

BOX 691

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

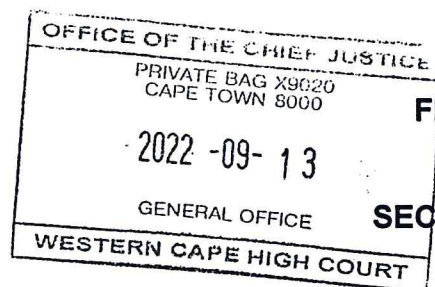
CASE NO:

In the matter between:

MOHAMMED IQBAL SURVÉ	FIRST PLAINTIFF
INDEPENDENT MEDIA (PTY) LTD	SECOND PLAINTIFF
INDEPENDENT ONLINE SA (PTY) LTD	THIRD PLAINTIFF
INDEPENDENT NEWSPAPERS (PTY) LTD	FOURTH PLAINTIFF

And

GROUNDUP NPC	FIRST DEFENDANT
NATHAN GEFFEN	SECOND DEFENDANT
THE DAILY MAVERICK (PROPRIETARY) LIMITED (Registration number: 2009/015341/07)	THIRD DEFENDANT



PLAINTIFFS' NOTICE OF AGREEMENT TO MEDIATION

TAKE NOTICE THAT the abovenamed Plaintiffs' do not oppose the referral of this matter to mediation for the following reasons:

1. The nature of the disputes between the parties are such that they are capable of resolution via mediation.
2. There is no prejudice suffered if the matter was mediated in an attempt to finding a non-litigious solution.
3. It will be less costly for all parties.

DATED AT CAPE TOWN ON THIS 13th DAY OF SEPTEMBER 2022.

ABRAHAMS KIEWITZ INCORPORATED

PER:



ILKE BOSMAN

Plaintiffs' Attorneys

8th Floor Convention Towers

Corner Heerengracht & Walter Sisulu Avenue

Foreshore

Cape Town City Centre

CAPE TOWN

(Our Ref: MAT21878/IB/DR)

Docex 69 Tygerberg

Tel: 021 271 0484

Fax: 021 914 1455

Email: ilke@ak.law.za

deyna@ak.law.za

TO: THE REGISTRAR OF THE HIGH COURT
Western Cape
CAPE TOWN

AND TO: GROUNDUP NPC
First Defendant
Suite 08, 1st Floor,
South Block, Tannery Park,
23a Belmont Road,
Rondebosch,
CAPE TOWN
7700

AND TO: NATHAN GEFFEN
Second Defendant
Suite 08, 1st Floor,
South Block, Tannery Park,
23a Belmont Road,
Rondebosch,
CAPE TOWN
7700

AND TO: THE DAILY MAVERICK (PTY) LTD
Third Defendant
3rd Floor Workshop 17,

32 Kloof Street,

Gardens

CAPE TOWN

8001

first defendant

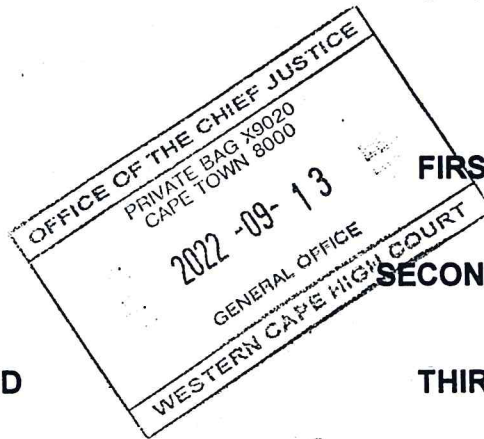
BOX 691

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

CASE NO: 15185/22

In the matter between:

MOHAMMED IQBAL SURVÉ



FIRST PLAINTIFF

INDEPENDENT MEDIA (PTY) LTD

SECOND PLAINTIFF

INDEPENDENT ONLINE SA (PTY) LTD

THIRD PLAINTIFF

INDEPENDENT NEWSPAPERS (PTY) LTD

FOURTH PLAINTIFF

And

GROUNDUP NPC

FIRST DEFENDANT

NATHAN GEFFEN

SECOND DEFENDANT

THE DAILY MAVERICK (PROPRIETARY) LIMITED
(Registration number: 2009/015341/07)

