



REPUBLIC OF SOUTH AFRICA

FORM 2

**INSTITUTION OF PROCEEDINGS IN TERMS OF SECTION 20 OF THE PROMOTION OF EQUALITY
AND PREVENTION OF UNFAIR DISCRIMINATION ACT (ACT NO. 4 OF 2000)
[Regulation 6 (1)]**

- Note: 1. Affidavits of other persons or other documentary evidence in support of the matter must be attached.
2. Your attention is drawn to the fact that the equality court may refer the matter to an alternative forum. If the matter is referred back to the equality court the clerk will inform you accordingly.

[If the space provided is inadequate, submit information as an Annexure to this form and sign each page.]

PART A: PARTICULARS OF COMPLAINANT (to be completed if lodging complaint on own behalf)					
Surname:	Kindly see Annexure A for the particulars of the complainant				
Full names:	SOUTH AFRICA GAUTENG DIVISION, PRETORIA				
ID. No./Date of birth:	2018-12-13				
Residential address:	F. M. LEGODI REGISTRAR'S CLERK GRIFFIER VAN DIE HOË HOF VAN SUID-AFRIKA, GAUTENG AFDELING, PRETORIA				
Residential telephone number:	Code ()				
Cellular telephone number:					
Work address:	Code ()				
Work telephone number:					
Fax number:					
Physical address (where documents can be served):	Code ()				
Preferred method in which the form is to be served:	Registered post <input type="checkbox"/>	E-mail <input checked="" type="checkbox"/>	Fax <input type="checkbox"/>	Sheriff <input type="checkbox"/>	Clerk <input checked="" type="checkbox"/>
Correspondence contact details (In terms of above):					
E-mail address:					
Other relevant information (such as financial position, availability of transport, socio-economic status, if an interpreter will be needed and if special requirements are needed e.g. wheelchair access) which may assist the presiding officer to make a decision regarding the forum which must deal with the complaint in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000):					

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PART B: PARTICULARS OF PERSON ACTING IN TERMS OF SECTION 20(1)(b) - (f) ON BEHALF OF ANOTHER PERSON/ASSOCIATION/BODY (Proof of capacity of person acting in terms of section 20(1)(b) - (f) to be attached)

Surname:	Kindly see Annexure A for the particulars of the complainants				
Full names:					
ID. No./Date of birth:					
Capacity of person acting in terms of section 20 (1) (b) - (f):					
Registration number of corporate body:					
Residential address:					
Residential telephone number:					Code ()
Cellular telephone number:					
Work address:					
Work telephone number:					Code ()
Fax number:					
Physical address (where documents can be served):					
C/O Willem De Klerk Attorneys Le Val Office Park, North Block 45 Jan Smuts Avenue, corner The Valley Road, Westcliff					
Preferred method in which the form is to be served:	Registered post <input type="checkbox"/>	E-mail <input checked="" type="checkbox"/>	Fax <input type="checkbox"/>	Sheriff <input type="checkbox"/>	Clerk <input checked="" type="checkbox"/>
Correspondence contact details (In terms of above):					
E-mail address:					
Name(s) and address(es) of person(s) on whose behalf you are acting.					
Kindly see Annexure A attached hereto					
					Code ()

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PART C: PARTICULARS OF RESPONDENT(S) (The under mentioned particulars should be furnished in respect of each respondent.

Name of person(s)/organization(s) against whom/which proceedings are instituted:
The Economic Freedom Fighters
Julius Malema

ID. No./Date of birth/
Registration No.: N/A

Residential address (if applicable):
N/A

Residential telephone number: Code ()
N/A

Cellular telephone number:
Unknown

Work/Business address:

78 De Korte Street
Braamfontein
Johannesburg

Work telephone number: 011 403 2313 Code (2000)

Fax number: 011 403 2264

Preferred method in which the form is to be served: Registered post ☐ E-mail ☒ Fax ☐ Sheriff ☐ Clerk ☒

Correspondence contact details
(In terms of above): -

Physical address (where documents can be served):

78 De Korte Street
Braamfontein

E-mail address: Code (2000)
ggardee@effighters.org.za

PART D: PARTICULARS OF PERSON APPEARING ON BEHALF OF COMPLAINANT

Full names and surname of person appearing on your behalf: (representative)

Willem De Klerk Attorneys, Tshegofatso Khunou

ID. No./Date of birth: -

Postal address of representative:

PO Box 84162
Greenside

Residential telephone number: Code (2034)
011 486 0242/3

Cellular telephone number:
079 565 2234

Fax number:
086 610 4240

E-mail address:
tshegok@wdklaw.co.za / willem@wdklaw.co.za / charl@wdklaw.co.za

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PART E: PARTICULARS OF COMPLAINT AND RELIEF SOUGHT

Nature of complaint: (Please give full details of the complaint, the date of the incident(s) and the particulars of possible witnesses. Also indicate which right has been violated and the reasons why you think such right was violated.)	Kindly see the attached affidavits
How has it affected you?	Kindly see the attached affidavits
Documents: Are there any documents to substantiate your complaint (e.g. pay slips, references, records of conversations) to substantiate your claim? (If so please attach.):	Kindly see the attached affidavits
Relief sought: (Please indicate what assistance you require. The court may make an interim order, declaratory order, an order for the payment of damages, an order that an unconditional apology be made etc.)	Kindly see Annexure B attached hereto

PART F: PARTICULARS OF INSTITUTIONS/BODIES APPROACHED

Particulars of institutions/bodies previously approached in respect of the complaint:	Kindly see the attached affidavits
The response of the institutions/bodies mentioned above:	Kindly see the attached affidavits

Signed at13.....this.....12.....day of.....2018..... year

Signature of Complainant/Representative of class of persons/institution/organisation

PART G: AFFIDAVIT

I certify that before administering the oath/affirmation, I asked the deponent the following questions and wrote down his/her answers in his/her presence:

(1) Do you know and understand the contents of the declaration?

Answer: *Yes*

(2) Do you have any objection to taking the prescribed oath?

Answer: *No*

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer: *Yes*

I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. The deponent uttered the following words: "I swear that the contents of this declaration are true, so help me God." I truly affirm that the contents of the declaration are true." The signature/mark of the deponent was affixed to the declaration in my presence.

[Signature]
Commissioner of Oaths

Full first names and surname

Mahleko Neo Obed

(Block letters)

Designation (rank) *Advocate of High Court* Ex Officio Republic of South Africa

Business address *Practising Advocate of High Court*
Wits Law Clinic

University of the Witwatersrand Code

Wits Campus
P.O. Wits 2050

Date: *13 December 2018*

Place: *Sandton*

COMPLAINANTS' PARTICULARS

The particulars of the complainants and the address for service are set out below:

1. The first complainant is the South African National Editor's Forum (Sanef), registration number 046 338 NPO, with its principal place of business Block A, 18 Cedar Ave, Richmond, Johannesburg. The first complaint acts in its capacity in terms of section 20(1)(c) of the Act 4 of 2000. Sanef is duly represented by its Chairperson, Mahlatse Mahlase, who has deposed to a founding affidavit in this complaint.
2. The second complainant is Navaranjeni Munusamy, acting on her own behalf in terms of section 20(1)(a) of the Act 4 of 2000, and with her work address at Hill on Empire, 16 Empire Road, corner Hillside Street and Empire Road, Parktown, Johannesburg. The second complainant has deposed to an affidavit in support of this complaint, filed together with Sanef's founding affidavit.
3. The third complainant is Pauli Van Wyk, acting on her own behalf in terms of section 20(1)(a) of the Act 4 of 2000, and with her work address at TwoPence Six Building, 39 7th Street, Linden, Johannesburg. The third complainant has deposed to an affidavit in support of this complaint, filed together with Sanef's founding affidavit.
4. The fourth complainant is Adriaan Jurgens Basson, acting on his own behalf in terms of section 20(1)(a) of the Act 4 of 2000, and with his work address

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at Media24 Centre, 40 Heerengracht Avenue, Cape Town. The fourth complainant has deposed to an affidavit in support of this complaint, filed together with Sanef's founding affidavit.

5. The fifth complainant is Max Du Preez, acting on his own behalf in terms of section 20(1)(a) of the Act 4 of 2000, and with his work address at Media24 Centre, 40 Heerengracht Avenue, Cape Town. The fifth complainant has deposed to an affidavit in support of this complaint, filed together with Sanef's founding affidavit.
6. The sixth complainant is Barry Bateman, acting on his own behalf in terms of section 20(1)(a) of the Act 4 of 2000, and with his work address at Primedia House, 5 Gwen Lane, corner Fredman Drive, Sandown, Johannesburg. The sixth complainant has deposed to an affidavit in support of this complaint, filed together with Sanef's founding affidavit.
7. The complainants are all represented by Willem De Klerk Attorneys and hereby appoint the below address for service of all documents, with their preferred method of service being by e-mail, alternatively, the clerk.

