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A Struggle Hero's Private Papers

ANFASA

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OF SOUTH AFRICA**

DEDICATED TO EMPOWERING AUTHORS

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Mewa Ramgobin's Memoir Project

**Iain Edwards***

On the 10th November 2002 leading anti-apartheid and pro-democracy activist and then ANC MP Mewa Ramgobin celebrated his seventieth birthday. Addressing guests Judge Denis Davis asked Ramgobin for a gift: his memoirs. The next day Ramgobin and I met in his Parliamentary office, he asking that I assist with his "memoir project". We had first 'met' in the mid-1970s on a student

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* Iain Edwards is an independent South African contemporary historian specializing in oral and life history and liberation social history, politics and heritage

Mewa Ramgobin at the front door of the British Consulate in Durban before reading out the Consulate Six's Press Statement, 13th September 1984

"Addressing guests Judge Denis Davis asked Ramgobin for a gift: his memoirs."

A Struggle Hero's Private Papers



Left: Pietermaritzburg Treason Trial (*S v Ramgobin and Others* 5 August 1985) from left (back row) Siza Njikelana, Essop Jassat, Mewa Ramgobin, Archie Gumede, Albertina Sisulu, Cassim Salojee, Isaac Ngcobo (obscured behind Salojee) Curtis Nkondo, Thozamile Gweta (obscured behind Nkondo), Frank Chikane and George Sewpersadh; (front row) MJ Naidoo, Paul David, Sam Kikine, Aubrey Mokoena and Ismail Mohamed.

Committee of Concern (Port Elizabeth), flyer, August 1984

Below: Mewa Ramgobin as Chair of the ANC Verulam Branch leads the meeting in singing the ANC's anthem, *Nkosi Sikele'li Afrika*, 26 August 1990



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class visit to Phoenix Settlement, Gandhi's first ashram. Banned and house arrested Ramgobin spoke to us, at length, seated, barely visible, behind the closed lower panel of a stable door. We were later UDF and ANC colleagues and friends.

Ramgobin's memoir project was a study in contemporary history. We commenced, ordering voluminous private papers and drawing up a working bibliography. Oral interviews then began. Two of the three intended books were published.

First, *Ramgobin's Prisms of Light* (2008). A Gandhist recognising universal aesthetic principles, Ramgobin sought to test notions of 'goodness in all' and 'reconciliation'. Short vignettes covered three Nobel laureates, a wide range of mainly South African personalities, including, with some difficulty, the two Security

Branch officers of Indian descent who had harassed him so relentlessly. These are Ramgobin's prisms of light.

Second is my edited *Faith and Courage. The political papers of Mewa Ramgobin* (2015). This is a trove of previously unknown unpublished primary material. A correspondence section introduces the dynamic contested complexities within anti-apartheid circles. And perils: Ramgobin's office was badly damaged by the first use of a parcel bomb. In prison letters, Ramgobin is, predominantly, a husband and father. Mewa and Ela discuss straightened family finances, he being the breadwinner. Mewa advises their children on Shakespeare, teenager daughters on first boyfriends and reminds a young son of his duties, now as head of family. Mewa

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“Ramgobin’s memoir project was a study in contemporary history. We commenced, ordering voluminous private papers and drawing up a working bibliography. Oral interviews then began. Two of the three intended books were published.”

A Struggle Hero's Private Papers



Quit India Campaign, 1942



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fulminates on political treachery: this news gleaned from cell mates. One scathing letter must have been very difficult to write. Then come NIC and UDF and later post-1990 ANC documents. There are candid strategic analyses of past NIC and UDF activities and a range of views on post-1990 strategies, including Ramgobin's. Minutes of the first, brutal, ANC, NIC and TIC meeting in Lenasia in December 1990 reveals ambitions and aggression. The secret so-called 'Letter from Robben Island' of 1990 contains classic Stalinist denunciation followed by a purge of 'petty bourgeois' Indian politicians.

There is much on the 'Cabal' issue (Operation Vula is never mentioned) and intrigue between liberation personalities and organisations. Then comes material on the NIC decision to disband and reform as ANC branches. Ramgobin's Verulam branch is the front runner with Ahmed Kahrada as guest speaker. Finally, there is secret material from Ramgobin's Directorate of Security Legislation personal file.