THIRD DEFENDANT

COMBINED SUMMONS

TO THE SHERIFF OR HIS DEPUTY:

INFORM

GROUNDUP NPC, a non-profit company with its principal place of business within the jurisdiction of this Honourable Court at **SUITE 08, 1ST FLOOR, SOUTH BLOCK, TANNERY PARK, 23A BELMONT ROAD, RONDEBOSCH, CAPE TOWN 7700**, (hereinafter called the "First Defendant").

NATHAN GEFFEN, an adult male and the editor of the Groundup NPC, whose place of employment whose principal place of business is at the principal place of business of the First Defendant within the jurisdiction of this Honourable Court at **SUITE 08, 1ST FLOOR, SOUTH BLOCK, TANNERY PARK, 23A BELMONT ROAD, RONDEBOSCH, CAPE TOWN 7700**, (hereinafter called the "Second Defendant").

THE DAILY MAVERICK (PTY) LTD trading as **Daily Maverick**, a private company with limited liability, duly incorporated and registered according to the company laws of South Africa, with registration number 2009/015341/07, with its registered place of business within the jurisdiction of this Honourable Court at **3RD FLOOR WORKSHOP 17, 32 KLOOF STREET, GARDENS, CAPE TOWN 8001**, (hereinafter called the "Third Defendant").

THAT:

MOHAMMED IQBAL SURVÉ, an adult physician and businessman, employed as Executive Chairman of Independent Media (Proprietary) Limited ("**Independent Media**"), whose place of business is at **10TH FLOOR, CONVENTION TOWERS, HEERENGRACHT STREET, CAPE TOWN 8001** (hereinafter called the "First Plaintiff"),

INDEPENDENT MEDIA (PTY) LTD, a private company incorporated in accordance with the company laws of the Republic of South Africa with registration number 1991/005270/07 and its registered address is situated at **10TH FLOOR, CONVENTION TOWERS, HEERENGRACHT STREET, CAPE TOWN 8001**, (hereinafter called the "Second Plaintiff"),

INDEPENDENT ONLINE SA (PTY) LTD, a private company incorporated in accordance with the company laws of the Republic of South Africa with its registration number 2011/137399/07 and its registered address is situated at **10TH FLOOR, CONVENTION TOWERS, HEERENGRACHT STREET, CAPE TOWN 8001**, (hereinafter called the "Third Plaintiff") and

INDEPENDENT NEWSPAPERS (PTY) LTD, a private company incorporated in accordance with the company laws of the Republic of South Africa with its registration number 1989/004672/07 and its registered address is situated at **10TH FLOOR, CONVENTION TOWERS, HEERENGRACHT STREET, CAPE TOWN 8001**, (hereinafter called the "Fourth Plaintiff"),

hereby institutes action against the Defendants in which action the Plaintiffs claim the relief on the grounds set out in the Particulars of Claim annexed hereto.

INFORM the Defendants further that if they dispute the claim and wish to defend the action, the Defendants shall -

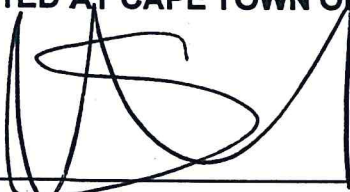
- (i) Within 10 (**TEN**) days of the service upon the Defendants of this Summons, file with the Registrar of this Court at **KEEROM STREET, CAPE TOWN**, Notice of Defendants' Intention to Defend and serve a copy thereof on the attorneys of the Plaintiffs, which notice shall give an address (not being a post office or poste restante) referred to in Rule 19(3) for the service upon the Defendants of all notices and documents in the action.
- (ii) Thereafter and within 20 (**TWENTY**) days after filing and serving Notice of Intention to Defend as aforesaid, file with the Registrar and service upon the Plaintiffs a Plea, Exception, Notice to Strike Out, with or without a Counter-Claim.

