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THE PRESS OMBUDSMAN

Press Council of South Africa

By email: fanieg@ombudsman.org.za; mobara@ombudsman.org.za; khanyim@ombudsman.org.za

News24 and Media24

By email: adriaan@24.com; George.Claassen@media24.com

Dear Sir/Madam

RE: COMPLAINT NO: 30739A – APPLICATION TO JOIN COMPLAINT AS AMICUS CURIAE

INTRODUCTION

1. We act on behalf of Media Monitoring Africa (**MMA**), a not-for-profit organisation with its principal place of business at Suit 2, 22 Art Centre, 6th Street, Parkhurst, Johannesburg.
2. On 18 March 2024, News24 and Karyn Maughan (**Maughan**) lodged a complaint with the Press Council (**Main Complaint**) regarding an article published by Sunday Independent (**Sunday Independent**) on its website and social media accounts, with the title, “*Is Karyn Maughan South Africa’s Leni Riefenstahl?*” (**Article**) and subsequently re-published by Independent Online (**IOL**). A copy of the Article is attached to the Main Complaint as “**A**”.
3. Also on 18 March 2024, MMA submitted its own complaint regarding the same Article with the Press Council and received a response from the Press Council as follows, in summary:

Bowman Gilfillan Inc. Reg. No. 1998/021409/21 **Attorneys Notaries Conveyancers**

Directors MEC Davids (Chairman & Senior Partner) | AJ Keep (Managing Partner) | AG Anderson | DP Anderson | LJ Anderson | JS Andropoulos | M Angumuthoo | J Augustyn | L Avivi | J Barnes | AM Barnes-Webb | TL Beira | JM Bellew | KJ Beretta | RJ Bryce | K Chisaka | J Choate | ML Cogger | CN Cunningham | L Dahms-Jansen | RA Davey | O Deckers | JM de Hutton | D de Klerk | TC Dini | CR Douglas | SB Dube | HD Duffey | S Ellary | KA Fulton | BJ Garven | TM Gcabashe | E Geldenhuys | DJ Geral | TJ Gordon-Grant | AR Graham | S Grimwood-Norley | A Hale | N Hassan | VJ Herholdt | PA Hirsch | NA Hlophle | HPM Irvine | V Jacklin-Levin | CS Jackson | P Jani | JR Janks | T Jordaan | JR Kaapu | M Keep | CP Kennedy | KM Kem | ID Kirkman | RDW Kitcat | JG Kruger | JP Kruger | N Kwinana | R la Grange | R Labuschagne | T Laubscher | AB Leuta | LA Lewin | DA Lotter | L Ludick | J Lurie | KS Makapane | M Makola | HW Mandlana | HL Manson | NR Mather | TP McDougall | JM McKinnell | AKV Mfuphi | MC Mkiva | L Mongie | ZNR Motloba | K Naicker | UEBU Naumann | KT Nkaiseng | X Nyali | NT Nzima | MAJ Oppenheim | KJ Paterson | KA Peter | DM Phillips | B Pillay | JD Prain | DM Pretorius | JL Power | LV Raphulu | CL Reidy | CP Robinson | CDS Rodrigues | S Saffy | JW Sahli | MA Saib | MY Sass | CG Schafer | RZ Shein | BT Sibiyi | A Siwisa | EC Steyn | LR Stockton | ML Swartland | L Thahane | BF Tibane | CFN Todd | FJ Trichardt | CE Tucker | CL van Heerden | MR van Velden | MG Vermaak | IH Vorster | DS Webb | REE Webster | DCJ Wessels | RS Wessels | JWL Westgate | K Weyers | HJ Wilsenach | KS Wright | DD Yuill

Senior Consultants CM Bouwer | IL Brink | RM Carr | PM Carter | RA Cohen | GH Damant | AS Harris | P Hart-Davies | MR Kyle | PM Maduna | A McAllister | AJ Pike | MS Rusa | GI Rushton | JH Schlosberg | RJ van Voore | PE Whelan

Group COO RJ Smith | **Group CFO** HI Harding | **Company Secretary** NL van Vuuren

KENYA MAURITIUS NAMIBIA **SOUTH AFRICA** TANZANIA ZAMBIA
ALLIANCE FIRMS: ETHIOPIA | NIGERIA

"While I fully appreciate the important role MMA is playing in the South African media landscape, and we welcome complaints "in circumstances where the Press Code has been flagrantly contravened by an article published by a member of the Press Council" (as stated in the complaint), I must advise that the Press Council cannot accept complaints from unauthorised third parties on behalf of another person, especially, as in this case, it is about a person's integrity, reputation or privacy. But, of course, MMA has raised a number of other important concerns. However, as News24 and Karyn Maughan have also lodged a complaint about the same article, I have liaised with Mr Adriaan Basson, Editor-in-Chief of News24 regarding MMA's complaint. I suggested to him: Media Monitoring Africa has also lodged a complaint today, about the same article, requesting inter alia an apology to Ms Karyn Maughan. Their complaint is slightly problematic as they have given no explanation about any authorisation to lodge a complaint on behalf of Ms Maughan. Be it as it may, as the chances of reaching an amicable agreement in this matter are very slim (non-existent?), would you have any problem if I advise MMA to seek permission to join in the complaint as amicus curiae? If you were to agree, I will advise them to withdraw their complaint and liaise with you (or just have insight in your complaint which would be the quickest) and submit a motivated request to be allowed as amicus curiae, which will include their document supporting your complaint. Independent will then respond to the complaint as well as MMA's submission. You will have an opportunity to respond further, before the matter is forwarded to the Press Ombud for adjudication. He will decide whether he allows MMA as amicus curiae. Mr Basson responded: Your course of action makes perfect sense. Happy for you to proceed as suggested....."

4. MMA respectfully does not agree that its complaint is from an unauthorised third party. The Press Code provides that a complainant may complain as a member of, or in the interests of, a group, as the MMA has done. It is within these interests, that the MMA seeks to stop the infringement of fundamental constitutional rights while promoting ethical, fair journalism, and an open and competitive media. It is fundamental to these objectives that the spreading of misinformation and disinformation, which fundamentally undermines media credibility, rights and the principles of journalism, is sanctioned.
5. MMA is a non-profit organisation that seeks to act as Africa's pre-eminent media "watchdog" with the objective of promoting ethical, fair journalism, and an open and competitive media in South Africa. MMA operates in the public interest to promote the development of a free, fair, ethical and critical media culture. MMA is the only independent organisation that analyses and engages with media according to this framework. MMA is independent – it has no political or business alignment.
6. For more than 30 years, MMA has played – and continues to play – an active role in media monitoring and direct engagement with media, government, civil society organisations and citizens. It seeks to do so proactively, and in so doing advocates for the responsible free flow of information to the public on matters of public interest.
7. However, in order avoid unnecessary technical debate and to ensure that its complaint is considered as per its objectives and in the public interest, the MMA hereby withdraws its complaint

dated 18 March 2024 and makes application to join the Main Complaint as *amicus curiae* in this document.

