

JUDGMENT OF THE INDEPENDENT MEDIA OMBUD SELLO RASEPHEI VS THE SUNDAY INDEPENDENT (GAUTENG REGION)

Complaint	
Independent Media Publication	Sunday Independent
Journalist/s	Karabo Ngoepe
Photographer	N/A
Complaint lodged by	Sello Rasephei
Date complaint lodged	February 14, 2019
Type of complaint	Defamation
Ruling	
Date Ruling delivered	February 17, 2019
Applicable version of the Independent Media Press Code	1.0
Clauses of the Independent Media Press Code considered by the Ombud Adjudication Panel	2.1, 2.2, 2.3 and 3
Related complaints considered	N/A
Sanction/Remedy	Right of reply, apology, retraction
Complaint fee	N/A
Is this report notable?	Yes
Summary of notability	Defamation

1. Background and Complaint

1.1. On the 14th of February Sello Rasephei, the complainant, officially lodged a complaint regarding a story headlined, “Timing of Alton’s suspension of trio questioned”, which appeared on page 5.

1.2. The article was written by Karabo Ngoepe. The article in question covered the suspension of executives at Altron. The article mentions that the suspensions came about as a result of procurement irregularities. The procurement process in question amounted to R23 million.

1.3. The complainant’s contentions are as follows;

1.3.1. The journalist did not give a right of reply. The complainant states that the first time they knew that there was any article, it was late at night on the 22nd September 2019 through a colleague who happened to have bought and read the newspaper. The complainant goes on to further state that, the journalist is on record to say that he

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attempted to get comments from the other party in the story, Themba Khumalo, but says nothing about attempting to get a comment from the complainant even though they are featured in the story as much as Themba Khumalo.

1.3.2. The complainant denies having anything to do with the suspension of the executives. Moreover, the complainant is not aware of any investigation by Altron, and the complainant further avers that they have confirmation from Altron that they were never under investigation.

1.3.3. The complainant contends that they do not have the authority to issue payments, as alleged by the journalist.

2. Ruling

2.1. Before considering the merits of the matter it is worth noting that the Ombud of the Independent Media Group is empowered in terms of the Independent Media Press Code and so any reference to the Code of Ethics and Conduct for South African print and online media is not relevant to this complaint and was not considered.

2.2. Insofar as the right of reply of the complainant is concerned, the Ombud rules that the complainant was indeed given an opportunity to reply via the Spokesperson of Altron, Zipporah Maubane. Moreover, the emails between the journalist and Mz. Maubane clearly show that Mr. Rasephei is a person of interest in the article and that there is indeed an investigation under way involving Mr. Rasephei.

2.3. Resultantly, the Ombud dismisses Mr. Rasephei's complaint.

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