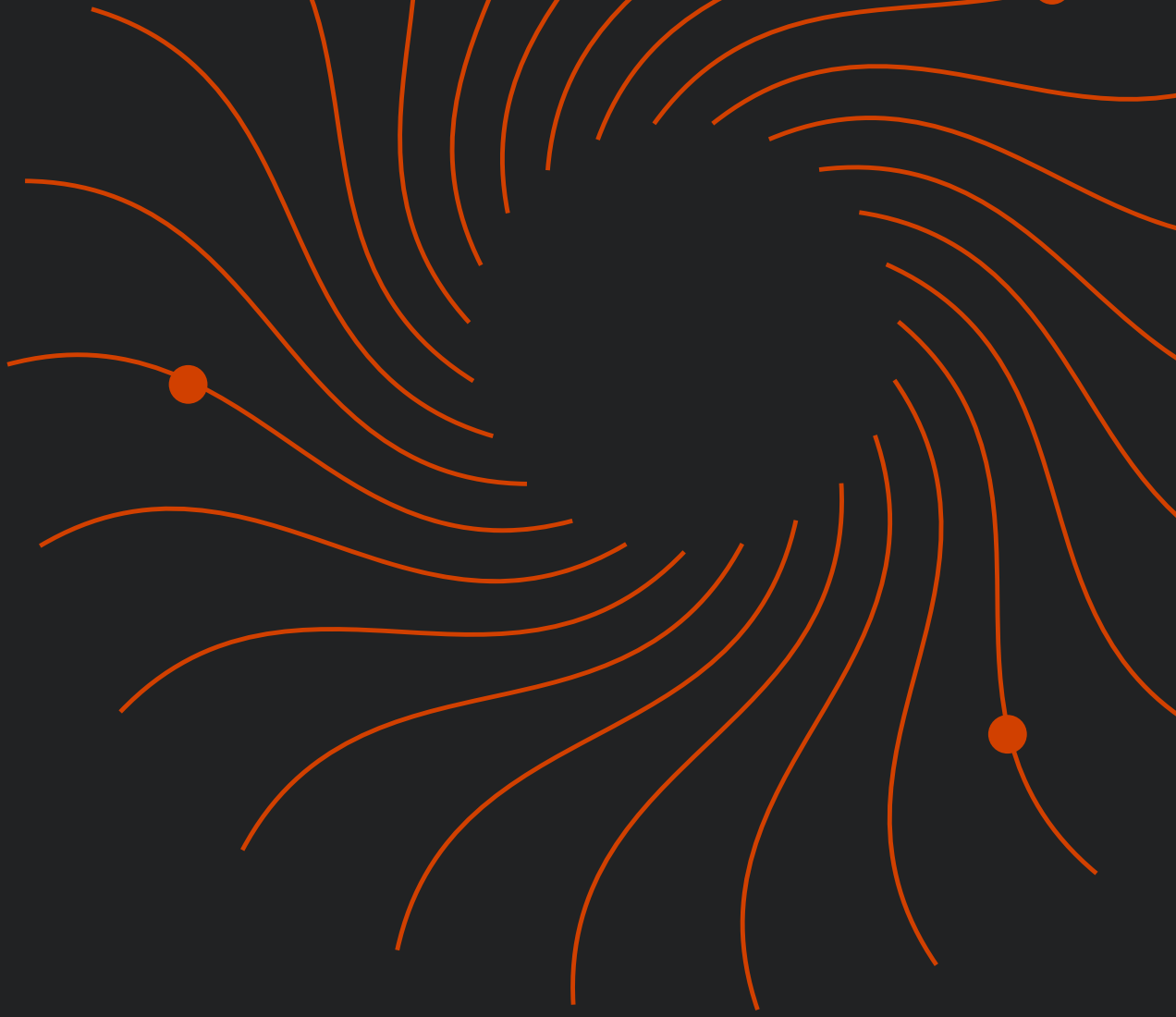


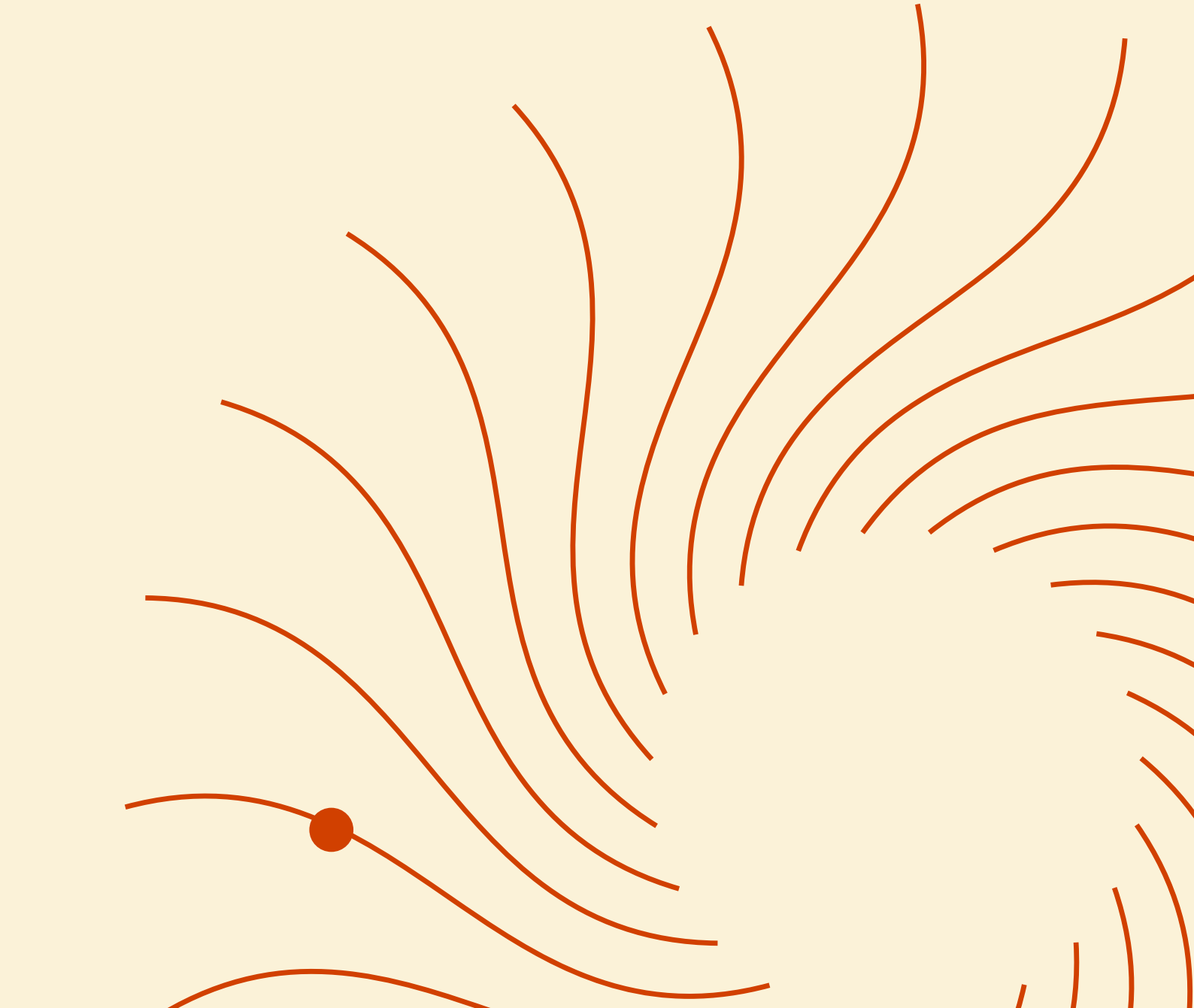
Thomson Reuters Foundation

TECHNICAL PAPER

Countering Strategic Litigation Against Public Participation (SLAPPs) in Africa

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Following the adoption of the Resolution on the Need to Conduct a Study on Strategic Litigation Against Public Participation (SLAPPs) in Africa – ACHPR/Res.667(LXXXVIII)2026, this technical paper, prepared by the Thomson Reuters Foundation, maps SLAPP trends across Africa and examines the role of the African Commission on Human and Peoples' Rights in responding to this challenge. It draws on documented cases to show how civic actors are targeted by corporations, politicians, and other powerful actors seeking to silence public interest work. It was prepared in support of the mandates of the Special Rapporteur on Freedom of Expression and Access to Information in Africa and the Special Rapporteur on Human Rights Defenders in Africa on the Resolution ACHPR/Res.667(LXXXVIII)2026.