INFORM the Defendants further that if they fail to file and serve Notice as aforesaid, Judgment as claimed may be given against them without further Notice or if having filed

and served such Notice, the Defendants fail to plead, except make application to strike out or counter claim, Judgment may be given against them.

AND immediately thereafter serve on the Defendants a copy of this Summons and return the same to the Registrar with whatsoever you have done thereupon.

DATED AT CAPE TOWN ON THIS 13th DAY OF SEPTEMBER 2022.



REGISTRAR OF THE HIGH COURT
Cape Town



ABRAHAMS KIEWITZ INCORPORATED

PER:



ILKE BOSMAN

Plaintiffs' Attorneys

8th Floor Convention Towers

Corner Heerengracht & Walter Sisulu Avenue

Foreshore

Cape Town City Centre

CAPE TOWN

(Our Ref: MAT21878/IB/DR)

Docex 69 Tygerberg

Tel: 021 271 0484

Fax: 021 914 1455

Email: ilke@ak.law.za

deyna@ak.law.za

PARTICULARS OF CLAIM

1. The First Plaintiff is **MOHAMMED IQBAL SURVÉ**, an adult physician and businessman, employed as Executive Chairman of Independent Media (Proprietary) Limited whose place of business is at 10th Floor, Convention Towers, Heerengracht Street, Cape Town, 8001 ("**Survé**").
2. The Second Plaintiff is **INDEPENDENT MEDIA (PTY) LTD**, a private company incorporated in accordance with the company laws of the Republic of South Africa with registration number 1991/005270/07 and its registered address is situated at 10th Floor, Convention Towers, Heerengracht Street, Cape Town, 8001 ("**Independent Media**").
3. Independent Media is a multi-platform media company, which publishes several newspapers throughout the country, including The Star in Johannesburg, The Mercury in Durban, and The Cape Times in Cape Town, as well as Independent Online, a digital online news platform.
4. The Third Plaintiff is **INDEPENDENT ONLINE SA (PTY) LTD**, a private company incorporated in accordance with the company laws of the Republic of South Africa with its registration number 2011/137399/07 and its registered address is situated at 10th Floor, Convention Towers, Heerengracht Street, Cape Town, 8001 ("**IOL**").
5. The Fourth Plaintiff is **INDEPENDENT NEWSPAPERS (PTY) LTD**, a private company incorporated in accordance with the company laws of the Republic of South Africa with its registration number 1989/004672/07 and its registered address is situated at 10th Floor, Convention Towers, Heerengracht Street, Cape Town, 8001 ("**Independent Newspapers**").
6. The First Defendant is **GROUNDUP NPC**, a non-profit company whose principal place of business is situated at Suite 08, 1st floor, South Block, Tannery Park, 23A Belmont Road, Rondebosch, Cape Town, 7700.

7. The Second Defendant is **NATHAN GEFEN** an adult male and the editor of the First Defendant, whose place of employment is situated at Suite 08, 1st floor, South Block, Tannery Park, 23A Belmont Road, Rondebosch, Cape Town, 7700.
8. GroundUp is a news agency. Its articles are made available for republication, usually under a Creative Commons license, to news publications.
9. The Third Defendant is **THE DAILY MAVERICK (PTY) LTD trading as Daily Maverick**, a private company with limited liability, duly incorporated and registered according to the company laws of South Africa, with registration number 2009/015341/07, having its registered address within the jurisdiction of this Honourable Court at 3rd Floor Workshop 17, 32 Kloof Street, Gardens Cape Town, 8001.
10. The Third Defendant is the proprietor of a daily online newspaper entitled Daily Maverick, accessible on <https://www.dailymaverick.co.za>, as well as a print newspaper, the Daily Maverick.
11. The Third Defendant publishes a number of so-called "newsletters", including, inter alia, Business Maverick, a weekday publication containing business-related news and editorials.
12. Daily Maverick is a South African online newspaper founded in 2009.

