

**IN THE EQUALITY COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

Case No: 90405/18

In the matter between

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 SELLO MALEMA

Second Respondent

REPLYING AFFIDAVIT - BARRY BATEMAN

I, the undersigned,

BARRY BATEMAN

state the following under oath:

1. I am the sixth complainant in this matter.

2. Except where the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge, and are, to the best of my belief, both true and correct.
3. I deposed to a supporting affidavit in this matter.
4. I have read the answering affidavit of Mr Julius Sello Malema, deposed to on his own behalf (as first respondent) and on behalf of the Economic Freedom Fighters (as second respondent).
5. I have also read the replying affidavit of Ms Mahlatse Mahlase, deposed to on behalf of the South African National Editors' Forum (as first complainant). I confirm that the contents of Ms Mahlase's replying affidavit are true and correct in so far as they relate to me.
6. I wish to make the following additional statements in reply to Mr Malema's affidavit:
 - 6.1. Mr Malema's attempt at justifying his re-tweet of the post calling for a "list of Stratcom journalists home addresses" is disingenuous. Re-publishing a social media post so ominous and threatening in nature, certainly implies endorsement. This is evident from the response to Mr Malema's re-tweet, outlined in my affidavit in the founding papers.
 - 6.2. If Mr Malema did not agree with the post which he re-tweeted, he should have made this clear at the time. When it became evident that some saw this as an endorsement, he should have distanced himself from it. He did neither.

- 6.3. The reference in my affidavit to the violent attacks that took place at Vodacom shops is relevant to these proceedings. The Vodacom incident provides objective proof that utterances by EFF leaders have real-world consequences and serve to prompt EFF members and supporters to organize. In this instance, EFF members and/or supporters engaged in violent attacks on several businesses. The incident is not an isolated one either.
7. To the extent that I have not dealt specifically with any allegation concerning me in Mr Malema's affidavit, and where such allegations are inconsistent with my supporting affidavit or this affidavit, those allegations are denied.
8. I confirm again that I align myself with the contents of the complaint and that I support the relief sought by the other complainants.
9. I persist in asking this Court to grant the relief as set out in the Form to which my supporting affidavit is annexed.

DEPONENT

I certify that the deponent:

- (a) has acknowledged that he knows and understands the contents of this declaration; and
- (b) that he has no objection to taking the prescribed oath, that he considers the oath binding on his conscience and has in due form sworn that the contents of this declaration are true and has signed the same.

Before me at on this day of July 2019

**_____
COMMISSIONER OF OATHS**