Full texts of *Prisms of Light* and *Faith and Courage* are available here:

❑ https://www.researchgate.net/publication/290760551_Prisms_of_Light

❑ https://www.researchgate.net/publication/317662276_Faith_Courage_The_political_papers_of_Mewa_Ramgobin_Anti-apartheid_and_democracy_struggles_South_Africa_1960's_to_1994

Our edited oral interview transcripts are available on the Wits Historical Papers digital archive:

❑ <https://researcharchives.wits.ac.za/c-44>

Ramgobin had long been interested in a universalist aesthetic sense of political leadership and campaign strategy. As a student Ramgobin had reviewed a book on the Salt March of 1930. He was also aware that

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“As a student Ramgobin had reviewed a book on the Salt March of 1930. He was also aware that Gandhi's notion of Hind Swaraj had failings and that Gandhian policies could never be the basis for post-independence public policies.”

A Struggle Hero's Private Panors



Volunteers lead the procession to Berea Road station



Above: Three thousand non-whites gather at 'Red' Square, Durban, on August 31st, 1952

Left: Indian Congress leaders give the 'Africa' salute on their release from Durban jail

Defiance Campaign, Durban 1952

On Saturday the 25 July 1992, the ANC Southern Natal region held mass rally adjacent to Farewell Square which was renamed Luthuli Square, the first such renaming in post-1990 South African history. Following the collapse of CODESA 2 in May 1992 and the Boipatong Massacre on the 17 June, the ANC announced a national 'Exit Gate' programme of 'rolling mass action', with this rally being the forerunner. Plans included a national general strike, making cities ungovernable, factory-based mass action and mock people's courts. Original ANC, ANCYL and SACP posters at the rally, such as depicted in these two images, were collected on the day by the author.

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Gandhi's notion of Hind Swaraj had failings and that Gandhian policies could never be the basis for post-independence public policies: "Nehru knew this". Ramgobin also accepted, privately, that the NIC had overused and misused Gandhi's memory. Finally, Ramgobin sought to avoid the bloody bludgeon of 'ungovernability', particularly in a province wracked by civil war.

Ramgobin was focused on Gandhi's aesthetics of leadership during the peaceful 'Quit India' campaigns, involving many millions, the non-violent multi-racial mass-based 1952 Defiance Campaign in Durban and universal philosophical and syncretic spiritual senses of South African humanity. In the National Assembly sitting where the 1996 Constitution was adopted; where Deputy President Mbeki delivered his 'I am an African' speech, Ramgobin spoke. In English and Hindi Ramgobin showed how both have similar aesthetic philosophical understandings.*

Ramgobin's memoir, always envisaged as the final publication, was never written. Ramgobin



could find no prism of light. The limits of reconciliation were evident. Ramgobin retired from public life in 2009. Is South Africa not in dire need of a universalist aesthetics of leadership in addressing the very foundational issues in this post-liberation constitutional republic?

*See Hansard, Debates of the National Assembly, First Session, First Parliament 26th May 1994, Speech by M Ramgobin, column 179 and Third Session, First Parliament, 20th June 1996, Speech by M Ramgobin, columns 3374-3379.



“Ramgobin’s memoir, always envisaged as the final publication, was never written. Ramgobin could find no prism of light. The limits of reconciliation were evident.”

The Theft of Kudos

Cloned Journals and the Rise of Cybercrime



Illustration by Cuan Miles

Rudi de Lange*

A cloned journal is a form of cybercrime where wrongdoers use cyberspace to extract public funds from universities. Irresponsible researchers and universities with weak internal controls develop a symbiotic relationship with clones, thereby contributing to this criminal enterprise. Researchers at some South African Universities receive financial incentives for publishing in clones;

*Rudi de Lange is a media academic and commentator and occasional contributor to ANFASA magazine

“Some clones closely mirror the look-and-feel of existing journals and could easily be mistaken for legitimate journals. A good example is the clone for the Onomázein journal. ... Most clones use the same name and ISSN of the legitimate journals.”

universities receive subsidies from clone publications and can report higher output numbers. Universities in South Africa received financial subsidies from the Department of Higher Education and Training (DHET) for articles published in journals that appear in indices recognised by the DHET.

Some clones closely mirror the look-and-feel of existing journals and could easily be mistaken for legitimate journals. A good example is the clone for the [Onomázein](#) journal. The clone is no longer available, but [snapshots](#) of the clone are on the Wayback Machine. Most clones use

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The Theft of Kudos



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the same name and ISSN of the legitimate journals.

