

**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

CASE NO: 15185/2022

In the matter between:

MOHAMMED IQBAL SURVÉ	First Plaintiff
INDEPENDENT MEDIA (PROPRIETARY) LIMITED	Second Plaintiff
INDEPENDENT ONLINE SA (PROPRIETARY) LIMITED	Third Plaintiff
INDEPENDENT NEWSPAPERS (PROPRIETARY) LIMITED	Fourth Plaintiff
and	
GROUNDUP NPC	First Defendant
NATHAN GEFFEN	Second Defendant
DAILY MAVERICK (PROPRIETARY) LIMITED	Third Defendant



DEFENDANTS' FIRST SPECIAL PLEA

- 1 The Second to Fourth Plaintiffs ("the corporate Plaintiffs") are trading corporations operating for profit.
- 2 The corporate Plaintiffs' claims are based on the allegation that the Defendants published defamatory statements concerning them. They claim remedies in the form of general damages in this regard.

- 3 The corporate Plaintiffs' claims are bad in law in that:
 - 3.1 A trading corporation only has remedies available to it in relation to defamation when it pleads and proves patrimonial loss or loss to its goodwill arising from the defamation concerned.
 - 3.2 To the extent that the common law is not in accordance with the position pleaded in paragraph 3.1, it is inconsistent with the Constitution, in particular section 16(1) thereof, and falls to be developed in terms of sections 8(3) and 39(2) of the Constitution.
 - 3.3 The corporate Plaintiffs have not alleged proof of patrimonial loss or loss to its goodwill.

- 4 In the alternative to paragraph 3 above, and in the event that a trading corporation has remedies available to it in relation to defamation without pleading and proving patrimonial loss or loss to its goodwill, the corporate Plaintiffs' claim for general damages is bad in law in that:
 - 4.1 In the absence of pleading and proving patrimonial loss or loss to its goodwill, the remedies available to a trading corporation in relation to defamation do not include general damages other than loss to its goodwill and are limited to an interdict, a declaration of falsity or an apology.
 - 4.2 To the extent that the common law is not in accordance with the position pleaded in paragraph 4.1 above, it is inconsistent with the Constitution, in particular section 16(1) thereof, and falls to be developed in terms of

sections 8(3) and 39(2) of the Constitution.

WHEREFORE the Defendants seek an order that the Second to Fourth Plaintiffs' claims be dismissed with costs.

DEFENDANTS' SECOND SPECIAL PLEA

1 This claim:

1.1 is part of a campaign of defamation actions which have been instituted and/or threatened by the First Plaintiff and entities with which he is associated against a wide variety of journalists, publications and others who or which have investigated and/or reported on and/or criticised their conduct, including defamation actions:

1.1.1 instituted by the First Plaintiff and entities with which he is associated in the Cape Town High Court under Case No. 5101/2022 against E-SAT TV (Proprietary) Limited and E-Media Holdings Limited;

1.1.2 instituted by the First Plaintiff and entities with which he is associated in the Cape Town High Court under Case No. 664/2022 against the Third Defendant, Branko Brkic, Stylianos Charalambous and Tim Cohen;

1.1.3 instituted by the First Plaintiff in the Cape Town High Court under Case No. 1517/2022 against the Third Defendant,

Branko Brkic, Stylianos Charalambous, Chris Roper and Dewald van Rensburg;

- 1.1.4 instituted by the First Plaintiff and entities with which he is associated in the Cape Town High Court under Case No. 7665/2022 against the Third Defendant, Branko Brkic, Stylianos Charalambous and Pieter-Louis Myburgh;
- 1.1.5 instituted by the First Plaintiff in the Johannesburg High Court under Case No. 3765/2022 against Arena Holdings (Pty) Ltd, The Sunday Times, Times Live, S'thembiso Msomi and Bobby Jordan;
- 1.1.6 instituted by the First Plaintiff in the Johannesburg High Court under Case No. 12113/2022 against Arena Holdings (Pty) Ltd, Financial Mail, Businesslive, Rob Rose and Ann Crotty;
- 1.1.7 instituted by the First Plaintiff in the Johannesburg High Court under Case No. 12758/2022 against Arena Holdings (Pty) Ltd, Business Day, Businesslive, Lukanyo Mnyanda, Warren Thompson and Nick Hedley;
- 1.1.8 threatened in an article published by, on behalf of, or at the behest of the First Plaintiff on the news website of the Third Plaintiff on 29 November 2021, against "various media houses, some of their journalists, several academics, and media commentators, as well as specific individuals who have [allegedly] made it their mission to disparage and undermine the

reputation and value of Sekunjalo Investment Holdings (Pty) Ltd] and its related entities";

1.1.9 threatened by the First and Fourth Plaintiffs, AYO Technology Solutions Limited, Premier Fishing Ltd, Sekunjalo Investment Holdings (Pty) Ltd and African News Agency (Pty) Ltd against the Third Defendant in a letter of demand dated 28 May 2020;