8. MMA has acted as *amicus curiae* in a number of cases in the Constitutional Court (and many more cases in the High Court). MMA has also submitted numerous complaints to the Press Council, all of which have been considered. We submit that this role gives MMA clear standing to join this matter as *amicus curiae*, in circumstances where MMA is of the view that the Press Code has been flagrantly contravened by an article published by a member of the Press Council.
9. MMA supports the Main Complaint, and echoes the views set out therein; however, it believes that the contraventions of the Press Code by Sunday Independent and Independent Media are even broader than set out in the Main Complaint, and it is in view of this that it brings this application to join the Main Complaint as *amicus curiae*.
10. In particular, MMA requests that:
 - 10.1. MMA to be admitted as *amicus curiae* to the Main Complaint.
 - 10.2. For all the submissions made in this document to be considered by the Press Ombud when it decides on the Main Complaint.
 - 10.3. To present oral submissions at any subsequent hearing of the Main Complaint, or to deliver further written submissions, should the Press Ombud deem it necessary to request additional submissions.
11. In support of this application as *amicus curiae* and the Main Complaint, we address the following issues in this document:
 - 11.1. First, we explain the background to this application as *amicus curiae* and provide a description of MMA and its interest in this matter.
 - 11.2. Second, we set out MMA's position regarding the Article and its many contraventions of the Press Code, as well as the further contraventions by Sunday Independent and Independent Media in connection with the Article.

BACKGROUND TO THIS APPLICATION AND MMA'S INTEREST

12. This application as *amicus curiae* to the Main Complaint involves the constitutional rights of freedom of expression, also enshrined and emphasised in the Press Code of Ethics and Conduct for South African Print and Online Media (the **Press Code**), and the concomitant duty of the media to exercise care, consideration and responsibility in performing its function. The duties of the media to

exercise care and consideration are at their most crucial when dealing with matters concerning the dignity and reputations of individuals.

13. Accordingly, MMA's role as a media watchdog that seeks to promote ethical journalism and uphold the principles of the Press Code, while advocating for constitutional rights to free expression, puts it in a unique position to assist the Press Council and Ombud in striking an appropriate balance in this matter.
14. MMA has also been involved in the following matters dealing with freedom of expression, the right to free and fair media coverage and/or access to information:
 - 14.1. *Media Monitoring Africa and Others v South African Broadcasting Corporation* (case number 195/2016) before the Independent Communications Authority of South Africa Complaints and Compliance Committee, regarding the SABC's decision in 2016 to ban media coverage of violent protests and destruction of public property;
 - 14.2. *Verashni Pillay v Afriforum* (matter number: 3239/04/2017) before the appeals panel of the Press Council of South Africa, which dealt with the correct balance to be struck between hate speech and freedom of expression;
 - 14.3. *SOS Support Public Broadcasting Coalition and Others v South African Broadcasting Corporation SOC Limited and Others* (81056/14) [2017] ZAGPJHC 289 (17 October 2017) concerning the constitutionality and lawfulness of the powers that the Minister of Communications exercises in respect of the Directors of the SABC Board and whether these powers undermine the independence of the SABC, which is required under the right to freedom of the media;
 - 14.4. *Media Monitoring Africa and Others v President of the Republic of South Africa and Others* (case no: 02653/19), in which the MMA challenged certain provisions of the Regulations of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State on the basis that these provisions limit media freedom and access to information;
 - 14.5. *AmaBhungane Centre for Investigative Journalism NPC and another / Minister of Justice and Correctional Services and others* (CCT 278/19), in the confirmation proceedings before the Constitutional Court of South Africa. The matter concerns the constitutionality of various provisions of the Regulation of Interception of Communications and Provision of Communication Related Information Act, 2002, which authorises state surveillance;

- 14.6. *Maughan v Zuma and Others* [2023] ZAKZPHC 59 concerned abuse of process and private prosecution of a journalist in an effort to silence the journalist. MMA was an *amicus* together with the South African National Editors Forum (SANEF) and the Campaign for Freedom of Expression.
15. Accordingly, and in line with MMA's established history of acting as a Media "watchdog", we submit that MMA has a clear interest in the Main Complaint and that it is well-placed to provide objective and helpful submissions that will assist the Press Council regarding the issues that arise in the context of this matter.

MMA'S SUBMISSIONS

16. MMA submits that the Article repeatedly contravenes the Press Code in a number of ways, including by:
- 16.1. repeatedly comparing Maughan to Nazi film propagandist Leni Riefenstahl, and to Joseph Goebbels – the chief Nazi propagandist;
- 16.2. claiming that Maughan has chosen to operate more as a propagandist than a journalist;
- 16.3. stating that Maughan's reporting forms part of a "campaign of sophisticated propaganda, reminiscent of the apartheid era's STRATCOM operations, which aims to alienate public support and economically sabotage Sekunjalo and its business interests";
- 16.4. alleging that Maughan's "coverage of Sekunjalo and Survé is marred by a persistent bias, painting the companies in an unfavourable light at every turn"; and
- 16.5. questioning Maughan's qualifications and expertise as a legal reporter, claiming that her lack of formal legal education raises questions regarding the legitimacy of her work, and drawing an analogy between this and "Dr Matthew Lani", the famous TikTok "doctor" who was recently exposed as a fraud.

