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31 July 2020

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The Registrar
Supreme Court of Appeal
BLOEMFONTEIN

Your Reference:
711/2019

Our Reference:
A DE JAGER/M04453

By hand

Dear Sir,

RE: MEDIA MONITORING AFRICA TRUST // ECONOMIC FREEDOM FIGHTERS & OTHERS

The above matter refers.

Kindly find attached hereto the amicus curiae's Heads of Argument, Practice notice, rule 10 certificate and list of authorities attached hereto.

Kindly acknowledge receipt hereof by affixing your official stamp to a copy of this letter.

Yours faithfully,

HONEY ATTORNEYS
PER: A DE JAGER

IN THE SUPREME COURT OF APPEAL
HELD AT BLOEMFONTEIN

SCA Case Number: 711/2019
GJ Case Number: 13348/2019

In the matter between:

ECONOMIC FREEDOM FIGHTERS	First Applicant
MBUYISENI QUINTIN NDLOZI	Second Applicant
JULIUS SELLO MALEMA	Third Applicant
and	
TREVOR ANDREW MANUEL	Respondent
and	
MEDIA MONITORING AFRICA TRUST	Amicus Curiae

FILING SHEET

PRESENTED FOR SERVICE AND FILING:

1. Amicus Curiae's practice note, heads of argument, and certificate in terms of Rule 10A(b).

Dated at **JOHANNESBURG** on this **31st** day of **JULY 2020**.

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IN THE SUPREME COURT OF APPEAL
HELD AT BLOEMFONTEIN

SCA Case Number: 711/2019
GJ Case Number: 13348/2019

In the matter between:

ECONOMIC FREEDOM FIGHTERS	First Applicant
MBUYISENI QUINTIN NDLOZI	Second Applicant
JULIUS SELLO MALEMA	Third Applicant
and	
TREVOR ANDREW MANUEL	Respondent
and	
MEDIA MONITORING AFRICA TRUST	Amicus Curiae

PRACTICE NOTE OF THE AMICUS CURIAE

NATURE OF THE APPEAL

1. This is an application for leave to appeal against a decision of the High Court of South Africa (Gauteng Local Division, Johannesburg) ("**the High Court**"), in which the High Court declared the allegations made about Mr Manuel ("**the Respondent**"), in the statement titled "EFF rejects SARS Commissioner interview process" dated 27 March 2019, to be defamatory and false. The High Court further declared that the publication of the statement was, and continues to be, unlawful.

2. The High Court ordered the Economic Freedom Fighters, Mr Ndlozi and Mr Malema ("**the Applicants**") to remove the statement from all their media platforms within 24 hours, and to publish a notice on all their media platforms in which they unconditionally retract and apologise for the allegations made about the Respondent in the statement. Furthermore, the High Court interdicted the Applicants from publishing any statement that says or implies that the Respondent is engaged in corruption and nepotism in the selection of the Commissioner of the South African Revenue Service.

3. The High Court also ordered the Applicants, jointly and severally, to pay damages of R500 000 to the Respondent.

JURISDICTION

4. The application for leave to appeal to this Court was referred for oral argument in terms of section 17(2)(d) of the Superior Courts Act 10 of 2013 on 30 September 2019.

5. Media Monitoring Africa was admitted as an amicus curiae by order of this Court dated 17 July 2020.

ISSUES IN THE APPEAL AND SUMMARY OF ARGUMENT

6. Social media platforms present unique challenges regarding the dissemination and publication of information online. This is of particular concern where there is publication of false and wrongful information – such as disinformation – that may be damaging or harmful to the dignity and reputation of one or more persons.

7. The amicus curiae addresses three issues in this regard:

7.1. The need to bear in mind the threat of disinformation in striking the appropriate balance between the right to freedom of expression and the rights to dignity and reputation;

7.2. The proper approach to be taken towards the notion of the "reasonable reader" in the context of social media; and

7.3. The importance of effective and expeditious procedures and remedies in defamation proceedings relating to online publications.

DURATION OF ARGUMENT

8. The amicus curiae requests 30 minutes for oral argument.

STEVEN BUDLENDER SC

Counsel for the amicus curiae

31 July 2020

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

SCA CASE NO: 711/2019
GJ CASE NO: 13348/2019

In the matter between:

ECONOMIC FREEDOM FIGHTERS First Applicant

MBUYISENI QUINTIN NDLOZI Second Applicant

JULIUS SELLO MALEMA Third Applicant

and

TREVOR ANDREW MANUEL Respondent

and

MEDIA MONITORING AFRICA TRUST Amicus Curiae

HEADS OF ARGUMENT OF THE AMICUS CURIAE

INTRODUCTION

1 The advent of the internet, and social media platforms in particular, has fundamentally changed the way in which we engage with the world, including how we communicate, socialise, learn, work and participate.