1.1.10 threatened by the First Plaintiff, AYO Technology Solutions Limited, Sekunjalo Investment Holdings (Pty) Ltd and Sizwe Africa IT Group against the Third Defendant and Pieter-Louis Myburgh in a letter of demand dated 28 May 2020;

1.1.11 threatened by the First Plaintiff, AYO Technology Solutions Limited, Sekunjalo Investment Holdings (Pty) Ltd and Sizwe Africa IT Group against the Third Defendant and Pieter-Louis Myburgh in a letter of demand dated 27 July 2020;

1.1.12 threatened by the First and Second Plaintiffs against the Third Defendant and Richard Poplak in a letter of demand dated 31 August 2020;

1.1.13 threatened by the First Plaintiff against the Third Defendant and Branko Brkic in a letter of demand dated 14 December 2020;

1.1.14 threatened by the First, Second and Fourth Plaintiffs and Piet Rampedi against the Third Defendant and Rebecca Davis in a letter of demand dated 28 October 2021;

- 1.1.15 threatened by the First, Second and Fourth Plaintiffs and Piet Rampedi against the Third Defendant and Richard Poplak in a letter of demand dated 28 October 2021;
- 1.1.16 threatened by the First Plaintiff and AYO Technology Solutions Limited against the Third Defendant and Ray Mahlaka in a letter of demand dated 29 October 2021;
- 1.1.17 threatened by the First Plaintiff against the Third Defendant and Tim Cohen in a letter of demand dated 6 December 2021;
- 1.1.18 threatened by the First Plaintiff, Sekunjalo Investment Holdings (Pty) Ltd, Independent Media Consortium (Pty) Ltd, Premier Fishing and Brands Ltd, African Equity Empowerment Investments Ltd and Sagarmatha Technologies Ltd against the Third Defendant and Sasha Planting in a letter of demand dated 17 February 2022;
- 1.1.19 threatened by the First Plaintiff, Sekunjalo Investment Holdings (Pty) Ltd, Premier Fishing and Brands Ltd, African Equity Empowerment Investments Ltd and Sagarmatha Technologies Ltd against Third Defendant and Dewald van Rensburg in a letter of demand dated 24 February 2022;
- 1.1.20 threatened by the First and Second Plaintiffs, and Sekunjalo Investment Holdings (Pty) Ltd against the Third Defendant and Styli Charalambous in a letter of demand dated 9 March 2022;

1.1.21 threatened by the First Plaintiff against Third Defendant and Jonathan "Zapiro" Shapiro in a letter of demand dated 14 March 2022; and

1.1.22 threatened by the First Plaintiff and Sekunjalo Investment Holdings (Pty) Ltd against the First Defendant, Warren Thompson and Nick Hedley in an undated letter sent on 18 March 2022.

1.2 consistently with the purpose of that campaign, has been brought, not with the *bona fide* purpose of vindicating any of the Plaintiffs' rights, but with the ulterior and *mala fide* purposes of:

1.2.1 depriving the Defendants' rights in terms of section 16(1) of the Constitution;

1.2.2 punishing the Defendants financially for investigating and reporting on the conduct of the First Plaintiff and entities with which he is associated, including the Second to Fourth Plaintiffs;

1.2.3 diverting and/or draining the Defendants' energy and resources away from investigating and/or reporting on the conduct of the First Plaintiff and entities with which he is associated, including the Second to Fourth Plaintiffs; and/or

1.2.4 discouraging and deterring the Defendants, and journalists and journalistic publications in South Africa generally, from investigating and reporting on the conduct of the Second

Plaintiff and entities with which he is associated, including the Plaintiffs.

1.3 is for a patently exorbitant sum of damages - R5 million - which the Plaintiffs know they would not realistically or even remotely be awarded by any Court, even if their claim had merit, which it does not.

2 The claim is accordingly an abuse of court process and should be dismissed or struck out on this ground alone.

WHEREFORE the Defendants seek an order that the Plaintiffs' claims be dismissed, alternative struck out with costs.

DEFENDANTS' PLEA ON THE MERITS

Ad paragraph 1:

1 The contents of this paragraph are admitted.

Ad paragraphs 2 to 5:

2 The Defendants admit the corporate identities of the Second to Fourth Plaintiffs and their respective head offices.

3 The remainder of the contents of these paragraphs are denied.

Ad paragraphs 6 and 7:

- 4 The identities and addresses of the First and Second Defendants are admitted.
- 5 The First Defendant is the owner and publisher of a news website under the unique resource locator <https://www.groundup.org.za/>.
- 6 The First Defendant makes its articles available to for other publications for republication under a creative common licence.
- 7 The Second Defendant is the editor of the online news website known as GroundUp.
- 8 Save for the admissions contained herein, the remainder of these paragraphs are denied.