BREACHES OF THE PRESS CODE

17. As noted above, the Article contravenes the Press Code in multiple – and, we submit, flagrant – ways. In this section, we set out some of the most egregious breaches of the Press Code, with reference to the clause of the Press Code that has been breached. However, although we specify some particular breaches of the Press Code below, each of which would on their own justify this application for *amicus curiae* and the Main Complaint to the Press Council, we further believe that the article in its entirety, and taken as a whole, constitutes a breach of the very spirit of the Press

Code, and of the constitutional protections of a free media that underpins it. Notwithstanding the above, some particular breaches of the Press Code are as follows:

18. Clause 7 of the Press Code

- 18.1. Clause 7.2 provides that "*Comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it is without malice, is on a matter of public interest, has taken fair account of all material facts that are either true or reasonably true, and is presented in a manner that it appears clearly to be comment.*"
- 18.2. There is little doubt that the author and Sunday Independent have the right to produce pieces on bias in the media, and on bias of journalists. However, these pieces must accord with the Press Code's stipulation that media content must be without malice and must encompass "*all material facts that are either true or reasonably true*" and must be presented in a manner clearly discernible as commentary. Notably, the article is described as "analysis" rather than mere commentary or opinion. Given that no material facts are referenced to support the allegations made in the Article or to support the sweeping assertions portraying Maughan as a Nazi, apartheid advocate, racist, propagandist, and influencer of the judiciary, the basis for publication of the Article must be questioned.
- 18.3. Although published as an "opinion", the Article is framed and written as if it is news, including inter alia reference to "news" in the violent and disturbing graphic and numerous references to news content regarding the Sekunjalo cases, including how and what was reported as news throughout the Article. The Article grossly misrepresents its content as news instead of only comment and opinion. A small reference to "by Opinion" in small light font tucked away below the violent and disturbing graphic does not cure this gross misrepresentation. A reader is led to believe that the Article is news. This purposeful misrepresentation, we submit, ought to bring the requirements of clause 1.1 of the Press Code into consideration for the Article – if Sunday Independent have made the choice to present the Article as news, they ought to be bound by the covenant that "*the media shall take care to report news truthfully, accurately and fairly*".
- 18.4. It is patently clear from the Article that the principles of fair and accurate reporting outlined in the Press Code have been entirely disregarded. First, the Article fails to present concrete – or indeed any – evidence to support the severe allegations that it makes against Maughan. It accuses her of propagating a biased narrative against Sekunjalo and its founder without providing a single instance or example of misinformation or distortion in her reporting. Such vague and unsubstantiated allegations directly contravene the Press Code's requirement to report truthfully, accurately and fairly as set out in clause 1.1. By drawing an inflammatory link between Maughan's work and Nazi propagandist, repeatedly, but with absolutely no

substantiation, the Article seeks to delegitimize Maughan's work through inflammatory rhetoric rather than reasoned critique. This is a clear contravention of the Press Code.

18.5. This is amplified in circumstances where the focus of the piece is particularly directed at one female journalist, Maughan, which constitutes the most alarming aspect. Acknowledging the prevalent risks faced by women journalists, especially concerning threats, harassment, and abuse online, the editorial decision to target Maughan should have been deeply considered. The editor ought to have been mindful of the potential ramifications of publishing content that could fuel attacks against journalists, especially given the hostile climate towards women expressing opinions on social media platforms.

18.6. Legitimate critique of public figures, including female journalists, ought to be grounded in factual accuracy and fairness as mandated by the Press Code, especially considering the heightened risks they face. However, the Article levies unsubstantiated allegations against Maughan, accusing her of having "focused her career on negatively reporting against prominent black leaders and businessmen while ignoring legal issues affecting white individuals or companies". The absence of evidence coupled with the implication of racism exacerbates the gravity of these accusations.

18.7. Additionally, the Article spreads false information with the intention to defame and do harm (including *Crimen injuria*) which undermines our bill of rights, constitution and democracy. While the Press Code is currently silent on spreading misinformation and disinformation, this is a global challenge, and one which fundamentally undermines media credibility, rights and the principles of journalism.

19. The Press Council's Guidance Note II: Social Media Usage Policy for Subscriber Members

19.1. The contraventions are amplified by the social media posts made by Sunday Independent and other Sekunjalo-owned newspapers, who form part of Independent Media, regarding the Article.

19.2. The Press Council has published a guidance note on social media usage by subscriber members, entitled "Guidance Note II: Social Media Usage Policy for Subscriber Members".

19.3. Clause 2.2 of that guidance note provides that "*the most important general rule to apply is that, if you would not publish a particular allegation, photo, video or opinion in an official story then it should not be shared on your social media profile. The best approach is to treat the online world in the same way you do the physical one, by using sound judgment and common sense*".

- 19.4. Independent Media has repeatedly violated the principle set out in the above guidance note. The following are posts made on X.com (formerly Twitter) by the social media accounts of newspapers who form part of Independent Media, including Sunday Independent, each of which was accompanied by a link to the Article:
- 19.4.1. @IOL on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";
- 19.4.2. @IOL on 3 March, 2024: "STOP the propaganda machine: Karyn Maughan's reporting on Survé and Sekunjalo mirrors historical apartheid tactics. @karynmaughan #SouthAfrica #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";
- 19.4.3. @SundayIndy (Sunday Independent) on 4 March, 2024: "Is Karyn Maughan South Africa's Leni Riefenstahl – the Nazi Film Propagandist?: By Edmond Phiri Karyn Maughan, a News24 'journalist', shares several striking similarities with Leni Riefenstahl, whose contributions to cinema were inextricably linked with...";
- 19.4.4. @pretorianews (Pretoria News) on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";
- 19.4.5. @thestar_news (The Star) on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";
- 19.4.6. @themercurySA (The Mercury) on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";
- 19.4.7. @CapeTimesSA (Cape Times) on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";

- 19.4.8. @DailyNewsSA (Daily News) on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow";
- 19.4.9. @TheCapeArgus (Cape Argus) on 3 March, 2024: "Karyn Maughan's recent article on Sekunjalo reads like a page from Nazi propaganda playbook! @karynmaughan #SouthAfrica #Today #News24 #KarynMaughan #Propaganda #Journalism #RacistBanksMustFall #RightToBank #TrendingNow".
- 19.5. Survé himself amplified the above tweets on 3 March 2024, by posting – along with a link to the Article – "Edmond Phiri exposes Karyn Maughan as the highly paid propagandist of the Cyril-Pravin cabal. Don't forget the Nazi past of News24 who based their apartheid media machine on the Nazi propagandist Goebels."
- 19.6. Screenshots of the posts are attached hereto marked "**MMA1**".
- 19.7. The defamatory allegations have been posted by almost every newspaper that forms part of Independent Media. While we submit that this suggests that the Article ought not to be viewed merely as comment, to the extent that the Article is deemed to be merely comment, it is clear that such comment is neither fair, nor should it have been posted by the official accounts of the newspapers, as set out above. That they have been posted by the official accounts means – in light of Clause 2.2 of the guidance note on Social Media Usage Policy for Subscriber Members – that they cannot commit such gross misrepresentation of news and hide behind the pretence that this was merely opinion. These social media posts, we submit, therefore further violate, *inter alia*, the principles set out in Clauses 1 and 7.2 of the Press Code.
20. Clause 2 of the Press Code
- 20.1. Clause 2.1 provides that "*the media shall not allow commercial, political, personal or other non-professional considerations to influence reporting, and avoid conflicts of interest as well as practices that could lead readers to doubt the media's independence and professionalism*".
- 20.2. The Article fails to uphold the Press Code's standards of independence and conflicts of interest as envisaged in clause 2.1.
- 20.3. The set of posts outlined above, twinned with the post by Survé himself, certainly raises questions of the level of independence that has been afforded to the newspapers that comprise part of Independent Media. Whether or not the independence and professionalism of the media are factually violated by this practice, it is absolutely certain that the practice of all newspapers