JURISDICTION

13. This Honourable Court has jurisdiction in respect of these proceedings on the basis that the First Defendant's and Third Defendant's business addresses, as well as the employment address of the Second Defendant, fall within its jurisdiction.

PLAINTIFFS' CLAIM

14. On 23 August 2022, the First Defendant published an article titled "*Iqbal Survé's publications appear to take the side of alleged Lottery crooks*". Thereafter the Third Defendant republished the said article on its website .
15. A copy of the article is annexed hereto marked "A" ("*the article*").
16. The article contains the following statements of and concerning the Plaintiffs:
 - 16.1. "*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.*"
 - 16.2. "*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.*"
 - 16.3. "*They could have sent one of their reporters to investigate our findings about Mampane's house. They did not.*"
 - 16.4. "*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...*"
 - 16.5. "*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.*"
 - 16.6. "*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.*"

- 16.7. "This last story is especially sinister. It sends a message: *if you investigate state capture, expect Survé and his propagandists to come after you.*"
17. The words quoted in paragraph 16 above, in the context of the article, are wrongful and defamatory of the Plaintiffs' in that they were intended and were understood by readers of the First and Third Defendant to mean that the Plaintiffs:
- 17.1 are dishonest
 - 17.2 are bias and have political affiliation
 - 17.3 uses Independent Media and Independent Newspapers publications to further their own political and personal agendas to manipulate narratives
 - 17.4 corrupt or has engaged in corruption
 - 17.5 are unethical
 - 17.6 have acted illegally; and
 - 17.7 are propagandists.
18. The statements made of and concerning the Plaintiffs as set out above were made with the intention to defame the Plaintiffs and to injure their reputation.
19. Further, the words quoted above and in the context of the article, are wrongful and defamatory of the First Plaintiff in that they were intended and were understood by readers of the Third Defendant to mean that the First Plaintiff is utilising public money to fund operations within his group of companies, and thereby benefitting himself.
20. This allegation as aforesaid carries an additional sting as it is a personal attack on the First Plaintiff's *dignitas*.

DEMAND

21. On the 25 August 2022, the Plaintiffs' attorneys dispatched a letter of demand to the First, Second and Third Defendants. Copies of the letters of the said correspondence is attached hereto marked "B" and "C" respectively.
22. The First and Second Defendants' attorneys responded and denied liability.
23. The Third Defendant has failed to respond to the letter of demand to date.
24. As a result of the defamatory statements published in the article, the Plaintiffs have been damaged in their reputation and have suffered damages in the amount of **R5 000 000 (Five Million Rand)** in respect of the publication and re-publication of the said article.

WHEREFORE the Plaintiffs' claim against the First to Third Defendants, jointly and severally:

- (a) payment of the amount of R5 000 000;
- (b) retraction of the complained article and publication of an apology on the First to Third Defendants' publication platforms.
- (b) costs of suit; and
- (c) further and/or alternative relief.

DATED AT CAPE TOWN THIS 13th DAY OF SEPTEMBER 2022.



ILKE BOSMAN

Admitted in terms of Section 4(2) of Act 62 of 1995,
now governed by the provisions of
Section 25 of Legal Practice Act of 2014



ABRAHAMS KIEWITZ INC.

Plaintiffs' Attorneys
8th Floor Convention Towers
Corner Heerengracht & Walter Sisulu Avenue
Foreshore
Cape Town City Centre
CAPE TOWN

(Our Ref: MAT21878/IB/DR)