Ad paragraph 8:

- 9 The contents of this paragraph are admitted.

Ad paragraphs 9 to 12:

- 10 The identity and address of the Third Defendant are admitted.
- 11 The Third Defendant is the owner and publisher of a news website, called Daily Maverick, under the unique resource locator <https://www.dailymaverick.co.za/> as a weekly newspaper, Daily Maverick.

12 Save for the admissions contained herein, the contents of these paragraphs are denied.

Ad paragraph 13:

13 The contents of this paragraph are admitted.

Ad paragraphs 14 and 15:

14 The First Defendant admits that it published an article in the form as annexed hereto marked "A" on <https://www.groundup.org.za/> on 23 August 2022.

15 The Third Defendant admits that it republished an article in the form as annexed hereto marked "B" on <https://www.dailymaverick.co.za/> on 23 August 2022.

16 Save for the admissions contained herein, the contents of these paragraphs are denied.

Ad paragraphs 16:

17 Insofar as the portions of the article quoted herein are in accordance contents of annexures hereto "A" and "B" (hereinafter referred to as "the claim articles") they are admitted, otherwise it is denied.

18 In addition to paragraph 17 above, the Defendants plead:

- 18.1 On 24 August 2022, the First Defendant received a letter from Aziz Hartley, the editor in chief of the Second Plaintiff in response to the article which is Annexure "A" hereto. A copy of the letter is annexed hereto marked "C".
- 18.2 On 24 August 2022, the Third Plaintiff published an article based on Annexure "C" under the headline "*Independent Media responds to GroundUp on 'lottery crooks' claim*". A copy of the IOL article is attached marked "D".
- 18.3 The First Defendant published the content of Annexure "C" on 25 August 2022 under the headline "*Independent Media responds to GroundUp*". A copy of the article is attached marked "E"
- 18.4 The Third Defendant republished Annexure "E" on 25 August 2022 under the headline "*Independent Media responds to GroundUp lottery corruption article*". A copy of the article is attached marked "F".

Ad paragraphs 17 to 20:

- 19 The Defendants deny that the statements in the claim articles were made wrongfully or published with the intention to defame and/or injure the Plaintiffs' reputation.
- 20 It is denied that:
- 20.1 the reasonable reader thereof would have understood the claim articles to have the meanings, or sting contended for by the Plaintiffs;

20.2 the reputation of the Plaintiffs would have been lowered – in the eyes of the reasonable reader – by the content of the article;

20.3 the claim articles carried an attack on the *dignitas* of the First Plaintiff.

21 Alternatively, and to the extent that the article may be found to be defamatory or constituted an attack on the *dignitas* of the First Plaintiff, the Defendants allege that the article was not wrongfully published, more particularly in that:

21.1 to the extent that it published facts, these facts were true and published in the public interest; to the extent that it published opinions, it constituted fair comment on matters of public interest which affect the media and public funds.

21.2 Alternatively, to paragraph 21.1 above, the publication of the claim articles constituted reasonable journalism, in that:

21.2.1 The statements were in essence true;

21.2.2 The Defendants were unaware of the falsity of any averments in the claim articles;

21.2.3 The Defendants did not act negligently or recklessly in publishing the claim articles;

21.2.4 The information contained in the claim articles was verified, with amongst other entities, the Special Investigating Unit, which is an independent statutory body that was established in terms of the Special Investigating Units and Special

Tribunals Act, Act No. 74 of 1996, before same was published;

21.2.5 The Plaintiffs' response to the claim articles was published in full;

21.2.6 Publication of the article was objectively reasonable; and

21.2.7 The article concerned matters of public interest.

22 Save as above, the allegations in these paragraphs are denied

Ad paragraph 21 - 23:

23 The contents of this paragraph are admitted.

24 A copy of the letter sent by the First and Second Defendants' attorneys to the Plaintiffs' attorneys is attached hereto marked "G".

Ad paragraph 24:

25 The contents of this paragraph are denied.

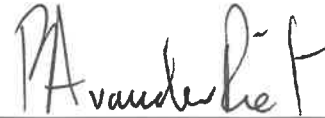
WHEREFORE the Defendants pray that the Plaintiffs' claims be dismissed with costs.

DATED at **CAPE TOWN** on this **28th** **DAY** of **OCTOBER 2022**



D VAN REENEN

Counsel for the Defendants




**LIONEL MURRAY
SCHWORMSTEDT AND LOUW**

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TO: THE REGISTRAR
High Court
CAPE TOWN

AND TO: ABRAHAMS KIEWITZ INC.
Plaintiff's Attorneys
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Corner Heerengracht & Walter Sisulu Avenue
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Cape Town
(Ref. MAT21878/IB/DR)
Docex 69 Tygerberg
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ABRAHAMS KIEWITZ INCORPORATED

Received copy hereof: 
Date: 28/10/27. Time: 11:21

"Without Prejudice"

"A" Iqbal Survé's newspapers take the side of the Lottery crooks

23 August 2022 | By [GroundUp Editors](#)[Groundview](#) | [South Africa](#)



Journalists protest outside the Cape Times offices in 2013. Archive photo: Gareth Dawson

Iqbal Survé's newspaper group has taken a curious interest in the story of corruption at the National Lotteries Commission - and it appears to be taking the side of the crooks.

