

PROTECTING AND
EXPANDING THE RIGHT
TO FREEDOM OF
EXPRESSION FOR ALL

**Campaign
for Free
Expression**



**MEDIA MONITORING
AFRICA**

STATEMENT FOR IMMEDIATE RELEASE

3 July 2023

Campaign for Freedom of Expression, Media Monitoring Africa, and the South African National Editors' Forum welcome the "resounding victory for media freedom" in the Moti-amaBhungane judgement

The South Gauteng High Court has thrown out the attempt by the Moti Group to silence the journalists at amaBhungane and reaffirmed the public interest value of such investigative reporting. Deputy Judge President Ronald Sutherland ruled that the amaBhungane journalists can continue publishing their series on the Moti Group and they do not have to return the leaked Moti documents or identify their source.

Sutherland was scathing of the decision to allow the original Moti order to be heard *ex parte* (in secret). He said it was "a most egregious abuse of the process of court ... there is not a smidgeon of justification for it being brought *ex parte*".

Sutherland also came out in favour of a journalist's right to hold and use leaked information when it is in the public interest. He affirmed that pre-publication censorship could only be used in extreme cases and journalists should be allowed as a rule to protect their sources.

Moti was ordered to pay all costs for all three hearings that led to this judgment.

Anton Harber of the Campaign for Free Expression said: "The original order concerned us greatly as it seemed that the judge was abandoning the courts' protection of free media, but this powerful ruling has reaffirmed our faith in the protection of our constitutional rights. This is a resounding victory for media freedom.

"Moti will have to defend himself in the public arena – and that is how it should be."

Sbu Ngalwa, Sanef's chairperson, said: "We welcome the judgement. It's a great victory for media freedom. We've always maintained that journalism is not a crime. No one, no matter how powerful they think they are, should ever think that they can abuse our court system to block journalists from doing their jobs. Sanity has prevailed."

William Bird, director of Media Monitoring Africa, said: “It’s a critical victory for media freedom and a significant slap down for a SLAPP suit with costs being awarded to the amici as well. We hope the ruling also serves to dissuade similar efforts to silence journalists. There are legitimate fora for cases against media to be dealt with, and we hope these will be drawn on in future.”

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