I've examined cloned journals and thought it prudent to share information about three popular clones with South African authors. It's my hope that this information will raise awareness about clones and the dangers they pose to researchers at South African universities.

The first is the *TWIST* journal. The original *TWIST* journal (ISSN 7659-0418) published trade-related articles about fibres, textiles, and fabrics. The journal [stopped](#) publishing in 2023, and its [last](#) edition was October/November 2023. Scopus [covered](#) the legitimate journal until 2023. Even though it's a 2023 Scopus delisted journal, it's still listed on the DHET 2025/2026 list of approved journals, the Scopus tab.

A [clone](#), by using the same journal name and ISSN,

appeared at the same time the original journal ceased publishing. Its website was [registered](#) on 24 October 2023. The clone publishes papers from the arts, engineering, business, and science.

I manually checked the clone's archives and used the keyword "South Africa" to search for SA-authored articles. I identified 86 articles where the first or additional authors were from South African universities. Authors from Walter Sisulu University contributed 23 articles, followed by the University of Venda with 21 articles. The University of Johannesburg holds the third place with 8 articles. Unexpectedly, I even found five articles authored by researchers from the University of the Witwatersrand. It's rare to find articles from the University of the

"A clone, by using the same journal name and ISSN, appeared at the same time the original journal ceased publishing. Its website was registered on 24 October 2023. The clone publishes papers from the arts, engineering, business, and science."

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The Theft of Kudos



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Witwatersrand, the University of Cape Town, Rhodes University, or the University of Stellenbosch in predatory, hijacked, or cloned journals. A large proportion of articles in this clone are from South Africa. For example, Vol 20, Issue 4 (2025) published 48 articles. Twenty-one of these came from South Africa. The latest edition (Vol. 21, Issue 1, up to 26 January 2026) contains 14 papers, of which 8 are by South African authors and co-authors.

The clone's article processing [charges](#) are USD 90. These fees are to cover, for example, the assignment of a Digital Object Identifier (DOI). However, the DOI listed on the latest articles, Vol 21, Issue 1 (10.5281/twist.10049652#559) are the same. The hyperlink leads to the volume and issue. There are no individual DOIs for each article.

The [Transylvanian Review](#) (ISSN: 1221-1249), a Romanian journal, is published by the Centrul de Studii Transilvane, Cluj-Napoca, Romania. This Scopus-indexed journal publishes papers that focus on the Transylvanian space. A [clone](#), using the same name and ISSN number, appeared in 2019. The journal offers a fast-track review (1 to 3 days)

for USD 1,500 and a standard APC of USD 800. The APCs are communicated via Gmail. The clone, similar to the TWIST clone, publishes articles from a wide range of academic disciplines.

I identified 51 articles authored or co-authored by researchers from South African universities. The leading universities are the University of Limpopo with 16 articles, followed by the North-West University with 10 articles. The third position goes to the University of South Africa and Durban University of Technology, with 6 articles each.

The last example, and popular with SA authors, are two clones of an Italian journal, [IL PONTE](#) (ISSN 0032-423X).

[IL PONTE](#) was founded in 1945 and focuses on politics, culture, and economics. This journal is on the WoS Arts and Humanities Citation [Index](#) (AHCI) and on the 2025/2026 DHET list, the WoS-Arts & Hum Citation Index tab.

The same person appears to manage both clones. 'Dr Maria E. Boschi' is given as the contact person for [Clone number 1](#), and as the Editor-in-Chief for [Clone number 2](#).

The APC for Clone 1 is [USD 750](#). I was unable to locate the APCs for clone 2, but I suspect they are the same, since

“Journalists can change the world over short periods of time. In contrast, academics, increasingly, are officially constrained to long-term abstract pattern recognition tucked away in esoteric journals.”

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The Theft of Kudos

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Maria Boschi seems to manage both clones.

One clone is not open access, so I scanned article titles and surnames to identify SA-authored articles. I verified by downloading the article from ResearchGate or Academia.edu, that is, if the authors uploaded their articles from the clones. Clone no 1 has published 77 articles since 2019, 32 of which were by SA authors. Clone no 2 has published 434 articles in 2017; the SA authors' contribution stands at 210 articles. The University of Johannesburg holds the top position with 39 articles, followed by Vaal University of Technology with 37 articles, and the third position is shared by Durban University of Technology and Walter Sisulu University with 21 articles each.

I communicated with the legitimate journal's editor in February 2023, who confirmed that the two Ponte websites are fraudulent.