C/O WILLEM DE KLERK ATTORNEYS

ATTENTION: TSHEGO KHUNOU

Le Val Office Park (North Block, South Wing)

45 Jan Smuts Avenue, Corner The Valley Road)

Westcliff, Johannesburg

PO Box 84162

Greenside, 2034

Tel: 011 486-0242/3

Fax: 086 610 4240

Cell: 079 565 2234

Email: tshegok@wdklaw.co.za

willem@wdklaw.co.za

charl@wdklaw.co.za

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Annexure B

RELIEF SOUGHT BY COMPLAINANTS

The complainants pray that the above Honourable Court make a ruling ordering the following relief:

1. Interdicting the respondents from intimidating, harassing, threatening or assaulting the second to sixth complainants and any other journalist;
2. Interdicting the respondents from publishing personal information of the second to sixth complainants or any other journalist, whether on public platforms or on social media or by other means;
3. Interdicting the respondents from expressly or tacitly endorsing the intimidation, harassment, threats to or assaults on, the second to sixth complainants or any other journalist, by supporters or followers of the first respondent, whether on public platforms or on social media or by other means;
4. Interdicting the respondents from expressly or tacitly endorsing the publication of personal information of the second to sixth complainants or of any other journalist, by supporters or followers of the first respondent, whether on public platforms or on social media or by other means;
5. Directing the respondents to publicly denounce the harassment and abuse of the second to sixth complainants and other journalists and to call upon members and supporters of the first respondent to cease intimidating, harassing, threatening and/or assaulting any journalist, or publishing the personal information of any journalist;

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6. Directing the respondents to publish an apology to the complainants in particular, and to journalists in general, for the threatening statements that have been made, coupled with a recognition by the respondents of the constitutionally protected role played by journalists in our society;
7. Directing the respondents, jointly and severally, to pay the costs of this matter, on the attorney and own client scale, including the costs of two counsel.
8. Any further and / or alternative relief the court may deem fit

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IN THE EQUALITY COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

In the matter between

Case No:

SOUTH AFRICAN NATIONAL EDITORS FORUM

First Complainant

NAVARANJENI MUNUSAMY

Second Complainant

PAULI VAN WYK

Third Complainant

ADRIAAN JURGENS BASSON

Fourth Complainant

MAX DU PREEZ

Fifth Complainant

BARRY BATEMAN

Sixth Complainant

And

THE ECONOMIC FREEDOM FIGHTERS

First Respondent

JULIUS MALEMA

Second Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

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state the following under oath:

- 11
1. I am an adult female and chairperson of the South African National Editors Forum (Sanef), employed as such at Richmond Forum, Ground Floor, 18 Cedar Avenue, Richmond, Johannesburg.
 2. The facts contained herein are within my personal knowledge, and are, to the best of my belief, both true and correct.

PARTIES

3. The complainants in this matter are the following:
 - 3.1. The first complainant is Sanef, a non-profit organisation, registered in terms of the laws of the Republic of South Africa, with its primary place of business at Block A, 18 Cedar Ave, Richmond, Johannesburg.
 - 3.2. Sanef is an NPO which is capable of suing and being sued in its own name. It consists of editors and senior journalists from all areas of South African media. The organisation advocates for the protection and promotion of ethical journalism and media freedom. Sanef institutes these proceedings in its own name and in the interests of protecting journalists and media freedom in South Africa.
 - 3.3. I have been authorised to institute these proceedings and to depose to this affidavit, on behalf of Sanef, by a resolution of its management committee (annexure "MM1").
 - 3.4. The second complainant is Navaranjeni (Ranjeni) Munusamy, an adult female associate editor, employed as such by the Tiso Blackstar

Group at Hill on Empire, 16 Empire Road, corner Hillside Street and Empire Road, Parktown, Johannesburg.

- 3.5. The third complainant is Pauli Van Wyk, an adult female journalist employed as such by the Daily Maverick at TwoPence Six Building, 39 7th Street, Linden, Johannesburg.
- 3.6. The fourth complainant is Adriaan Basson, an adult male editor-in-chief, employed as such by News24 at Media24 Centre, 40 Heerengracht Avenue, Cape Town. The fourth complainant is also the treasurer of the first complainant.
- 3.7. The fifth complainant is Max Du Preez, an adult male journalist and columnist, carrying on business at Media24 Centre, 40 Heerengracht Avenue, Cape Town.
- 3.8. The sixth complainant is Barry Bateman, an adult male senior reporter employed as such by Eyewitness News at Primedia House, 5 Gwen Lane, corner Fredman Drive, Sandown, Johannesburg.
4. The respondents in this matter are the following:
 - 4.1. The first respondent is the Economic Freedom Fighters (EFF), a political party established in terms of the laws of the Republic of South Africa, with its principal place of business at 78 De Korte Street, Braamfontein, Johannesburg.

- 4.2. The second respondent is Julius Malema, an adult male and president of the Economic Freedom Fighters, employed as such at 78 De Korte Street, Braamfontein, Johannesburg.

THE IMPORTANCE OF AN INDEPENDENT MEDIA IN OUR DEMOCRACY

5. Although the conduct of the respondents mentioned below has had a direct effect on the second to sixth complainants, the conduct has also had a general effect on the freedom of the media in South Africa. This is because the conduct of the respondents, in threatening journalists and in condoning the repeated threats and intimidation by their supporters against journalists, expressly or by remaining silent, has enabled or created an environment in which the abuse, intimation and harassment of journalists is encouraged.
6. The conduct of the respondents described below constitutes hate speech within the meaning of section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("the Equality Act"). It also constitutes an unjustified violation of section 16 of the Constitution which protects freedom of expression, and of the press and other media.
7. The respondents are well aware that the Constitutional Court and other courts have highlighted the importance of the right to freedom of expression and the key role of the media in the promotion of a democratic society. As elected public representatives, the respondents are required to lead by example and to encourage their members and supporters to uphold the Constitution in general, and section 16 in particular.

8. In *Khumalo and others v Holomisa* 2002 (5) SA 401 (CC), at paragraph 22, the Constitutional Court held that "*the print, broadcast and electronic media have a particular role in the protection of freedom of expression in our society*" and that they are "*key agents in ensuring that these aspects of the right to freedom of information are respected.*"
9. The Supreme Court of Appeal in *Midi Television (Pty) Ltd v Director of Public Prosecutions* 2007 (5) SA 540 (SCA), at paragraph 6, observed that the constitutional promise of a free press is not one that is made for the protection of the special interests of the press but rather to serve the interest that all citizens have in the free flow of information, which is possible only if there is a free press.
10. It is clear that freedom of expression and of the media is not unrestrained. The Constitution allows for its limitation in certain instances. Furthermore, the media operates in a legal environment that regulates what can and cannot legitimately be published. Therefore, should the respondents, or any other person, feel that the media has encroached on their rights, or that they have a valid complaint, they can sue for defamation or refer their complaints to the mechanisms created by the Press Council or the Broadcasting Complaints Commission of South Africa.
11. As mentioned above, Sanef institutes these proceedings in the interests of protecting journalists and media freedom in South Africa. Sanef accepts that the political discourse in South Africa is often robust and that the media may legitimately be criticised on public platforms. However, our concern is that journalists in general, and individual members of the media in particular, are



harassed, intimidated and/or threatened with harm. Such conduct not only infringes the relevant journalists' physical integrity, it also serves to inhibit the free flow of information to the detriment of the public generally.

EVENTS LEADING TO THIS COMPLAINT

12. On 20 November 2018, in Parktown, Johannesburg, the second respondent addressed a crowd of EFF supporters who were protesting outside the Zondo Commission of Inquiry.
13. This address was televised on eNCA and SABC, and also streamed online on various platforms.
14. During his address, the second respondent called for action against the supposed enemies of his political party and "the revolution". These enemies, according to the second respondent, include President Cyril Ramaphosa, Pravin Gordhan, "white monopoly capital", and members of the media that supposedly defend all the aforementioned.
15. The second respondent made the following statements:

"Let's attack, fighters. Let's occupy every street, every house; every space in society. Let us not leave the enemy to chance. Where we meet the enemy, we must crush the enemy. On Facebook, Twitter, social media, be there, guard the revolution. When the enemy raises its ugly head, don't hit the head, cut the head. No time to entertain enemies of revolution. We must protect the revolution at all costs."

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16. These statements clearly constitute hate speech and an incitement to violence against the respondents' perceived enemies, including the members of the media.
17. The second respondent singled out journalists whom he dubbed part of the "Ramaphosa defence force", including the second and fifth complainants. He called for them to be dealt with decisively, saying:

"Peter Bruce, Max Du Preez, there is Ferial Haffajee, there is Ranjeni Munusamy, there is another one from Cape Town called Palesa Morudu, there's another called, this one that was the CEO of the Gender Commission, Nomboniso Gasa, and the husband, and that Pierre De Vos – that's the Ramaphosa defence force ... You must write them down, everywhere you see their names, attend to them decisively. You must attend to them decisively"

18. Having incited the first respondent's members and supporters to violent action against journalists in particular, the second respondent then sought to wash his hands of the consequences of his hate speech by making the following statements:

"These people I'm mentioning them by name, you must engage with them from a civilised point of view. You must never be violent with them. Violence is for the empty heads. In the EFF we thrive through superior logic. Some of them are women. You must be extremely gentle with them. And don't use their gender status to attack them. Engage with them from an intellectual point of view. Display discipline and intellectual superiority when engaging with them."