2 While this has presented significant opportunities for the exercise of the right to freedom of expression and access to information, it has also raised a number of pressing challenges regarding the dissemination of information online. This is of particular concern where there is publication of false and wrongful information that damages the rights of others, including the rights to dignity and reputation.

3 Social media platforms are unique in respect of the speed with which information can be conveyed; the amplification of the audience that can be reached; and the relative permanence with which information can remain online unless active steps are taken to remove it. In the light of the technological advances that have arisen from social media platforms, it is imperative that our courts remain responsive to the opportunities and challenges that these present, and fashion procedures and remedies that are appropriate and effective in the context of the digital era.

4 Media Monitoring Africa ("**MMA**") was admitted as an amicus curiae by order of this Court on 17 July 2020, and raises three main issues of relevance to this matter:

4.1 First, the need to bear in mind the threat of disinformation in striking the appropriate balance between the right to freedom of expression and the rights to dignity and reputation.

4.2 Second, the proper approach to be taken towards the notion of the "reasonable reader" in the context of social media.

4.3 Third, the importance of effective and expeditious procedures and remedies in defamation proceedings relating to online publications.

5 These are dealt with in turn below.

THE THREAT OF DISINFORMATION

The nature of disinformation

6 While the ever-increasing availability of social media involves many obvious benefits for freedom of expression and access to information, it also carries significant risks.

7 Prime amongst these is the opportunity that social media creates for the publication and spread of disinformation on an enormous and unprecedent scale and pace. For example, where a Twitter user has hundreds of thousands or millions of followers, a tweet can reach most of them in seconds and promptly be retweeted exponentially to countless others within few a minutes. If that tweet deliberately conveys false or misleading statements about someone, the potential for long-lasting damage is extraordinary.

8 The Merriam-Webster Dictionary defines disinformation as "false information deliberately and often covertly spread (as by the planting of rumours) in order to influence public opinion or obscure the truth". The European Commission High-Level Expert Group on Fake News and Online Disinformation defines disinformation as "all forms of false, inaccurate or misleading information designed, presented and promoted to intentionally cause public harm or profit".[1]

9 While disinformation is not in itself a new concept, it has been amplified and weaponised through social media and other online platforms.[2]

10 Disinformation may have far-reaching consequences, cause public harm, be a threat to democratic political and policy-making processes, and may even put the protection of the public's health, security and environment at risk. Disinformation erodes trust in institutions, as well as in the media, and harms democracy by hampering the ability of the public to take informed decisions. It can polarise debates, create or deepen tensions in society, undermine electoral processes, and impair freedom of opinion and expression.[3]

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1 European Commission, 'A multi-dimensional approach to disinformation: Report of the independent High-level Group on fake news and online disinformation' (2018) at p 3.

2 See: European Commission, 'Tackling disinformation online: A European approach', COM(2018)/236 (2018) *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions* at pp 5-6.

3 Joint Declaration on Freedom of Expression and 'Fake News', Disinformation and Propaganda (2017). This was published by the Special Rapporteur on Freedom of Opinion and Expression of the United Nations, the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe, the Special Rapporteur on Freedom of Expression of the Organization of American States, and the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples' Rights.

11 Indeed, a number of experts on freedom of expression have emphasised that disinformation undermines – rather than promotes – the rights to freedom of expression:

> *"[D]isinformation and propaganda are often designed and implemented so as to mislead a population, as well as to interfere with the public's right to know and the right of individuals to seek and receive, as well as to impart, information and ideas of all kinds, regardless of frontiers, protected under international legal guarantees of the rights to freedom of expression and to hold opinions."*[4]

Disinformation in the context of the present case

12 As an amicus, it is not for MMA to be drawn into the correctness of the High Court's findings on the facts.

13 However, we note that on the basis of the factual findings of the High Court, the statement published by the present appellants ("**the EFF**") certainly fits the definition of disinformation.

13.1 The High Court found that:

13.1.1 The statement made by the EFF was false;[5]

13.1.2 The EFF knew that the statement was false[6] or was at least recklessly indifferent to whether it was false;[7] and

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4 Id.