owned by Survé's company posting the same story, with the same caption, as he does himself – especially when it is a story that clearly benefits him – could lead readers to “doubt the media's independence and professionalism”.

20.4. The Article, in addition, alleges a conspiracy by “white-owned media” to tarnish Survé's reputation, insinuating that Maughan's reporting is influenced by racial bias. However, the article fails to furnish any tangible evidence to substantiate these serious accusations and neglects to consider the possibility of legitimate journalistic scrutiny. This unfounded assertion not only undermines the media's independence and professionalism but also perpetuates harmful stereotypes and exacerbates divisions within South Africa's media landscape. The Article flagrantly disregards the imperative to maintain independence, eschew conflicts of interest, and avoid practices that could cast doubt on the media's integrity and impartiality.

21. Clause 3 of the Press Code

21.1. Clause 3.1 provides that the media shall “*exercise care and consideration in matters involving the private lives of individuals. The right to privacy may be overridden by legitimate public interest*”.

21.2. Clause 3.3 provides as follows:

21.2.1. The media shall: “*exercise care and consideration in matters involving dignity and reputation, which may be overridden only if it is in the public interest and if:*

21.2.2. *the facts reported are true or substantially true; or*

21.2.3. *the reportage amounts to protected comment based on facts that are adequately referred to and that are either true or reasonably true; or*

21.2.4. *the reportage amounts to a fair and accurate report of court proceedings, Parliamentary proceedings, or the proceedings of any quasi-judicial tribunal or forum; or*

21.2.5. *it was reasonable for the information to be communicated because it was prepared in accordance with acceptable principles of journalistic conduct; or*

21.2.6. *the article was, or formed part of, an accurate and impartial account of a dispute to which the complainant was a party.”*

21.3. The Article intrudes into Karyn Maughan's private life, undermines her dignity and attempts to smear her reputation without demonstrating legitimate public interest to justify such intrusion. It

levels serious accusations against her without providing any reasonable evidence. By resorting to unfounded allegations and drawing defamatory comparisons, the Article demonstrates that Sunday Independent has exercised absolutely no care and consideration in matters involving the private lives of individuals, in this case Karyn Maughan.

21.4. The Article baselessly likens Maughan to a Nazi propagandist, insinuates biased reporting based on race, and suggests she is unqualified to report on legal disputes, tarnishing her professional reputation and undermining her dignity as a journalist. Additionally, the Article does not meet the criteria outlined in Clause 3.3.3 for overriding considerations of dignity and reputation in the public interest. The complete lack of verifiable facts and the use of inflammatory language without proper substantiation further exacerbate these violations.

22. Clauses 5 and 10 of the Press Code

22.1. Clause 5.1 provides that the media shall: *"avoid discriminatory or denigratory references to people's race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or other status, and not refer to such status in a prejudicial or pejorative context – and shall refer to the above only where it is strictly relevant to the matter reported, and if it is in the public interest"*.

22.2. Clause 5.2 provides that the media shall: *"balance their right and duty to report and comment on all matters of legitimate public interest against the obligation not to publish material that amounts to propaganda for war, incitement of imminent violence or hate speech – that is, advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm."*

22.3. Clause 10 provides that:

22.3.1. *"Headlines, captions to pictures and posters shall not mislead the public and shall give a reasonable reflection of the contents of the report or picture in question; and*

22.3.2. *Pictures and video / audio content shall not misrepresent or mislead nor be manipulated to do so."*

The Graphic

22.4. The Article, as displayed on the Sunday Independent website, is introduced by a violent and disturbing graphic. This graphic features an image of Maughan with an old South African flag positioned to her left, and – shockingly – a gun pointing to her head from the right (**the Graphic**).

The breaches of the Press Code in the Article begin with the Graphic. The Graphic is wholly unacceptable, particularly in the South African context, for a number of reasons.

- 22.5. Principal among these is its violation of clauses 5 and 10 of the Press Code. First, the gun pointing to Maughan's head is a clear and flagrant incitement of violence, which is particularly egregious in the South African context, whose rate of violence against women is among the highest in the world. To publish such a Graphic, which was created by Sunday Independent and cannot be attributed to "opinion" from a third party, is disgraceful.
- 22.6. Second, the Graphic also makes use of the Apartheid-era South African flag, set behind a photograph of Maughan. The implications of linking Maughan with the Apartheid flag are clear; it exacerbates the potential for incendiary rhetoric and is deeply inflammatory. Clause 5.1 of the Press Code mandates that the media should avoid discriminatory or denigratory references to people's race or ethnicity. By associating Maughan with apartheid-era symbolism, the Graphic clear runs contrary to the Code's principles of fairness and accuracy.

