

**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 - ADRIAAN JURGENS BASSON

I, the undersigned,

ADRIAAN JURGENS BASSON

state the following under oath:

1. I am the fourth 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 affidavit deals at length with the EFF's political battle with President Ramaphosa and Minister Gordhan. My complaint has nothing to do with politics. As appears in my supporting affidavit, together with Ms Mahlase's founding affidavit, our complaint is brought as a result of the threats against journalists by the respondents and their supporters.
 - 6.2. Mr Malema's criticism that the EFF is singled out by the media is not true. The media reports on the EFF, and all other political parties. While some of the coverage of the EFF may be critical, the bulk of the coverage is positive and/or neutral.

- 6.3. As far as my journalistic track record with Mr Malema and the EFF is concerned, I have praised and criticised them both since 2010. As an investigative reporter, I was a co-author of a report by City Press that revealed that his secret family trust benefitted from tenders in Limpopo. I also reported that a former Justice Minister prioritised his case. I have also have praised Mr Malema's political acumen in my writings.
- 6.4. The column that Mr Malema refers to at paragraphs 164 and 166 of the answering affidavit is actually critical of the media. I questioned the media's decision to ignore Mr Malema's own issues because of his stance against former president Zuma, who was also the main focus of our reporting. This ability to critically reflect on our reporting is not an admission of being a "political actor".
- 6.5. Mr Malema conflates the two forms of journalism – news reporting and opinion. As editor of News24 I am also regarded as an opinion maker. I write a weekly column, in which I express my views on matters of politics or current affairs. In my columns, I am not required to be "neutral" in the same way I am required to be fair in news reporting.
- 6.6. Regarding paragraph 96.2 of the answering affidavit, I deny that the person who threatened me is an "unknown Twitter user". The person "@tsk_tsheko", who has since been expelled by Twitter, is clearly identifiable as an EFF member on his Twitter and Facebook profiles. His profile picture is of him posing with EFF Secretary-General, Mr Godrich Gardee. Mr Gardee also follows him on Twitter.

- 6.7. I explicitly asked Mr Malema on Twitter whether he would disassociate and rebuke @tsk_tsheko for making a death threat against me. His response was an unequivocal “no”. Annexures “AB1” and “AB2” to this affidavit are screen shots of @tsk_tsheko’s Twitter profile and Mr Malema’s response.
- 6.8. I maintain that the abuse I have suffered at the hands of Mr Malema and the EFF is relevant. At the 16 October 2018 press conference, Mr Malema labelled me part of the so-called “1652 mob”. By referring to me as a “racist thing” on Twitter, Mr Malema has dehumanised me in a way that enables attacks on me, like the death threat tweet from 11 December 2018 by an EFF supporter.
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**



Tweet



Adriaan Basson ✓ @AdriaanBas... · 1h ✓

Just opened criminal case of intimidation against EFF supporter @tsk_tsheko for threatening to kill me. @SAPoliceService very professional & I will assist them in tracking down suspect. No condemnation yet from EFF.

@SAEditorsForum @TeamNews24

SOUTH AFRICAN POLICE SERVICE SUID-AFRIKAANSE POLISIEDIENS Part A Deel

Station 5
STATEMENT - VERKLARING
 CAS no 12.2018
 M&S no

The following particulars in respect of the offence / incident is supplied
 Die volgende besonderhede met betrekking tot die misdryf / voorval word verskaf.

PARTICULARS OF OFFENCE/INCIDENT * BESONDERHEDE VAN MISDRYFVOORVAL

Date and time of offence/incident
 Datum en tyd van misdryf/voorval: 20181211 0944
 Or Of Period Between Tydperk Tussen: H H M M on op
 and en Day of week Dag van week: Su M D W D V S So M D W D V S

Description of Offence/Incident
 Beskrywing van Misdryf/voorval: INTIMIDATION

Method used/Entrance gained
 Metode gebruik/Togang verkry: SOCIAL MEDIA TWITTER

Type of instrument used
 Tipe instrument gebruik

141 122 322



Julius Sello Malema ✓ @Julius_... · 1h ✓

We won't do it

73 88 347



Nosipo
@Nosipo_G

Replying to @Julius_S_Malema @AdriaanBasson and 4 others

Tweet your reply



||| View Tweet activity

200 Retweets 522 Likes



Julius Sello Malema ✓ @Julius... · 54s ▾

Replying to @AdriaanBasson
@tsk_tsheko and 3 others

Condemnation



Julius Sello Malema ✓ @Julius_... · 3h ▾

Replying to @AdriaanBasson
@tsk_tsheko and 3 others

We won't do it



Adriaan Basson ✓ @AdriaanBas... · 2h ▾

What won't you do Julius? Condemn?
Threaten? Kill? @SAEditorsForum



Maano @divhambelemaano · 2h ▾

Did you condemn your fellow who killed a
boy who was suspected to steal litchis n
sun flower?



Adriaan Basson ✓ @AdriaanBas... · 2h ▾

Yes we even made a documentary on it

Tweet your reply