Introduction

Strategic Lawsuits Against Public Participation, commonly known as SLAPPs, are one of the leading threats to democratic freedoms and civic space globally, and increasingly in Africa. SLAPPs are unfounded and abusive criminal or civil legal actions that aim to silence or deter those working in the public interest on matters such as human rights, government accountability, the environment, and access to information. SLAPPs are lodged on behalf of private individuals or entities and sometimes those private individuals and entities act with government support.[1] Since SLAPPs seek to silence those working in the public interest, they predominantly target journalists, publishers, media organisations, whistleblowers, human rights defenders, civil society organisations, NGOs, trade unions, artists, researchers and academics.[2]

Unlike ordinary litigation, the first defining characteristic of a SLAPP is not its legal form, since the specific legal claims and procedures vary, but its underlying purpose: to deter public participation. SLAPPs often involve allegations of civil or criminal defamation, breach of privacy or data protection laws, or infringement of intellectual property.[3] The suits often do not travel the full distance but are abandoned along the way or not actively progressed by the plaintiff so that they are left to hang over the head of the defendants. This is a deliberate scheme to distract the defendants from their work, drain them psychologically and financially, and thus intimidate them into self-censorship. A further objective is to deter other journalists and civic actors from daring to produce vital public interest publications about the plaintiffs or engage with the subject in question. It signals to potential critics the personal, financial, and reputational cost of public participation, thereby suppressing broader civic scrutiny.

The second defining characteristic is the exploitation of the power and resource disparity between the plaintiffs and the defendants. Corporations and other powerful individuals such as politicians and public figures deploy comparatively far greater resources to bury journalists and other civic actors in legal proceedings that are time consuming and costly to address. Although the suits are often eventually dismissed based on lack of merit, they have a significant impact on the defendant's resources, psychological well-being and are effective intimidation and self-censorship tools, threatening the sustainability of independent journalism.

In the African context, SLAPPs intersect with weak legal frameworks, inadequate judicial independence, underdeveloped anti-SLAPP jurisprudence, and the persistence of colonial-era criminal defamation, sedition, and false news laws that serve as ready instruments of abuse. The lack of protective and deterring measures, including anti-SLAPP legislation, has left human rights defenders, social justice activists, journalists and others acting in the public interest without adequate protection against these predatory suits.[4]

This paper maps the trends of SLAPPs across African sub-regions and examines the role of the African Commission on Human and Peoples' Rights in responding to this challenge.

Trends in SLAPPs Across Africa

A 2026 study on SLAPPs in select countries in Africa shows that there is a serious lack of systematic data on the use of SLAPPs in Africa, which varies from country to country.[5]

This is as a result of different factors including fear of retaliation, the absence of a centralised database, and lack of awareness of the issue from journalists (and other civic actors). The lack of data coupled with underreporting and self-censorship based on successful pre-publication threats of legal action makes the true scale of SLAPPs difficult to demonstrate.[6]

In addition to SLAPPs, journalists, CSOs and other civic actors have been subjected to other forms of abuse of court processes such as private prosecutions, prior restraints, and abuse of protection orders. These compound the precarity of the civic space environment for both journalists and human rights defenders.

Despite the growing concern over use of SLAPPs to crack down on dissent, no African state has enacted a specific national anti-SLAPP legislation. Other countries outside the continent such as Canada, Australia, a small number of European countries and several states in the US have enacted anti-SLAPP legislation.[7] With the exception of South Africa (see below), no African country has recognised a SLAPP defence in SLAPP court proceedings.

This section highlights some of the documented SLAPP cases in select countries in Southern, Western, Eastern and Central Africa.

Southern Africa

As far back as 2021, South Africa was classified as having a high number of SLAPP suits globally.[8] The leading cases on SLAPPs in South Africa are three defamation suits filed by an Australian mining company against environmental lawyers and activists in the Western Cape High Court.[9] The three defamation suits challenged the statements made by the defendants in a lecture series at the University of Cape Town, at radio interviews, in e-books, YouTube videos, online articles and emails criticising the mining activities of the plaintiff and the alleged negative impact on the environment. The mining company sought combined damages in excess of R14 000 000 (approximately $850,000). For the first time in South Africa, the Western Cape High Court recognised and allowed the SLAPP defence and on appeal, the Constitutional Court established the conjunctive elements of a SLAPP defence; requiring defendants to prove that the suit:[10]

- is an abuse of process of court;
- is not brought to vindicate a right;
- amounts to the use of court process to achieve an improper end and to use litigation to cause the defendants financial and/or other prejudice in order to silence them; and
- violates, or is likely to violate, the right to freedom of expression under section 16 of the South African Constitution in a material way.