19. These utterances were posted by the first respondent on its Twitter account, @EFFSouthAfrica, thus disseminating the statements to a wider audience of more than 660 000 followers (annexures "MM2.1" – "MM2.4").
20. The second respondent's address was widely reported on in the media. A summary of this address was published on 21 November 2018 by News24, an online news platform (annexure "MM3").
21. Twitter users purporting to be supporters of the respondents launched a sustained and targeted attack against the journalists mentioned by the second respondent, as a direct result of and in response to his utterances.
22. A barrage of online harassment, abuse, threats, and intimidation has been directed at the complainants, the other journalists named by the second respondent, other individuals in the media, as well as the media in general.
23. Journalists have been threatened with violence. These threats of violence include the following:
 - 23.1. The supporters have a "mandate" from Malema to "deal with them [journalists] decisively until they become carcasses in their brains" (annexure "MM4");
 - 23.2. So-called "propaganda media houses" where the applicants are employed "must be burnt down" (annexure "MM5"); and
 - 23.3. Journalists will have "a definition of violence" if they continue to "misbehave and provoke" the supporters of the respondents (annexure "MM6").



24. In addition to these threats, journalists have also been harassed with abuse and intimidation:
- 24.1. Some were warned that their conduct was a declaration of "war" on the respondents (annexures "**MM7.1**" and "**MM7.2**");
- 24.2. Some were warned that the supporters of the respondents were "coming for" them (annexure "**MM8**"); and
- 24.3. Some were warned that it was "time to deal with" their types of journalists (annexures "**MM9.1**" and "**MM9.2**").
25. Journalists have also been subjected to insults by supporters of the respondents, and the second respondent himself. They have collectively and / or individually been referred to as:
- 25.1. The "Indian cabal", being a derogatory reference to the ethnicity of some of the named journalists as well as to Pravin Gordhan (annexures "**MM8**", "**MM10.1**" and "**MM10.2**");
- 25.2. "Stratcom" journalists, inferring that they had operated in support of the apartheid state before 1994 and now have a nefarious political agenda (annexures "**MM9.1**", "**MM11.1**" and "**MM11.2**");
- 25.3. "bloody racists" (annexure "**MM12**");
- 25.4. "satan" (annexures "**MM12**" and "**MM13**");
- 25.5. "racist things" (annexure "**MM14**"); and
- 25.6. "rubbish journalists" (annexure "**MM15**").

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EFFECTS

26. The conduct of the respondents in making inflammatory utterances and failing to condemn the resultant attacks on journalists has created an environment enabling the abuse, intimidation and harassment of journalists. This has had, and will continue to have, a wide-spread and damaging effect on journalists in general, the particular journalists who have been named by the respondents, and the media in general.
27. The conduct of the respondents and the resultant attacks on journalists has already had a negative effect on journalists generally. It has also had a chilling effect on reportage in respect of the respondents. Journalists are choosing not to report critically on the EFF, because they are aware they may be subjected to personal attacks and fear for the safety of themselves and their families.
28. In addition, the conduct of the respondents and the attacks on journalists has had a negative effect on the individual complainants themselves:
- 28.1. The second complainant has been the target and subject of harassment on Twitter. She has also experienced physical harassment in public. This has had a negative effect on her professional and personal life. The experiences of the second complainant are detailed in her supporting affidavit, which will be filed together with this affidavit.
- 28.2. The third complainant has been the target and subject of harassment on Twitter. She has been referred to as a "bitch" and "satan". Her

experiences are contained in her supporting affidavit, which will be filed together with this affidavit.

28.3. The fourth complainant has been the target and subject of harassment on Twitter. He was dehumanised and referred to as a "racist thing" by the second respondent. The experiences of the fourth complainant are detailed in his supporting affidavit, which will be filed together with this affidavit.

28.4. The fifth complainant has been the target and subject of harassment on Twitter. He has suffered physical harassment in public. His experiences are detailed in his supporting affidavit, which will be filed together with this affidavit.

28.5. The sixth complainant has been the target and subject of harassment on Twitter. He has been referred to as being part of a "rightwing mob". The details of his experience are contained in his affidavit, which will be filed together with this affidavit.

29. The conduct of the respondents has also been a cause of international concern. Reporters Without Borders (RSF) is an international NGO which works to protect media freedom. RSF has recently released a statement condemning the second respondent's use of threats and insults against journalists. RSF states that "inciting hatred against journalists is unworthy of a political leader, and irresponsible because it encourages actual physical violence" (annexure "MM16").

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30. I am also advised that the conduct of the respondents may constitute a violation of international law. The United Nations Human Rights Council has drafted a resolution condemning "intimidation, threats and harassment" against journalists, as well as "gender-based discrimination" against female journalists, both "online and offline" (annexure "**MM17**").

FAILURE TO ADDRESS CONCERNS

31. The respondents have failed to condemn or distance themselves from the aforementioned harassment, intimidation and threats. Instead, this has not only been endorsed by the respondents through retweets and likes on Twitter, but they have also perpetuated the abuse themselves.
32. The second respondent was made aware of the harassment of the aforementioned journalists and stated in a tweet that such attacks would not end unless the (so-called) Ramaphosa defence force started acting professionally (annexure "**MM18**").
33. The Deputy President of the first respondent, Mr Floyd Shivambu, further targeted the third and fifth complainants by name, perpetuating further harassment directed at them (annexures "**MM19.1**" and "**MM19.2**").
34. The respondents have also refused attempts by the first applicant to resolve the dispute between the respondents and the media. On 26 November 2018, the first complainant addressed a letter to the first respondent requesting a meeting with the leadership of the EFF in order to address its concerns (annexure "**MM20**"). This request was however rejected in a letter from the first respondent (annexure "**MM21**").

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35. The first complainant again requested a meeting with the respondents in a letter sent on 7 December 2018 (annexure "MM22"). The respondents have however failed to respond to this request to date.

PURPOSE OF COMPLAINT

36. The purpose of this complaint is to seek an order against the respondents in the following terms:

- 36.1. interdicting the respondents from intimidating, harassing, threatening or assaulting the second to sixth complainants and any other journalist;
- 36.2. interdicting the respondents from publishing personal information of the second to sixth complainants or any other journalist, whether on public platforms or on social media or by other means;
- 36.3. interdicting the respondents from expressly or tacitly endorsing the intimidation, harassment, threats to or assaults on, the second to sixth complainants or any other journalist, by supporters or followers of the first respondent, whether on public platforms or on social media or by other means;
- 36.4. interdicting the respondents from expressly or tacitly endorsing the publication of personal information of the second to sixth complainants or of any other journalist, by supporters or followers of the first respondent, whether on public platforms or on social media or by other means;

- 36.5. directing the respondents to publicly denounce the harassment and abuse of the second to sixth complainants and other journalists and to call upon members and supporters of the first respondent to cease intimidating, harassing, threatening and/or assaulting any journalist, or publishing the personal information of any journalist;
- 36.6. directing the respondents to publish an apology to the complainants in particular, and to journalists in general, for the threatening statements that have been made, coupled with a recognition by the respondents of the constitutionally protected role played by journalists in our society;
- 36.7. directing the respondents, jointly and severally, to pay the costs of this matter, on the attorney and own client scale, including the costs of two counsel.
37. The respondents are aware, alternatively should reasonably be aware, that their utterances against journalists are calculated or are likely to incite violence against journalists from their supporters. The respondents have also failed to condemn, discourage or distance themselves from such harassment done in the name of supporting the EFF. Their failure to act in accordance with their duty as responsible public officials has created a volatile and dangerous environment for journalists in particular and the media in general.
38. As elected public officials, the EFF and its leadership ought to be responsible advocates for the Constitution and the freedoms enshrined therein, including freedom of expression. They should refrain from making

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statements that result in the harassment and endangering of journalists. Furthermore, they should take responsibility for the abusive conduct of their supporters and condemn any harassment of journalists perpetuated in the name of the EFF.

39. The conduct of the respondents and their supporters is an infringement of the complainants' rights to freedom of expression. Furthermore, an escalation of this harassment (which we fear is likely to occur in the lead-up to the elections of 2019) is also likely to result in a violation of the complainants' and other journalists' rights to freedom and security of person.
40. Should the respondents not be interdicted from their conduct and directed to apologise and call on their supporters to cease their abuse of the complainants and other journalists, they will continue to enable an environment for the abuse and harassment of journalists. This will result in the escalation of an already volatile situation and is quite likely to culminate in physical attacks against the complainants and other journalists.
41. There are no alternative remedies available to the complainants to prevent the aforementioned harm. The complainants cannot seek police protection from an ever-increasing multitude of unknown Twitter users who threaten them in the name of the EFF. Furthermore, the use of personnel protection services when the complainants are in potentially dangerous situations is impracticable in terms of the nature of their work.
42. There is no prejudice in the respondents being ordered in the manner sought by the complainants. The respondents are always entitled to criticise the media and the order sought does not seek to interdict them from doing so.

The complainants simply request that the respondents stop enabling attacks on journalists.

43. The prejudice that would be suffered by the complainants if the order sought is not granted is manifest. Besides the ongoing harassment and abuse of journalists, the likelihood of journalists being physically harmed is so great that it must be removed before it is too late.

CONCLUSION

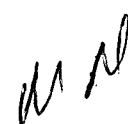
44. The respondents have made targets of journalists whom they have named and against whom they have called for action. In doing so, they have created an environment enabling the harassment, intimidation and endangerment of the second to sixth complainants and other journalists, by people acting in support of the respondents.
45. I submit that the complainants have met the requirements for the relief sought.
46. I therefore request that this Court grant an order in terms of the Form to which this affidavit is annexed.



DEPONENT

I certify that the deponent:

- (a) has acknowledged that she knows and understands the contents of this declaration; and



- (b) that she has no objection to taking the prescribed oath, that she considers the oath binding on her conscience and has in due form sworn that the contents of this declaration are true and has signed the same.