The Article

- 22.7. The breaches that begin with the Graphic are only exacerbated in the Article itself. The Article repeatedly compares Maughan with Nazi propagandists, Apartheid-era tactics, and accuses her of bias, sabotage and racism:
- 22.7.1. "Karyn Maughan ... shares several striking similarities with Leni Riefenstahl, whose contributions to cinema were inextricably linked with the propaganda machinery of Nazi Germany under Joseph Goebbels";
- 22.7.2. "Maughan has chosen to operate more as a propagandist than a journalist";
- 22.7.3. "Cut from Goebbels and Riefenstahl's propaganda playbook, Maughan disregarded the fundamental right of any entity to question and challenge perceived ... She chose the sewer-laden road of bias and narrative framing to achieve her desired propaganda goal";
- 22.7.4. "This campaign of sophisticated propaganda, reminiscent of the apartheid era's STRATCOM operations, aims to alienate public support and economically sabotage Sekunjalo and its business interests. Maughan's reporting fits snugly into this agenda";
- 22.7.5. "Karyn Maughan plays a critical role, not as a conventional journalist, but as a propaganda foot soldier. Her coverage of Sekunjalo and Surve is marred by a persistent bias";

- 22.7.6. “Her approach mirrors the tactics of Nazi propagandist Riefenstahl, whose work served to promote Nazi ideologies. Maughan uses the News24 platform to propagate predetermined narratives, employing a style that would impress Goebbels even in his grave”; and
- 22.7.7. “Maughan and Riefenstahl are in the same WhatsApp group, cut from the same cloth, although at different historical times. One used film to manipulate public opinion, whilst the other used journalism as a cover for her vile anti-black sophisticated propaganda”.
- 22.8. The Article draws these comparisons and makes these allegations without referring a single excerpt from any piece of writing that Maughan has ever published. It speaks of a “campaign of sophisticated propaganda” and of her coverage of Sekunjalo and Surve being “marred by a persistent bias” yet fails to quote a single instance evidencing any of the assertions it makes.
- 22.9. To do so is not only fundamentally inaccurate, but also veers dangerously towards Holocaust distortion. Clause 5.2 of the Press Code prohibits the publication of material that amounts to propaganda for war or hate speech based on race, ethnicity, gender, or religion. The Article’s comparison of Maughan’s reporting to Nazi propaganda not only impugns the integrity of Maughan, but also trivializes the atrocities committed under Nazi rule, and risks perpetuating harmful discourse.
- 22.10. Holocaust distortion is outlined in a recent UNESCO report, where a crucial element of holocaust distortion is equating “distortion by appropriating the emotional and rhetorical force of the Holocaust in the service of a political, social or moral agenda by equating the Holocaust to another event, without regard for the integrity of the historical past or the suffering of the nazi victims.” An extract from the UNESCO report on Holocaust distortion is attached hereto marked “**MMA2**”.
23. Clause 6 of the Press Code
- 23.1. Clause 6 provides that “*The media may strongly advocate their own views on controversial topics, provided that they clearly distinguish between fact and opinion, and not misrepresent or suppress or distort relevant facts.*”
- 23.2. The Article flagrantly violates Clause 6 by failing to clearly distinguish between fact and opinion. While the media is permitted to advocate their views on controversial topics, it is imperative that they do so transparently and without distorting relevant facts. However, and as set out in detail above, the Article makes serious allegations against Maughan without providing any evidence whatsoever to support these claims. By presenting these allegations as factual assertions, the Article misrepresents the truth and suppresses relevant facts. Additionally, the Article resorts to

inflammatory language and discriminatory rhetoric, further blurring the line between fact and opinion.

THE EXISTENCE OF PHIRI

- 23.3. The concerns set out above are reason enough to justify this application for *amicus curiae*, the Main Complaint and the relief sought. There is, however, a further potential cause for concern that is worth being brought to the Press Council's attention as they consider this application for *amicus curiae* and the Main Complaint.
- 23.4. A recent investigation by News24 and the Digital Forensic Research Lab into the identity of the author of the Article, Edmond Phiri (Phiri), suggests a troubling possibility: Phiri may not be an individual journalist, but rather a fabricated persona created by Sunday Independent. Such actions not only undermine the fundamental principles of transparency and accountability but also violate the Press Code and the broader Journalistic ethical standards. A link to the investigation is provided with this application for *amicus curiae*, as the investigation is too lengthy to be annex.
- 23.5. If these allegations are true, they represent a clear and blatant violation of Clause 1.6 of the Press Code, which mandates that journalists must identify themselves as such unless public interest or safety dictates otherwise. By concealing the true identity of the author behind a fabricated persona, the publishing company has failed to uphold the principle of transparency, depriving readers of the opportunity to assess the credibility and motivations behind the content. This is particularly the case when the persona is being used to publish defamatory content.
- 23.6. Furthermore, the creation of a fake author with the intent to disseminate biased or misleading information undermines and violates the very heart of the Press Code, which stipulates that journalists must report truthfully, accurately, and fairly. By attributing false authorship to the article, the publishing company has engaged in deceptive practices that compromise the integrity of the media itself. This deception not only deceives the public but also erodes trust in the media, undermining its role as a watchdog and guardian of public interest and discourse.

RELIEF SOUGHT AND CONCLUSION

24. We respectfully submit that the submissions MMA seek to advance in this application for *amicus curiae* will be of assistance to the Press Council and Ombud in considering the issues raised by the Main Complaint, as well as the broader issues that require addressing that have not been raised by the Main Complaint.
25. MMA seeks the following further relief:

- 25.1. MMA application for *amicus curiae* be granted.
- 25.2. The Ombud both caution and reprimand the Sunday Independent for the publication of the Article and IOL for republishing the article.
- 25.3. The full public apology and retraction that are to be posted by Sunday Independent and all Independent Media titles that posted the article on social media must be published at the same times of day as the Article was published or referenced, and not late in the night or early morning when readers do not access these platforms.
- 25.4. The Ombud direct Sunday Independent to issue a formal apology to Maughan for the harm caused to her professional reputation and personal well-being as a result of the unfounded accusations.
- 25.5. The Ombud direct Sunday Independent to provide an explanation as to how such an Article was allowed to be published on its website and by its social media accounts.
- 25.6. The Ombud direct Sunday Independent and Independent Media to publish its findings in respect of the Article on its website and on all social media pages of Independent Media newspapers who republished the Article and to do so at similar times and the same number of times posted on all its social media handles that posted or reposted the article I question.
- 25.7. The Ombud direct Sunday Independent's editorial team to undergo comprehensive training on journalistic ethics and the Press Code to prevent future breaches.
- 25.8. The Ombud direct Sunday Independent to undertake to review its editorial policies to ensure that future publications adhere strictly to the principles of fairness, accuracy, and independence outlined in the Press Code.
- 25.9. MMA be copied on all directives by the Ombud to the Sunday Independent.
- 25.10. MMA submits that the relief sought by News24 and Maughan in the Main Complaint ought to be granted.
- 25.11. Further and/or alternative relief, if required after any response is received to this application for *amicus curiae* and/or the Main Complaint.



Yours faithfully

A handwritten signature in black ink, appearing to be "Vanessa Jacklin-Levin".

