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Sent: Thursday, May 2, 2024 3:07 PM

To: Fanie Groenewald <fanieg@ombudsman.org.za>; George Claassen <George.Claassen@media24.com>; Adriaan Basson <adriaan@24.com>; Simon Ruff <simon.ruff@bowmanslaw.com>; Lebohang Ramokonopi <lebohang.ramokonopi@bowmanslaw.com>

Cc: Latiefa Mobarra <mobarra@ombudsman.org.za>; Khanyi Mndaweni <khanyim@ombudsman.org.za>

Subject: RE: Re PRESS COUNCIL COMPLAINT 30739 News24 and Karyn Maughan vs Sunday Independent

Dear Mr Groenewald,

Our brief response:

We outline our brief response to each point below. We note that both aspects raised by Sekunjalo's legal counsel are so facile and self-defeating that they ought not to have been either raised in the first place nor, once raised, given any reasonable consideration. Nonetheless, we record as follows:

1. Objection to the Public Advocate's tacitly condonation of the "lateness" of the corrected documents:

- a. In their mail of 15 April 2024, their legal counsel quote from clause 1.3 of the Press Council's Complaints Procedure as follows: "*A complaint shall be made as soon as possible, but not later than 20 working days after the date of publication giving rise to the complaint. The Public Advocate, who throughout the entire process (also at the Ombud and the Appeals Panel) will advise and assist the complainant if the complainant agrees, may on reasonable grounds accept late complaints if, in his or her opinion, there is a good and satisfactory explanation for the delay.*" For their convenience, we have underlined the relevant portion of the clause that their counsel has quoted. We do not believe there was any delay but if there was then the Public Advocate has accepted the delay and the explanation therefor (being the change in wording requested). Any further discussion on this point is without merit, overly technical and purposefully dilatory.

2. Objection to the Public Advocate's acceptance of News24's complaint and MMA's submission, incorrectly addressed to IOL, and then sent to Sunday Independent with the request to change "IOL" to Sunday Independent", with an indication that corrected documents would be sent soon:

- a. The objection made herein is grounded in the misconceived notion that there was a delay and that the 20-day period is absolute. We do not believe there was any delay and if there was then the very clause that they quote to justify this notion makes it clear that the 20-day period is not absolute. Moreover, although the article was originally published by Sunday Independent, it was republished and repeatedly promoted by IOL. The arguments made by their counsel (sometimes purportedly as Sekunjalo's legal counsel, sometimes purportedly as the legal counsel for Independent Newspapers) regarding this distinction wholly ignores these facts (as they do the fact that a complaint could legitimately have been brought only against IOL). Again, any further discussion on this point is without merit, overly technical and purposefully dilatory.

We have made substantial and considered submissions in this matter. We will not be making any further submissions while the opponents refuse to make any substantial and considered submissions in this matter. We submit that their dilatory and overly technical response to date is in bad faith and their conduct ought to be considered by the Press Ombud in coming to a

decision on the substantial and considered submissions made by the complainant and our client, and in deciding what relief to order.

Additional article to place into record:

In addition, we place into the record the following article, which was published on the IOL website and also posted on [X.com](#) by Sunday Independent:

<https://www.iol.co.za/sundayindependent/analysis/whats-the-point-of-having-a-selective-media-monitor-249df393-8518-48ed-96ba-6b9f15e9f9c1>

The article was written by Sizwe Dlamini, was posted subsequent to his receiving the complaint and his emails to the Public Advocate, and makes defamatory aspersions about our client, Media Monitoring Africa, and its director William Bird.

Finally, we note that the opponent's legal counsel also plays the role of adjudication panel member of the "*Independent Media Ombudsman's Adjudication panel*", and therefore ought to be fully aware of the effects of this conduct.

Our client's rights remain fully reserved.

Kind regards,

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