



EFF WILL APPEAL THE DECISION OF THE HIGH COURT ON TREVOR MANUEL'S DEFAMATION APPLICATION AGAINST EFF

Thursday, 30 May, 2019

The EFF notes the ruling of the High Court which has granted Trevor Manuel urgency and ordered the EFF to apologize to him on defamation. This related to our correct observation, which Manuel does not dispute, that he was conflicted in interviewing Edward Kieswetter because they are friends.

The EFF has instructed its attorneys to appeal against this judgment of the High Court which ordered the EFF to apologise to Trevor Manuel in respect of an EFF statement issued in the political context. Our constitutional jurisprudence is very clear on separating the standard to be applied to allow for free political speech which must not be confused with normal private interactions. The court seriously erred in not applying the correct standard.

The nub of our statement was that Trevor Manuel was disqualified from participating in the appointment of Edward Kieswetter to the important public position of SARS Commissioner. Indeed Trevor Manuel admits that he was conflicted. The nature of that conflict is neither here nor there.

The EFF is the second largest opposition party in the South African Parliament and a guardian of the Constitution. Its key concern is to prevent corruption. Overlooking a conflict of interest of any nature while exercising a public power is a classical form of corruption.

It is also very surprising and unusual that this routine complaint was accorded the status of urgency when in our view there was nothing urgent about it.

It is concerning that there is a growing view among South Africans that our courts are too eager to find in favour of the so-called Thuma Mina or New Dawn faction of the ruling party even when the law seems very clearly against them. We however have faith that this has not yet affected our entire judiciary hence we are appealing to the higher courts.

The key question is how could Manuel win on urgency in the High Court when nothing, whatsoever was in crisis or threatened his life?

Nevertheless, EFF will fight for the defense of political speech. Those who act on behalf of the people in the state must be held accountable, called out if they engage in wrong doing, particularly in as far as they exercise the power of the state. Trevor Manuel formed part of a questionable process of selecting a SARS commissioner in secret, in which the outcome was his personal friend and colleague. We cannot be told to retract the truth, which Manuel himself admits in his court papers.

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