Before me at Sandton on this 13 day of December 2018


COMMISSIONER OF OATHS

Mahlako Neo Obed
Practising Advocate of High Court
Wits Law Clinic
University of the Witwatersrand
West Campus
P.O. Wits 2050



SANEF MANCOM SPECIAL MEETING
Wednesday 5 December 2018

At a special meeting of the South African National Editors' Forum's management committee (Mancom) held on 5 December 2018, the following round robin resolutions were taken telephonically regarding threats made by the EFF and its leader Julius Malema against journalists, and after the decision by council on 24 November 2018 to gather legal advice on possible recourse against the EFF, its leader and supporters:

1. Representing our members constituting editors and senior journalists across a range of media platforms, the leadership of SANEF is particularly concerned with the heightened attacks on journalists and editors over the past two days namely:

- 1.1. The increase in threats on social media against journalists, including the retweeting of a post by Malema requesting the addresses of journalists.

- 1.2. Considering the ongoing racist, hate speech, discrimination and intimidation levelled against editors and journalists on social media and other public platforms by the EFF and its supporters, we are forced to seek redress and take the necessary action to protect media freedom and the safety of our journalists and editors.

- 1.3. We believe that such actions are a threat to media freedom and the safety of journalists and we seek the following reprieve, but not limited to:

- 1.3.1. That all threats made by the EFF leadership verbally or on any other platform, including social media, cease with immediate effect and that any conduct that promotes hate speech, intimidation and the discrimination of journalists also cease with immediate effect.

- 1.3.2. That Malema publicly apologises to the media and as a legally represented Member of Parliament reaffirm his support for the Constitution and its pre-requisite for media freedom and the equality of journalists and editors.

- 1.3.3. That Malema calls on his supporters to refrain from make such utterances and threats and follow the channels available to them to seek redress, including but not limited to the SA Press Council and Ombudsman; the Broadcasting Complaints Commission of SA; one-on-one engagements with media houses and editors, or legal redress.

- 1.3.4. That an apology be published on the EFF's website.

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2. The immediate resolution taken before we embark on the above process is as follows:

2.1. We engage the services of Willem De Klerk Attorneys as our attorneys of record in this matter.

2.2. Our chairperson will write a final letter to the EFF (drafted by our attorneys), requesting a meeting with the party's leadership to discuss the above concerns within the next seven days, failing which we will be forced to seek reprieve from the courts.

2.3. That given the high-profile nature of any impeding legal action against the EFF, our chairperson will give notice to title editors once the letter has been sent and a response received.

2.4. Affidavits will be sought from all affected journalists and editors giving SANEF authority to forge ahead with the legal action.

2.5. Once all the processes as above have been completed, the SANEF council will be advised accordingly and the process will begin.

3. That SANEF resolves:

3.1. To institute proceedings in the Equality Court of South Africa and/or the High Court of South Africa for appropriate relief against the EFF and the leadership of the EFF, including Mr Malema;

3.2. To authorise Ms Mahlatse Mahlase to depose to all affidavits and to sign all documents necessary to prosecute the said proceedings.

In attendance and agreement: Mahlatse Mahlase (chair), Katy Katopodis (deputy chair), Adriaan Basson (treasurer), Mary Papayya (media freedom chair), Janet Heard (Western Cape convenor).

Signed on behalf of Mancom:



Mahlatse Mahlase
Chairperson



"mm 2.1" 29



Economic Freedom Fighters

@EFFSouthAfrica

Mr. Jacob Zuma: Let us attack fighters. Where we meet the enemy, we must crush the enemy. When the enemy raises its ugly head, don't hit the head, cut the head.

4:24 PM - 20 Nov 2018

32 Retweets 67 Likes



4



32



67



MAP
MML

"mm2.2" 30



Economic Freedom Fighters

@EFFSouthAfrica

Follow

#PravinMustFall Malema: Peter Bruce, Max Du Preez, Ranjeni Munusamy, Ferrial Haffajee, Palsea Morudu, Nomboniso Gasa and her husband, Pierre De Vos that is the Ramaphosa Defence Force.

4:41 PM - 20 Nov 2016

310 Retweets 518 Likes



281

310

518



Handwritten signature

"MM2.3" 31



Economic Freedom Fighters

@EFFSouthAfrica

Malema: Everywhere you see their names you must attend to them decisively. They are no different to Bell Pottinger who was hired as a machine for the Guptas and Jacob Zuma.

4:43 PM - 20 Nov 2018

44 Retweets 84 Likes



10 44 84

trial
m.c.

"MM2.4" 32



Economic Freedom Fighters

@EFFSouthAfrica

Malema: These people I am mentioning by name, you must engage with in a civilised manner and not violently. Violence is for those who are empty in the head, the EFF thrives on superior logic.

4:49 PM - 20 Nov 2018

103 Retweets 308 Likes



86

103

308



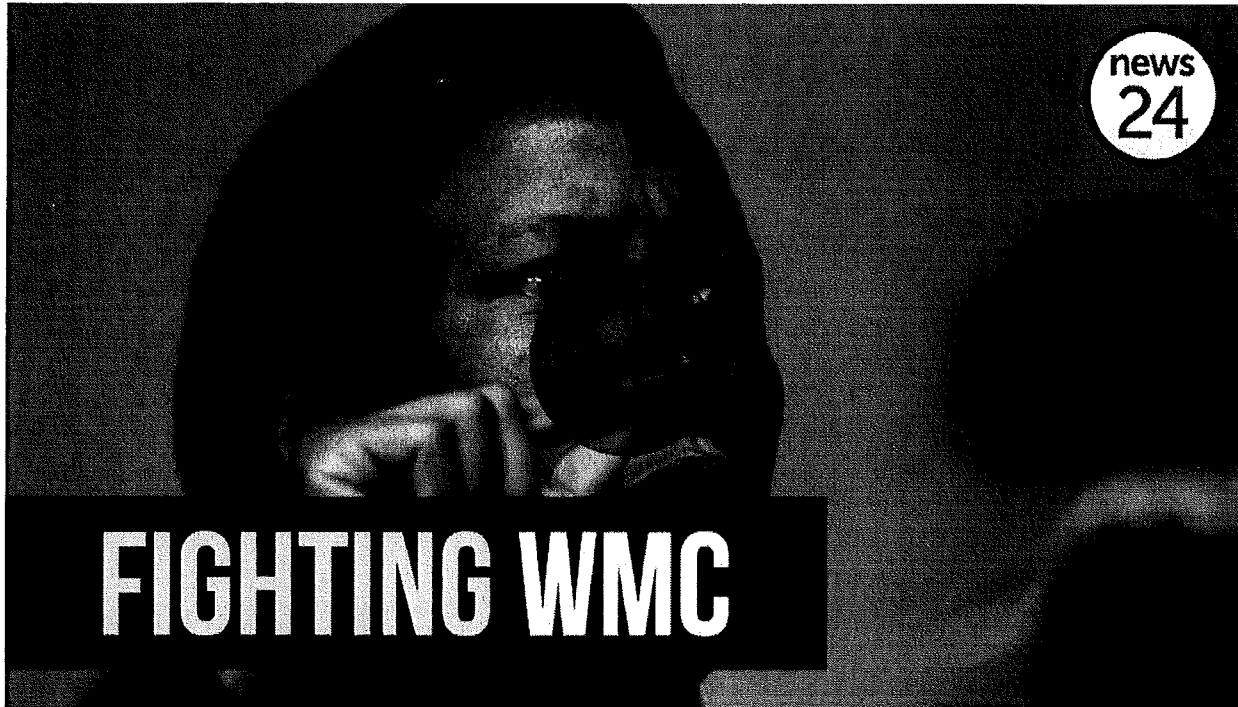
MAP
war

Crooks, dogs, Stratcom and casualties of war - 11 quotes from Malema outside the state capture commission

2018-11-21 13:30

Sarah Evans

news24



37m

WATCH LIVE: Julius Malema addresses the crowd outside #StateCaptureInquiry

EFF leader Julius Malema addressed the crowd outside the judicial commission of inquiry into state capture where Public Enterprises Minister Pravin Gordhan was testifying.



EFF leader Julius Malema launched an attack on Public

Enterprises Minister Pravin Gordhan, the media and the state capture commission of inquiry on Tuesday outside the venue where the commission is being held. Here are some of his most memorable quotes from the briefing:

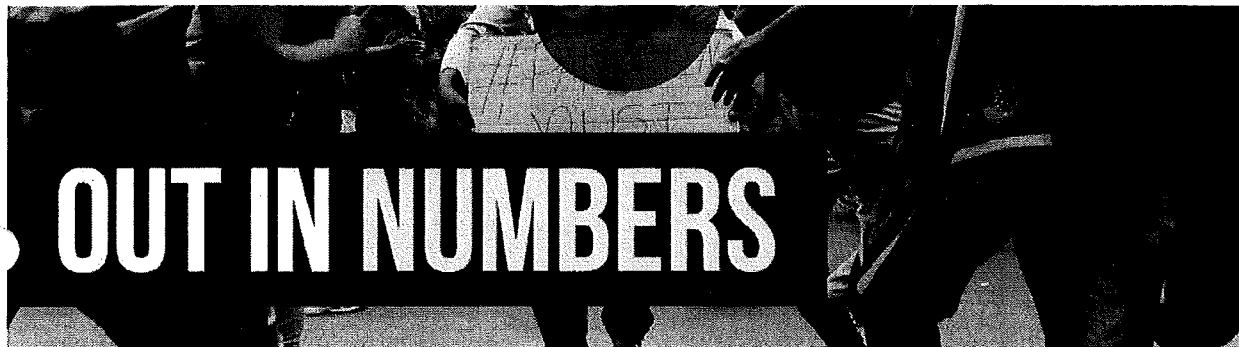
LIVE: Gordhan condemns political interference, attacks on family members of #StateCaptureInquiry witnesses

1. Journalists are crooks

Malema accused the media of ignoring allegations he has made against Gordhan and told his supporters that the party would ignore questions from a number of media houses.