Bowman Gilfillan

per: Vanessa Jacklin-Levin / Simon Ruff / Lebohang Ramokonopi

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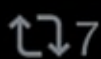


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Executive summary

Holocaust denial and distortion is dangerous. It is an attack on truth and knowledge. It feeds on and spreads antisemitic tropes and prejudices, and threatens our understanding of one of the most tragic and violent histories: The genocide of six million Jews by Nazi Germany, its allies and collaborators. In countries across Europe, people became complicit in the persecution and murder of their neighbours. Holocaust denial and distortion can prevent society from reckoning with this past. It impedes our comprehension of the causes and warning signs of genocide, and that might strengthen efforts for genocide prevention. It is insulting to the victims and survivors of the Holocaust, and risks the rehabilitation of violent, antisemitic ideologies. At its most extreme, it celebrates and glorifies this history, inciting violence against Jews and calling for another genocide.

The United Nations and UNESCO condemn the rise of Holocaust denial and distortion online as a dangerous form of hatred, and commissioned this report in partnership with the World Jewish Congress to raise awareness of the forms and functions of Holocaust denial and distortion on social media, and determine a series of policy and educational responses.

This report is a data-driven investigation into the extent and nature of Holocaust denial and distortion on online platforms. It is based on a manual review of almost 4,000 pieces of content collected in June and July 2021 that related to Jews, the Holocaust, antisemitism and Holocaust denial and distortion from five major online platforms and messenger apps. It looks at content posted on Facebook, Instagram, Telegram, TikTok and Twitter: some of the world's largest online platforms and collectively home to billions of users. It addresses content in four different languages: English, French, Spanish and German, with the aim of providing a wide-ranging review that addresses multiple countries and contexts.

This report aims to answer four questions:

1. How much Holocaust-related content on social media either denies the Holocaust or distorts key elements of history?
2. What are the key narratives in contemporary Holocaust denial and distortion?
3. How are Holocaust denial and distortion communicated, and how are they situated within wider discourses and frames?
4. What can online platform companies, policy-makers, educators and organizations promoting Holocaust remembrance, education and research do to tackle the problem?

Based on the findings of this report, it provides a series of recommended actions that online platforms, policy-makers, civil society, researchers and educators can implement to prevent and counter Holocaust denial and distortion online.

Major findings

1. Nearly half (49 per cent) of all content on public Telegram channels that discusses the Holocaust either denies or distorts its history. This includes over 80 per cent of posts in the German language, and approximately 50 per cent of posts in English and French. These posts are often explicitly antisemitic, which is on the rise across the globe.¹ They are easily accessible to people searching for information about the Holocaust on the platform. Telegram does not have a policy to take action on Holocaust denial or distortion, creating a safe haven for those who wish to deny or distort the genocide.

2. Holocaust denial and distortion is present on all online platforms, including platforms with targeted content moderation policies to address Holocaust denial and distortion. On these platforms, Holocaust denial is less present, but Holocaust distortion is far more common and takes various forms. According to the research:

- Nearly one in five (19 per cent) of all Holocaust-related public Twitter content either denied or distorted the history.
- 17 per cent of public TikTok content that related to the Holocaust either denied or distorted the Holocaust.
- Eight per cent of public Holocaust-related content on Facebook was either Holocaust denial or distortion.
- Three per cent of material posted publicly on Instagram discussing the Holocaust either denied or distorted the history.

3. Much depends on the willingness of online platforms to take effective action against Holocaust denial and distortion. Where platforms have introduced policies, content moderation and clear user guidance, this can have an impact in limiting and removing harmful content. There was a notable difference in the levels of Holocaust denial and distortion between Facebook – which has moved to address criticisms of disinformation – and Telegram, which remains highly unmoderated.

4. Online platform community guidelines and moderation policies are often limited to addressing Holocaust denial rather than the more complex issue of Holocaust distortion. Online platforms should also monitor and, when necessary, take action on content that distorts the Holocaust in partnership with experts, civil society organizations and international organizations. Actions may include adding fact-check labels that redirect to

accurate and reliable content; downranking, de-amplifying, placing under warning label or removing harmful content; disabling advertising revenue; and/or deactivating accounts of actors producing and spreading such content, including through inauthentic coordinated behaviour, while upholding international standards of freedom of expression.

5. Posts on moderated sites can be camouflaged and signpost users to far more explicit material on other sites, such as Telegram. Consequently, where Holocaust denial has been limited on moderated platforms, it has migrated to other online platforms. The more mainstream sites are still used to direct users to more radical forums.

6. Holocaust distortion trails world events and shifts in form depending on current affairs, areas of deep public concern and the evolving news agenda. As such, a high degree of Holocaust distortion was linked to anti-lockdown protests and other restrictions implemented to tackle coronavirus disease (COVID-19).

7. Holocaust denial and distortion are often manifested in covert and coded ways, which may hinder efforts to mitigate their dissemination online. Therefore, researchers, online platform companies and educators need to engage more and understand these contemporary modes of communication to develop creative, bold and disruptive counter-messaging, as well as effective educational responses.

8. Holocaust denial and distortion is sometimes spread through memes and 'humour', to glorify or mock the Holocaust by online communities spreading violent extremist ideologies. 'Humour' and memes allow hateful narratives to gain acceptability and legitimacy among the wider public; to propagate racist, white supremacist ideology; to recruit and radicalize new members; and to signal a sense of group identity. Holocaust denial and distortion are therefore closely related and often co-present with other types of online harms including homophobia, misogyny, racism and xenophobia.

9. Educating about the Holocaust and other Nazi crimes is the best defence against denial and distortion. It is imperative that young people are provided with accurate knowledge about the fundamental facts of the Holocaust, and develop critical thinking skills and media and information literacy, so that they can reject and counter disinformation and hate speech.

¹ The Center for the Study of Contemporary European Jewry (2021). Antisemitism Worldwide Report 2021.

Introduction

1.1 Rationale

Holocaust memory informs much of our public and political discourse – by drawing attention to the causes, consequences and legacies of genocide and atrocity crimes, it serves as a touchstone for any number of moral, social and political issues. There are a large number of museums, memorials and commemorative events around the world; and the Holocaust is a part of many school curricula; public interest in the Holocaust is evident by a wide range of popular novels, feature films and other cultural representations. However, many myths and misconceptions also circulate in this collective memory – there is a wide gulf between academic and public knowledge of the Holocaust.²

This study examines discourse about the Holocaust online, particularly on social media and online platforms. The internet has had an impact on society on a scale comparable to that of the printing press.³ Not only has it enormously expanded free access to knowledge about our world, the shift caused by Web 2.0 and online platforms have created a space where members of the public can participate in the production and sharing of information on a vast, unprecedented scale.⁴ However, what was hoped to be a democratizing force – one that enabled citizens to contribute more fully to public discourse, opened new frontiers of debate and gave a platform to new voices – has also led to a spread of misinformation and has had unintended consequences for public understanding of the very nature of truth.⁵

What was the Holocaust or Shoah?

