

## STATEMENT FOR IMMEDIATE RELEASE

June 7, 2023

### **Campaign for Freedom of Expression, Media Monitoring Africa and the South Africa National Editors Forum welcome the dismissal of Zuma's case against Downer / Maughan**

The judgment handed down today in the Pietermaritzburg High Court is an overwhelming win for media freedom and freedom of expression in South Africa!

The judge's action in throwing out former President Jacob Zuma's case against journalist Karyn Maughan is a victory for all of journalism, as it reinforces the right of reporters to be free to do their job of covering important court cases without hindrance or harassment. Zuma's attack on a journalist has been decisively slapped down. Maughan was collateral damage in Zuma's "Stalingrad" strategy to delay his trial and deflect from the accusations against him - and Maughan should be commended for standing firm against this onslaught.

A few other interesting points emerge from the judgment. Firstly, how flimsy the accusations made by Zuma and his lawyers against Maughan were; secondly, how Zuma's family and supporters have relentlessly trolled Maughan online; thirdly, that the judgment strengthens the argument that we have to guard against SLAPP (strategic lawsuit against public participation) cases.

We entered this case to argue that it should be considered a SLAPP case – one that is intended not to serve justice but to silence a journalist or critic, and we urged the court to protect against this. This judgment has done so. We welcome the specific clause [192], which states *"If one accepts the submissions of Maughan relating to the relief she seeks in the application to interdicts the Respondent, then we agree with the first to third amici that the Respondent's private prosecution of Maughan has all the elements of a SLAPP suit in that, it relates to her obligations as a journalist to report on matters in the public interest. It infringes on her right to freedom of expression, specifically, press freedom and the public's right to receive such information. It has the effect of intimidating, harassing and silencing her as its ulterior motive and for reasons already mentioned in the judgment, the prosecution lacks prospects of success. If one accepts Maughan's submissions, then she has demonstrated that the Respondent's private prosecution has been instituted for the sole purpose of silencing her and not to vindicate a right"*. The clause also stands in clear alignment with the [Special Rapporteur 2023 Joint declaration on SLAPP suits](#).

The court didn't just accept Maughan's submissions it also awarded costs against Mr Zuma.

We also welcome the precedent-setting comments in the judgment that amici do not have to be completely neutral in their contributions.

As we move into our election period in the lead up to the 2024 National Elections, this judgment stands as a shining defence of media freedom and a warning for those who wish to silence and intimidate journalists and media.

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