For four years GroundUp has reported on Lottery corruption and mismanagement. Independent Media has been largely silent on the matter. But in the last few weeks, there has been a spate of articles on the Lottery on Independent Online (IOL), stuffed with the usual blend of dodgy reporting and high-minded indignation.

In July, GroundUp [reported](#) how the golf estate home of Lottery boss Thabang Mampane was paid for with a grant that was supposed to rebuild a Limpopo school. Our coverage may have contributed to Mampane's [resignation](#) in August.

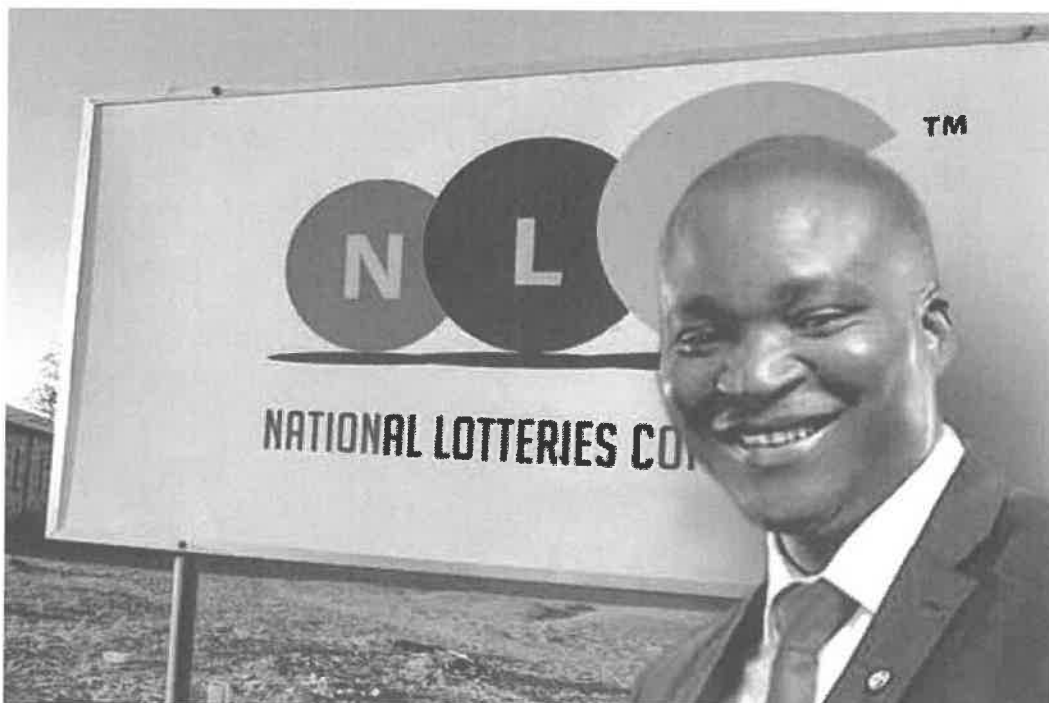
Independent's newspapers and IOL could have republished GroundUp's articles, which are available under a Creative Commons licence. They did not. They could have sent one of their reporters to investigate our findings about Mampane's house. They did not.

Instead, the Sunday Tribune (one of Survé's newspapers) and IOL published an [interview](#) with Mampane in which she "reflects on her 10 years of service". Far from countering any of the accusations against her, she makes all sorts of claims of "political interference" in the Lottery.

In another [IOL article](#), Mampane is cited as claiming “that there were journalists working with certain board members” at the National Lotteries Commission “and, in return, these journalists had received funding from the commission”.

There have been only two journalists consistently working on Lottery corruption: Raymond Joseph (for GroundUp) and Anton van Zyl (for the Limpopo Mirror). They have often worked together. This extremely serious accusation of corruption is clearly aimed at one or both of them. Not a shred of evidence is offered for the claim — because, frankly, it’s absurd and there isn’t any — and neither Joseph nor van Zyl were asked to respond to the allegation.

The same article includes this photo and credit:



National Lotteries Commission chief operating officer Philemon Letwaba. Picture: Raymond Joseph/GroundUp

The photo is fake. It is a photo of Letwaba that was **not** taken by Joseph, superimposed on a photo of a Lotteries sign taken by Joseph. It could be an innocent error - or a way to insert Joseph’s name into the article to link him to Mampane’s allegation.