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1m 11s



WATCH: EFF demonstrates for second day at #StateCaptureInquiry

Public Enterprises Minister Pravin Gordhan on Tuesday continued with his testimony at the judicial commission of inquiry into state capture, as the EFF demonstrated outside for a second day in a row.

"These crooks who are calling themselves journalists are sitting with those questions. They have never asked Pravin. The deputy president of the EFF came here yesterday and spoke. Instead of repeating those quotes they asked Pravin: 'Why is the EFF attacking you?' I want the EFF leadership from today and the membership to know we are not answering any question[s] from Tiso Blackstar, Daily Maverick, Scorpio, and e.tv which ask us about our wives, about our relatives, about anyone we know, until we ask Pravin these questions in a live interview."

2. Same WhatsApp group

Malema attempted to liken Gordhan to former president Jacob Zuma by implying they were both part of the same "corrupt" party.

"Gordhan and Zuma are the same WhatsApp group. What is the name of the WhatsApp group? ANC. Who is the administrator of that WhatsApp group? Cyril Ramaphosa."

3. Fruit of a rotten tree

"How can Pravin be a fruit of a rotten tree and not be rotten himself? Because Pravin is in the ANC. Why do you say on the one hand the ANC is corrupt but on the other hand Pravin is different? Why do you say on the one hand the ANC is corrupt, on the other hand say Cyril is different? They are the same."

4. The enemy of our enemy

Probably expecting his detractors to ask why he was attacking Gordhan now when he supported him previously, Malema said he had warned the minister that he would be next, once Zuma was gone.

"When Zuma was fighting with Pravin, we said to Pravin: 'The enemy of our enemy is our friend. Come here, let's fight Zuma, but you must know, when we are done with Zuma we are coming back to you.'"

5. A dog of white monopoly capital

It wouldn't be a Malema speech without the mention of white monopoly capital.

"Our attack on Pravin is an attack on white monopoly capital because Pravin is a dog of white monopoly capital."

6. Media a bunch of 'hypocrites'

Malema accused the media of refusing to investigate Gordhan's daughter, who he alleges is in business with the state.

"Why should we be treated differently [by the media]? We were asked about Brian Shivambu. Brian Shivambu is not a leader of the EFF. He's a younger brother of Floyd Shivambu. But Brian Shivambu was made a celebrity by the newspapers. But they are refusing to do the same with Pravin's daughter. Tiso Blackstars, you are a group of

Handwritten signature/initials

hypocrites and you shall not ask us any questions until you have subjected Pravin to the same arrangement you are doing to the rest of us."

7. 'Stratcom is alive'

Malema likened the media to the apartheid government's "Stratcom" - a disinformation campaign funded by the government, which included placing journalists in newsrooms as spies and spreading apartheid propaganda.

"Some fools who are part of Stratcom are saying: 'Why is the media covering Floyd with unfounded allegations?' You said the same thing when we started with Zuma. You said we are saying unfounded allegations. You said we are disrespectful. You are repeating the same mistakes, even when we give you direction about where corruption is."

And later...

"Stratcom is alive. Every day EFF receives all types of questions because they are trying to silence EFF."

8. There may be 'casualties'

"We have now taken a decision to fight Pravin. You must know Pravin is going to fight dirty. There will be casualties. There can even be a loss of life. If you are not ready for that, stand aside."

According to Malema, this is war.

"Let's attack, fighters. Let's occupy every street, every house; every space in society. Let us not leave the enemy to chance. Where we meet the enemy, we must crush the enemy. On Facebook, Twitter, social media, be there, guard the revolution. When the enemy raises its ugly head, don't hit the head, cut the head. No time to entertain enemies of revolution. We must protect the revolution at all costs."

9. But don't use violence against journalists

Malema mentioned by name a number of journalists who he accused of being President Ramaphosa's "defence force". However, he told his supporters not to be violent toward these journalists.

"These people I'm mentioning them by name, you must engage with them from a civilised point of view. You must never be violent with them. Violence is for the empty heads. In the EFF we thrive through superior logic. Some of them are women. You must be extremely gentle with them. And don't use their gender status to attack them. Engage with them from an intellectual point of view. Display discipline and intellectual superiority when engaging with them."

And don't kill them...

"I've got many of them on my Twitter on my phone here. I talk to them all the time but I disagree with them. I don't have to declare them enemies. I don't have to kill them. I want them to live long, to see the success of the EFF. All we are asking from the media - be honest."

10. 'That bastard'

Malema accused evidence leader advocate Paul Pretorius of being conflicted because he apparently provided pro bono legal advice to Gordhan's spokesperson, Adrian Lackay.

"This commission, our trust is getting tested gradually. This man who is asking PG [Pravin Gordhan] questions provided [advice] on pro bono basis to Adrian Lackay. Adrian Lackay is a spokesperson of Gordhan, that's why even when Pravin doesn't answer questions, the bastard doesn't interrupt. The bastard doesn't tell Pravin to answer. Instead they allow Pravin to lecture them. Because Pravin is so arrogant... this matter was brought to the attention of the commission. This chairperson still allowed this person to continue asking Pravin leading questions."

MM
war

According to eNCA, the Academic and Professional Staff Association wanted Pretorius removed because of this apparent conflict of interest. Zondo, however, ruled no substantive allegations had been brought to the commission's attention, and that Pretorius could stay.

11. A 'Mickey Mouse commission'

Malema explained that he went to court to defend the establishment of the commission, but that it had not turned out as he had hoped.

"When we went to defend it in court, we had a particular picture in mind of what this commission would look like - not this Mickey Mouse one. Not this commission [that] takes place in an expensive building. Why didn't the commission, particularly the chairperson, encourage them to take place in a government hall?"

KEEP UPDATED on the latest news by subscribing to our **FREE** newsletter.

- **FOLLOW News24** on Twitter

11/12/18

"mm4" 37



David Mokoena

@MBANGYS

Replying to [@MBANGYS](#) · Nov 29, 2018 · 1 retweet · 1 like

Let's make them famous

Those people like [@Gordhan](#), [@Gordhan](#), [@Gordhan](#), [@Gordhan](#), Basson are the RDF mercenaries who are deployed to defend Pravin Gordhan.

We have a mandate from CIC to deal with them decisively until they become carcasses in their brains.

2:29 PM · 29 Nov 2018



Had
uac

"mm5" 38



malifa jimmani

@Malifa012jimo

malifa jimmani

malifa jimmani

malifa jimmani

Replying to [@Malifa012jimo](#) · Nov 26, 2018 · Retweeted 1

All those propaganda media houses must be burnt down.

1:18 PM · 26 Nov 2018



Malifa
jimmani

"mm6" 39



#RegisterToVoteEFF @ppkeetse92 · Nov 25

Continue to misbehave and provoke us, you will have a definition of violence

Soon.

Pauli Van Wyk ● @PaulivW

#JuliusMalema has to take responsibility for violence meted out to journalists.

He is stoking the flames of a campaign against journalists whose work he disputes... and ultimately endanger the lives of journalists.-

@mailandguardian Editorial



1



3



24



11/26/2017

"MM 7.1" 40



Ferial Haffajee @ferialhaffajee · Nov 25

Journalists poll: are you going to stand in solidarity with colleagues at @SundayTimesZA and @eNCA and not cover @EFFSouthAfrica and Minister Bathabile Dlamini, both of whom banned media outlets from events and interviews?

43% Yes

57% No

9,041 votes · Final results

392 256 236



Dimo wa Bauba

@Selatole6

Follow

Replying to @ferialhaffajee @SundayTimesZA and 2 others

Is it this a threat,are you declaring war Ferial?

3:24 PM · 26 Nov 2018



Tweet your reply

MM

"mm 7.2" 41



Ferial Haffajee @ferialhaffajee · Nov 26
Must Read



Weak but Vicious – EFF Edition

It takes extraordinary cowardice to verbally attack female journalists just for doing their job in a society that is plagued with violence against women....

[dailymaverick.co.za](#)

29 28 45



Netshitungulu M
@m_netshitungulu

Replying to @ferialhaffajee

U have declared war on the public and we will give u one.u don't expect us to fold ur arms when u are doing as u ~~are~~ much as u have the right to freedom of expression, that freedom doesn't mean u must abuse us.we will retaliate when provok

7:46 AM - 26 Nov 2018 from [location]

Handwritten signature/initials

"MM8" 42



Ferial Haffajee @ferialhaffajee · Nov 25

Journalists poll: are you going to stand in solidarity with colleagues at @SundayTimesZA and @eNCA and not cover @EFFSouthAfrica and Minister Bathabile Dlamini, both of whom banned media outlets from events and interviews?

43% Yes

57% No

9,041 votes · Final results

392 256 236



De Coming Revolution

@ComingDe

Follow

Replying to @ferialhaffajee @SundayTimesZA and 2 others

Indian cabal. We are coming for you.

