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31 August 2007

Mr Jovial Rantao
Chairperson
SANEF

Dear Jovial,

TERMINATION OF SABC / SANEF ASSOCIATION

Our breakfast meeting last Tuesday, 21 August 2007 refers. I have since been contemplating your request for the SABC to restore its active participation in SANEF. The reasons which you advanced for your request were sound, mainly centred around the fact that the SABC as the largest media house in the country (and indeed the continent of Africa) cannot stand on the sidelines simply because it does not agree with certain issues within SANEF nor should our many editors and journalists be deprived of an opportunity to influence the "debate" on the role of the media in South Africa.

I indicated to you that despite our strong objections to some of the stances previously taken by your organisations, especially those individuals who can clearly be identified with the dominant right-wing conservative wing of your organisation, my personal belief was that in the new democracy, it was incumbent on all who treasure our freedom not to leave any uncontested space for those who seek to undermine or misrepresent it. I added that the time for boycotting these institutions was over and that it was a duty of democrats to populate and transform them.

After outlining some of the frustrations we experienced in the past with the unfair and sometimes malicious treatment of the SABC at the hands of your organisation and your members, I accepted your assurances that your new leadership intended to transform the organisation for the better and in turn I promised to revert to you with a considered view as to the extent and nature of our future participation in or co-operation with SANEF, as I hereby do.

South African Broadcasting Corporation Limited : Registration Number: 2003/023915/06
Non-Executive Directors Mr Sonwabo Eddie Funde (Chairperson), Ms Christine Qunta (Deputy Chairperson), Prof. Alison Gillwald, Ms Fadila Ethne Lagadien, Mr Andrew Maralack, Mr Thami Mazwai, Mr Andile Mbeki, Ms Kanyisiwe Mkonza, Mr Cecil Msomi, Prof Derrick Swartz, Mr Ashwin Trikamjee,
Executive Directors: Adv. Dali Mpofu (Group Chief Executive Officer), Mr Robin Nicholson (Chief Financial Officer)

Coincidentally the period of my own contemplation of our discussion as well as consultation with the Group Executive Committee coincided with some disturbing developments on the side of your organisation, yourself and the mainstream of your membership core, particularly around the matter of the actions of Mondli Makhanya and the Sunday Times regarding the medical records of the Health Minister. This episode has unfortunately rubbed salt into the wounds which characterise the relationship between our two organisations.

Literally on the day of our breakfast I saw you, acting in your capacity as SANEF Chairperson, on our evening SABC television news unconditionally justifying the appalling behaviour of the Sunday Times, presumably including their participation in or benefiting from the theft of medical documents. Last Sunday I also had occasion to listen to your Raymond Louw on one of our radio platforms, SAfm. Like you he gave unqualified support for the unlawful activities of the Sunday Times and even falsely intimated that there were imminent censorship and "insult laws" being hatched up in South Africa.

The following day Monday, 27 August 2007 happened to be our monthly Group Executive Committee meeting. I raised the issue of our future participation in SANEF and received the unanimous view that we should terminate and withdraw from any remaining or possible future relationship with SANEF. This was in line with my recommendation to that effect. This decision was yesterday conveyed to and received the full support of our Board.

It is clear that SANEF has reached some consensus around a particular conservative, self-serving ideological position on the issue of the role of the media in our society. It is a consensus which is diametrically opposed to our stance which is based on a contextual interpretation of our Constitution and the values underlying our Bill of Rights which form the foundations of our freedom and our hard-won democracy. The nonsensical view that the media is absolutely "free" to trample the privacy and dignity of any citizen offends against the SABC's own values.

You may be familiar with our vision of: ***Broadcasting for Total Citizen Empowerment***. You may not be aware that one of the three foundational values underpinning that vision is "***Restoration of human dignity"*** This is based on our firm belief that at the centre of our historical racial, economic and gender-based oppression was the wholesale and wanton stripping away of the dignity of the majority of South Africans. By the same token it stands to reason that at the core of our democracy must be the restoration of that human dignity.