The same article starts: “Following the ongoing investigations and purging of mainly black executives and officials at the National Lotteries Commission ...”.

We can see where IOL’s coverage on the Lottery is going – accusing those exposing the crooks at the Lottery of having a racist agenda. In effect they’re accusing black whistleblowers at the Lottery and black investigators at the SIU of racism. Also, the communities that have been robbed by the Lottery crooks of old age homes, schools and rehab centres are predominantly black.

And when the accusation of racism clearly won’t work, IOL has come up with other creative solutions. Reacting to the appointment as head of the Lotteries board of Barney Pityana, one of the “elders” of South Africa’s struggle and a man known for his integrity, IOL managed to describe him as a “pensioner”.

In an [article](#) on the “disarray” at the National Lotteries Commission after the suspension of another controversial figure, chief operating officer Phillemon Letwaba, readers were told that “the

appointment of pensioner Pityana as the commission's chairperson set tongues wagging with political parties and young people rejecting his appointment". The "political parties" turned out to be the Economic Freedom Fighters (EFF), increasingly IOL's favoured political partner, though not known for its strong stand on corruption.

And just in case readers hadn't quite got the point, IOL went so far as to ask Pityana himself in an interview if he didn't think he was a bit too old for the job. Pityana's response is telling: his brief, he said, was to execute his tasks efficiently and "enable resources to go where they are intended, and not end up in some people's pockets within the commission ...".

Since Survé got his hands on public money to buy the country's largest newspaper group, he has used it to publish inaccurate, often downright false, stories to further his personal interests. But in the past few weeks IOL has gone further, establishing itself as the voice that defends state capture and attacking those - including journalists - trying to expose state capture.

It has repeated unsubstantiated allegations that the Daily Maverick is CIA-funded, and has run a nasty hit-job invading the privacy of a News24 journalist who has been investigating former Eskom chief executive Matshela Koko.

This last story is especially sinister. It sends a message: if you investigate state capture, expect Survé and his propagandists to come after you.

Iqbal Survé's publications appear to take side of alleged Lottery crooks



Journalists protest outside the Cape Times offices in 2013. (Archive photo: Gareth Dawson)

By GroundUp Editors

23 Aug 2022 7

Since Survé got his hands on public money to buy the country's largest newspaper group, he has used it to publish inaccurate, often downright false, **stories to further his personal interests.**

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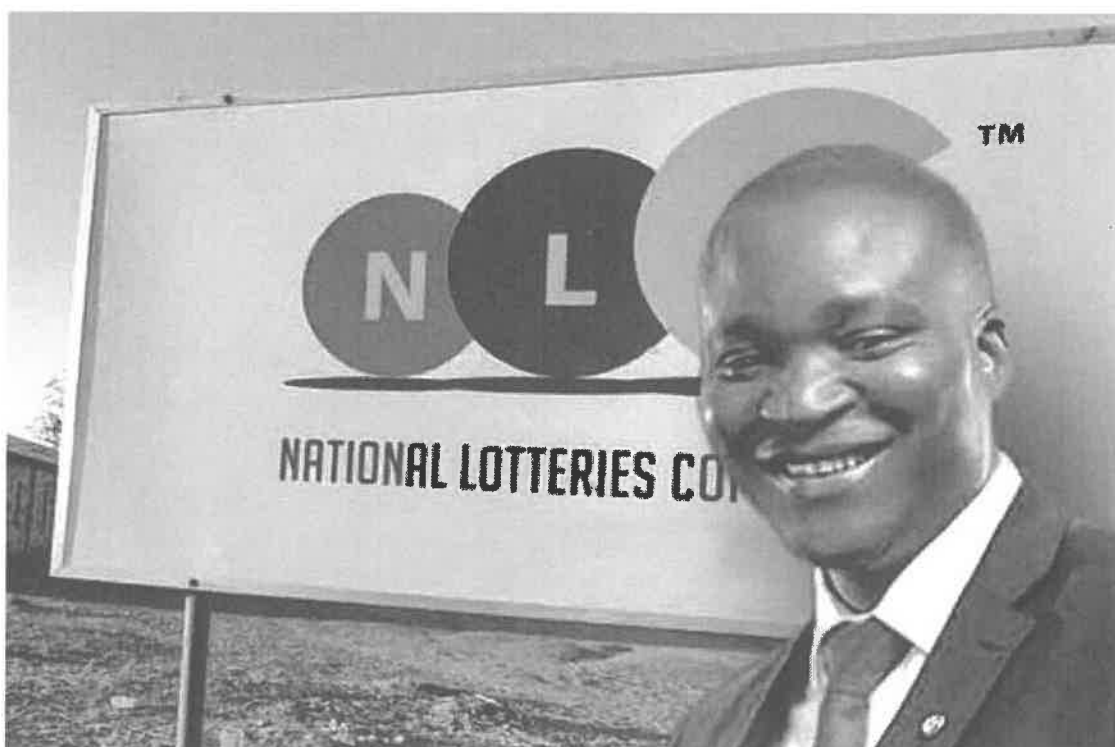
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National Lotteries Commission chief operating officer Philemon Letwaba. Picture: Raymond Joseph/GroundUp

(Photo: Supplied by GroundUp)

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And when the accusation of racism clearly won’t work, *IOL* has come up with other creative solutions. Reacting to the appointment as head of the Lotteries board of Barney Pityana, one of the “elders” of South Africa’s struggle and a man known for his integrity, *IOL* managed to describe him as a “pensioner”.