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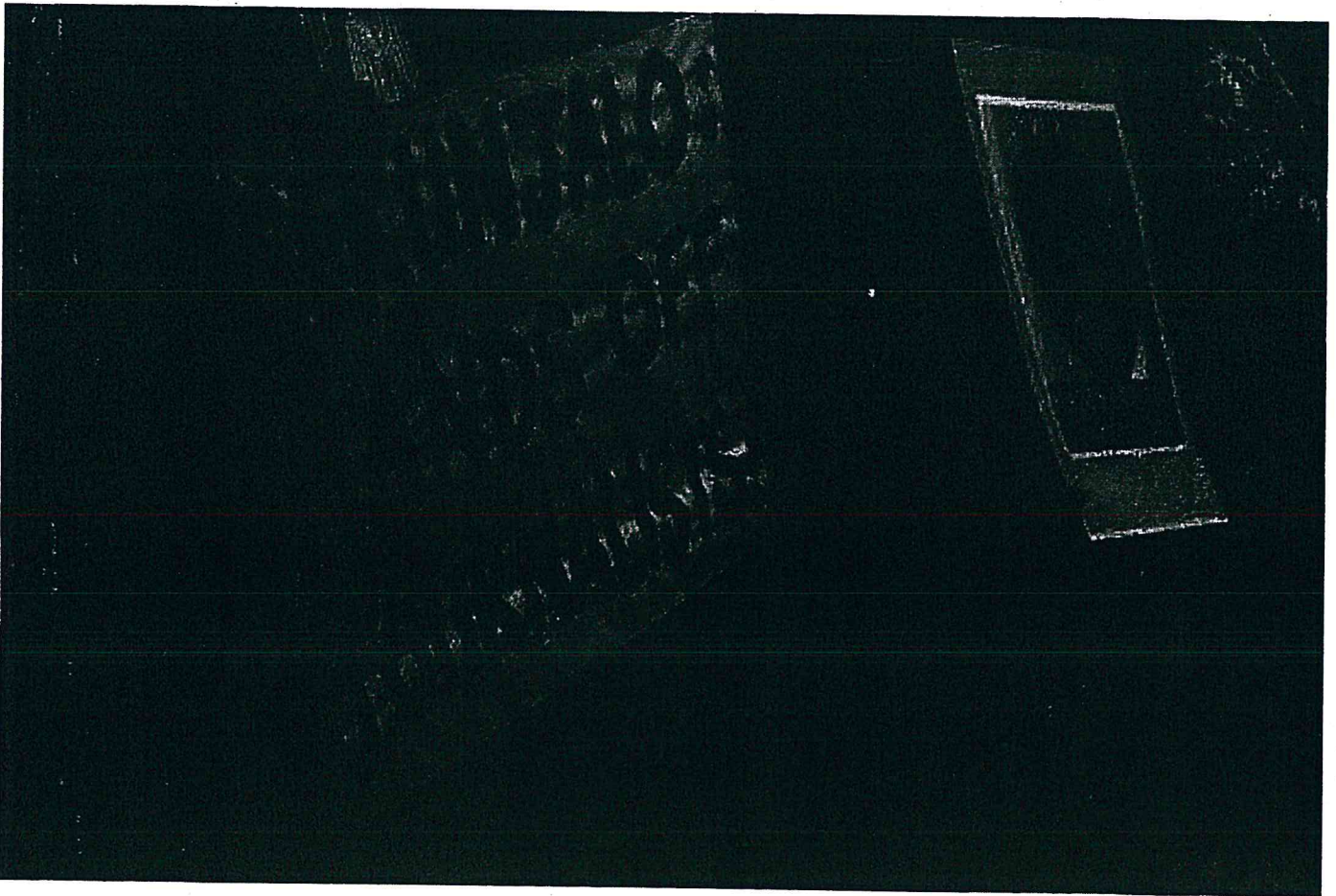
DAILY MAVERICK


(/)

SOUTH AFRICA

GROUNDUP EDITORIAL

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

(<https://www.dailymaverick.co.za/author/groundup-editors/>)

23 Aug 2022

 Follow (<https://www.dailymaverick.co.za/sign-in>)

 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.

Listen to this article



0:00 / 5:17 1X

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](https://www.dailymaverick.co.za/article/2022-08-03-lotteries-coo-phillemon-letwaba-paid-r1-million-performance-bonus-while-not-working/)

(<https://www.dailymaverick.co.za/article/2022-08-03-lotteries-coo-phillemon-letwaba-paid-r1-million-performance-bonus-while-not-working/>).

