

## **In response to falsehood published about the *Mail & Guardian* in the SANEF media ethics and credibility report**

Earlier this year SANEF published the eagerly anticipated media ethics and credibility report. At a time when trust in local media has been seriously eroded, it should have been a timely and critical intervention. Instead, since its publication, the *Mail & Guardian* has had to engage the authors and publishers for what we see as clear lapses in basic journalistic ethics and credibility that discredits the entire exercise.

At the heart of the matter, the report delves into an incident where the *Mail & Guardian*'s former political editor was accused of abusing his position to plant favourable stories for the purpose of furthering his business interests.

The panel was led by retired judge Kathleen Satchwell and aided by former journalists Nikiwe Bikitsha and Rich Mkhondo. Despite devoting dozens of pages to the principle of "the right of reply" in journalism, it decided not to contact the M&G for comment. To be clear, the story which they recite is littered with inaccuracies and could for all intents and purposes have been scrawled on the back of a public bathroom door. It is also important to note that our complaints about the glaring failures of the report do not stand in isolation.

As media practitioners we are acutely aware of the impact our work has. That organisations and people's lives are literally at stake in what we do. It is a responsibility we do not take lightly. At the *Mail & Guardian*, we are custodians of a proud tradition of trusted journalism and go to great pains to ensure that what we tell the public is the truth. When we have failed in this regard we have actively tried to remedy the situation. By printing this unchallenged, salacious version of events, Satchwell and her cohort effectively defamed the M&G, with another media organisation quickly latching onto this part of the 'investigation' as one of the highlights of the report.

As the publishers of the report, the M&G approached SANEF to correct the falsehood. In their correspondence with us SANEF say they cannot interfere with what was published as it was an independent report. We contend that as publishers of the report, SANEF has ultimate legal and ethical responsibility for what is published. Interestingly, we also discovered during the course of this engagement that SANEF as an organisation is not bound by the press code, which would have allowed for the press ombud to arbitrate. We find this situation hypocritical.

The panel did admit to their "egregious failure of fairness and ethical practice" to offer the M&G the right of reply, offering their "unreserved apology". They then go on to say that, this notwithstanding, their story as published was correct and will not be changed.

For the record, the *Mail & Guardian* opted out of participating in the media ethics and credibility report because of our serious misgivings about the appointment of Satchwell and what we view as her lack of understanding of the basic tenets of journalism.

This came after an investigation into very serious allegations of sexual abuse at Equal Education, which relied on sources who were kept anonymous to protect them, a standard practice when dealing with

sensitive cases.

The majority Equal Education report, written by the judge who presided over this ethics investigation, accused the *M&G* of work “reminiscent of the gutter journalism of the National Party apartheid regime”.

Far more worryingly, that report attacked the sources, with the former judge saying: “It is necessary to express my greatest concern, serious disquiet and even disgust at persons who hide behind anonymity for themselves when making grave and reputational-destroying allegations against persons whom they freely name and shame and deny the same opportunity for privacy before any investigation into the truth or otherwise of these allegations is conducted.”

The *M&G* did not trust someone who so fundamentally misunderstood journalism to oversee a fair process, which would have far-reaching consequences for our profession. An offer to take part if the judge was replaced was rejected.

We find it rich then that Satchwell, who has shown such disdain for the principle of anonymous sourcing, should find it so easy to defame the *M&G* and former political editor Matuma Letsoalo with similar sourcing. We at least offered a right of reply.

The existence of this new slander does very real damage to the reputation of the *Mail & Guardian*. It was picked up and published as fact, again without soliciting comment from the *M&G*, by the *Daily Maverick*. Every day that this slander remains unchallenged and uncorrected, the more ingrained it becomes and the worse the damage. As we know, it is extremely difficult to correct an untruth once it is out there.

### **The falsehoods, published in the Satchwell media ethics and credibility report:**

“We were given details of a former political editor of the *Mail & Guardian*, Mr Letsoalo, and his wife, who were members of and actively engaged in Kgomomorareng Travel CC, a company that had unlawfully concluded and extended a tender at the Passenger Rail Authority of South Africa (PRASA). This matter was investigated by a firm of attorneys at the instance of the SOE. Apparently to dissuade the attorneys, Mr Letsoalo is believed to have arranged for another journalist to interview PRASA and write stories criticising the work of the attorneys. When editor(s) at the *Mail & Guardian* were confronted with this apparent conflict of interest, the response ranged from the accusations that the attorneys were “trying to unduly influence our newsroom” to the claim that an “in depth investigation” had found no violation of the *Mail & Guardian* code of ethics. On publication of this story in *Daily Maverick*, Mr Letsoalo was placed under suspension and, after an independent investigation, his employment with *Mail & Guardian* was terminated. This matter is currently under investigation at the Zondo Commission of Inquiry.”

In summary, this is a claim that the political editor of the *Mail & Guardian* had published favourable stories out of self-interest. The report suggests that these favourable stories were published in the *Mail & Guardian*. There is also the implication that the *M&G* did nothing about this until another publication published a story about the issue.

This claim, and paragraph, give very little context and make strong claims. Those claims are not backed

by the facts. The *M&G* suspended Mr Letsoalo after coming into possession of the draft of an investigation into tenders awarded by the Passenger Rail Authority of South Africa (PRASA). This investigation, done by Werksmans Attorneys, had at that point in 2018 not been formally released.

When questions were first raised in 2016, then editor Verashni Pillay concluded that Mr Letsoalo was not in breach of the *M&G*'s editorial code in that he disclosed the dealings that underpinned the allegations against him. To be clear, after an extensive interrogation of his work over a number of years, there was no evidence that his prior business dealings with PRASA had in any way influenced the reporting on the utility.

Mr Letsoalo was, however, told to not report on PRASA, or commission any articles on the utility, because of his wife's continuing involvement with the utility. Given the seriousness of the subsequent Werksmans report, although it raised no new facts, Mr Letsoalo was suspended to give time for an independent investigation. This is in keeping with the *M&G*'s desire to hold ethical journalism to the core of what it does.

As such, the claim that "on publication of this story in *Daily Maverick*" Mr Letsoalo was suspended is categorically wrong. As is any insinuation that this is what happened. When the *DM* first approached the *M&G* with questions, we noted that the issue had been dealt with before. We were also not sure of the veracity of the questions, given that they came from a private gmail account and in the name of someone unknown in this industry.

We were as yet unaware of the finalised Werksmans report. This was then leaked to the *M&G*. It was on receipt of this that a suspension was instituted. All of this happened before the *DM* article was published.

While we think media houses holding each other to account is essential to a working democracy, false claims only serve to undermine that goal. The ethics report does not disclose how it came to make such serious claims and we respect the right of sources to stay private. We do however expect the claims to be tested.