In an [article](#) on the “disarray” at the National Lotteries Commission after the suspension of another controversial figure, chief operating officer Phillemon Letwaba, readers were told that “the appointment of pensioner Pityana as the commission’s chairperson set tongues wagging with political parties and young people rejecting his appointment”. The “political parties” turned out to be the Economic Freedom Fighters (EFF), increasingly *IOL*’s favoured political partner, though not known for its strong stand on corruption.

And just in case readers hadn’t quite got the point, *IOL* went so far as to ask Pityana himself [in an interview](#) if he didn’t think he was a bit too old for the job. Pityana’s response is telling: his brief, he said, was to execute his tasks efficiently and “enable resources to go where they are intended, and not end up in some people’s pockets within the commission ...”.

Since Survé got his hands on public money to buy the country’s largest newspaper group, he has used it to publish inaccurate, often downright false, stories to further his personal interests. But in the past few weeks, *IOL* has gone further, establishing itself as the voice that defends State Capture and attacking those — including journalists — trying to expose State Capture.

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This last story is especially sinister. It sends a message: if you investigate State Capture, expect Survé and his propagandists to come after you. **DM**

First published by [GroundUp](#).

“C”

From: **Kaz Henderson** <kaz@networxpr.co.za>
Date: Wed, 24 Aug 2022 at 17:36
Subject: Independent Media - Right of Reply
To: info@groundup.org.za <info@groundup.org.za>

Dear GroundUp Editors

Please see below, a response from Aziz Hartley, Editor-in-Chief of Independent Media, in response to your article published on Daily Maverick, 23 August 2022.

Please kindly acknowledge receipt of this email.

Regards
Kaz

RIGHT OF REPLY
24 August 2022

Your article dated 23 August 2022 by Groundup editors and headlined "Iqbal Survé's newspapers take the side of the Lottery crooks", refers:

Your piece points to our reports, which according to your rather warped view, is "a spate of articles on the lottery".

We take umbrage at your accusation that we have suddenly started covering this or that we have taken the side of the "crooks", and that we should have used your articles, instead of conducting our own, independent reporting.

Without going into detail about your allegations, what you imply is nothing but absurd.

While we don't owe you or anyone else an explanation, the interview with former National Lotteries Commission commissioner, Charlotte Mampane, was not published in response, or because of your investigations.

We place on record that we do not take instructions from any media publication or outlet, especially those who may hold a degree of dissent against Independent Media, its shareholders, its titles and its editors.

GroundUp's attempt to create the impression that we have deliberately avoided using your narrative, is in our view, yet another attempt to undermine us as a media house. Your articles could, in our professional opinion, also be construed as biased since they have not, to the best of our knowledge, conveyed the other side of the story. Whether it is right or wrong.

We are not here to convey our opinion, but to present to the South African public, a comprehensive view that includes all parties' perspectives based on their understanding of the facts. Not ours.

It is overstepping the mark for GroundUp to mislead the South African public that it is the sole authority on this matter (the Lottery) and that all other media houses should therefore defer to it.

We hereby inform you that as we have not done in the past, we are not doing currently, and we won't in future, follow up on your articles because you say so. Do not consider it in order to instruct us. It's not. On the contrary. Your paternalistic view of what we should publish is at the very least, quite nauseating. Our editors have complete autonomy over their titles and we write what we like.

We suggest you reconsider your condescending attitude and we assure you that your latest attack on Independent Media, its titles and its editors and indirectly its employees, shall not go unchallenged. We will defend ourselves against an onslaught by you and your ilk.

If, in future, you have concerns, do us the courtesy of writing to me as the editor-in-chief directly, instead of airing your views in public, which have clearly been designed to promote your organisation.

Aziz Hartley
Editor-in-Chief
Independent Media

networX
www.networkpr.co.za

Kaz Henderson
Director of Possibilities

☎ mobile: 082 339 1199 | office: 021 201 1522

✉ email: kaz@networkpr.co.za

Kloof Street, Cape Town, South Africa

"D"

Independent Media responds to GroundUp on 'lottery crooks' claim



A file photo of Newspaper House which has been at the centre of Cape Town's journalism and publishing network since the 1850s. Picture: David Ritchie African News Agency (ANA)

Published Aug 24, 2022

Independent Media has hit back at GroundUp over an editorial comment published on its news website on Monday.