11:58 AM · 26 Nov 2018



Tweet your reply

Handwritten signature

"MM9.1" 43



Sellomats

@SelloMatshweu

Follow

I think now is the time to deal with this kind
of journalist like @RanjeniM @feriahaffajee
@KarimaBrown . the time is now fighters.
No space for Stratcom in SA
@EFF_WARD60_JHB_

8:15 AM - 28 Nov 2018



Tweet your reply

MM
...w L.

"mm 9.2" 44



Ferial Haffajee @ferialhaffajee · Nov 25

Journalists poll: are you going to stand in solidarity with colleagues at [redacted] and [redacted] and not cover [redacted] and Minister Bathabile Dlamini, both of whom banned media outlets from events and interviews?

43% Yes

57% No

9,041 votes · Final results

392 256 239



Mbulelo_Ndzala @mbuleloclinton · Nov 25

Did you stand in solidarity with ANN7 jornsos?

10 20 226



Ferial Haffajee @ferialhaffajee · Nov 26

Actually, yes.

35 1 8



TshekoTsk

@tsk_tsheko

Replying to [redacted] [redacted] and 3 others

Actually I think we must find a way of dealing with you ,for your unfair reporting

@ferialhaffajee

10:43 AM · 26 Nov 2018

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"MM10.1" 45



phillip mhlongo

@phillip_mhlongo

Rest assured Karima Brown, Indian Cabal shall be dealt with and destroyed in our lifetime. You were at the forefront of vilifying President Thabo Mbeki because you hate African excellence

9:12 AM · 25 Nov 2018

9 Retweets 15 Likes



1



9



15



Tweet your reply



phillip mhlongo @phillip_mhlongo · Nov 25

The narrative she tries to inculcate is that EFF is complicit in the VBS Mutual Bank collapse when infact the opposite. Such a lie must be exposed now. This woman is dirty and is advancing a filthy agenda



2



2



Handwritten signature/initials

"MM10.2" 46



Mazzotti Beneficiary

@TeeTmotlhom

The Indian Cabal likes playing victim first it was Joshua Doore now her niece Ranjeni Moonsamy claims someone was shouting her surname, she want to garnar sympathy but it doesn't change fact that she is a trash Embedded Journalist

11:15 AM - 24 Nov 2018

6 Retweets 4 Likes



1



6



4



Tweet your reply



Takalani Mahashe @MahasheT · Nov 24

Replying to @TeeTmotlhom

Ranjeni IS NOT A JOURNALIST BUT A POLITICIAN so the sooner we treat her as such the better



1



MAH
numa

"MM11.1" 47



Lazi Aphane

@Lazi_Aphane

Stratcom journalists will eventually lose public sympathy. The nonsense the write about the EFF and our leadership make me resolute in the cause.

1:00 PM · 29 Nov 2018



MA
"MC"

"mm11.2" 48



EFFDefenceForce

@VOTE EFF 2019

Leaders of the EFF, who have been so
entirely successful in their efforts to
defeat the EFF, please PLEASE
stop replying to fools below.
You can't win. Stop losing.
Thank you and all Stratcom journalists who
made it their daily job to attack the EFF.

11:39 AM - 30 Nov 2018

1 Retweet



Handwritten signature: *Handwritten signature*

"MM12" 49



Pauli Van Wyk @PauliWW · Nov 24

... has to take responsibility for violence meted out to journalists. He is stoking the flames of a campaign against journalists whose work he disputes... and ultimately endanger the lives of journalists.- Editorial

Mail & Guardian

Editorial: Malema plays a dangerous game

Many of the journalists on Malema's list have already been subjected to a torrent of abuse on social media platforms

mg.co.za

375 481 1.0K



R T Seema

@RTSeema1

Replying to @PauliWW & @mgcoza

If u venture into politics wena bloody racist Pauli"satan"van Wyk, know that u be treated like a politician & stop behaving like a victim while u are bloody racist perpetrator bloody satan. Why don't u focus on entertaining ur husband if you have any instead of persecuting blacks?

11:41 PM · 24 Nov 2018

MM
mml

"MM13" 50



Pauli Van Wyk @PauliVW · Nov 24

... has to take responsibility for violence meted out to journalists. He is stoking the flames of a campaign against journalists whose work he disputes... and ultimately endanger the lives of journalists. - Editorial

Mail & Guardian

Editorial: Malema plays a dangerous game

Many of the journalists on Malema's list have already been subjected to a torrent of abuse on social media platforms

mg.co.za

375 481 1.0K



Julius Sello Malema

@Julius_S_Malema

Replying to ...

You are sick, go to hell satan

9:57 PM · 24 Nov 2018

410 Retweets 1,658 Likes



527 410 1.7K

MM
"ML"

"MM14" 51



SANEF @SAEditorsForum · Nov 24

Press statement: Sanef Council Resolutions on EFF Threats to the Media, the SABC's Financial Crisis, Sanef's Inquiry into Media Ethics and the Importance of Media Complaints Bodies – 24 November 2018

Read more: [https://www.sanef.co.za/press-statement-sanef-council-resolutions-on-eff-threats-to-the-media-the-sabc-s-financial-crisis-sanef-s-inquiry-into-media-ethics-and-the-importance-of-media-complaints-bodies-24-november-2018/](#)

26 77 51



SANEF @SAEditorsForum · Nov 24

SANEF held its last Council meeting for 2018 today. A number of resolutions were taken. Four particularly critical ones included resolutions to deal with EFF threats against journalists and the media, the financial crisis at the SABC, ...

8 11 5



SANEF @SAEditorsForum · Nov 24

SANEF's proposed inquiry into media ethics and a campaign to publicise media complaints bodies.

3 7 4



SANEF @SAEditorsForum · Nov 24

SANEF agreed at its meeting to urgently seek a meeting with the leadership of the Economic Freedom Fighters (EFF). This follows threats made mainly to female journalists, by EFF leader Julius Malema and other EFF leaders on social media and at various political rallies.

84 48 50



Julius Sello Malema ●

@Julius_S_Malema

replied to @SAEditorsForum

Replying to @SAEditorsForum

I'm prepared to meet you on condition you don't bring racist things like this white young boy called [https://www.sanef.co.za/press-statement-sanef-council-resolutions-on-eff-threats-to-the-media-the-sabc-s-financial-crisis-sanef-s-inquiry-into-media-ethics-and-the-importance-of-media-complaints-bodies-24-november-2018/](#)

8:56 PM · 24 Nov 2018

66 Retweets 154 Likes



45 66 154

MM
male

"mm15" 52

Julius Sejo Malema Retweeted



#SinuousLinesDesign @Sentletse · Nov 21

SANEF will not dictate how EFF engages their rubbish members. They must call each other to order and report honestly and accurately.

4 46 85

Show this thread

Julius Sejo Malema Retweeted



#SinuousLinesDesign @Sentletse · Nov 21

SANEF says that it is concerned that the CIC named rubbish journalists who are engaged in trash journalism.

Why should they not be named and taken to task?!

We must expose rubbish when we see rubbish.

17 78 156

Show this thread

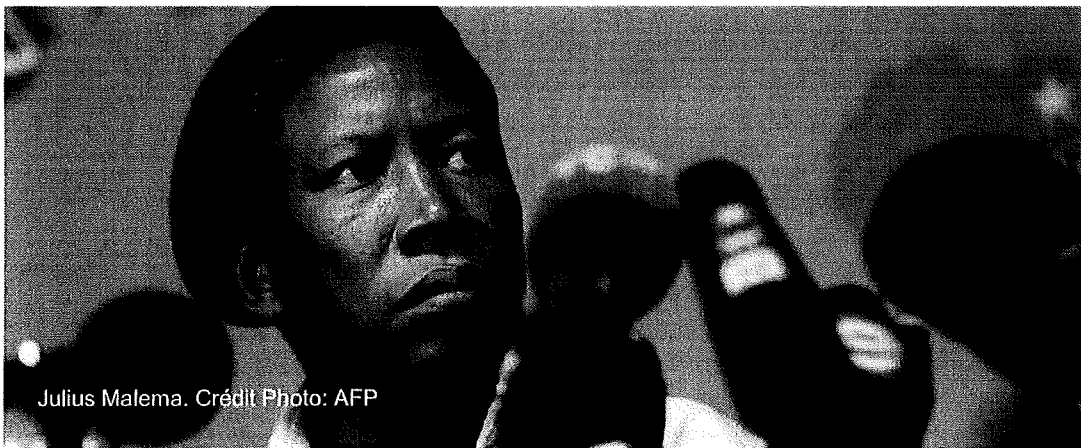
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"MM16" 53

NEWS

November 29, 2018

RSF decries South African politician's invective against reporters



Julius Malema. Crédit Photo: AFP

ORGANISATION

RSF_en

Reporters Without Borders (RSF) deplores South African opposition politician Julius Malema's use of threats and insults against journalists and media outlets covering his party's alleged involvement in an embezzlement scandal, and calls on the authorities to condemn his attempts to intimidate the press.

The leader of Economic Freedom Fighters (EFF), South Africa's second-largest opposition party, Malema has stepped up his threats and invectives in recent weeks. Naming five journalists on 20 November, he urged his

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54

supporters to “deal with them decisively” while adding to “never be violent with them.” The five journalists named by Malema – Max du Preez and Ferial Haffajee of *News24*, Ranjeni Munusamy of *the Sunday Times*, Peter Bruce of *Business Day* and Palesa Morudu – had pointed out the contradiction between the strong anti-corruption stance that the EFF has taken for years and the fact that it is now suspected of illegal funding. On 27 November, he suggested his party to “stop the invite” of these journalists to avoid situations where they “don't feel safe”.

