



public enterprises

Department:  
Public Enterprises  
REPUBLIC OF SOUTH AFRICA

## **MEDIA STATEMENT BY THE MINISTRY OF PUBLIC ENTERPRISES**

### **CHARGES LODGED AGAINST MALEMA AND SHIVAMBU**

**26 NOVEMBER 2018** – The Minister of Public Enterprises, Mr Pravin Gordhan, today lodged two complaints against Messrs Julius Malema and Floyd Shivambu with the South African Police Service (SAPS), as well as at the Equality Court.

“The determined defence of corruption and the corrupt, using personal attacks, racism and alleged hate speech is not acceptable and must be challenged.

“I have not responded until now to the absolute nonsensical and unsubstantiated attacks, but extending these attacks to my family and threatening harmony amongst the people of South Africa was a step too far. Enough is enough,” Minister Gordhan said.

The complaints relate to multiple instances of public utterances and public statements that have impugned on Minister Gordhan’s dignity and good name. The complaint to SAPS was made at the Brooklyn police station in Pretoria.

In relation to the complaint to the SAPS, Minister Gordhan regards utterances and public statements by Mr Malema and Mr Shivambu to constitute *crimen iniuria* in that they have unlawfully and intentionally violated his dignity and privacy, both in his person and as a public official.

A charge of criminal defamation was also lodged in that the public statements and utterances were published to injure Minister Gordhan’s reputation.

The SAPS is also being asked to consider whether the public statements constitute incitement to violence in so far as it was stated by Malema on 20 November 2018, that “... *there will be causalities. There can even be a loss of life* [sic]. *If you’re not ready for that stand aside...*”

In relation to the complaint to the Equality Court, Minister Gordhan regards various public utterances and statements by Mr Malema and Mr Shivambu to constitute contraventions of Section 10 of the Equality Act in that these were clearly intended to be hurtful, incite harm and promote hatred and thus constitute hate speech, as contemplated by the Act.

In this regard, Minister Gordhan seeks an unconditional apology from the two individuals. Moreover, damages in the amount of R150 000 – 00 (one hundred and fifty thousand Rand) should be ordered by the Court jointly and severally against Messrs Malema and Shivambu.

If successful, the damages claimed will be donated to a charitable organization that supports job creation for unemployed youth.

“It is time for all South Africans to take a firm stand against racism, lies and fake news and contribute to the building of a united, non-racial and non-sexist democratic South Africa. All of us as South Africans must continue to fight corruption in the private sector and in the State,” Minister Gordhan said.

**ENDS.**

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