In the comment, titled "Iqbal Surve's newspapers take the side of the lottery crooks", GroundUp editors accuse Independent Media of "taking the side of the crooks" at the National Lotteries Commission after a recent news article, in which the Durban-based Sunday Tribune interviewed Thabang Mampane, who has recently resigned from the commission.

GroundUp claims to be the authority on alleged corruption at the lotteries commission and in their editorial say Independent Media should have republished their stories instead of doing their own journalistic work.

Independent Media's Editor-In-Chief, Aziz Hartley, in a right of reply to GroundUp, said the newspaper group would not be dictated to by the likes of GroundUp.

He said the Mampane interview was not a response to GroundUp's own reporting on the matter.

"We take umbrage at your accusation that we have suddenly started covering this, or that we have taken the side of the 'crooks', and that we should have used your articles, instead of conducting our own, independent reporting," said Hartley.

"We place on record that we do not take instructions from any media publication or outlet, especially those who may hold a degree of dissent against Independent Media, its shareholders, its titles and its editors.

"GroundUp's attempt to create the impression that we have deliberately avoided using your narrative is, in our view, yet another attempt to undermine us as a media house. Your articles could, in our professional opinion, also be construed as biased since they have not, to the best of our knowledge, conveyed the other side of the story, whether right or wrong.

"We are not here to convey our opinion, but to present to the South African public a comprehensive view that includes all parties' perspectives based on their understanding of the facts. Not ours," said Hartley.

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We hereby inform you that as we have not done in the past, we are not doing currently, and we won't in future, follow up on your articles because you say so. Do not consider an order to instruct us. It's not. On the contrary. Your paternalistic view of what we should publish is at the very least quite nauseating. Our editors have complete autonomy over their titles and we write what we like.

We suggest you reconsider your condescending attitude and we assure you that your latest attack on Independent Media, its titles and its editors and indirectly its employees, shall not go unchallenged. We will defend ourselves against an onslaught by you and your ilk.

If, in future, you have concerns, do us the courtesy of writing to me as the editor-in-chief directly, instead of airing your views in public, which have clearly been designed to promote your organisation.