“Inciting hatred against journalists is unworthy of a political leader, and irresponsible, because it encourages actual physical violence,” said Arnaud Froger, the head of RSF's Africa desk. *“The sole aim of these intimidatory methods is to deflect public debate about the matters of general interest revealed in the media. It is essential that the South African authorities condemn these dangerous comments and send a clear signal to any politician who resorts to insults and threats in response to facts exposed by the press”.*

A report entitled “The Great Bank Heist” about large-scale fraud and corruption at VBS Mutual Bank was widely covered by the media on 10 October. It revealed that the equivalent of more than 120 million euros of this mutual bank's funds had been illegally diverted to around 50 people including a person linked to the EFF. *The Daily Maverick* online newspaper's special investigative team, called Scorpio, reported ten days later that the EFF had

Mal
mmc

received the equivalent of 833,000 euros from VBS Mutual Bank and that Malema was directly involved.

Malema responded with a tweet telling Scorpio reporter Pauli Van Wyk to "Go to hell Satan." The same day, he reacted to a column by *News24* journalist Adriaan Basson about his use of insults by calling Basson a "racist thing" and a "white young boy."

History of insults

Malema has a history of directly targeting the media. Journalists who criticized EFF deputy president Floyd Shivambu's racist attacks on a senior treasury official were called "house niggers" by Malema in June.

In March, he accused the TV channel *eNCA* of supporting white supremacy, triggering a wave of death threats against *eNCA* journalists.

He previously made the headlines in 2010 when he expelled *BBC* reporter Jonas Fisher from a news conference for interrupting him, calling Fisher a "bastard," a "bloody agent" and a "small boy."

South Africa is ranked 28th out of 180 countries in RSF's 2018 World Press Freedom Index.

not
unc

56
"MM17"

United Nations

A/C.3/72/L.35/Rev.1



General Assembly

Distr.: Limited
13 November 2017

Original: English

Seventy-second session

Third Committee

Agenda item 72 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Cabo Verde, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Japan, Jordan, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Montenegro, Netherlands, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

The safety of journalists and the issue of impunity

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,¹ and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights² and the International Convention for the Protection of All Persons from Enforced Disappearance,³ as well as the Geneva Conventions of 12 August 1949⁴ and the Additional Protocols thereto,⁵

Recalling its previous resolutions on the safety of journalists and the issue of impunity, including resolution 70/162 of 17 December 2015, resolution 68/163 of 18 December 2013 on the safety of journalists and the issue of impunity, in which it proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, as well as its resolution 69/185 of 18 December 2014 on the same issue,

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ United Nations, *Treaty Series*, vol. 2716, No. 48088.

⁴ *Ibid.*, vol. 75, Nos. 970–973.

⁵ *Ibid.*, vol. 1125, Nos. 17512 and 17513.



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Welcoming the latest report of the Secretary-General on the safety of journalists and the issue of impunity,⁶ in particular its focus on the safety of women journalists, and recalling his previous reports on this topic,⁷

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,

Recalling Human Rights Council resolutions 21/12 of 27 September 2012,⁸ 27/5 of 25 September 2014⁹ and 33/2 of 29 September 2016 on the safety of journalists,¹⁰ 32/13 of 14 July 2016 on the promotion, protection and enjoyment of human rights on the Internet,¹¹ 34/7 of 23 March 2017 on the right to privacy in the digital age¹² and 27/12 of 25 September 2014 on the World Programme for Human Rights Education,⁹ as well as Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015,

Recalling the summary report on the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, submitted to the Council at its twenty-seventh session,¹³ as well as the 2015 publication of the United Nations Educational, Scientific and Cultural Organization entitled *World Trends in Freedom of Expression and Media Development: Special Digital Focus 2015*, and taking note with appreciation of the 2017 edition of the "Safety Guide for Journalists: A Handbook for Reporters in a High-risk Environment",

Recalling also all relevant reports of the special procedures of the Human Rights Council with regard to the safety of journalists, as well as the reports of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression¹⁴ and on extrajudicial, summary or arbitrary executions,¹⁵ and the interactive dialogue thereon,

Commending the role and the activities of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization with regard to the safety of journalists and the issue of impunity, including their collaboration to strengthen implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and their facilitation of the commemoration of the International Day to End Impunity for Crimes against Journalists on 2 November, in consultation with relevant entities within the United Nations system, Governments and relevant stakeholders, and taking note of the outcome of the Multi-stakeholder Consultation on Strengthening the Implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity,

⁶ A/72/290.

⁷ A/70/290 and A/69/268.

⁸ See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

⁹ *Ibid.*, *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

¹⁰ *Ibid.*, *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and Corr.1), chap. II.

¹¹ *Ibid.*, *Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

¹² *Ibid.*, *Seventy-second Session, Supplement No. 53* (A/72/54), chap. IV, sect. A.

¹³ A/HRC/27/35.

¹⁴ A/HRC/29/32.

¹⁵ A/HRC/29/37 and Add.1-7.

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Taking note with appreciation of the report of the Office of the High Commissioner on good practices concerning the safety of journalists, submitted to the Human Rights Council at its twenty-fourth session,¹⁶ as well as its report on the right to privacy in the digital age, submitted to the Council at its twenty-seventh session,¹⁷

Welcoming the adoption of the 2030 Agenda for Sustainable Development and the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, including by ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements, and therefore recognizing the important contribution of the promotion and protection of the safety of journalists in this regard,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Acknowledging that journalism is continuously evolving to include input from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, thereby contributing to the shaping of public debate,

Recognizing the importance of freedom of expression and of free media, online as well as offline, in building inclusive and peaceful knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance, as well as understanding and cooperation,

Recognizing also that the work of journalists often puts them at specific risk of intimidation, harassment and violence, the presence of which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Noting the good practices of different countries aimed at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Recognizing also the efforts by States to review and, where necessary, amend laws, policies and practices that limit the ability of journalists to perform their work independently and without undue interference and to bring them fully in line with their obligations under international law,

Emphasizing the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

¹⁶ A/HRC/24/23.

¹⁷ A/HRC/27/37.

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Recognizing that the number of people whose lives are influenced by the way information is presented is significant and that journalism influences public opinion,

Recognizing also the crucial role of journalists and media workers in the context of elections, including informing the public about candidates, their platforms and ongoing debates, and expressing serious concerns that attacks against journalists and media workers increase during election periods,

Bearing in mind that impunity for attacks against journalists remains one of the greatest challenges to the safety of journalists and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Recalling, in this regard, that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed, tortured, arrested, detained, harassed and intimidated in recent years as a direct result of their profession,

Expressing deep concern also at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based discrimination, including violence, inequality and gender-based stereotypes, and to enable women to enter and remain in journalism on equal terms with men while ensuring their greatest possible safety, to ensure that the experiences and concerns of women journalists are effectively addressed and gender stereotypes in the media are adequately tackled,

Acknowledging also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance or interception of communications in violation of their rights to privacy and to freedom of expression,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances, arbitrary arrest and arbitrary detention, as well as intimidation, threats and harassment, including through attacks on, or the forced closure of, their offices and media outlets, in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

4. *Calls upon* States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat

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the pervasive impunity, including through enforcement mechanisms with the capacity to pay systematic attention to their safety;

5. *Also calls upon* States to tackle sexual and gender-based discrimination, including violence and incitement to hatred, against women journalists, online and offline, as part of broader efforts to promote and protect the human rights of women, eliminate gender inequality and tackle gender-based stereotypes in society;

6. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested, arbitrarily detained or taken hostage or who have become victims of enforced disappearances;

7. *Calls upon* all States to pay attention to the safety of journalists covering events in which persons are exercising their rights to peaceful assembly and freedom of expression, taking into account their specific role, exposure and vulnerability;

8. *Encourages* States to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

9. *Requests* the United Nations Educational, Scientific and Cultural Organization, in consultation with relevant entities of the United Nations system, and mindful of the provisions of the annex to Economic and Social Council resolution 1980/67 of 25 July 1980, to continue to facilitate the implementation of the International Day in collaboration with Governments and relevant stakeholders;

10. *Urges* Member States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, speedy, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

11. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, inter alia by means of (a) legislative measures; (b) supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and international humanitarian law obligations and commitments relating to the safety of journalists, including with a strong focus on sexual and gender-based discrimination, and violence against women journalists, as well as the particularities of online threats and harassment of women journalists; (c) regular monitoring and reporting of attacks against journalists; (d) collecting and analysing concrete quantitative and qualitative data on attacks or violence against journalists, that are disaggregated by, among other factors, sex; (e) publicly and systematically condemning violence and attacks; (f) dedicating the resources necessary to investigate and prosecute such attacks and to develop and implement gender-sensitive strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified in Human Rights Council resolution 33/2; and (g) putting in place safe gender-sensitive investigative procedures, in order to encourage women journalists to report attacks against them and provide adequate support, including psychosocial support, to victims and survivors;

12. *Condemns unequivocally* measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or

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dissemination of information online and offline, aiming to undermine the work of journalists in informing the public, and calls upon all States to cease and refrain from these measures, which cause irreparable harm to efforts at building inclusive and peaceful knowledge societies and democracies;

13. *Calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention or the threat thereof;

14. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to freely exercise their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use of such technologies and to ensure that any restrictions thereon comply with States' obligations under international human rights law;

15. *Also emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, together with protective equipment;

16. *Stresses* the need to ensure better cooperation and coordination at the international and regional levels, including through technical assistance and capacity-building, with regard to helping to improve the safety of journalists at the national and local levels;

17. *Calls upon* States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, as well as international and regional human rights mechanisms, including the relevant special procedures of the Human Rights Council, and invites states to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

18. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

19. *Recognizes* the decision of the Secretary-General to mobilize a network of focal points throughout the United Nations system to propose specific steps to intensify efforts to enhance the safety of journalists and media workers, encourages the Secretary-General to continue his efforts in this regard, and invites the agencies, organizations, funds and programmes of the United Nations system to actively exchange information and enhance cooperation, including through this network of focal points, about the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, in cooperation with Member States and under the overall coordination of the United Nations Educational, Scientific and Cultural Organization;

20. *Requests* the Secretary-General to further assist in the implementation of the present resolution and to report to the General Assembly at its seventy-fourth session and to the Human Rights Council at its forty-third session on the safety of journalists, with a special focus on the activities of the network of focal points in addressing the issues of safety of journalists and impunity and taking into account the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity and its follow-up.

