

Criminal Defamation, the Criminalisation of Expression, Media and Information Dissemination in the Digital Age: A Legal and Ethical Perspective

Nhamo A. Mhiripiri and Jacqueline Chikakano

Abstract

Criminal defamation and the criminalisation of communication in general often result in severe punishment for the media and other content producers accused and prosecuted for committing such 'crimes'. There are severe financial penalties involved and /or the incarceration of those who are convicted of breaking the law. This chapter studies the existence and feasibility of criminal defamation in largely contemporary Africa, but also making references to 'older' democracies in the Western hemisphere. In short, the chapter critiques criminal defamation and the criminalisation of expression, making a strong legal and ethical perspective quite often using empirical materials from the courts. The inception and proliferation of new digital technologies amongst ordinary citizens also means that besides the traditional media or fourth estate, ordinary non-professional communicators are also highly likely to get into trouble over defamation, criminal defamation and other forms of crimes associated with the criminalisation of communication.