**Press Ombudsman’s Report**

**Sanef Council**

**Cape Town**

**February 11, 20l2**

**Introduction**

The lifespan of the current Press Council comes to an end on July 31 and under normal circumstances, we should have started working on advertising for the public members of the Council and the Press Appeals Panel and the Press Ombudsman, and talking to the Chief Justice about his recommendations for chairperson of the Appointment Panel.

We are, however, frozen in the Get Set! position until the Press Freedom Commission completes its work and the associations that constitute the Press Council come back to us on the Review we completed middle of 2011.

This means that our work on this will be packed into a few weeks after March.

**Budget**

We have in the meantime constructed a budget with two scenarios - the normal and another with the Review recommendations – and Print Media SA has provisionally approved it, R4,920,667 – a 69 percent increase on the 2011 budget that included the costs of the Review. This budget will be reviewed after we have agreed on the way forward for the Press Council.

As we wait, the Ombudsman’s Office has continued with its normal work.

We are in the final stages of registering the Press Council as a non-for-profit company and are designing a new IT system.

**New Press Code**

After our report to the last Sanef Council meeting in Durban, we continued our campaign on the new Press Code. Between Johan and Joe we spoke at conferences of the Association of Independent Publishers in the Eastern Cape and KZN; at an MDDA workshop in Limpopo; to Media24 Magazines in Johannesburg, and to Avusa’s new interns last month.

We are still to visit newsrooms in Johannesburg and Pretoria.

Joe has also written a widely read article in the M&G on his visit to Rwanda: we got comments from readers outside our borders. Nic Dawes suggested that Joe write it after we reported at the Sanef Council.

At this stage, we should also mention that City Press’s Ferial Hafajee asked the office to write a commentary on a controversial front-page story about Mbeki’s return to local politics. This is the first time that a publication has asked us for an opinion on a story even before we received complaints from readers.

**Other issues**

1. The Ombudsman’s Office and the chairperson of the Press Council, like Sanef, also had a meeting with the chairman of the Committee to Protect Journalists, Sandra Mims Rowe, when she visited the country.

2. At the recent graduation of the Media24 Academy, Joe chatted with the chairperson of the Portfolio Committee on Communications, Eric Kholwane and he indicated that the Parliamentary inquiry into press regulation would be going ahead later this year. This was in line with what the ANC told the PFC during its recent public hearings. Eric added that if the committee was satisfied with the work of the PFC, it would accept it.

3. The office remains concerned at the way the Times ignores correspondence from our office. We have attempted to get the newspaper’s response to one complaint since September 12 and another since January 19.

It is important for us to quote one complainant, Kenny Leluma, in full:

“Thank you for your attempts. If she doesn't respond, then it's fine with me. That's the attitude I received from her before I resorted to you. It's very painful to see SANEF showing brinkmanship about fair reporting and public interest when its very members behave like this. In my case I had even spoken to them before I sent my response to that biased article.

“When the ANC argued that the ordinary people, those with no financial, are the ones on the receiving end of biased journalists, they were accused of fighting for the big shots in the organisation. But one thing that has been proved more and more is that those who occupy high political offices are listened to and given space to respond to any article they deem biased.

“I so wish I could raise money to go to court. But one day truth will come out, and even we the doormats of the powerful will be treated with respect.”

We recently had a meeting with Mondli Makhanya and Phylicia on this issue and when we parted we believed we would get better cooperation from the Times. Still no joy: the Times continues to discredit the system.

The office will continue to talk to the newspaper to do the right thing but if that fails we will resort to more drastic action.

***COMPLAINTS: NOVEMBER 13, 2011 – JANUARY 31, 2012***

***Statistics***

Complaints in 2009: 150.

In 2010 the number was 213, and last year it grew to 255.