In another South African case, and perhaps demonstrating absence of genuine interest in pursuit of justice, a R197 million (approximately $1.2 million) suit by property developers Century Property Developments and Riversands Developments against Kristin Kallesen and her nonprofit, Greater Kyalami Conservancy (Gekco) was withdrawn in January 2025, following agreement between parties[11,12] The company had sued for the income they allegedly lost because of objections raised by Kristin and Gekco against development approvals in and adjoining the conservancy.[13] The defendants had used the objection procedure available in the law to object to the change of user by the plaintiff on the alleged negative impact on the environment.[14] The company had claimed that the objections were raised in bad faith, and that they were frivolous, baseless and aimed at delaying the change of user approval process.[15] The defendants had raised the SLAPP defence.[16]

In Mozambique, SLAPPs have targeted journalists who conduct critical reporting. Following the publication of an investigation report into the illegal export of timber from Mozambique to China, Estácio Valoi, an investigative journalist with Mozz24H, was subjected to coordinated email threats demanding removal of the content and threatening legal action in 2025.[17] In June 2026, law enforcement went to his residence with a judicial order and confiscated both his personal and work gadgets.[18] The judicial order did not disclose the reason for the search and seizure but the journalist believed it was related to his reporting on timber smuggling in Cabo Delgado.[19]

Western Africa

SLAPPs are increasingly documented in Western Africa, with Nigeria emerging as a particularly acute case.[20] A 2023 SLAPPs survey showed that 40 organisations had been sued in the preceding year for reporting or advocating on issues of public interest, with some being sued up to 10 times over the same period.[21] Of the 40, only 23 had financial capacity to defend the suits with smaller organisations being more financially vulnerable.[22]

Several other journalists have been arrested on cybercrimes, defamation and terrorism related charges following critical reportage.[23] In 2022, the Calabar Federal High Court acquitted a journalist, Agba Jalingo, on all charges of treasonable felony, terrorism, and cybercrime brought by the government of Cross River State after a 30-month trial.[24] The journalist had been arrested and charged in 2019 after he published a news report about an alleged diversion of N500 million state funds.[25] Other similar criminal cases against journalists instituted before the Jalingo case have stalled but remain hanging over their heads.[26]

There are also documented cases of corporations abusing civil litigation. In 2023, a Chinese mining company operating in Niger State, Ming Xin Mineral Separation Nigeria Limited, brought a defamation suit against WikkiTimes, an accountability digital newspaper, alongside the publisher and editor for N10 billion (approximately $7.2 million) following their investigation into the company's alleged illegal mining and terrorism funding in the state.[27] In its 2025 judgment, the Bauchi State High Court ordered WikkiTimes to pay N105 million (approximately $75,000) in damages for defaming the company and two other individuals in its investigative report.[28] WikkiTimes have appealed the judgement and the case is pending determination.[29]

In 2024, a High Court in Lagos State dismissed a N100 million (approximately $72,000) libel suit brought by real estate firm Landwey against the Foundation for Investigative Journalism (FIJ) for want of prosecution.[30] The Court awarded N500,000 to FIJ in its judgment. The suit had been filed after a 2022 FIJ report exposing the real estate company for alleged failure to honour the purchase of property by a Nigerian based abroad two years after they had paid for it.[31] The case demonstrates how often there is lack of diligence in prosecuting SLAPPs, a practice which the Court condemned. In its ruling, the court noted, "..the kind of lack of diligence in prosecution displayed by the Claimant should never be encouraged by any court of law whatsoever."[32]

In Sierra Leone, there is at least one documented SLAPP case. In 2019, an agribusiness firm, SOCFIN, filed a defamation suit against an environmental organisation, Green Scenery, and its executive director.[33] This followed an article that Green Scenery published on the human rights implications of SOCFIN's local activities. The court dismissed the case for want of prosecution.

