



To: **Fundudzi Media (Proprietary) Limited and Sunday World**

c/o Wally Mbhele

via email: wally@sundayworld.co.za

1 March 2021

Dear Mr Mbhele

SUNDAY WORLD / MALATJI / EUPHONIK

1. We write to you regarding an article published in the Sunday World newspaper dated 28 February 2021 entitled "*Rape accuser apologises to Euphonik- ' I am sorry for what I did to you and DJ fresh, I am scared' "*" ("**Article**"), authored by Ngwako Malatji ("**Malatji**").
2. Firstly, the article contained sensitive and confidential information sourced from a police statement in respect of reported rape cases against Thato Sikwane, popularly known as DJ Fresh ("**DJ Fresh**") and Themba Nkosi, popularly known as DJ Euphonik ("**DJ Euphonik**") at Sunnyside Police Station.
3. The media exists to serve society and should not allow commercial, political, personal and/or other non-professional considerations to influence or slant reporting.
4. Chapter 1 of the South African Press Council: Code of Ethics for Print and Online Media ("**Code of Ethics**") sets out the following:

“ The media shall take care to report news truthfully, accurately and fairly.

1.2. News shall be presented in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarisation.

1.3. Only what may reasonably be true, having regard to the sources of the news, may be presented as fact, and such facts shall be published fairly with reasonable regard to context and importance. Where a report is not based on facts or is founded on opinion, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.

1.4. News should be obtained legally, honestly and fairly, unless public interest dictates otherwise.

...

1.7. Where there is reason to doubt the accuracy of a report or a source and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be stated in such report.

1.8. The media shall seek the views of the subject of critical reportage in advance of publication; provided that this need not be done where the institution has reasonable grounds for believing that by doing so it would be prevented from reporting; where evidence might be destroyed or sources intimidated; or because it would be impracticable to do so in the circumstances of the publication. Reasonable time should be afforded the subject for a response. If the media are unable to obtain such comment, this shall be reported.

5. Secondly, The Sunday World and Malatji published the Article without first verifying the authenticity and the accuracy of the WhatsApp message. Both Malatji and the Sunday World did not need to speak to the victim in order to verify the authenticity of the WhatsApp text and cannot rely on this as a reasonable defence to paragraph 1.7 of the Code of Ethics.
6. DJ Euphonik himself removed the tweet of the fake WhatsApp message therefore the Article should have been retracted as early as 27 February 2021.
7. The additional information used in the Article comprised of a statement given to a member of the South African Police Service (“**SAPS**”) without the victim’s consent and or knowledge. This conduct (the ‘leak’ of personal and confidential information only to be used for criminal proceedings) is detrimental not only to the safety of victims of gender based violence but also an infringement of their rights to privacy, confidentiality and right of protection under the law.
8. By publishing this information, the Sunday World and Malatji failed to exercise care and consideration involving the private lives and concerns of the victim and for her dignity, safety and reputation. This goes against the Code of Ethics.
9. We therefore, inquire on the manner in which the Sunday World and/or Malatji obtained details of the incident between the victim and DJs Fresh and Euphonik as these details are of part of a highly sensitive and confidential police docket. Should you fail to furnish this information it can be assumed that such conduct is in contravention of the Code of Ethics that requires that news should be obtained legally, honestly and fairly, unless public interest dictates otherwise.

10. In order to resolve this matter, we request the following:

- 1.1. A public retraction making amends for publishing the Article based on fake WhatsApp message by DJ Euphonik by **Wednesday 3 March 2021** with appropriate prominence as to the retraction, correction and/or explanation for publishing the Article;
- 1.2. Since the Article is of a defamatory manner towards the victim, the article must be removed in terms of the Code of Ethics by **Tuesday 2 March 2021**; and
- 1.3. A report into the manner at which the Sunday World obtained details of the incident between the victim and DJs Fresh and Euphonik to be sent by **Friday 5 March 2021**.

11. We will simultaneously be lodging a complaint with the Press Council as recommended on the Sunday World website.

12. Should we not receive a response, the necessary legal application without prior notification will be launched against the Sunday World and Malatji.

13. We look forward to receiving a response in respect of the deadlines set out in paragraph 10 of this letter.

Yours faithfully



Brenda Madumise- Pajibo
Director



Onica N. Makwakwa
Director