5 High Court judgment, para 66.

6 High Court judgment, paras 42 – 44.

7 High Court judgment, para 66.

13.1.3 Crucially, the EFF allowed the statement to remain online despite it having been shown to have been false.[8]

13.2 Moreover, the publication of false information in the context concerned plainly gives rise to the broader public harms referred to above, including eroding trust in institutions such as the South African Revenue Service, hampering the ability of the public to take informed decisions, polarising debates, and creating or deepening tensions in society.

14 This context of disinformation is important for a proper understanding and application of the law on the relevant defences to a defamation claim.

15 Our common law of defamation seeks to strike a proper balance between the right to freedom of expression and the right to human dignity. A key role in this regard is played by the various defences which, if applicable, can render the publication of defamatory matter lawful.[9]

16 But these defences should not be understood or applied in a manner that allows for or encourages disinformation to occur.

17 For example, even if the defence of reasonable publication were to apply to non-media defendants,[10] this must then be subject to appropriate qualifications.

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8 High Court judgment, para 66.

9 *Argus Printing and Publishing Co Ltd and Others v Esselen's Estate* 1994 (2) SA 1 (A) at 25B – D; *Khumalo v Holomisa* 2002 (5) SA 401 (CC) at paras 26 and 41 to 44.

10 There is not yet clarity on this issue. See High Court judgment, para 67 contrasted with the contrary conclusion in *Gqubule-Mbeki and Another v Economic Freedom Fighters and Another* [2020] ZAGPJHC 2 (24 January 2020) at paras 71 to 75.

17.1 The defence should not be understood to give a licence to engage in disinformation via social media where very serious allegations are made on the basis of a "confidential source" with no adequate enquiries as to the strength of those allegations.

17.2 Moreover, even if a publication were originally lawful under a reasonable publication defence, this cannot be understood to render lawful a refusal to remove those statements from social media once they have been shown to be false.[11]

18 Similarly, whatever the role to be played by "*political speech*" in the defences,[12] it is often in the political context that disinformation is most dangerous.

18.1 Again then, any "political" nature of the speech should not be a license for disinformation.

18.2 Indeed, given the platform and power that politicians wield, the extent of the audience to which they have access and the public trust and confidence that they enjoy, there is arguably a heightened responsibility on them to act in a manner that avoids disinformation and promotes the public interest.

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[11] See the decision of the Court of Appeal in *Flood v Times Newspapers* [2009] EWHC 2375 (QB) at paras 77 to 78: "*If the original publication of the allegations made against DS Flood in the article on the website had been, as the Judge thought, responsible journalism, once the Report's conclusions were available, any responsible journalist would appreciate that those allegations required speedy withdrawal or modification. Despite this, nothing was done."*

[12] Political speech is relied on by the present appellants in para 33.2 of their heads of argument. However, it has never been established as a defence in our law beyond the obiter remarks of Lewis JA in *Mthembi-Mahanyele v Mail & Guardian* Ltd 2004 (6) SA 329 (SCA) at para 53.

19 MMA therefore submits that in deciding this matter and in considering the defences concerned in a social media context, this Court ought to do so in a manner that is likely to prevent, rather than encourage, disinformation.

THE REASONABLE READER IN THE CONTEXT OF SOCIAL MEDIA

20 Our courts have repeatedly made clear that, in assessing the meaning and lawfulness of a defamatory statement, the test to be applied is the reasonable reader test. In this regard, one looks to how the reasonable reader would understand the statement in its context and that he or she would have had regard not only to what is expressly stated but also to what is implied.[13]

21 But our courts have not yet squarely considered the impact of the social media context on this reasonable reader approach. MMA submits that the English law is of assistance on this score.

22 In *Stocker v Stocker*, the UK Supreme Court explained that:[14]

> *"The advent of the 21st century has brought with it a new class of reader: the social media user. The judge tasked with deciding how a Facebook post or a tweet on Twitter would be interpreted by a social media user must keep in mind the way in which such postings and tweets are made and read."*

23 In this regard, the Supreme Court relied on *Monroe v Hopkins*,[15] which provided guidance on engaging with Twitter posts:

> *"The most significant lessons to be drawn from the authorities as applied to a case of this kind seem to be the rather obvious ones, that*

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[13] *Le Roux v Dey (Freedom of Expression Institute & Restorative Justice Centre as Amici Curiae)* 2011 (3) SA 274 (CC) at para 89.

[14] *Stocker v Stocker* [2019] UKSC 17 at para 41.

