



**COUNCIL**  
FOR THE ADVANCEMENT OF THE  
SOUTH AFRICAN  
CONSTITUTION

## **MEDIA STATEMENT**

15 June 2012

### **LRC and CASAC join Julius Malema hate speech case**

The Supreme Court of Appeal (SCA) on Tuesday 12 June 2012 issued a court order confirming the admission of the Council for the Advancement of the South African Constitution (CASAC) as *amicus curiae* (friend of the court) in the hate speech case against Julius Malema.

The Legal Resources Centre (LRC) is acting on behalf of CASAC. The case is expected to be on the roll later this year. Malema is appealing the Equality Court's ruling in September 2011 which declared the "shoot the boer" song as hate speech.

CASAC's seeks to argue that the Equality Court's process for determining whether the singing of a particular song or the uttering of particular speech may legitimately be prohibited or penalised was flawed because it did not adequately consider the relevant speech in its proper context. Context, in this regard, includes the historical and constitutional context.

The Equality Court understood the concept of a "minority" in an inappropriately narrow fashion. A definition of the word "minority" must include factors other than numbers, and may encompass a group that is in the numerical minority, but which finds itself in a minority-like position.

CASAC believes the Equality Court failed to strike an appropriate balance between section 10 (right to human dignity) and section 16 (freedom of expression) of the Constitution. Such a balance could be struck in this case without causing any undue limitation on the right to freedom of expression.

CASAC's founding affidavit is available [here](#).

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