Aziz Hartley

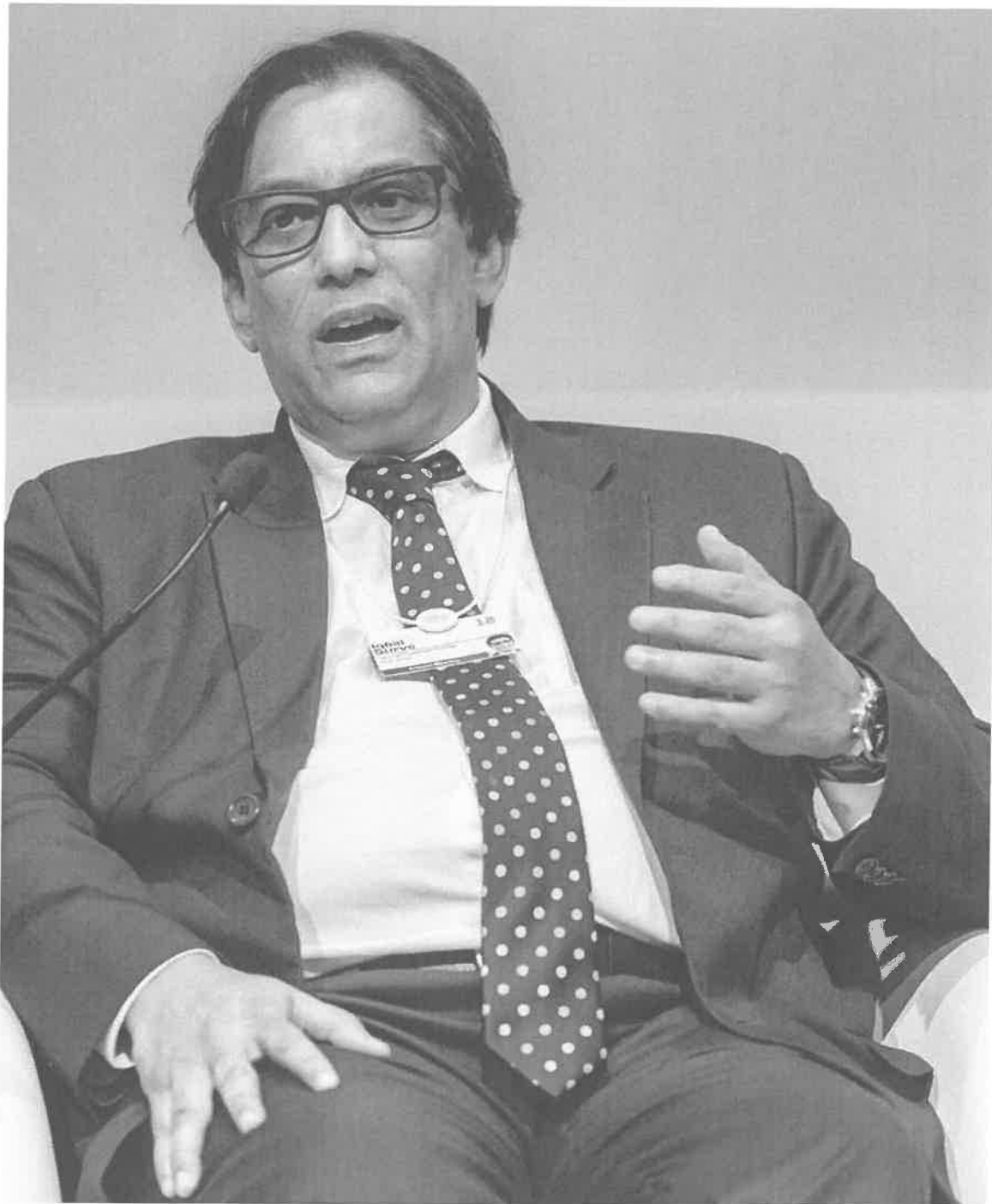
Editor-in-Chief

Independent Media

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Independent Media responds to GroundUp

25 August 2022 | By [Aziz Hartley](#) [Right To Reply](#) | [South Africa](#)



Iqbal Survé, Executive Chairman of Sekunjalo and proprietor of Independent Media. Photo World Economic Forum / Jakob Polacsek via Flickr (CC BY-NC-SA 2.0)

This article by the Editor-in-Chief of Independent Media is a response to GroundUp's editorial: Iqbal Survé's newspapers take the side of the Lottery crooks.

Your piece points to our reports, which according to your rather warped view, is "a spate of articles on the lottery".

We take umbrage at your accusation that we have suddenly started covering this or that we have taken the side of the "crooks", and that we should have used your articles, instead of conducting our own, independent reporting.

Without going into detail about your allegations, what you imply is nothing but absurd.

While we don't owe you or anyone else an explanation, the interview with former National Lotteries Commission commissioner, Charlotte Mampane, was not published in response, or because of your investigations.

We place on record that we do not take instructions from any media publication or outlet, especially those who may hold a degree of dissent against Independent Media, its shareholders, its titles and its editors.

GroundUp's attempt to create the impression that we have deliberately avoided using your narrative, is in our view, yet another attempt to undermine us as a media house. Your articles could, in our professional opinion, also be construed as biased since they have not, to the best of our knowledge, conveyed the other side of the story. Whether it is right or wrong.

We are not here to convey our opinion, but to present to the South African public, a comprehensive view that includes all parties' perspectives based on their understanding of the facts. Not ours.

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Independent Media responds to GroundUp lottery corruption article



Iqbal Survé, Executive Chairman of Sekunjalo and proprietor of Independent Media. (Photo: Gallo Images / Phill Magakoe)

By Aziz Hartley

25 Aug 2022 1

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First published by GroundUp.

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"G"

Your reference: MAT .

Our reference: PAVDR/ka/ W

25 August 2022

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6th Floor Imperial Terraces
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Carl Cronje Drive
Tygervalley
Bellville
7535

By Email: deyna@ak.law.za

Dear Sirs

RE: GROUNDUP NPC AND NATHAN GEFFEN//INDEPENDENT NEWSPAPERS PROPRIETARY LIMITED AND OTHERS

We represent GroundUp NPC and Nathan Geffen.

We are instructed to respond to your letter of 24 August 2022, received by our clients on 25 August 2022.

Our instructions are:

1. Our clients will not publish the apology in Daily Maverick, or otherwise, called for in paragraph 7 of your letter, for following reasons:
 - 1.1. First, our clients maintain that the publication of the article complained of ("the article") was legally and ethically justified. Accordingly, our clients are not contrite, nor is contrition required in the circumstances.
 - 1.2. Second, our clients have no influence or control over the content of Daily Maverick. The article was first published by GroundUp, and Daily Maverick independently chose to republish it.

2. Our clients have noted the invitation extended in paragraph 10 of your letter to provide their grounds of justification for the publication. Apart from these being self-evident, as your clients are seemingly intent on proceeding so seek relief in court, our clients shall plead in the appropriate forum.
3. In light of the above, the remainder of the allegations in your letter are not addressed. Our omission is not an admission of such allegations by our clients.
4. Lastly, please note that the publisher of GroundUp is GroundUp NPC, of Suite 08, First Floor, South Block, Tannery Park, 23A Belmont Road, Rondebosch, Cape Town. Both our clients use this address.

Yours faithfully

**Lionel Murray Schwormstedt
& Louw**

Per:

P.A. VAN DER RIET

This letter has been sent electronically
and is not signed by the writer