[15] *Monroe v Hopkins* [2017] EWHC 433 (QB) at para 35.

> *this is a conversational medium; so it would be wrong to engage in elaborate analysis of a 140 character tweet; that an impressionistic approach is much more fitting and appropriate to the medium; but that this impressionistic approach must take account of the whole tweet and the context in which the ordinary reasonable reader would read that tweet. That context includes (a) matters of ordinary general knowledge; and (b) matters that were put before that reader via Twitter."*

24 The Supreme Court in *Stocker* endorsed this and held that it would be wrong to engage in an elaborate analysis of a tweet or to parse a Facebook posting for its theoretically or logically deducible meaning.[16] Rather, the Supreme Court explained that:[17]

> *"The imperative is to ascertain how a typical (ie an ordinary reasonable) reader would interpret the message. That search should reflect the circumstance that this is a casual medium; it is in the nature of conversation rather than carefully chosen expression; and that it is preeminently one in which the reader reads and passes on."*

25 The following observations are also of relevance:

25.1 **Representative of users of the social media platform:** The hypothetical reader must be taken to be a reasonable representative of users of the particular social media platform who follow the person responsible for publishing the post or tweet.[18] However, the mechanics of a medium like Twitter is that the readership of the tweet may go beyond followers of the person responsible for the tweet, and include followers of other Twitter users.[19]

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16 *Stocker v Stocker* at para 43.

17 Id.

18 *Monroe v Hopkins* at para 36.

19 Id.

25.2 **Fast-moving:** Social media is a fast-moving medium, and people scroll through messages relatively quickly.[20] The essential message being conveyed by a tweet is likely to be absorbed quickly by the reader.[21]

25.3 **Impressionistic and fleeting:** People on social media do not ponder on what meaning a statement might possibly bear, with their reactions being more impressionistic and fleeting.[22] The meaning that an ordinary reasonable reader will receive from a tweet is likely to be more impressionistic than from a newspaper article, for instance, which in terms of the amount of time it takes to read allows for an element of reflection and consideration.[23]

25.4 **No close analysis:** Social media users do not necessarily subject content to close analysis, and do not have someone by their side pointing out the possible meanings that might, theoretically, be given to a post or tweet.[24]

25.5 **External material:** A matter can be treated as known to the ordinary reader of a tweet if it is clearly part of the statement made by the offending tweet itself.[25]

26 MMA submits that these elements should be appropriately considered in determining the reasonable reader in the context of social media in the present

[20] *Monir v Wood* [2018] EWHC (QB) 3525 at para 90.

[21] Id.

[22] *Stocker v Stocker* at para 44.

[23] *Monir v Wood* at para 90.

[24] *Stocker v Stocker* at para 47.

[25] *Monroe v Hopkins* at para 37.

matter. The Court should seek to avoid the real risk that engaging in minute parsing of a tweet or post many months after it was made might obscure the true impressionistic effect of that tweet or post on the social media reader at the time.

THE NEED FOR EFFECTIVE AND EXPEDITIOUS REMEDIES

The problem

27 Where a person's rights are breached, they are entitled to an effective remedy. This flows from the Constitution, as this Court has emphasised in a different context:

> *"[T]hough the Constitution speaks through its norms and principles, it acts through the relief granted under it. And if the Constitution is to be more than merely rhetoric, cases such as this demand an effective remedy, since (in the oft-cited words of Ackermann J in Fose v Minister of Safety and Security) 'without effective remedies for breach, the values underlying and the right entrenched in the Constitution cannot properly be upheld or enhanced'."*[26]

28 Moreover, timing matters. In appropriate circumstances, "*effective relief must be speedy, and it must address the consequences of the breach of … rights*".[27]

29 Defamation proceedings aim to vindicate the reputation of the person who has been unlawfully defamed. But if that person is not able to achieve effective, speedy relief – that aim will not be realised. An award of general damages of a few hundred thousand rand, even coupled with an apology, does little to effectively vindicate the reputation of the defamed person if it is granted only

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[26] *Tswelopele Non-Profit Organisation v City of Tshwane Metropolitan Municipality* 2007 (6) SA 511 (SCA) at para 17.

[27] Id at para 19 (emphasis added).

many months (or years) after the defamation has occurred. By then the damage that has been done is not capable of meaningful repair – especially if the defamatory statement has remained on Twitter or the internet throughout this time.