In Ghana, there is increasing use of defamation suits to stifle public interest reporting with calls for anti-SLAPP legislation.[34] In 2023, a journalist, Noah Narh Dameh of Radio Ada, was charged with publication of false news about the Chief Executive Officer (CEO) of the McDan Group of Companies, surrounding an issued mining licence and sidelining of local communities. The journalist passed away after a short imprisonment.[35]

In 2024, a defamation suit was brought by a technology company, Strategic Mobilisation Limited (SML) against the public interest investigative programme of the Media Foundation for West Africa (MFWA), The Fourth Estate.[36] SML had instituted the proceedings following the publication of an investigative report by The Fourth Estate programme exposing SML's alleged breach of

procurement regulations and for receiving payments of hundreds of millions of cedis for services that were already being performed by other state agencies.[37] The High Court awarded costs against SML on a technicality-The Fourth Estate, being a programme within the MFWA and not a legally registered entity, could not be sued in its own name. However, the court granted SML's application to join the MFWA as a defendant in place of The Fourth Estate, although it is not clear whether the case progressed.[38]

In 2026, an editor at the Herald in Ghana, Larry Dogbey, was restrained by court order from publishing any article on Springfield Exploration & Production founder, Kevin Okyere, pending the determination of an existing civil defamation dispute.[39] The publication of subsequent articles resulted in a sentence to imprisonment for contempt of court, which is currently on appeal.[40]

Eastern Africa

In Kenya, SLAPPs are often instituted by corporates and sometimes intersect with other threats such as smear campaigns and financial threats relating to advertising for media outlets. SLAPPs have typically targeted both CSOs advocating for human rights and media organisations involved in investigative reporting.

In March 2021, a Kenyan agricultural company Kakuzi PLC filed a defamation lawsuit against two CSOs, the Kenya Human Rights Commission (KHRC) and Ndula Resource Centre (NRC). This followed a press statement made by the two organisations regarding Kakuzi's settlement in a London High Court case involving serious alleged abuses, including killings, assault, and rape, committed by its security guards against local community members.[41] KHRC and NRC, who had been advocating on behalf of affected workers and communities and had partnered with a UK law firm to pursue legal action against Kakuzi's parent company Camellia PLC, characterised the suit as a classic SLAPP.[42] Kakuzi's demand that the organisations retract their statement and issue a public apology, framed around reputational harm and the right to a fair trial under Article 50 of the Kenyan Constitution, is widely seen as an attempt to use litigation as a tool to suppress legitimate public interest advocacy and deter further scrutiny of the company's conduct.[43] The outcome of the case remains unclear.

In October 2024, the biggest telecom in Kenya, Safaricom, threatened legal action against the Nation Media Group (NMG) and individual journalists if they did not withdraw and correct the Daily Nation's investigative story which identified Safaricom as complicit in police-led abductions and extra-judicial killings by providing the call data records and location data of customers who were being targeted by the police.[44] The telecom also filed a complaint for unethical reporting at the Media Council of Kenya's Media Complaints Commission (MCC)[45] and withdrew its advertising business from NMG.[46] In the complaint to the MCC, Safaricom alleged breach of accuracy, fairness and right of reply as well as inaccurate, misleading and biased reporting.[47]

In *Safaricom PLC v. Robert Wanjala Kituyi*[48] the same telecom instituted proceedings in the High Court to appeal the order of the Commission on Administrative Justice (CAJ) to comply with an investigative journalist's information request. The journalist had made an information request to the telecom to find out whether they had received requests from the police to submit the personal data of their customers as part of criminal investigations. When the telecom did not respond, the journalist escalated the request to the CAJ who oversees compliance with the Access to Information Act. When the telecom did not engage with the CAJ, despite being invited to, the CAJ issued an order instructing the telecom to comply with the information request. It was only after this order was made that Safaricom reacted, and appealed the order to the High Court. Rather than respond to Kituyi's initial correspondence or engage in the relatively non-adversarial CAJ process, Safaricom instituted legal proceedings, which could mean high legal costs for an individual investigative journalist acting in the public interest.[49] As of July 2026, the case was still in court and yet to progress to the hearing.[50]

Central Africa

In Central Africa, corporates have deployed both the criminal and civil justice systems to deter public participation.