The loss to SA universities and the cost implications for the Department of Higher Education and Training are noteworthy. South African universities must have paid at least R 6 443 000 as APCs for their 379 articles in these three clones. The potential subsidy implication for the DHET translates to R 45 480 000. This assumes that universities have and will submit these articles for subsidies, and that the DHET did and will transfer the subsidies to universities. The calculations are based on a Rand-to-dollar exchange rate of 17 to 1 and a subsidy unit valued at R 120 000.

Gullible and impatient authors who seek an easy, quick route to publication are easily captured. Universities with weak oversight and poor internal controls become active

participants and enable these scams. Keyan Tomaselli echoed similar sentiments as early as [2014](#) when he remarked that researchers "become victims of their own carelessness and impatience. They become part of the problem; they pay, publish and perish."

The [2015](#) DHET Research Outputs Policy is clear that Institutions "should be cautious of directly incentivising individual authors as this practice is promoting perverse behaviour in some cases" (p.5). In addition, the [DHET](#) reiterates (p.45) that institutions, as per the Policy, must "eliminate unethical practices in research publications

and claiming of subsidy". Obligations, evidently ignored by some universities.

"Gullible and impatient authors who seek an easy, quick route to publication are easily captured. Universities with weak oversight and poor internal controls become active participants and enable these scams."

Other clones supported by SA universities:

- ADALYA
- Degres
- GORTERIA
- High Technology Letters
- Hong Kong Journal of Social Sciences
- International Education Journal
- Journal of Xidian University
- Multicultural Education
- Specialusis Ugdymas
- Transylvanian Review of Administrative Sciences
- Tuijin Jishu/Journal of Propulsion Technology
- Wulfenia
- Zhongguo Kuangye Daxue Xuebao/Journal of China University of Mining and Technology

Thirteen of the 15 clones above also appear on Anna Abalkina's list of [hijacked journals](#).

Additional reading:

Abalkina, A. (2024). Challenges posed by hijacked journals in Scopus. *Journal of the Association for Information Science and Technology*, 75(4), 395–422. <https://doi.org/10.1002/asi.24855>

Abalkina, A. (2025). Journal hijacking: challenges for the scientific community and recommendations for journals. *LIBREAS. Library Ideas*, 47, <https://doi.org/10.18452/34776>

Parray, U. Y., Loan, F. A., & Khan, A. M. (2024). The dark side of publishing: Unveiling the deceptive tactics of cloned journals in India. *Journal of Librarianship and Information Science*, 57(4), 991-1005. <https://doi.org/10.1177/09610006241256392>

Donald Trumped For Abusing The Lion

Owen Dean*

Donald Trump has gone too far this time! His loose canon utterings and actions in the past have been reckless and unacceptable and have caused serious offence and aggrievement to many. But his latest aberration is beyond the pale.

He has posted a video on his private social media platform, distributed worldwide for all to see, in which he portrays the heads of Barak Obama and his wife, Michelle, on the bodies of large apes conveying the unmistakable message that the individuals, who are Black Americans and a former President of the United States and his First Lady, respectively, are primates and are thus sub-human. This is done against the background of a performance of the mega hit song, *The Lion Sleeps Tonight*. This visual material appears to have been taken from a meme from *The Lion King*, the famous Walt Disney movie.

* Professor Owen Dean is an Emeritus Professor of Mercantile Law at Stellenbosch University. He is an attorney and Past Chairman of Spoor & Fisher, specialist Intellectual Property Attorneys. He served on the State's statutory Intellectual Property Advisory Committee for 20 years, and has published numerous academic works on copyright law.



“The authorship of the reconstituted song was attributed to George Weiss, Hugo Peretti and Luigi Creatore, However, this ...overlooked the dominant presence of Mbube, the brainchild of Solomon Linda, comprised in it.”

The ineluctable conclusion that flows from this presentation is that it is asserted that Black people in general are animals, a suggestion that has been debunked and deprecated for the best part of a century and is regarded as insulting and demeaning in the extreme. It is disgraceful that the President of the foremost country in the world should express such a vile and offensive sentiment.

The Lion Sleeps Tonight

The Lion Sleeps Tonight is a mega hit song which has been one of the most successful popular songs ever created. It is derived from a South African song named *Mbube* composed in the 1930s by Solomon Linda, a Black South African.