Findings published on the internet in 2011: 76

Complaints received for the period mentioned above: 53

***Complaints ruled on*** (visit www.presscouncil.org.za for full findings)

1. Ms Joyce Molamu complained about two stories in Sunday World, published on 30 October 2011 and 6 November 2011 respectively. They were headlined *R40 000 – ‘Preggy’ lover threatens Mbalula* (October 30) and *A serial blackmailer – Fikile’s hit-and-run struck before* (November 6). The newspaper was strongly reprimanded for publishing two statements that were without any apparent journalistic basis, namely that Molamu allegedly seduced North-West ANC provincial secretary Kabelo Mataboge and that she concocted a rape story “to blackmail him into submitting to her”. The newspaper was directed to apologise to her for the apparent harm that these breaches of the Press Code have done to her dignity and reputation. The rest of the complaint was dismissed.
2. Ms Joyce Molamu complained about a story in Sunday Sun, published on 6 November 2011, and headlined *Joyce: I’m no bad girl!* (front page), which runs over to page 5 and is headlined *Joyce: A lot of what is said is a bunch of lies!* She complained that the story falsely said that she had hugged and kissed Mr Kenny Kunene and that she drank champagne. She also contested an SMS message was allegedly sent from her phone to Mr Kabelo Mataboge. The complaint was dismissed in its entirety.
3. Ms Joyce Molamu complained about a story in Sowetan, published on 1 November 2011, and headlined *‘I never loved Fikile’ – Ex speaks on Mbalula.* Her complaints that the story incorrectly stated that she had said that Sports Minister Fikile Mbalula was “just a shag”, and that three statements were published without any proof or evidence were dismissed.
4. Ms Joyce Molamu complained about a story in the Sunday Times, published on October 30, 2011and headlined *Sports minister shown red card for ‘playing away’.* Her complaint that the story falsely stated that her baby was five months old, and two statements that were allegedly published without any proof or evidence were dismissed.
5. Ms Joyce Molamu complained about a story in The New Age, published on 8 November 2011 and headlined *I’m a victim of a honey trap – Mbalula claims spooks paid woman to rubbish his name.* She complained that the story falsely stated that “the woman was paid R150 000 to rubbish his (Sports Minister Fikile Mbalula’s) name by National Intelligence operatives”, that the newspaper did not seek her comment (prior to publication), and that neither the newspaper nor Mbalula has proof of the alleged payment. The complaint was dismissed.
6. ANC Chief Whip Mathole Motshekga complained about a story in the Cape Times, published on September 29, 2011 and headlined *Confusion reigns – Officials say ANC bill move is ‘bizarre’.* She complained that the newspaper did not seek the views of the ANC and that the reference to “confusion” in both the story and the headline were inaccurate and untruthful. The complaint was dismissed.
7. Mr Andrew Lines complained about a story in The Herald, published on April 21, 2011and headlined *Boost for Settlers Park – New sponsors set to see rangers return.* His chief complaint was that The Herald refused to use relevant information that was in the public interest that he had provided the newspaper with (implying bias), and in the process dishonouring an “agreement” to report and investigate his claims – all of which resulted in a story that falsely depicts the security situation in Settlers Park. After an informal hearing, the complaint was dismissed in its entirety. Judge Ralph Zulman dismissed his application for leave to appeal.
8. Ms Sthembile Mchunu complained about a story in Ilanga, published on 12 – 14 May 2011, and headlined *Umahosha ugonyuluka ngocansi nomfundisi* (*A prostitute is spilling the beans about sex with the pastor*)*.* She complained that the article was defamatory in that it claimed that she had sold sex to a priest, that a photograph was not presented with sensitivity towards the prevailing moral climate, and that her privacy was invaded. A hearing was held, with Ethel Manyaka (public representative) and Gerda Kruger (press representative) present. The complaint was dismissed.
9. Mr Muzzamil Toefy complained about two stories in the Daily Voice, published on October 18 and 19, 2011. The headlines read *Ex-Pagad man stole our Hajj money – Old couple in Mecca rip-off lose R78 000* and *I’LL MECCA IT UP TO YOU – Ex-Pagad leader gives couple’s Hajj cash back*. The newspaper was strongly reprimanded for creating the false impression that Aslam (Toefy’s father) has stolen somebody’s money; for invading Aslam’s privacy by publishing this full cell number; for publishing information obtained from a single, anonymous and secondary source as a fact and without attribution; for untruthfully, inaccurately and unfairly reporting that Aslam has paid back that person’s money after the first story was published; and for omitting Aslam’s perspective and not properly correcting the inaccurate information contained in the first story, which led to a one-sided and unbalanced follow-up story. The newspaper was directed to apologise to Aslam for all of the above and was also reprimanded for not reporting that it was unsuccessful in obtaining Aslam’s comment in the first story, and for either not seeking his comment or neglecting to report that it was not successful in trying to do so in the second story. The rest of the complaint was dismissed. Judge Ralph Zulman dismissed the newspaper’s application for leave to appeal.