30 The difficulty is exacerbated by the fact that the jurisprudence of this Court and the Constitutional Court – quite rightly – sets a very high bar for obtaining interim relief against a defamatory statement.[28]

30.1 They have been right to do so because of the inherent risks of imposing prior restraints on expression, in circumstances where the statements concerned have not finally been determined to be unlawful.

30.2 But the practical difficulty that this creates is that a wrongful and defamatory statement – even a severely damaging or harmful defamatory statement – is allowed to stand, be repeated and circulate for lengthy periods of time, all while court proceedings regarding final relief take place.

30.3 In the era of social media and disinformation, this can be incredibly damaging and harmful.

The use of application proceedings

31 In those circumstances, MMA submits that it is essential that courts are willing, in appropriate circumstances, to decide defamation matters on application in an

[28] *Midi Television (Pty) Ltd t/a E-TV v Director of Public Prosecutions (Western Cape)* 2007 (5) SA 540 (SCA) at paras 16 and 19-20; *Print Media South Africa and Another v Minister of Home Affairs and Another* 2012 (6) SA 443 (CC) at para 66.

expedited fashion – rather than insisting that such matters always proceed to trial.

32 Moreover, in dealing with such matters the courts should adopt the usual approach to motion court matters – that is to be "*at pains not to permit unvirtuous respondents to shelter behind patently implausible affidavit versions or bald denials*".[29] Particularly in matters of this sort, they "*should not allow a respondent to raise 'fictitious' disputes of fact to delay the hearing of the matter or to deny the applicant its order*".[30]

33 This is increasingly the approach of our High Courts as demonstrated by three cases – the present matter, the matter of *Gqubule-Mbeki v EFF*[31] and the matter of *Hanekom v Zuma*.[32] MMA submits that this approach ought to be commended as both correct in law and as a practical way of dealing with the difficulties just highlighted.

34 But in one other recent matter – *Malema v Rawula*[33] – the High Court adopted a different approach.

34.1 It held that bringing a defamation claim by way of application was "*misguided and bad in law*".[34]

34.2 While it cited no direct authority for this conclusion, it reasoned:

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29 *Fakie NO v CCII Systems (Pty) Ltd* 2006 (4) SA 326 (SCA) at paras 55 – 56.

30 Id.

31 *Gqubule-Mbeki and Another v Economic Freedom Fighters and Another* [2020] ZAGPJHC 2 (24 January 2020).

32 *Hanekom v Zuma* [2019] ZAKZDHC 16 (6 September 2019).

33 *Malema v Rawula* [2019] ZAECPEHC 83 (12 November 2019).

34 At para 38.

> *"[T]he person making the defamatory statement may have a very good reason for doing so, but may not have the hard evidence to hand, which evidence may be in the possession of the person who claims to have been defamed and/or third parties; in an action a defendant will have the benefit of the pleadings in which the issues are narrowly defined, of the discovery process, of requesting particulars for trial, of a pre-trial conference and the subpoenaing of witnesses and documents duces tecum; he/she will be entitled to cross-examine the plaintiff and the witnesses called on behalf of the plaintiff in order to test their version and to give evidence and call his/her own witnesses; evidence of an expert nature might be necessary. An application deprives a respondent of all these extremely valuable and necessary litigation tools."*[35]

34.3 MMA respectfully submits that this approach is simply wrong as a matter of law and operates as a licence to engage in defamation and disinformation without an effective remedy.

34.4 For a start, it overlooks the obvious point that the onus to establish the existence of the defences – whether truth and public benefit[36] or reasonable publication[37] – rests on the defaming party. The notion that a defendant is entitled, as of right, to establish the defences by means of cross-examining a plaintiff at a trial is therefore untenable.

34.5 Similarly, even in respect of discovery, there is no general right to defame first and then hope to seek justification thereafter by means of a wide-ranging discovery process. Rather, the entitlement to discovery in this context is more limited.[38] And, of course, if there are specific

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35 At para 33.

36 *Khumalo v Holomisa* at para 43.

37 Id.

38 See: *Yorkshire Provident Life Assurance Company v Gilbert & Rivington* [1895] 2 QB 148 (CA) at 152: "*it would be a very bad precedent to suggest that a person can simply by libelling another obtain access to all his books and see whether he can justify what he has said or not*".

documents that a respondent can show are relevant, he can still obtain them in application proceedings – via rules 35(13) and (14).

34.6 But more fundamentally, it is not clear what principle justifies a conclusion that defamation proceedings can only ever take place via action, whereas all other categories of proceedings can take place via action or application (depending only on whether a dispute of fact is anticipated and whether special damages need to be quantified).

