

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 17978/2012

In the matter between:

JACOB GEDLEYIHLEKISA ZUMA	First applicant
AFRICAN NATIONAL CONGRESS	Second applicant
DUDUZILE ZUMA	Third applicant

and

GOODMAN GALLERY	First respondent
CITY PRESS	Second respondent
BRETT MURRAY	Third respondent

THIRD RESPONDENT'S ANSWERING AFFIDAVIT

I, the undersigned

BRETT MURRAY

do hereby state under oath:

1. I am an adult male artist, living and working in Cape Town.
2. The facts contained herein are within my personal knowledge and belief, unless the context indicates otherwise, and are true and correct.
3. I depose to this affidavit primarily in response to the statements made about my work in the third applicant's affidavit. I align myself with what has been said in the answering affidavit of Liza Esser in respect of the remainder of the third applicant's affidavit.
4. I have read the answering affidavit of the City Press which accurately reflects the controversial facts which surround the first applicant.
5. At the outset, I would like to say that I am a proud South African and a former supporter of the ANC. I am not a racist. I do not produce art with an intention to hurt, humiliate or insult, and that includes the painting that has caused this controversy. I emphatically deny that any such intention motivated the painting or exhibiting of *The Spear*. This will be borne out by my explanation as to the background and context of my work. *The Spear* has a dual purpose: it is a work of protest or resistance art, and it is a satirical piece.

6. I would like to explain my history to give a context to my work:

6.1. I was born in South Africa, and raised in the 1970s and 1980s in a society that was perverted, controlled by corrupt, morally bereft politicians who treated South Africa — my country — as a personal fiefdom of their racist elite. To preserve their position of illegitimate power, tactics of intimidation, coercion, violence, manipulation and misuse of intelligence and police forces were the norm. Censorship prevailed and freedom of expression was severely curtailed. White men, such as me, were conscripted into the army to take up arms against fellow South Africans, to fight a war we did not believe in against enemies that we considered to be friends. I thereafter, in order to avoid conscription, studied for 10 years, and thereafter went into self-imposed exile in London until the ANC was unbanned and I returned to South Africa.

6.2. While I was studying, I was involved in anti-apartheid activities, in the trade union movement, church groups, youth groups, and the End Conscription Campaign. As an artist, I produced and designed banners, posters, stickers, protest worker diaries and the like in support of the struggle.

- 6.3. It was growing up in this apartheid society that caused me, from an early age, to think about issues of power, race, politics, patriarchy, oppression and the manipulation of the media. Indeed, these themes have by-and-large prevailed through my work as an artist, over many years.
- 6.4. When I studied for my masters in Fine Arts, I reflected satirically on the apartheid regime. The title of my dissertation is 'A Group of Satirical Sculptures Examining Social and Political Paradoxes in the South African Context'. The works consisted of satirical figures describing policeman with dynamite in their ears, pigs as soldiers and the like.
7. Like many other South Africans, I embraced the dawn of a new South Africa. I was teaching art at Stellenbosch University in 1994, when South Africa's first democratic election was held, and as a supporter of the ANC, I proudly cast my ballot on 27 April 1994. That day signified hope, freedom, an end to tyranny and the dawn of a new era for me, my countrymen and the whole world, South Africa moved from being a pariah state to being the proudest nation in the world.
8. As our democracy developed cracks began to show in the way that the ruling elite were implementing the ideals of the Freedom Charter and our Constitution. From my perspective as an artist I felt a sense of

betrayal where heroes of the struggle now appeared to be corrupt, power-hungry, and greedy, or where ideals that many had died or made sacrifices for were abandoned on the altar of expedience.

9. Over the past few years one on-going narrative in our society has been the story of the first applicant. For instance, in a judgment implicating the first applicant, a court found that the first applicant was closely linked to his former financial advisor, Mr Schabir Shaik who was found guilty of corruption. Another controversial feature of the first applicant's public life was the failure by the prosecuting authorities to proceed with corruption charges against him, notwithstanding the apparent existence of evidence to sustain such charges.
10. Details of the first applicant's sex life have been well documented in the public domain. Notwithstanding the fact that he has four wives, he has engaged in extra-marital sex on at least two occasions. In this regard I refer to the article by the Editor-in-Chief of Avusa, Mr Mondli Makhanya, attached at page 203 of the first respondent's answering affidavit which is typical of the kind of commentary that has been published around the first applicant's private life.
11. For me satire is critical entertainment. While I might be attacking and ridiculing specific targets, what I am actually doing is articulating my

vision of an ideal world in which I want to live in. In this instance, that preferred ideal in the South African context is the Freedom Charter.

12. What satire can do in a political context is that it can be seen as a political contestation as it opens a political debate.
13. The resulting debate that has surrounded this work is in itself evidence that this does happen and that artwork can provoke these debates, however unsettling they might be. There is therefore no reason for artists to be censored however uncomfortable this might be for individuals and for society at large.
14. For me, *The Spear* has a far broader meaning than some of the public discourse on its meaning, including the first applicant's interpretation. It is a metaphor for power, greed and patriarchy.

Conclusion

15. In the circumstances I ask that the application be dismissed with costs, including the costs of two counsel where two counsel were employed.



DEPONENT

