



MEDIA STATEMENT

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Protection Order Against Journalist Thomo Nkgadima Set Aside: CFE warns of rising misuse of harassment laws to intimidate and silence journalists

The Campaign for Free Expression (CFE) welcomes the decision of the Praktiseer Magistrates' Court to set aside the protection order previously granted against freelance journalist Thomo Nkgadima. The ruling affirms that South Africa's Protection from Harassment Act cannot be weaponised to obstruct legitimate newsgathering, nor used as a tool by actors seeking to escape scrutiny.

CFE supported Mr Nkgadima throughout the proceedings, as part of its broader commitment to defending journalists facing intimidation, malicious prosecution and the misuse of legal processes.

As we have previously detailed, Mr Nkgadima has endured repeated attempts to silence his reporting on corruption and maladministration in the Fetakgomo Tubatse municipality.

In December 2023 he spent Christmas in Tubatse police cells after being arrested and charged with intimidation and trespassing while documenting alleged irregular electricity connections linked to a property owned by the local mayor. He was held for five days without representation, denied bail until 29 December, and forced to rely on family contributions to secure his release.

With CFE's intervention and the support of attorneys briefed to act on his behalf, the criminal case was ultimately thrown out for lack of evidence in May 2024.

Yet early in 2025, Nkgadima was again targeted – this time through a protection order obtained against him while he was reporting on the construction of a local hospital. He was arrested for allegedly breaching the order; the charge was quickly withdrawn, but the incident exposed a growing and alarming tactic.

"Thomo's experience is not an aberration. It is part of a broader trend in which protection orders, designed primarily for victims of domestic violence, are being misused to gag journalists," said Nicole Fritz, Executive Director of the Campaign for Free Expression.

Nkgadima's case highlights a systemic vulnerability: freelance journalists, particularly those working in rural areas and small municipalities, often uncover the stories of corruption and localised abuse of

power that would otherwise go unreported. But they do so without the institutional backing of major newsrooms, and often without access to legal support.

“This ruling is a relief for Thomo, but it should alarm all of us,” Fritz said. Even with this victory, there has been no small cost to Mr Nkgadima. As he explained: “As a result of this experience and the time it has consumed, many online publications are now reluctant to use my writing and my farming project has also suffered, resulting in a loss of side income.”

CFE is preparing to intervene in further court processes aimed at narrowing the definition of ‘harassment’ under the Protection from Harassment Act to ensure journalists, researchers and media practitioners cannot be silenced by spurious or retaliatory claims.

“We will be asking the courts to draw a clear line: the law must protect genuine victims of harassment, but it must not be twisted into a mechanism to muzzle investigative journalists,” Fritz said. “If public officials and private actors can use the Act to shut down critical reporting, then we risk creating a climate in which corruption thrives because scrutiny becomes punishable.”

CFE urges public officials, police and magistrates to exercise caution and vigilance when faced with applications involving journalists, and to guard against the growing pattern of SLAPP-style tactics, including protection orders, being used to intimidate those performing constitutionally protected work.

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