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.



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In July, *GroundUp* reported (<https://www.groundup.org.za/article/money-for-school-pays-for-lottery-bosss-golf-estate-home/>) 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** (<https://www.groundup.org.za/article/lottery-boss-resigns-with-immediate-effect/>) 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.

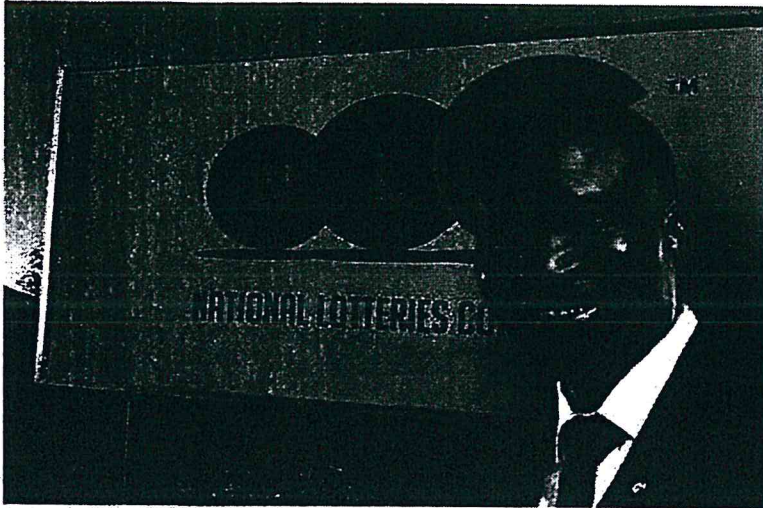
Instead, the *Sunday Tribune* (one of Survé's newspapers) and IOL published an interview (<https://www.iol.co.za/sunday-tribune/news/nlc-top-boss-charlotte-mampane-reflects-on-her-decade-long-service-704da58e-9df5-4aa5-8112-9f19cfc7d7c4>) with Mampane in which she "reflects on her 10 years of service". 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 (<https://www.iol.co.za/sunday-tribune/news/nlc-top-boss-charlotte-mampane-reflects-on-her-decade-long-service-704da58e-9df5-4aa5-8112-9f19cfc7d7c4>), 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

📷 (Photo: Supplied by 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.

Visit [Daily Maverick's home page](https://www.dailymaverick.co.za?utm_source=direct&utm_medium=in_article_link&utm_campaign=homepage) ([https://www.dailymaverick.co.za?utm_source=direct&utm_medium=in article link&utm_campaign=homepage](https://www.dailymaverick.co.za?utm_source=direct&utm_medium=in_article_link&utm_campaign=homepage)) for more news, analysis and investigations

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

(<https://www.iol.co.za/dailynews/news/national-lotteries-commission-in-total-disarray-4dbc7722-ca31-4955-9c1e-02fafbc4856b>) 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

(<https://www.iol.co.za/dailynews/news/pityana->

defends-his-national-lotteries-commission-appointment-aed27d32-338c-4594-a71c-58bb31d543ed) 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.

DM

First published by GroundUp
(<https://www.groundup.org.za/article/iqbal-surves-newspapers-take-side-lottery-crooks/>).

"B"



ABRAHAMSKIEWITZ
INCORPORATED

Tygervalley office: Penthouse, 6th Floor, Imperial Terraces
Tyger Waterfront, Carl Cronje Drive, Tygervalley, Bellville, 7535
P.O. Box 3048, Tygervalley, 7536
Tel: +27 21 914 4842; Fax: +27 21 914 1455; Docex: 69 Tygerberg
Cape Town office: Convention Tower, 8th Floor
Heerengracht Street, Foreshore, Cape Town
Tel: +27 21 271 0484; Email: ilke@ak.law.za

Our ref: MAT

Your ref:

24 August 2022

ATT: **GROUNDUP**
 NATHAN GEFFEN (Editor)

