

**IN THE EQUALITY COURT FOR THE DISTRICT OF JOHANNESBURG NORTH  
HELD AT RANDBURG**

Case No: EQ 007/2016

In the matter between

CLEMENT DAVID MKHONDO

1<sup>st</sup> Applicant

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

2<sup>nd</sup> Applicant

and

VICKY MOMBERG

Respondent

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**ORDER**

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WHEREAS it is the finding of the court that:

(a) The respondent's verbal statements directed at the first applicant, Mr Clement David Mkhondo constituted hate speech in terms of section 10 of the Equality Act 4/2000 and

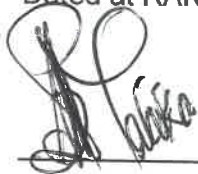
(b) that the respondent's verbal statements which constituted hate speech, violated the first applicant's constitutional rights to human dignity and equality and caused him emotional suffering;

Having perused the documents filed and having considered the evidence led in this matter,  
**THE COURT MAKES THE FOLLOWING ORDERS:**

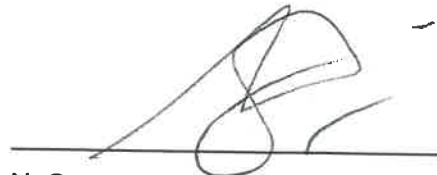
1. That the respondent shall perform community service in terms of section 21(2)(l) of the Equality Act for a period of not less than 100 (one hundred hours) over a period of 6 (six) consecutive months at the direction of and as implemented or orchestrated by the second applicant and/or its affiliates or associates;
2. The respondent shall make an unconditional written apology to the first applicant within 5 days of the date of this order, and that this apology shall incorporate an unequivocal retraction by the respondent of all or any racial and/or discriminatory and/or abusive remarks amounting to hate speech made against black persons in general.

3. The court further orders that this apology shall be published on one or both of the social media platforms being Twitter and/or Facebook and it shall furthermore be published on the website of the second applicant, South African Human Rights Commission. The written apology shall remain on these electronic media platforms for a period of not less than 5 (five) days from the date of publication or posting.
4. That the respondent shall attend equality sensitivity training to be provided by the second applicant within 6 (six) months of the date of this order;
5. The respondent shall pay damages in the sum of R100 000, 00 (one hundred thousand rand) to the first applicant, in accordance with section 21(2)(d) of the Act, for the violation of his constitutional rights to equality, the impairment of his rights to human dignity and for causing him emotional pain.
6. Each party is ordered to pay their own costs.

Dated at RANDBURG on this the 8<sup>th</sup> day of JUNE 2017



Mr. R. Malaka  
Clerk of the Equality Court  
Randburg



N. Sewnarain  
Designated Presiding Officer: Equality Court  
Randburg

