

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

B E T W E E N:

JACOB GEDLEYIHLEKISA ZUMA

Claimant

- and -

GUARDIAN NEWS AND MEDIA LIMITED

Defendant

STATEMENT IN OPEN COURT

SOLICITOR FOR THE CLAIMANT

My Lord, in this action I appear on behalf of the Claimant, Jacob Zuma. The Claimant is the President of South Africa, having been elected by Parliament following the African National Congress party's victory in the general election held on 22 April 2009.

In 1963 the Claimant was convicted for a political offence in South Africa and sentenced to 11 years imprisonment on Robben Island. Thereafter, the Claimant went into exile to fight for the political rights of the oppressed in South Africa. Since the advent of democracy in South Africa, the Claimant has occupied a number of senior posts within the ANC including National Chairperson from 1994 until 1997 and Deputy President from 1997 until October 2005. In December 2007 the Claimant became the President of the ANC.

In October 1998 the Claimant was honoured in Washington D.C. with the Nelson Mandela Award for Outstanding Leadership for his role in the peace

process in Burundi. The Claimant has also been awarded honorary doctorates from the Universities of Fort Hare and Zululand and from the Medical University of Southern Africa.

The Defendant is the publisher of the Guardian, a daily newspaper with a wide circulation and very influential readership throughout the jurisdiction of this Court. It also owns and maintains a website at the url: www.guardian.co.uk which is very well known and widely accessed throughout the jurisdiction, and from which the on-line version of the Guardian is published. The Defendant claims the Guardian website is the UK's most popular newspaper website.

On Friday 6th March 2009, the Defendant published an article written by Simon Jenkins entitled "*Get used to a corrupt and chaotic South Africa. But don't write it off*" ("the Article"). Until approximately 27th March 2009, the Article was also published on the Guardian website.

The Article alleged that the Claimant was guilty of rape and of the crimes of corruption and bribery arising out of his involvement in a \$5 billion arms deal. Such allegations are of the utmost seriousness and totally untrue. The Article also included a number of other false claims which the Claimant found highly offensive, including that the ANC was corrupt and that Madiba had replaced ordinary Afrikaners or the Afrikanerdom when the ANC came into power. Additionally, the Claimant considered that Zulu cultural practices had been depicted in a derogatory manner within the Article.

On 26 March 2009 the Claimant issued libel proceedings seeking amongst other things damages, including aggravated damages, for libel. In correspondence through Schillings the Claimant sought amongst other things a full retraction and apology from the newspaper.

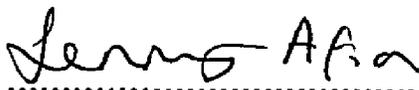
On Tuesday, 21st April 2009, the Defendant published a unilateral Apology in its Corrections and Clarifications column which stated:

"We apologise to Jacob Zuma, the president of the African National Congress, for suggesting (in a piece headlined 'Get used to a corrupt and chaotic South Africa. But don't write it off', 6 March, page 31) that he was guilty of rape. This was included due to an editing error. In fact, Mr Zuma was acquitted of a rape charge in 2006. We also alleged that he was guilty of corruption and bribery. We would like to clarify that since the article was published all criminal charges against Mr Zuma have been dropped by the South African National Prosecuting Authority on the basis that the timing of the decision to prosecute him in the first place was politically motivated. We apologise for any distress or embarrassment caused."

Understandably the Claimant did not consider that the aforementioned Apology adequately dealt with his complaint. In particular, in breach of Clause 1(ii) of the Press Complaints Commission's Code of Practice, the Apology was published far less prominently in the newspaper and on the Guardian's website than the article complained of. Additionally, the Apology was initially unavailable on-line when a search was made using the Claimant's name.

After Particulars of Claim were served on the Defendant, on 15 May 2009 the Defendant made an offer of amends pursuant to which, amongst other things, it offered to pay the Claimant very substantial damages and to pay his legal costs.

In light of the facts that the Defendant is now willing to pay very substantial damages and it has publicly apologised to the Claimant, the Claimant considers that his reputation in this matter has been entirely vindicated and he is prepared not to proceed any further in his action against the Defendant. Accordingly, my Lord, all that remains is for me to ask for leave to withdraw the record.



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JENNY AFIA
SCHILLINGS
(on behalf of the Claimant)

30 July 2009

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Ref: KS/JA/Z0016/001