PER EMAIL: info@groundup.org.za

Dear Sirs

RE: LETTER OF DEMAND: IN RE: ARTICLE PUBLISHED 23 AUGUST 2022 TITLED 'IQBAL SURVÉ'S PUBLICATIONS APPEAR TO TAKE THE SIDE OF ALLEGED LOTTERY CROOKS'

1. We act on behalf of:

1.1. Independent Newspapers (Pty) Ltd (Sunday Tribune);

1.2. Independent Media (Pty) Ltd;

1.3. Independent Online SA (Pty) Ltd; and

1.4. Dr. Mohammed Iqbal Survé

("our clients")

2. Our instructions are that on 23 August 2022, Daily Maverick published an article authored by GroundUp Editors ("**yourselves**"), titled "*Iqbal Survé's publications appear to take the side of alleged Lottery crooks*" ("**the publication**").

Directors: Charles Abrahams, Kevin Kiewitz; Aubrey Magerman

Senior Associate: Ilke Bosman; Junior Associates: Emmanuel Mashele; Rui Carvalho; Deyna Reddy

Consultants: Abigail Reynolds; Selwyn Hockey;

Registration Number: 2012/086658/21; Vat No: 4010261503

3. In the publication, the following statements are, *inter alia*, made:

- 3.1 "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."
- 3.2 "... 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."
- 3.3 "...They could have sent one of their reporters to investigate our findings about Mampane's house. They did not."
- 3.4 "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..."
- 3.5 "...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."
- 3.6 "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."
- 3.7 "This last story is especially sinister. It sends a message: if you investigate state capture, expect Survé and his propagandists to come after you."

("the statements").

4. The statements are defamatory per se. They also bear at least the following defamatory meanings, namely that our clients:
 - 4.1 are dishonest
 - 4.2 are bias and have political affiliation
 - 4.3 uses Independent Media and Independent Newspapers publications to further their own political and personal agendas to manipulate narratives
 - 4.4 corrupt or has engaged in corruption
 - 4.5 are unethical
 - 4.6 have acted illegally; and
 - 4.7 are propagandists.
- 5 The statements are wrongful and are also entirely false, as our clients have adhered to ethical journalistic practices and due diligence involved in reporting. The statements are not only baseless, but are also made grossly negligently, recklessly and/or maliciously by yourselves.
- 6 The statements were published with the intention to suppress our clients' constitutional right to media freedom of speech and defame our clients in process.
- 7 Our instructions are, to demand, as we hereby do, that your platform publish the following public apology (for a period of 5 days on the Daily Maverick website):

"On 23 August 2022, GroundUp published an article on the Daily Maverick website, titled "Iqbal Survé's newspapers take the side of the Lottery crooks" authored by GroundUp Editors which contain defamatory remarks and/or negative remarks and/or conclusions about Dr Survé and Independent Media and companies within the Sekunjalo group of companies . We, at GroundUp, unconditionally retract and sincerely apologise for these defamatory remarks and/or negative remarks and/or conclusions "

- 8 Our clients require that their demands as set out in paragraph 7 above, be met by no later than 12:00 noon on **26 August 2022**.
- 9 Should you fail to meet our clients demands as aforesaid, our clients reserve the right to seek the appropriate relief herein.
- 10 In the event that you refuse to do so, we invite you to indicate in reply, by no later than 5pm on **26 August 2022**:
 - 10.1 which of the statements complained of, you maintain are true; and
 - 10.2 insofar as you suggest that some of the statements complained of are opinions (which we dispute), which statements are said to be opinions and on what true facts those opinions are said to be based.
- 11 As always, our clients' rights remain strictly reserved.

Yours Faithfully,

ABRAHAMS KIEWITZ INC.