34.7 MMA therefore respectfully submits that the conclusion in *Malema v Rawula* is wrong as a matter of law and, in any event, is out of step with the need to provide effective and expeditious remedies for defamation in a social media era.

The formulation of relief

35 Finally, when determining the appropriate remedy to grant, courts should pay particular attention to fashioning a remedy that would effectively vindicate the reputation of the person defamed.

36 As mentioned, the speed and amplification of the audience that can be reached via social media platforms requires any remedy for online defamation to be swift and effective. It should seek to:

Cited with approval by the Full Bench in *De Maillac v Plax* 1941 CPD 206: "*where there is a general allegation against a plaintiff, and justification of such a general a/legation is pleaded and particulars are given how the plea is going to be justified and proved, that then the defendant in such a. case is not entitled to ask the plaintiff to produce documents relating to the sale and carrying on of his business generally: he is only entitled to call upon him to produce, and entitled to inspect, such books, documents and papers as related to the specific instances which were indicated of which proof would be given before the Court by way of justification.*"

36.1 Remove the content;

36.2 Ensure that the content is not re-published or further disseminated;

36.3 Vindicate the reputation the defamed party; and

36.4 Where appropriate direct that damages be paid.

37 For this to occur, there needs to be some degree of proportionality between the remedy and the defamation. Thus, in the Press Code,[39] the media rightfully recognise a duty to:

> *"make amends for presenting inaccurate information or comment by publishing promptly and with appropriate prominence a retraction, correction, explanation or an apology on every platform where the original content was published, such as the member's website, social media accounts or any other online platform; and ensure that every journalist or freelancer employed by them who shared content on their personal social media accounts also shares any retraction, correction, explanation or apology relating to that content on their personal social media accounts*".[40]

38 A remedy granted by a court should seek to achieve the same result.

39 The precise remedy that is appropriate in any given case will depend on the facts, but by way of example of the specificity that could be achieved:

39.1 Where the defamation has occurred via Twitter, it may well be appropriate to direct that an apology tweet be "pinned" to the Twitter account of the defaming party for a set period;[41] and

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[39] The Press Code of Ethics and Conduct for South African Print and Online Media. It is published by the Press Council of South Africa, the self-regulatory body dealing with the media. See: www.presscouncil.org.za.

[40] Clause 1.10.

[41] As Twitter explains: "*You can pin a Tweet to your profile so that when others visit your profile, it is the first Tweet they will see.*" See: https://help.twitter.com/en/managing-your-account/how-to-customize-your-profile.

39.2 Where the defamation occurred via the website of the defaming party, it may well be appropriate to direct that the apology be published prominently on that website for a set period.

CONCLUSION

40 The present matter presents a valuable opportunity to deal with the question of online defamation and the threat of disinformation in the digital era.

41 Disinformation campaigns are geared towards ensuring content is distributed, reproduced and redistributed endlessly, by many different actors, all with different motivations.[42]

42 It is important that defamation law seeks to keep pace in this regard – with regard to its substance, procedures and remedies.

STEVEN BUDLENDER SC

Counsel for the amicus curiae

Chambers, Sandton
31 July 2020

[42] United Nations Educational, Scientific and Cultural Organisation, 'Journalism, fake news and disinformation: Handbook for journalism education and training' (2018) at p 51.

LIST OF AUTHORITIES

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Argus Printing and Publishing Co Ltd and Others v Esselen's Estate 1994 (2) SA 1 (A)

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Yorkshire Provident Life Assurance Company v Gilbert & Rivington [1895] 2 QB 148 (CA)

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IN THE SUPREME COURT OF APPEAL
HELD AT BLOEMFONTEIN

SCA Case Number: 711/2019
GJ Case Number: 13348/2019

In the matter between:

ECONOMIC FREEDOM FIGHTERS	First Applicant
MBUYISENI QUINTIN NDLOZI	Second Applicant
JULIUS SELLO MALEMA	Third Applicant
and	
TREVOR ANDREW MANUEL	Respondent
and	
MEDIA MONITORING AFRICA TRUST	Amicus Curiae

CERTIFICATE IN TERMS OF RULE 10A(b)

I hereby certify that Media Monitoring Africa, the amicus curiae, has complied with the provisions of rules 10 and 10A(a) of the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa.

STEVEN BUDLENDER SC
Counsel for the amicus curiae
31 July 2020