The Holocaust is a well-documented and the most intensively researched example of genocide in the long history of atrocity crimes. As a result, there is well-established knowledge about the Holocaust, and a clear and broad consensus on its fundamental facts.

The term 'Holocaust' (or Shoah, meaning 'catastrophe' in the Hebrew language) is used to refer to a specific genocidal event in twentieth-century history: the state-sponsored, systematic persecution and genocide of 6 million Jews in Europe by Nazi Germany and its collaborators between 1933 and 1945. Alongside the murder of Jewish children, women and men, the Nazis systematically murdered Roma and Sinti. Millions more, including disabled persons, Poles, homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, suffered grievous oppression and death under Nazi tyranny.

For more information, please see AboutHolocaust.org: A website established by the World Jewish Congress and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to provide young people with essential information about the history of the Holocaust and its legacy.

² See Hoskins, A. (2003). Signs of the Holocaust: exhibiting memory in a mediated age. *Media, Culture & Society*, 25(1), 7–22.

³ Müller, Jan-Werner. (2002) *Memory and power in post-war Europe: Studies in the presence of the past*. Cambridge, UK, New York, NY: Cambridge University Press. p.13

⁴ The term 'social media' is used to denote internet-based, computer technology 'that facilitates the sharing of ideas, thoughts, and information through the building of virtual networks and communities', following a definition provided by Maya E Dollarhide.

⁵ The Oxford English Dictionary chose 'post-truth' as its word of the year in 2016, defining it as shorthand for 'circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief', cited in D'Ancona, Matthew (2017) *Post Truth. The New War on Truth and How to Fight Back*. London: Ebury Press, p.13.

Many hoped and expected that – in an open, free market of ideas – rational discourse and the best, most compelling and persuasive arguments would win out. Indeed, the internet does provide a rich repository of accurate and useful information on many subjects. However, it is also the case that, online, the power of emotion, confirmation bias, titillation, click bait and the false certainty of strident claims can overwhelm the slower, fact-checking norms of the mainstream media (which itself is hardly immune to sensationalism); the sober deliberations of experts; and the peer-reviewed papers of academia. This has been fuelled by algorithms that corporations have created to prioritize advertising revenue and data collection over the provision of accurate, fact-checked information, in an environment where liberal democracies have been hesitant to create legislative oversight for fear of compromising the right to freedom of expression.⁶ As a result, the explosion and diversification of sources of misinformation on online platforms have led some to describe this as a ‘post-truth’ era.⁷ It is in this context, when research into online platforms such as YouTube indicates a tendency to amplify messaging that is ‘divisive, sensationalist and conspiratorial’,⁸ that the rise and pernicious consequences of Holocaust denial and distortion can be observed.

This report seeks to address the extent and nature of Holocaust denial and distortion on social media and online platforms. The International Holocaust Remembrance Alliance (IHRA) has defined Holocaust denial as: ‘any attempt to claim that the Holocaust/Shoah did not take place [and]... may include publicly denying or calling into doubt the use of principal mechanisms of destruction (such as gas chambers, mass shooting, starvation and torture) or the intentionality of the genocide of the Jewish people.’⁹ A resolution on Holocaust denial was adopted by the United Nations General Assembly in January 2022, condemning Holocaust denial of the Holocaust as a historical event, either in full or in part, and urging Member States and online platform companies to take

active measures to combat antisemitism and Holocaust denial or distortion.¹⁰ Holocaust distortion refers to claims that do not outright deny the reality of the Holocaust, but seek to distort or subvert key facts about it. Holocaust distortion is both far more widespread than Holocaust denial and ‘often shares the same antisemitic goals.’¹¹

The issue of Holocaust denial and distortion has long been a problem on social media and online platforms.¹² While for many years online platforms took little action on the subject, recently some companies have begun attempts to limit the spread of such material on their platforms. There are some positive signs that the actions of online platforms to limit such discourse are having an impact. For example, the Institute for Strategic Dialogue (ISD) found that ‘the spread of Holocaust denial content dropped significantly on YouTube following changes to their terms of service in 2019... [and] a number of factors limit the visibility of Holocaust denial on Reddit, such as the banning of subreddits dedicated to Holocaust denial, moderators deleting comments and pushback from other users.’¹³ Furthermore, recent campaigns to encourage online platforms to play a more responsible, responsive and active role in addressing Holocaust denial have led to Facebook and TikTok adopting new protocols. In January 2021, for example, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Jewish Congress announced a partnership with Facebook that would redirect Facebook users searching for Holocaust or Holocaust denial related terms in 12 languages to an authoritative website AboutHolocaust.org. The website, available in 19 languages, was accessed from more than 100 countries after the start of the partnership. Since 27 January 2022, TikTok users engaging with Holocaust-related content in the For You feed, search function and hashtag pages are presented with a message asking them to consult trusted sources on the Holocaust to limit the spread of hate and misinformation and directing them to the AboutHolocaust.org website where they can find authoritative information on the Holocaust.

⁶ Concerns about the use of algorithms to fuel an ‘attention economy’ (habit forming mechanisms designed to keep people watching videos, sharing content and spending ever more time on social media platforms in order to attract ever more advertising revenue) have been increasingly raised even within the industry by leading engineers such as Justin Rosenstein, who created the ‘like’ button on Facebook, now ubiquitous across platforms; Guillaume Chaslot, formerly of YouTube formerly of YouTube, has warned about the distortions which arise from ‘filter bubbles’ where an algorithm’s recommendations lead people to remain within a particular discourse, reinforcing existing ideas even when these are ill-informed; Tristan Harris, formerly of Google, who has said, ‘A handful of people, working at a handful of technology companies, through their choices will steer what a billion people are thinking today’; and Safiya Noble, who argues that search engines are not sources of neutral and objective information, but economic incentives and the social values assigned to ideas, objects or people shape search engine results. See Noble, S. (2018). *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York: NYU Press.

