

#MobJustice, media freedom and the #DrosRape

 By Leigh Andrews

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NEWSWATCH: Court reporting is notoriously one of the most strictly regulated fields of journalism, which is why media celebrated this morning when granted an application to take still pictures of the #DrosRape accused.



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Acumen Media's seven-day analysis confirms that South African social media feeds were filled with violent images arising from the #DrosRape incident.

Social media's #MobJustice took hold following graphic scenes from a video taken in the bathroom of the Dros Silverton restaurant, in which a seven-year-old girl was raped.

“ Government has noted a disturbing video circulating on social media involving the alleged rape of a child. We appeal to the public to remain calm and allow the law to take its course. The perpetrator has been remanded in custody and will appear in court on 2 October. [#Dros #GBV](#)— South African Government (@GovernmentZA) [September 27, 2018](#) ”

This despite [Memeburn](#) reporting that government had taken to its own official Twitter account late last Thursday, asking social media users to not repost the clip.

As a result, #DrosRape was one of the most-read news stories of last week – third only to #HeritageDay and #WeedLegalised.

“ Is [#mobjustice](#) via social media a thing? It certainly appears so. [@ThisIsTonya](#) talks about how media has changed and the stats that backs her up [@MediaShowAfrica](#) <https://t.co/ObxchwZ8cs>— Acumen Media (@ThisIsAcumen) [September 28, 2018](#) ”

Little wonder then that the case's court proceedings – the accused's second appearance – were a big talking point today, with a strong police presence, and protesters demanding justice outside the Pretoria Magistrate's Court.

The accused has still not pleaded, so his name is meant to be withheld from publication until he officially pleads in court – this despite some media already naming the accused and posting images of his face.

No bail, fears of mob justice

The accused did not apply for bail – [Times Live](#) reports he has sustained several injuries during his arrest, and will remain in custody until the case resumes on 1 November.

Fears of mob justice prevail. But a highlight from [News24](#)'s live feed of updates from this morning's court case was that of the court granting a media application to take still pictures of the accused, both before and after proceedings.

[Mail & Guardian](#) confirms that Magistrate Mali Mokwena ruled that the media may take still photographs 15 minutes before and 15 minutes after court proceedings.

The accused promptly put on a hoodie, but some managed a quick snap before he did so:

“ I'm willing to bet that the picture with the hoodie will be the one used as the "official photo" by white media even though both pictures were taken minutes away from each other after the ruling . [#DrosRape pic.twitter.com/FwP0MJs9Oi](#)— Mfowethu (@Luckeez) [October 2, 2018](#) ”

Attorney for the accused, Rian Du Plessis of Legal Aid, argued against the application, stating the court must decide between the **rights of the media to report and the accused's rights to privacy and a fair trial**.

“ [#DrosRapist](#) The court has granted the media application to take stills of the accused before and after court proceedings in court. People in the gallery applaud [@TeamNews24](#)— Alex Mitchley (@AlexMitchley) [October 2, 2018](#) ”

[News24](#) journalist Alex Mitchley tweeted that Du Plessis eventually conceded that there are indeed pictures and a video of the accused that have been circulated on social media, but says those images don't depict the accused in the court environment.

Ultimately, the State said the application was too late, particularly as the pictures and even name of the accused had already been widely distributed, but agreed that initial photographs identifying the accused should not have been taken and published.

Unfortunately, all did not go to plan for the media photographers at the court:

“ The Magistrate granted an application to shoot stills before and after court proceedings for 15 minutes in the [#Drosrape](#) case, however, the accused was taken out of court even before the magistrate left, so jourmos' could not photo him. Seems like the defying of a court order?— Alex Mitchley (@AlexMitchley) [October 2, 2018](#) ”

As a result of the 'still images only' ruling, video of today's proceedings was also denied.



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According to [The South African](#), the accused will not be handing over his cell phone to investigators, as he “does not want to incriminate himself”.

But [Times Live](#) reports the state still wants to launch an application to obtain the cell phone for “forensic downloading”.

Only time will tell how important a role social media plays in this highly watched case.

Read more

- [LIVE: Court grants media application to take pictures of Dros rape accused](#): *News24*
- [Dros rapist: Here's what happens next, as case postponed to 1 November](#): *The South African*
- ['Injured' Dros rape accused does not want bail](#): *Times Live*
- [SA government asks Twitter users to stop sharing videos of Dros rape](#): *Memeburn*
- ['Dros rapist': No bail application, pictures can be taken in court](#): *Mail & Guardian Online*

ABOUT LEIGH ANDREWS

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