Our Constitution confirms the primacy of the right to human dignity in various ways. The very opening words of that important document, as found in Chapter 1, section 1 and subsection (a) read as follows:

"*The Republic of South Africa is one sovereign state founded on the following value: Human dignity, the achievement of equality and the advancement of human rights and freedoms" (my emphasis).* Section 10 of the Bill of Rights states clearly that *"(E)veryone has inherent dignity and the right to have their dignity respected and protected".*

Our courts, especially the Constitutional Court have also numerously expressed the relative importance of the right to dignity above all other rights, except maybe the right to life. Former Court President Chaskalson stated it as follows in one of his judgements: "*The rights to life and dignity are the most important of all human rights, and the source of all other personal rights in Chapter 3. By committing ourselves to a society founded on the recognition of human rights we are required to value these two rights above all others"*

As a practicing advocate then, I personally argued this proposition some eleven years ago in the case of Holomisa versus Argus Newspapers Ltd. in the Witwatersrand Local Division of the High Court. Although I lost that case, the Constitutional Court subsequently found that the court had gone too far in seeking to change the rules of proving defamation in respect of public figures.

I make these points to illustrate to you that the SABC's elevation of the restoration of human dignity to a higher plane is not without constitutional or judicial premise, more so in the historical context of South African struggle for freedom and the paramount need to transform our society.

Any interpretation of our Constitution which, like that persistently spewed by SANEF, is determined to locate our democracy in a historical vacuum is false and wrong, if not actually inimical to the intended beneficiaries of our constitutional democracy, the majority of our people. The commercial media is primarily driven by the fundamentally wrong notion that the right to human dignity, especially in the South African context, is less important than their own right to make money – which is usually and narrowly clothed under the disguise of "freedom of expression and the media".

Let me point out that whilst our decision for the SABC to sever all ties with your organisation as a sign of protest regarding the aforesaid was taken before yesterdays court decision in the Witwatersrand Local Division, the coverage thereof by the commercial media serves only to

confirm the correctness of our decision. No doubt you are aware that the Sunday Times lost the case and was ordered to pay the costs of two advocates to their opponents. Despite this, with the possible exception of The Star newspaper this morning, you would be forgiven to think that the Sunday Times had actually won. This is calculated to fool and mislead the public. Todays notable headlines are "Manto gag lifted" (The Citizen); "Manto files scrap a draw, say media law experts" (Business Day) and "Judge backs media freedom" (The Times). Just imagine what the headings would be if the Sunday Times had actually not lost the case.

But the one which takes the cake must be today's Business Day front page coverage of the judgement, bizarrely under the heading "How SABC doctors its Manto coverage". This is the worst kind gutter journalism. The reporter after this screaming headline, which turns out to be about the fact that a tape was removed from SABC archives (by whom, for what purpose, legitimately or not, we are not told), later actually states that "it could not be certain (sic) in this instance whether this was a case of negligence or was intentional". How does this lame admission relate to the headline? Is this not taking the people who paid for this newspaper and their intelligence for granted?

Why must the SABC continue to pay money and subscriptions to a body which will collude with this kind of abuse? Why pick on the SABC instead of accurately reporting that Mondli Makhanya's brand of vendetta journalism got a well-deserved hiding from the court? In fact, what has the SABC got to do with this story? For how long must we ignore and actually sponsor the ideologically driven low intensity war long declared by the commercial media against the public service broadcaster?

As Editor-in-Chief of the SABC it is my duty to inform you that we will no longer stand idle whilst we are being made a whipping boy and a scapegoat by the profit-driven media. Even less are we prepared to associate with the enemies of our freedom and our people. We cannot remain quiet while our mothers and our democratically chosen leaders are stripped naked for the sole reason of selling newspapers. This in Women's Month, nogal.

When you and the Raymond Louws of this world justify criminal theft you must know that you are NOT speaking for the SABC and the majority of South Africans. The same people who at the beginning of the year were frothing in the mouth about how soft the Government is on crime, are now flag bearers for the theft of medical records which might actually result in endangering a human being's life and her future treatment! How inhumane and how far removed from the basic value of Ubuntu. Shame on all of you, especially those who have turned their backs on your own

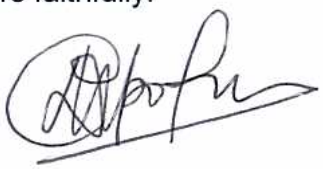
cultural values for 30 pieces of silver, pretending to be converted to foreign, frigid and feelingless "freedoms"

The parameters of our freedom will be determined by the people who brought that freedom about and not the apologists for those who inherently resent it and its foundational values.

Please note that our decision to break ties with your organisation is based on the epidemic deterioration of journalistic ethics within your ranks and disrespect for our people. The decision is with immediate effect and will stand until such time that you address these issues openly and to our satisfaction.

Kind regards.

Yours faithfully.



ADV. DALI MPOFU
GROUP CEO and EDITOR-IN-CHIEF