PER:

(unsigned electronic copy)

I BOSMAN / D REDDY

A signed copy of this letter is available



ABRAHAMSKIEWITZ
INCORPORATED

Tygervalley office: Penthouse, 6th Floor, Imperial Terraces
Tyger Waterfront, Carl Cronje Drive, Tygervalley, Bellville, 7535
P.O. Box 3048, Tygervalley, 7536
Tel: +27 21 914 4842; Fax: +27 21 914 1455; Docex: 69 Tygerberg
Cape Town office: Convention Tower, 8th Floor
Heerengracht Street, Foreshore, Cape Town
Tel: +27 21 271 0484; Email: ilke@ak.law.za

Our ref: MAT

Your ref:

24 August 2022

ATT: BRANKO BRKIC, EDITOR AND PUBLISHER
STYLI CHARALAMBOUS, PUBLISHER AND CEO
DAILY MAVERICK
PER EMAIL: info@dailymaverick.co.za

Dear Sirs

RE: LETTER OF DEMAND: IN RE: ARTICLE PUBLISHED 23 AUGUST 2022 TITLED 'IQBAL SURVÉ'S PUBLICATIONS APPEAR TO TAKE THE SIDE OF ALLEGED LOTTERY CROOKS'

1. We act on behalf of:

- 1.1. Independent Newspapers (Pty) Ltd (Sunday Tribune);
- 1.2. Independent Media (Pty) Ltd;
- 1.3. Independent Online SA (Pty) Ltd; and
- 1.4. Dr. Mohammed Iqbal Survé

("our clients")

2. Our instructions are that on 23 August 2022, Daily Maverick ("**yourselves**") published an article authored by GroundUp Editors, titled "*Iqbal Survé's publications appear to take the side of alleged Lottery crooks*" ("**the publication**").

3. In the publication, the following statements are, *inter alia*, made:
 - 3.1 "*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.*"

 - 3.2 "*... 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.*"

 - 3.3 "*...They could have sent one of their reporters to investigate our findings about Mampane's house. They did not.*"

 - 3.4 "*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...*"

 - 3.5 "*...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.*"

 - 3.6 "*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."

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

("the statements").

4. The statements are defamatory per se. They also bear at least the following defamatory meanings, namely that our clients:
 - 4.1 are dishonest
 - 4.2 are bias and have political affiliation
 - 4.3 uses Independent Media and Independent Newspapers publications to further their own political and personal agendas to manipulate narratives
 - 4.4 corrupt or has engaged in corruption
 - 4.5 are unethical
 - 4.6 have acted illegally; and
 - 4.7 are propagandists.
- 5 The statements are wrongful and are also entirely false, as our clients have adhered to ethical journalistic practices and due diligence involved in reporting. The statements are not only baseless, but are also made grossly negligently, recklessly and/or maliciously by yourselves.

6 The statements were published with the intention to suppress our clients' constitutional right to media freedom of speech and defame our clients in process.

7 Our instructions are, to demand, as we hereby do, that your platform publish the following public apology (for a period of 5 days on the Daily Maverick website):

"On 23 August 2022, Daily Maverick published an article, titled "Iqbal Survé's newspapers take the side of the Lottery crooks" authored by GroundUp Editors which contain defamatory remarks and/or negative remarks and/or conclusions about Dr Survé and Independent Media and companies within the Sekunjalo group of companies . We, at Daily Maverick, unconditionally retract and sincerely apologise for these defamatory remarks and/or negative remarks and/or conclusions "

8 Our clients require that their demands as set out in paragraph 7 above, be met by no later than 12:00 noon on **26 August 2022**.

9 Should you fail to meet our clients demands as aforesaid, our clients reserve the right to seek the appropriate relief herein.

10 In the event that you refuse to do so, we invite you to indicate in reply, by no later than 5pm on **26 August 2022**:

10.1 which of the statements complained of, you maintain are true; and

10.2 insofar as you suggest that some of the statements complained of are opinions (which we dispute), which statements are said to be opinions and on what true facts those opinions are said to be based.

11 As always, our clients' rights remain strictly reserved.

Yours Faithfully,

ABRAHAMS KIEWITZ INC.

PER:

(unsigned electronic copy)

I BOSMAN / D REDDY

A signed copy of this letter is available