



Tech Tuesdays With Musa.

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THINK BEFORE YOU POST: DEFAMATION AND SOCIAL MEDIA PART II.

Who Can Be a Plaintiff for Purposes of a Defamation Suit?

Recently, members of the public have come out in droves on social media, expressing their displeasure about the services rendered at certain public hospitals. Can the government, particularly the Ministry of Health, institute, defamation proceedings against such individuals? Who can be a plaintiff for purposes of a defamation lawsuit?

Can the Government Successfully Institute Defamation Proceedings?

It is a long-standing principle of our common law that the government as an entity cannot sue for defamation. This is to foster healthy government criticism and debate. It would be a violation of the freedom of expression if taxpayer money is used to sue the very same taxpayers for unfairly or falsely criticizing the government.

Can a Company be Defamed?

Unlike the government, trading companies are juristic persons with legal personality distinct from their members, hence they have a reputation of their own and therefore they have a right to sue for defamation.

Can a Deceased Person be Defamed?

The dead cannot be defamed. Only a living person can have his dignity or reputation impaired. The deceased must have been alive and had instituted proceedings to the point of close of pleadings for him to have an action of defamation.

The relatives of a deceased person have no right to institute an action in respect of the deceased unless the defamatory statement caused injury to their reputation as well.

Can a Group of People Be Defamed?

Only members of a group who can produce evidence to show that any reasonable person acquainted with their class or group was likely to understand the defamatory matter as referring to them are likely to be successful in an action for defamation.

Article by Princess Musa Dube

If you have, or personally know someone who has been defamed on social media, feel free to contact us at info@gobhozalegalpractice.co.bw Tel: 311637

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