

# Cloud Innovation Limited v Brian Munyao

## Longwe Civil Cause Number 380 of 2022

### Summary

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<b>Court:</b>	High Court of Malawi
<b>Registry:</b>	Civil Division
<b>Bench:</b>	Honourable Justice Allan Hans Muhome
<b>Cause Number:</b>	Civil Cause Number 380 of 2022
<b>Date of Judgment:</b>	April 02, 2025
<b>Bar:</b>	For the Claimant: Mr. Jai Banda For the Defendant: Mr. Andy Kaonga

The Claimant, an internet protocol management company, brought a claim for defamation against the Defendant, a former director of the African Network Information Centre (AFRINIC). The action arose from a tweet by the Defendant in which he referred to the Claimant as a "mafia" and "vulture" and linked it to a Chinese individual and allegations of illegally obtaining IP addresses for illicit activities, including child pornography. The Claimant averred that the words were false, made with malice, and seriously damaged its reputation. The Defendant admitted to publishing the words but contended they were not defamatory, asserting the defences of fair comment on a matter of public interest and

justification. He argued that his tweet was a fair summary of a publicly available article by Associated Press, and that the terms 'mafia' and 'vulture' were used figuratively. The key legal questions before the court were whether the Defendant's statements were defamatory and, if so, whether the defences of fair comment and justification applied.

The Court dismissed the claims with costs. The Court found that the Defendant's comment was made on a matter of public interest. It accepted that the use of the words "mafia" and "vulture" were figurative rather than literal and that a fair comment, even if exaggerated or extravagant, is protected. The Court affirmed that a defendant need not prove every single part of a defamatory statement to be true, as long as the greater part is justified. The Court held that the Defendant's constitutional right to freedom of opinion and expression under sections 34 and 35 of the Constitution of the Republic of Malawi was a cardinal principle that should not be whittled down.