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MEDIA RELEASE

The Minister of Finance, Mr. Trevor A Manuel, MP welcomes the judgment by Judge Andre le Grange in the Cape High Court in the matter between Minister Manuel and Terry Crawford-Browne. The judgment, handed down today, relates to the application by the Minister to prevent continuous and unfounded defamatory statements made against him by Crawford-Browne.

According to the judgment, the following order is made:-

- a) "Interdicting and restraining the Respondent [Crawford-Browne] from publishing any matter in which it is alleged that the Applicant [Manuel] is corrupt or committed the crime of corruption or any other criminal conduct in connection with the arms deal, pending an action;
- b) That the Respondent remove from his website all allegations wherein the Respondent has accused the Applicant or suggested the Applicant is guilty of the crime of corruption or other criminal conduct in connection with the arms deal, pending the action."

Whilst we recognise that it is unfortunate to have to bring such applications to protect us from abuse, we are nevertheless encouraged by the finding of the court. The Judge has weighed the issues and says in paragraph 16 of his judgment: "Freedom of expression is fundamental to our democracy, however, it is not a paramount value. It must be construed in the context of the other values enshrined in the Constitution, in particular the value of human dignity. Under our new constitutional order, the recognition and protection of human dignity is a foundational constitutional value."

The judge also states that Crawford-Browne does not provide a "shred of evidence" against Minister Manuel and in paragraph 29 says that the statements made by Crawford-Browne "are in my view defamatory and part of an ongoing campaign to deliberately undermine the Applicant [Manuel]. I am satisfied that a strong *prima facie* right to the Court's protection has been established."

Judge Le Grange found that "the Applicant's [Manuel's] reasonable believe (sic) that the Respondent [Crawford-Browne] will continue to make the unlawful and defamatory remarks and

may increase the intensity and frequency thereof unless he [Manuel] has the protection of the Court is not unfounded.”

Essentially, the judge recognises that the hard won freedoms that we have attained need to be tempered by responsibility. The judge has evaluated the conduct of Crawford-Browne and concludes that the manner and methods he chooses to employ in participating in public debate is not concomitant with the responsibility that accompanies freedom of speech.

For further information, please contact Thoraya Pandy on 082 416 8416.

Issued by: Ministry of Finance

5 March 2008