png, image006.png, image007.png

⚠ **External Email**
This message originated from outside the organisation. Be cautious with links, attachments, and requests for sensitive information.

Dear Dyllon.

Thank you for your email and the attached amicus application. We confirm receipt.

Geoffrey Allsop
Senior Associate

+27718955761

For Pinsent Masons Africa LLP

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From: Michelle Smith <michelle@deswardt.co.za>
Sent: Monday, 28 September 2026 11:03
To: Dyllon Nicholls <dyllon@dnaattorneys.co.za>
Cc: Geoffrey Allsop <Geoffrey.Allsop@pinsentmasons.com>; David Woodhouse <David.Woodhouse@pinsentmasons.com>; Mxolisi Myambo <mxolisi@deswardt.co.za>; Francisca Shai <francisca@deswardt.co.za>; nathik@live.co.za; Molatelo Ramohlola <Candidate3@deswardt.co.za>; Kgothatso Mokgabudi <Candidate2@deswardt.co.za>; Ayanda Dhlamini <shai.pa@deswardt.co.za>
Subject: [EXTERNAL] FW: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Kindly confirm receipt hereof

Our ref: Ms FIC Shai/ms/P1108

Good day

We refer to the abovementioned matter as well as your e-mail below.

We herewith acknowledge receipt thereof.

Trust you find the above in order.

Kind regards

Michelle Smith
(PA to Mr MA Myambo)

Subject: [External]:FW: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 11:04:25 South Africa Standard Time

From: Michelle Smith

To: Dyllon Nicholls

CC: Geoffrey.Allsop@pinsentmasons.com, David.Woodhouse@pinsentmasons.com, Mxolisi Myambo, Francisca Shai, nathik@live.co.za, Molatelo Ramohlola, Kgothatso Mokgabudi, Ayanda Dhlamini

Attachments: image.png, image001.png, image002.png, IGL Application for Admission as Amicus Curiae 28092026.pdf

⚠ **External Email**
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Kindly confirm receipt hereof

Our ref: Ms FIC Shai/ms/P1108

Good day

We refer to the abovementioned matter as well as your e-mail below.

We herewith acknowledge receipt thereof.

Trust you find the above in order.

Kind regards

Michelle Smith
(PA to Mr MA Myambo)

DMH | DE SWARDT MYAMBO HLAHLA ATTORNEYS

941 Jan Shoba Street
Cnr Jan Shoba & Mackenzie Streets
Brooklyn, Pretoria
PO Box 6461, Pretoria, 0001. Docex 244
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+27 (0) 12 346-0240
www.deswardt.co.za
michelle@deswardt.co.za

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From: Dyllon Nicholls <dyllon@dnaattorneys.co.za>
Sent: Monday, 28 September 2026 10:03

Subject: [External]:Re: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 11:12:56 South Africa Standard Time

From: Nathi Khena

To: Dyllon Nicholls

CC: geoffrey.allsop@pinsentmasons.com, david.woodhouse@pinsentmasons.com, mxolisi@deswardt.co.za, francisca@deswardt.co.za, michelle@deswardt.co.za

Attachments: image.png

⚠ **External Email**
This message originated from outside the organisation. Be cautious with links, attachments, and requests for sensitive information.

Received thank you
Regards
Sent from my iPhone

On 28 Sep 2026, at 10:04, Dyllon Nicholls <dyllon@dnaattorneys.co.za> wrote:

Our reference: M00141/DNA/IGL

Dear Sirs / Madams,

We refer to the above matter.

We enclose herewith for ***service***:

1. Application for admission as a*micus curiae*.

We request that you kindly confirm receipt hereof as proof of service via e-mail.

We look forward to hearing from you.

Sincerely,

<image.png>
<IGL Application for Admission as Amicus Curiae 28092026.pdf>

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 12:16:14 South Africa Standard Time

From: Dyllon Nicholls

To: Generaloffice, registrar@concourt.org.za

Attachments: image.png, IGL Application for Admission as Amicus Curiae 28092026.pdf

TO: THE REGISTRAR OF THE CONSTITUTIONAL COURT

Our reference: M00141/DNA/IGL

Dear Registrar,

We refer to the above matter.

We present herewith for ***filing*** via electronic mail:

1. Application for admission as a*micus curiae* by the Institute for Governance and Law ("the IGL").

Proof of service and written acknowledgement of receipt by the Applicants' legal representatives, the 1st - 10th Respondents' legal representatives and the 11th Respondent appear at the end of the document.

We kindly request that the Registrar confirm receipt hereof for purposes of filing via electronic mail.

We look forward to your reply.

Sincerely,

DYLLON NICHOLLS
MANAGING DIRECTOR

TEL: 010 500 7543
CELL 072 967 6848

45 KINGFISHER DRIVE
FOURWAYS, SANDTON
JOHANNESBURG
2191

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Subject: Relayed: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 12:16:49 South Africa Standard Time

From: Microsoft Outlook

To: Generaloffice, registrar@concourt.org.za

Attachments: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE).eml

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Generaloffice (generaloffice@concourt.org.za)

registrar@concourt.org.za (registrar@concourt.org.za)

Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Subject: [External]:Read: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)

Date: Monday, 28 September 2026 at 12:20:17 South Africa Standard Time

From: Nokubonga Mthethwa on behalf of Generaloffice

To: Dyllon Nicholls

Attachments: ATT000149

Your message

To: Generaloffice
Subject: NGOYE AND ANOTHER // THE PASSENGER RAIL AGENCY OF SOUTH AFRICA AND OTHERS (CCT 109/24): THE INSTITUTE FOR GOVERNANCE AND LAW (APPLICATION FOR ADMISSION AS AMICUS CURIAE)
Sent: Monday, September 28, 2026 12:16:01 PM (UTC+02:00) Harare, Pretoria

was read on Monday, September 28, 2026 12:19:53 PM (UTC+02:00) Harare, Pretoria.