⁷ The origin of the term ‘post-truth’ is disputed but was perhaps first used by writer Steve Tesich in a 1992 article in *The Nation*.

⁸ *The Guardian* (2 February 2018) Fiction is outperforming reality: How Youtube’s algorithm distorts truth <https://www.theguardian.com/technology/2018/feb/02/how-youtubes-algorithm-distorts-truth>, accessed 24 April 2022.

⁹ IHRA, What are Holocaust Denial and Distortion? <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-holocaust-denial-and-distortion>, accessed 24 January 2022.

¹⁰ United Nations General Assembly Resolution on Holocaust Denial A/RES/76/250, adopted 20 January 2022.

¹¹ IHRA, Why is Distortion of the History of the Holocaust Such a Problem?, <https://www.holocaustremembrance.com/news-archive/what-holocaust-distortion-and-why-it-problem>, accessed 24 January 2022.

¹² See, for example, the Institute for Strategic Dialogue (2020) Hosting the ‘Holohoax’: A Snapshot of Holocaust Denial Across Social Media <https://www.isdglobal.org/isd-publications/hosting-the-holohoax-a-snapshot-of-holocaust-denial-across-social-media/>, accessed 22 April 2022.

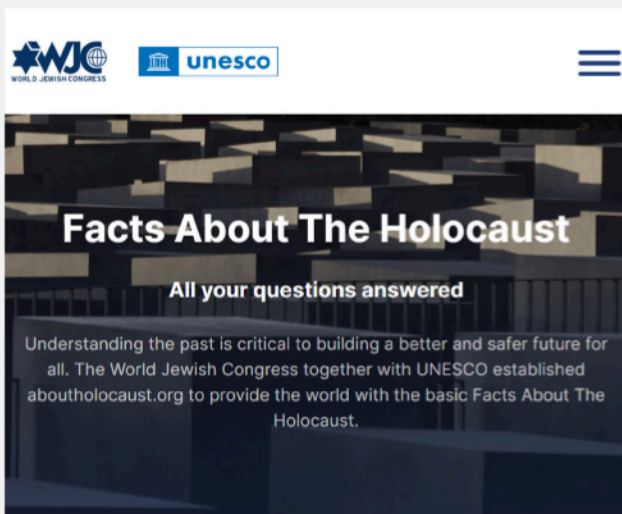
Also: Whine, M. (2020) Countering Holocaust Denial in the Twenty-First Century, *Israel journal of foreign affairs*, 2020-01-02, Vol.14 (1), p.53-68, Routledge; Bauer, Y. (2020) Creating a “Usable” Past: On Holocaust Denial and Distortion, *Israel journal of foreign affairs*, 2020-05-03, Vol.14 (2), p.209-227, Routledge; ADL (2020) Free to Play? Hate, Harassment and Positive Social Experience in Online Games 2020, accessed 22 April 2022;

WJC, Holocaust denial and anti-Semitism on social media up 30 percent in January 2018 compared to 2016, WJC report finds.

¹³ Institute for Strategic Dialogue (2020) Hosting the ‘Holohoax’: A Snapshot of Holocaust Denial Across Social Media.

Despite these efforts, recent research has demonstrated that Holocaust denial and distortion remain present on social media and online platforms.¹⁴ In December 2021, the Anti-Defamation League (ADL) found several examples of Holocaust denial on Facebook, one year after the platform banned such content.¹⁵ In Latin America, ObservatorioWeb also reported an increase in Holocaust denial online over the course of 2020.¹⁶ All of this needs to be seen in the context of rising antisemitism online, which often goes unchecked.¹⁷

Figure 1: Facebook and TikTok redirect to the joint World Jewish Congress and UNESCO site AboutHolocaust.org



This report therefore seeks to update knowledge on the context of Holocaust denial and distortion at a time when many platforms have begun to amend their policies, but enforcement appears far from complete. It seeks to answer the following critical questions:

1. How much Holocaust-related content on social media denies it or distorts key elements of it?
2. What are the key narratives in contemporary Holocaust denial and distortion?
3. How are Holocaust denial and distortion communicated, and how are they situated within wider discourses and frames?
4. What can be done by online platform companies, policy-makers, educators and organizations promoting Holocaust remembrance, education and research to tackle the problem?

In addition to updating knowledge, the report also makes two other important contributions. First, it addresses content in four languages (English, French, German and Spanish) and thus builds on many existing civil society reports that focus primarily on English.¹⁸ In addition, by placing more focus on Holocaust distortion (rather than just denial), the report provides a broad picture of the problem online. The report aims to inform legislators and policy-makers; the companies that run online platforms; and practitioners working in the area of Holocaust education about the extent and nature of the contemporary problem. Furthermore, the report seeks to provide an evidence base for educational practitioners to build on as they continue their work to ensure the history of the Holocaust is understood.

The report is structured as follows: the introduction provides definitions of Holocaust denial and distortion, with a detailed typology of distortion. Questions about the harm of Holocaust denial and distortion are also addressed. Section 2 describes the methodology and presents overall findings on the amount of Holocaust denial and distortion identified on online platforms. It analyses different types of Holocaust denial and distortion, with concrete examples of their use online. Section 3 explores the ways in which Holocaust denial and distortion are communicated. Sections 4 and 5 provide conclusions and gather the evidence in the form of policy recommendations for governments, civil society, academia, international organizations, online platform companies and education.

¹⁴ Walden, V.G. (2021). Understanding Holocaust memory and education in the digital age: Before and after COVID-19. *Holocaust Studies*, 1-22.

¹⁵ ADL, (2021). One Year After Ban, Holocaust Denial Remains on Facebook.

See also, the Expo Foundation, HOPE not hate, and the Amadeu Antonio Foundation (2021). *Antisemitism in the Digital Age*, accessed 15 April 2022.

¹⁶ Observatorio Web (2020) *Antisemitismo en Internet*.

¹⁷ For example, the Centre for Countering Digital Hate showed in August 2021 that 84 per cent of antisemitic content that was reported to social media companies was allowed to remain on their platforms: Centre for Countering Digital Hate (2021) <https://www.counterhate.com/failuretoprotect>, accessed 15 January 2022.

¹⁸ English, French and Spanish were chosen as the focus of this study as three transnational and United Nations languages. German was added to the study in consideration of the specific historical legacy of the Nazi German regime, and the prevalence of relevant legislation on Holocaust denial. Holocaust denial and distortion are present on social media in many other languages and these deserve full and proper attention in further research.