The composer Solomon Linda was the original owner of the copyright in *Mbube*. That position however subsequently changed when he divested himself of that ownership in the late 1950s. At that time *Mbube* was rearranged in America into a song called *Wimoweh*. Thereafter, in 1967 it was reconstituted into *The Lion Sleeps Tonight*. This song reproduced and incorporated *Mbube* and featured some additional innovations, including new lyrics. The authorship of the reconstituted song was attributed to George Weiss, Hugo Peretti and Luigi Creatore, who were designated

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Dancing a Merry Tune: A Legal Proposition to Prosecute the Persecutor

Mbube was the title of the original song released by Solomon Linda and his group, The Evening Birds



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as its copyright owners at the outset. However, this attribution of authorship of the song overlooked the dominant presence of *Mbube*, the brainchild of Solomon Linda, comprised in it.

The Lion Sleeps Tonight was extremely successful and dominated hit parades around the world for several years. It became perennial. Perhaps its crowning glory was its inclusion in Walt Disney's *The Lion King*.

The Comings and Goings of *Mbube*

Solomon Linda died in 1962. His estate passed to his heirs. But the copyright in *Mbube* was not part of it. He had assigned away his ownership of the worldwide copyright in 1952. However, by operation of law in terms of an obscure provision of the British Imperial Copyright Act of 1911, the copyright in *Mbube* in all countries that were part of the British Empire and Commonwealth reverted to the Estate of Solomon Linda in 1987. At that time his heirs consisted of four daughters. This reversion of the copyright to the Linda Estate gave rise to a rights defining court case launched in 2004 by the Executor of the Estate of Solomon Linda.

The fact that the ownership of the copyright in *Mbube* in the "British Countries" (including South Africa) lay vested in the Estate of Solomon Linda with effect from 1987 was completely unknown to all, including the heirs and the executor of his estate. Consequently, nothing was done by the Estate to exploit the copyright, or to transfer it out of the Estate to the heirs or anyone else. Then in 2002 knowledge of the status of the copyright in the song suddenly came to light.

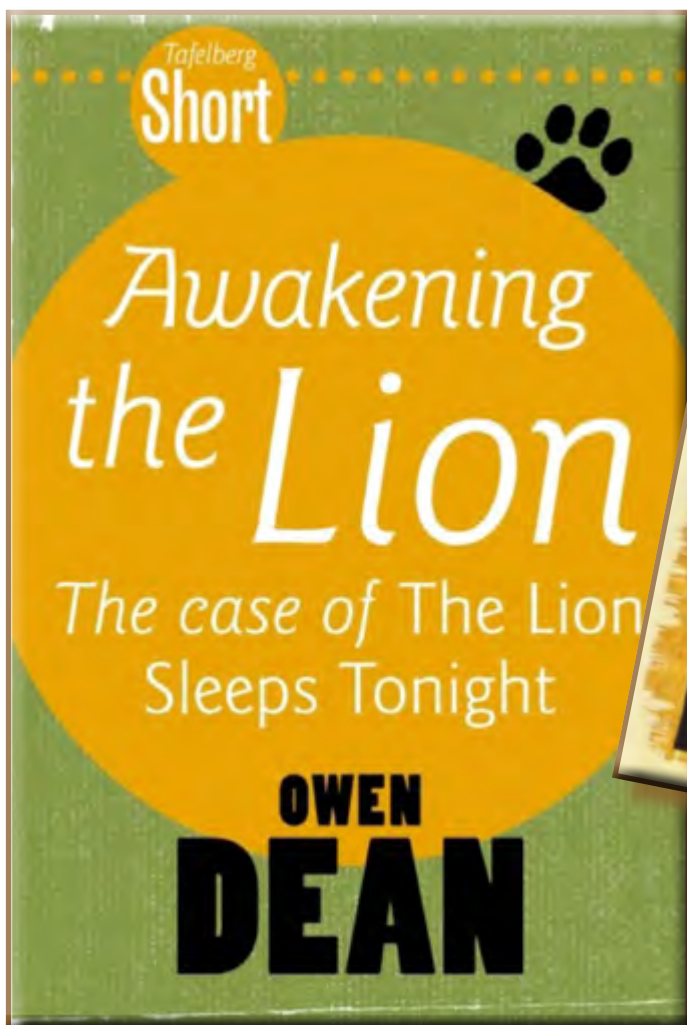
"In 2004 the Executor of the Solomon Linda Estate, Stephanus Griesel, launched a copyright infringement case against Walt Disney Enterprises, the exploiter of The Lion King, in the High Court of South Africa."

