

**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 - PAULI VAN WYK

I, the undersigned,

PAULI VAN WYK

state the following under oath:

1. I am the third 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. The purpose of my affidavit in the founding papers was to give the Court my personal account of the abuse and harassment I experienced as a result of the public utterances of the respondents and to describe the impact they have had on me.
 - 6.2. I referred to my reportage on the VBS matter in the founding papers in order to provide the Court with the necessary context, not to argue the truth of what was published. The issue before this Court is not the respondents' alleged involvement in the VBS matter but rather the respondents' response to my reportage, which has resulted in abuse and harassment targeted at me.

- 6.3. I maintain that the respondents' public reactions to my reportage has a direct bearing on the reaction by their followers. For example, on 27 May 2019 I wrote another article on the VBS matter which was published on the Daily Maverick platform. The respondents did not make abusive comments on that article. As a result, I did not receive a single abusive comment or threat to my life or safety from their followers at that time. This stands in stark contrast to the other instances where the respondents did take to social media, attacking me for stories I had written.
- 6.4. I submit that there is a definite correlation between inciteful comments by the respondents targeting journalists, and their supporters attacking the journalists targeted.
- 6.5. If the respondents take issue with any of the articles I write, they can sue me for defamation or other appropriate orders, or have recourse to the office of the press ombudsman. They have elected not to do so, yet in these proceedings they claim journalists are not accountable.
- 6.6. I reject the accusation that my journalistic work evidences any sort of "obsession" with the respondents. I am an investigative journalist. I am not obsessed with the respondents. Their accusation is merely a tactic that the respondents use to avoid dealing with the substance of what was written.
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 she knows and understands the contents of this declaration; and
- (b) that she has no objection to taking the prescribed oath, that she considers the oath binding on her 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