10. Mr James Davis complained about a story in the False Bay Echo, published on 27 October 2011 and headlined *Spending on Astroturf not fair play, parents say.* The complaint was dismissed in its entirety, except for the misleading statement that two schools planned to spend R8 million on the development of an Astroturf hockey field.
11. Mr Carlton Adams complained about a consumer column in the Plainsman (called *Off my Trolley*), published on October 26, 2011and headlined *Dad has to pay for son’s bicycle accident.* His complaint that the journalist did not properly introduce himself, that the publication of personal information has put his family in danger, and that the story was not fair and balanced was dismissed.
12. Ms Phindiwe Kema complained about a story in the business section of the Sunday Times, published on 9 October 2011 and headlined *New horseracing player faces an uphill task.* The newspaper was reprimandedfor not asking Kema for comment, and directed to apologise to her for the harm that this may possibly have caused her. The text also had to reflect her views on the allegations that she was not remotely ready to enter the industry and that she failed to pay for a racehorse that she had bought. The rest of the complaint was dismissed.
13. Mr Justice Ndaba complained about a story in Sondag, published on 25 September 2011 and headlined *Justice done! SABC se man uit Londen huis toe gestuur (Justice Done! SABC’s man sent home from London).* The newspaper was directed to apologise to Ndaba for not trying to obtain comment from him prior to publication, and to publish his side of the story. The rest of the complaint was dismissed.
14. Mangaung Metropolitan Municipality (MMM) complained about a story in Volksblad, published on September 22, 2011 and headlined *Salaris van hoë skok – Mangaung-bestuurder kry meer as Ace Magashule (Salary of high official shocks – Mangaung manager gets more than Ace Magashule).*The newspaper was directed to apologise to MMM for not asking it for comment prior to publication, reprimandedfor publishing a misleading headline, and directed to publish a follow-up story that incorporated MMM’s comment. The rest of the complaint was dismissed.
15. The Ministry of State Security (MSC) complains about a story in the Sunday Times, published on 25 September 2011 and headlined *Dirty secrets of SA’s spy agencies.* The MSC complaint that its spokesperson was not properly contacted for comment was dismissed as the newspaper was merely writing about a report that was tabled in Parliament.
16. Dr Dan Roodt complained about a story in Beeld that was published on 6 December 2011 and headlined *Skrywers klaar met Dan Roodt* (*Writers have had it with Dan Roodt*). He also complained about a shortened version of that story in Die Burger. The newspapers were directed to apologise to him for not giving him a fair chance to comment (***Beeld***); for reporting that he made a writers’ organization his own (***Beeld*** and ***Die Burger***); for reporting that that organization has not held a managerial meeting and has not yet accepted a constitution (***Beeld*** and ***Die Burger***); and for reporting that he has held his own AGM (***Beeld***). Beeld was also reprimanded for not reporting that it could not get comment from Roodt and directed to correct two other statements. Nine parts of the complaint were dismissed. An application for leave to appeal by the newspapers is still pending.
17. Dr Dan Roodt complained about a column in Die Burger that was published on 24 November 2011 under the headline *Van hekse kom nie altyd onheil* (*Witched do not always brew evil)*. His complaint that the references to him as being “far right”, a “racist” and “extreme” were defamatory of him and that the column did not take the context of a TV programme into account in which he participated was dismissed. His application for leave to appeal is still pending.

***Complaints rejected***

About 13 complaints were dismissed out of hand.

These include:

* A picture of a man who has committed suicide in public; and
* Ms Helen Zille’s attempt to get our office to stop Independent Newspapers from publishing an ANC celebrations supplement.

***Cases resolved without a formal finding:*** 6

***Cases pending:*** 60

***Hearings pending:*** None

**Joe Thloloe and Johan Retief**