cause of action was that a copyright licence from the Estate, as the owner of the copyright in *Mbube*, was required in order to lawfully perform *The Lion King* movie and/or its soundtrack record (featuring *The Lion Sleeps Tonight*) in South Africa, and no such licence had been granted. In consequence the exploitation of the song in this manner in South Africa constituted infringement of the Estate's copyright. This litigation was intended to be a test case essentially to



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confirmed that the reverted copyright in *Mbube* vested in the Executor of the Linda Estate, and it was entitled to damages arising from unauthorised use of the song; that *Mbube* was embodied in *The Lion Sleeps Tonight*; and that indeed Solomon Linda was a co-author or composer of *The Lion Sleeps Tonight*. He was to be recorded as such, and this came about.

Although the outcome was specific to South Africa, it was definitive of the situation throughout the countries of the former British Empire and Dominions. The determination that Solomon Linda was a co-author or composer of

The Lion Sleeps Tonight was generally recognised and acknowledged internationally.

Importantly *Mbube* (and its derivative *The Lion Sleeps Tonight*) gained recognition as an important part of South African culture. Solomon Linda was posthumously awarded a state medal for his valuable contribution to that culture. He and the song are South African cultural icons.

A detailed discussion of the Disney case and its implications can be found in the writer's recently published book *Echoes of Injustice – The True Story Behind the Epic Song The Lion Sleeps Tonight*. **continues on page 12:**

can be found in the writer's recently published book *Echoes of Injustice – The True Story Behind the Epic Song The Lion Sleeps Tonight*.

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establish and confirm the Estates ownership of the South African copyright in *Mbube*. This case was conceived and conducted by the writer as the responsible attorney.

The Disney court case

The Disney case entailed, in the first place, securing the court's jurisdiction over Walt Disney, as a foreign based company. This was achieved by getting the court to order an attachment of Disney's South African registered trade marks and the South African copyright in its movie, *The Lion King*, in order to found jurisdiction over Disney. The plaintiff claimed damages for copyright infringement. In defeating a subsequent court challenge by Disney against the attachment, the court ruled that the plaintiff had a valid cause of action.

After proceeding for two years, the case was settled by agreement before it went to trial. The outcome of the case

“The outcome of the case confirmed that the reverted copyright in Mbube vested in the Executor of the Linda Estate, and it was entitled to damages arising from unauthorised use of the song; that Mbube was embodied in The Lion Sleeps Tonight”

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Lion Sleeps Tonight and of the Battle for Reparation (published by Juta and Company – ISBN 978 1 48515 454 9).

Copyright and moral rights

International copyright is governed by the Berne Convention for the Protection of Literary and Artistic Works, 1886 (as amended). This convention lays down the template for members countries' copyright legislation and also provides for all member countries to protect the works from other member countries as if they are domestic works (so-called "national treatment"). The Convention provides that copyright throughout the world comes into being automatically immediately a work is created. No formal steps are necessary nor possible for protection to arise.

The major objective of the Convention is to provide economic protection to original works allowing for commercial exploitation. A subsidiary objective is to confer so-called "Moral Rights" upon the authors in respect of their works. These rights inalienably attach to the author for the duration of the copyright in the work, and remain with him/her, or their heirs, for the duration of the term of the copyright in the work, irrespective of who owns the copyright in the work. The moral rights are essentially concerned with the right to be acknowledged as the author of the work ("paternity right") and the right to object to the alteration or distortion of the work ("integrity right").

In section 20 of the South African Copyright Act the integrity right is formulated as follows: "to object to any distortion, mutilation or other modification of the work where such action is or would be prejudicial to the honour or reputation of the author." This formulation is archetypical of the measure throughout the world.

Infringement of the author's moral rights is dealt with in the same way as infringement of copyright and the



image created with AI by Mike Maxwell

remedies correspond. In the case of *The Lion Sleeps Tonight* the author's moral right of integrity currently vests throughout the world, inter alia, in Solomon's heirs, the Linda daughters.

Trump's transgression

It is contended that by misusing *The Lion Sleeps Tonight* in conjunction with his racist slur against the Obamas and against Black people in general, Donald Trump has distorted, mutilated or otherwise modified the normal use of the song in a manner which is prejudicial to the honour or reputation of Solomon Linda. He has thus infringed the author's right of integrity.