In Cameroon in 2024, members of the community organisation, OnEstEnsemble, were subjected to multiple summonses for interrogation by law enforcement following the publication of a media outlet's (Mongabay) investigation into workplace accidents and allegations of environmental pollution occurring on plantations run by a sugar company, SOSUCAM.[51] The interrogations, allegedly coming after a complaint made by the company, were linked to OnEstEnsemble's advocacy work on behalf of plantation workers and local communities affected by the company. The use of a criminal complaint to trigger repeated police interrogations of civil society activists, rather than engaging with the substance of their human rights and environmental concerns, is calculated to intimidate and silence those raising legitimate public interest issues. It is unclear whether any formal proceedings were ultimately brought.

The first documented SLAPP against whistleblowers in the Democratic Republic of Congo involved criminal litigation. In 2020, two former employees of Afriland First Bank's audit who exposed alleged illegal financial practices and money laundering were sentenced to death in absentia for forgery, theft, private corruption, breach of professional secrecy and criminal conspiracy.[52] The information shared to the Platform for the Protection of African Whistleblowers (PPLAAF) led to investigations and reports by both CSOs and media outlets.[53] Notably, neither the former employees nor their lawyers had knowledge of the proceedings against them.[54] It is unclear whether the conviction has been appealed.

In a different case, in September 2021, Timothee Mbuya, a Congolese environmental lawyer, human rights defender and head of the CSO Justicia Asbl, was sued for civil defamation by an agri-food farm company Ferme Espoir.[55] This followed a report that Justicia published accusing the company of illegally encroaching onto the Kundelungu national park. The outcome of the case is unclear.

Role of the African Commission on Human and Peoples' Rights

Normative Framework

The African Commission on Human and Peoples' Rights (ACHPR) monitors the implementation of the rights set out in the African Charter on Human and Peoples' Rights (African Charter), and promotes human rights through awareness-raising programmes, sets human rights standards, and interprets articles of the Charter.[56] The African Charter provides the foundational normative basis for anti-SLAPP protection in Africa. SLAPPs implicate the right to access to justice and fair trial under article 7, freedom of expression and information under article 9, freedom of association under article 10, freedom of assembly under article 11, and the right to participation under article 13. The 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa (Declaration)[57] re-affirms article 9 of the African Charter on freedom of expression and information and obligates states to adopt legislative, administrative, judicial and other measures to give it effect. Principle 22 of the Declaration specifically calls for the repeal of criminal defamation, sedition, false news and insult laws which are often weaponised in SLAPP cases.

The ACHPR's 2026 Resolution on Access to Information and the Right to a Healthy Environment[58] is the most direct institutional recognition of the SLAPP threat, explicitly noting the abuse of courts by powerful individuals or organisations to silence critics through strategic lawsuits[59] and calling upon states to adopt appropriate measures to deter and address vexatious, harassing or abusive litigation in environmental matters.[60]

However, there is currently no dedicated African regional human rights instrument addressing SLAPPs in Africa. Given the prevalence of SLAPPs across the African region, and the mandate of the ACHPR to develop

standards to solve legal problems relating to human rights[61], the development of a soft law instrument such as a Model Law would provide state parties with the much-needed guidance on addressing SLAPPs. Currently, African states lack specific legal protections against SLAPPs and approach these actions through general procedural frameworks, which are often insufficient to effectively deal with the particularities of SLAPP cases.

SLAPPs Standard Setting by Regional Human Rights Bodies

The European Union has been the most active region in legislating on SLAPPs. The Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')[62] came into force in May 2024. Member states were required to domesticate the Directive by 7 May 2026[63] although compliance remains low.[64]

Conclusion

The African human rights system faces three principal gaps in its anti-SLAPP response. First, the absence of a dedicated regional anti-SLAPP instrument leaves states without clear guidance on the substantive, procedural, and remedial standards required. In addition, African states do not have specific national anti-SLAPP legislation. The proposed Model Law by the ACHPR is designed to fill this gap by setting the standards and encouraging member states to domesticate them. Second, the jurisprudential development of SLAPP specific doctrine at the national and regional levels remains nascent, requiring targeted judicial training and awareness raising programmes. A soft law instrument at the ACHPR level could form the basis of capacity building modules on the topic. Third, there is disparate data on SLAPPs across the continent. A policy position at the ACHPR level would provide the state parties with clarity on the scope of the issue and encourage them to dedicate resources and take steps to address it. The soft law instrument would strengthen monitoring across the continent, including by CSOs, enabling evidence-based advocacy and state accountability.

Endnotes

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