"MM18" 62



Ferial Haffajee @ferialhaffajee · Nov 20

Malema says this in a speech and then EFF media turns it into a tweet which goes viral. We get attacked by EFF trolling army. It happens every day. Once marked like this, it's open season by the digital army. is threatened and attacked every day. This must end.

Economic Freedom Fighters @EFFSouthAfrica

#PravinMustFall Malema: Peter Bruce, Max Du Preez, Ranjeni Munusamy, Ferrial Haffajee, Palsea Morudu, Nomboniso Gasa and her husband, Pierre De Vos that is the Ramaphosa Defence Force.

259 249 514



Julius Sello Malema

@Julius_S_Malema

Replying to

It won't end, you are Ramaphosa Defence force. Just start acting professional it will end automatically

8:30 PM · 20 Nov 2018

158 Retweets 507 Likes



86 158 507

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um

"mm19.1" 63



Floyd Shivambu

@FloydShivambu

I think a lawsuit against a confused, conflicted and drowning young "investigative" journalist like [@chrisjohnson](#) will be tantamount to killing an ant with a 6 inch hammer. These are types we clarify & cogently dismiss with facts, demand for concrete facts and they fall on own swords.

6:26 PM · 21 Nov 2018 from [London, England](#)

272 Retweets 761 Likes



528

272

761



May
what

"MM19.2"

64



Floyd Shivambu
@FloydShivambu

So the madness of Max Du Preez is a growing call now? The EFF doesn't need media to carry out events and articulations live. We have adequate capacity through social media platforms to reach out to our people directly. Rational media platforms will also not comply with madness.

Bongani Bingwa - Broadcast Journalist @bonglez

There are growing calls to no longer take EFF public addresses live but to preview and fact check them and also to edit them to exclude incitement of violence and defamation - good call or censorship? Why them and no-one else? #702Breakfast

2:23 PM · 28 Nov 2018 from [location]

225 Retweets 503 Likes



100

225

503



MM19.2

"MM20" 65



• Block 1, Richmond Forum, Ground Floor, 18 Cedar Avenue, Richmond, 2092 •
• Tel 011 482 5771 / 6775 • Fax 011 482 9132 • 046 338 NPO • www.sanef.org.za • director@sanef.org.za

Julius Malema

President

Economic Freedom Fighters (EFF)

26 November 2018

Dear Julius

SANEF REQUEST FOR A MEETING WITH THE ECONOMIC FREEDOM FIGHTERS

The South African National Editors' Forum (SANEF) requests a meeting with the EFF to discuss the issue of safety of journalists.

SANEF is worried about comments you and EFF leaders have made that have singled out and named particular journalists. In the wake of these comments these journalists have been exposed to physical threats and cyber bullying. Further, we are worried about decisions you have taken to ban particular publications from interviewing you and attending your press conferences. We would like to discuss these and other issues linked to the Constitutional principles of freedom of the media, access to information and freedom of expression.

We would like to meet with you at your earliest convenience.

Yours sincerely,

Mahlatse Mahlase

SANEF, Chairperson

Chairperson M Mahlase • Deputy Chair K Katopodis • Secretary-General M Malefane • Treasurer A Basson • Executive Director K Skinner

Mahlatse
Mahlase

Central Command Team



OFFICE OF THE SECRETARY GENERAL

Ms. Mahlatse Mahlase
Chairperson, SANEF
South African National Editor Forum
Block 1, Richmond Forum
Ground Floor,
18 Cedar Avenue
Richmond, 2092

Dear Madam,

YOUR REQUEST FOR A MEETING WITH EFF

We refer to your letter dated 26 November 2018 as per above and wish to respond as follows:

1. Your letter reads to indicate that SANEF would wish to meet the EFF leadership.
2. All correspondence to the EFF should be addressed to the Secretary General as it would be a norm in many organisations and not an exception in the EFF.
3. It is not acceptable to write to a President of any organization when requesting a meeting with the leadership of that organization.
4. The schedule of the EFF is very tight and fully booked with pre-arranged meetings and activities up until the elections date and in the circumstances, we are unable to accede your request.

Revolutionary regards.

CMSR. GODRICH GARDEE
SECRETARY GENERAL
DATE: 26 NOVEMBER 2018

"mm22" 67



• Block 1, Richmond Forum, Ground Floor, 18 Cedar Avenue, Richmond, 2092 •
• Tel 011 482 5771 / 6775 • Fax 011 482 9132 • 046 338 NPO • www.sanef.org.za • director@sanef.org.za

Godrich Gardee

The Secretary General

Economic Freedom Fighters

78 De Korte Street

Braamfontein

2001

Per email: ggardee@effighters.org.za

Dear Sir

THREATS TO THE SAFETY OF JOURNALISTS

1. We refer to our previous letter dated 26 November 2018 and your reply thereto of even date.
2. One of Sanef's strategic objectives is to defend media freedom. As the Constitutional Court has observed, the media are key agents in ensuring that the right to freedom of expression is respected. The Court also noted that the media has a constitutional right and duty to keep the public informed and to provide a platform for the exchange of ideas.

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mmc.

3. This does not mean that journalists are beyond reproach. Those who believe they have been wronged by the media have recourse to the law or the complaints mechanisms created by the Press Council and Broadcasting Complaints Commission. We also accept that the political discourse in South Africa is often robust and that the media may legitimately be criticised on public platforms.
4. What we do however object to, is when individual members of the media are publicly targeted, resulting in harassment, intimidation and/or threats. Such conduct not only serves to infringe on the relevant journalists' physical integrity, it may also serve to inhibit the free flow of information to the detriment of the public generally. The courts have previously condemned such conduct by members of political movements and have interdicted such behaviour.
5. We are deeply concerned about the public statements issued by the Economic Freedom Fighters' (EFF) President Julius Malema in recent times. In an address to supporters outside the Zondo Commission of Inquiry on 20 November 2018, Mr Malema singled out several individual journalists by name, calling on his followers to write down their names and to "*attend to them decisively*". Implicitly, those journalists were branded as part of "*the enemy*" whom Mr Malema called upon to be crushed. "*When the enemy raises its ugly head, don't hit the head, cut the head*" Mr Malema said.
6. By uttering these statements Mr Malema has created an enabling environment for these journalists to be targeted. In the result they have been branded on social media as "*mercenaries*" with supporters claiming that Mr Malema has given them a "*mandate ... to deal with them decisively until they become carcasses in their brains*". Some have been threatened with messages such as "*Indian cabal, we are coming for you*". Some were branded as "*bitch*", "*witches*" and "*snakes*". In addition, at least two of the journalists concerned have experienced physical harassment and threats in public spaces.

7. The failure by the EFF and its leadership to distance itself from these utterances and actions has only served to make the situation more volatile. We are seriously concerned about the safety of these journalists.
8. On 26 November 2018 we proposed a meeting with the EFF in an effort to discuss the aforementioned concerns, in the hope of reaching an amicable solution. Our proposal for a meeting was however rejected. In the interim the threats and harassment against the journalists has continued unabated.
9. The situation has been further exacerbated by threats of revealing the addresses of the journalists in question on social media. We understand that this followed the unfortunate disclosure of Mr Malema's home address by freelance journalist and author Jacques Pauw. Sanef condemned Mr Pauw's conduct in this regard and requested him to delete his post, which was duly done. We also issued a media statement in this regard. However, the threats to publish the addresses of the journalists still persist.
10. We hereby call upon the leadership of the EFF, again, to avail themselves for an urgent meeting with Sanef. We believe that the journalists in question are exposed to imminent harm, which may well be prevented if the EFF cooperates with Sanef's attempts at ensuring their safety.
11. We note that after people claiming to be EFF supporters vandalised at least two Vodacom shops this week, the Party leadership met up with Vodacom and the matter was reportedly resolved. We firmly believe the same may be achieved in this matter.
12. Kindly confirm your availability for such a meeting. Due to the inherently unpredictable nature of current environment, we suggest that a meeting be scheduled urgently, but in any event by no later than Wednesday 12 December.

Yours faithfully

Mahlatse Mahlase



SANEF Chairperson

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