Solomon Linda is a cultural icon held in the highest esteem in South Africa. It has in effect been suggested by Trump that any Black person, including Solomon Linda, is or was an

"It is contended that by misusing The Lion Sleeps Tonight in conjunction with his racist slur against the Obamas and against Black people in general, Donald Trump has distorted, mutilated or otherwise modified the normal use of the song in a manner which is prejudicial to the honour or reputation of Solomon Linda."

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animal in the form of an ape. This has been achieved by using Solomon's song in the course of delivering a grossly insulting and defamatory message about the nature and character of Black persons. In regard to Solomon Linda this cannot but be prejudicial to his honour or reputation. By the nature of the medium used by Trump to perform his unlawful act, that act has been perpetrated throughout the world, including in South Africa.

In the premises the Linda heirs are entitled to sue Trump for violating their father's moral rights and for the payment of damages in a court of law in South Africa and/or virtually every country in the world (ironically this excludes the United States of

America because it is one of the few countries in the world that does not honour the Berne Convention in requiring the author's moral rights to be protected).

“The legal process for bringing Trump to book for his despicable conduct will now be demonstrated by reference to the situation in South Africa. The Disney case will serve as the model. This is opportune and appropriate since that case also involved the Solomon Linda heirs and The Lion Sleeps Tonight. Although the model is pertinent to South Africa, it has application in most countries in the world.”

Bringing Trump to book
The legal process for bringing Trump to book for his despicable conduct will now be demonstrated by reference to the situation in South Africa. The Disney case will serve as the model. This is opportune and appropriate since that case also involved the Solomon Linda heirs and *The Lion Sleeps Tonight*. Although the model is pertinent to South Africa, it has application in most countries in the world.

By the nature of his worldwide communication Trump has abused the song

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The Lion Sleeps Tonight inter alia in South Africa. An unlawful act has thus been committed by him in this country. He is thus liable to be sued in the South African court. However, for this to happen jurisdiction over him in the South African court must be established because he is a foreign resident. This can be achieved by attaching property owned by him in South Africa.

A similar situation prevailed in respect of Walt Disney Enterprises in the Disney case. In that case jurisdiction over the foreign resident was established by attaching Disney's South African trade marks and the copyright in the movie *The Lion King*. Copyright is classified as movable goods in South African law and as such is liable to attachment. The Disney case is authority for this proposition.

Trump has written several books and created other copyright works. They automatically enjoy copyright in South Africa irrespective of whether or not they have been distributed in this country. In essence Trump's copyright exists as property in South Africa owned by him. The copyright in those works is capable of being attached in order to found jurisdiction in respect of him in the South African court. Indeed, even his reprehensible video featuring the Obamas enjoys copyright in South Africa and is eligible to being attached. By way of another example, *The Trump Tapes* is a work by him which is registered in his name at the US Copyright Office under no SR0000975712. The copyright in this work can be attached for purposes of the litigation.

Following the example of the Disney case, the Linda



daughters can sue Donald Trump in the High Court of South Africa for infringing their father's integrity moral right and claim appropriate damages from him. They would commence the proceedings by bringing a court application to attach the copyright in certain of his works in order to found the jurisdiction of the court over him. They would then launch an action for damages. Should they succeed, or should Trump ignore the case and not defend it, a damages award could be made against him. In the likely event that he would be unwilling to satisfy any damages award, the daughters could obtain satisfaction of their claim by having the attached copyright sold in execution and by assuaging his judgment debt out of the proceeds of the sale in execution. Most importantly, however, their fathers honour and reputation would be vindicated.

“The State, in the guise of the Department of Arts and Culture, principally financed the Disney case. Perhaps they would be willing to emulate this gesture in a case which seeks to uphold the honour and reputation of a veritable national cultural icon and to challenge the outrageous racialism of Trump’s video. The ball is in our court.”

Quo vadis?

This thesis is not advanced as a definitive opinion but rather as a compelling argument in favour of a particular proposition. It may be up to the court to decide someday upon its correctness. But then again that is how the Disney case started out.

It is unlikely that the Linda daughters would have the financial wherewithal and drive to bring a court case of this nature. However, others may be willing to do so on their behalf. The State, in the guise of the Department of Arts and Culture, principally financed the Disney case. Perhaps they would be willing to emulate this gesture in a case which seeks to uphold the honour and reputation of a veritable national cultural icon and to challenge the outrageous racialism of Trump's video. The ball is in our court.