

Pist off by Pistorius tweets

 By [Peter Mann](#)

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The flood of comments on Twitter and other social media platforms around Oscar Pistorius highlight the extreme dangers of unmediated social media.

One of the most basic precepts of law is that a person is innocent until proven guilty. Allied with this is the concept of *audi altarem partem* - you have to listen to both sides of the story.

And those who are tweeting with such delight and thoughtless impunity should remember that they are probably guilty of publishing defamatory statements for which they can be sued.

None of us knows, yet, what sparked the tragedy at the Pistorius home early this morning. All we know is that it cost the life of Reeve Steenkamp. Her family and loved ones must be devastated and all of our hearts go out to them in this moment of tragedy.

Pistorius has been arrested and will be charged with murder. That is the normal process of the law. He has to face charges, he has to be charged with the most severe offence as, unless they charge him with murder now, they cannot add that charge later.

None of this means that he is guilty.

The facts still have to be proved

He may be - but it is not proven yet. The two poles are that it was a dreadful accident and he shot his friend by mistake thinking she was an intruder; or that he shot her deliberately. Only a police investigation followed by a court case will determine what actually happened.

All of us who use and consume social media need to be careful. South Africa's Constitution contains a Bill of Rights, which protects all of our dignity. It is based on the Universal Declaration of Human Rights adopted by the United Nations.

So to tweet; "Let's face it he is a murderer" and "he is going to jail" certainly undermines his dignity in a way that is actionable if he is not guilty.

Our civil law, as in the rest of the world, makes it an offence to defame somebody. Defamation has to be "published". You can think it - but the moment you say it to someone else you have "published".

There is no doubt that tweeting, or commenting on Facebook or anything else is publication - and you can be sued for what you say.

It is for this very reason that a newspaper editor, for example, is legally responsible for every single word published in her/his newspaper - including the advertisements and the letters to the editor. Publications can be sued - and are - for publishing defamation.

So, for example, the Press Council of South Africa has extended to its remit everything that is published on newspaper-owned websites - including the comments added by their readers. They are now treated exactly the same as readers' letters.

It is noteworthy that today News24 closed its comment section on the Oscar Pistorius issue. They are acting to protect themselves from the comments made by their readers.

Gossip could get you gaol

Sooner (I hope) or later someone is going to be sued for what they say on social media. That will be a good thing. Some of what is said (not only about Pistorius) is deeply objectionable, racist, sexist, ill-informed and untrue crap.

Freedom of speech is literally something for which people have died - and it has been worth the sacrifice. But it comes with responsibility. It is reprehensible to gossip and convict without knowledge and facts.

One of the brands which featured Pistorius in their advertising was tearing down their billboards today - that is shameful. They said they were doing so out of respect for the Steenkamp family - but they are convicting him along the way. Their actions are precipitate.

I really hope that if he is innocent in this tragedy, the gleeful gossipers and character assassins will hang their heads in shame.

Social media is a wonderfully enabling tool.

The internet has made all of the world's knowledge available to all of us instantly. Twitter, Facebook, YouTube, LinkedIn; etc have given us new ways to connect and share instantly - let's use it positively.

(By the way before I get accused or defamed on Twitter: I have never met Oscar Pistorius. I am not a friend of his; nor am I an apologist for him.)

ABOUT PETER MANN

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