Case No: 19/99

Date of Hearing: 8 June 1999

AFRIKANER WEERSTANDSBEWEGING Complainant

v

THE SOUTH AFRICAN BROADCASTING CORPORATION Respondent

In regard to a news item on SABC2 and 3 on the 19th June 1999 concerning a meeting of the AWB Commission:

Prof Kobus van Rooyen SC (Chairperson)
Mr Ratha Mokgoathleng (Alternate Chairperson)
Rev Danie du Toit
Prof Sunette Lötter

For the Complainant: Colonel PJ Pretorius

For the Respondent: Mr Malan Otto, General Manager, Central Complaints Office, SABC and with him Ms Esthea du Toit from the Legal Department, SABC

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OPSOMMING

Een uit sewe klagtes van AWB teen SABC gehandhaaf. Die spreker se verwysing na
"bevele" is buite konteks aangehaal. Hy het in die relevante gedeelte gesê dat hy "verantwoordelikheid" vir die dade van sy volgelinge aanvaar; nie dat hy bevel tot optrede gegee het nie.

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**JUDGMENT**

**JCW van Rooyen:**

On the 18th of May 1999 the Afrikaner Weerstandsbeveging, known to be a politically conservative organisation, held a meeting at Krugersdorp. The media was present. Jessica Pitchford represented the SABC and compiled the following report which was broadcast in Afrikaans at 21:00 and in English at 20:00. The transcription of the English broadcast at 20:00 reads as follows:

**PRESENTER:** Eugene Terre'Blanche returned to Krugersdorp last night, but not for another midnight tryst at Paardekraal. Instead, in an emotional address at the City Hall, he told the followers of the dangers that lay ahead after June the 2nd. But not everyone was impressed by the AWB leader's rhetoric.

**REPORTER:** 'The AWB orchestra was in fine form - as was the leader when (Jessica Pitchford) he arrived with his so-called 'generals'.

Eugene Terre'Blanche hadn't addressed a public meeting for almost a year and he certainly made up for lost time, blasting forth for an hour and forty minutes on everything associated with the new South Africa.

His return, he claimed was because of the hundreds of calls and requests from followers, many of whom wanted him to contest the election to represent them in Parliament. But, he said, he could never enter what he called 'Dingaan se Kraal'.

The evening was also an opportunity to make some money. AWB memorabilia was on sale outside the hall, and pamphlets requested donations.'

But not everyone was enthralled by Terre'Blanche's animated address AWB heavies had to silence the family of Deon Maartens, imprisoned for killing people at a roadblock in the run-up to the '94 election. Maartens and those serving life with him told the TRC last year that the orders had come from Terre'Blanche. At the time, he denied it."
"Ek beskou dit as 'n blatante leuen. Ek is nogtans jammer dat dié mense in die posisie geplaas is om te lieg."

"Last night to the anger of the Maartens family, he claimed he'd accepted responsibility."

"Sover ek weet is dit nét ek wat onmiddellik sê: Ek het die opdrag aan die AWB's gee!"

"He's lying! He's lying! The night I phoned him, his words were: Ag Here, Mevrou!"

"Hoekom moet 'n mens eers tronk toe gaan voordat jou oë oopgaan om te sien wat die AWB werkelik is?"

"Is u nog 'n lid?"

"Ek? Guh!"

"Despite his fiery address last night, Terre'Blanche doesn't think his followers will take him literally this time."

"Nee, ek dink nie daar gaan regse geweld wees nie".

"But that could well be because the only enthusiasm left in the AWB lies in its orchestra."

"Jessica Pitchford, SABC, Krugersdorp."

The Complainant complained about the following aspects of the news item:

1. That the item referred to the so-called Paardekraal incident. This matter was no longer news and took place years ago.

2. Reference was made to the leader of the AWB and his "so-called" generals. What was meant by the word "so-called"?

3. That the AWB sold memorabilia because it was in financial trouble. This has always been done
in the past, why refer to it now. This aspect is in any case irrelevant.

4. The item suggests that Mr Terre'Blanche ordered Deon Maartens and his men to commit the murders for which they have been jailed.

5. There was no coverage of the essence of Mr Terre'Blanche's speech.
6. The coverage represented the personal opinion of the journalist.

7. Those who attended the meeting had, according to the item, no enthusiasm. Such enthusiasm was only to be found in the band. This amounts to an incorrect representation of what really took place at the meeting.

Clause 2 of the Code of the BCCSA, which regulates the reporting of news, provides as follows:

"2.1 The electronic media shall be obliged to report news truthfully, accurately and with due impartiality.

2.2 News shall be presented in the correct context and in a balanced manner, without any intentional or negligent departure from the facts whether by:

2.2.1 distortion, exaggeration or misrepresentation;
2.2.2 material omission; or
2.2.3 summarization ..."

Insofar as complaint 1 is concerned, it is entirely within the discretion of the SABC to include such a matter. It is not for this Commission to judge what is "news" or what is not news. The reference does not, in any manner, invade the privacy of Mr Terre'Blanche. It simply refers to an incident which was well covered at the time.

Insofar as complaint 2 is concerned, the reference to "so-called" generals is probably correct when viewed from the perspective of the official army where generals and other officers are appointed by the State. From the perspective of the Complainant, which has built its structure on military titles, the word "so-called" would, of course, not be acceptable. We believe that this aspect is not serious enough to amount to a contravention. Viewers would realise that the "so-called" refers to the fact that these
persons are not in the official army and are designated in this fashion within the ranks of the Complainant Organisation.

Insofar as complaint 3 is concerned, the reference to sales so as to bring in money, is not countered by the fact that this has always taken place. The error in this connection is not material. We shall deal with complaint 4 later on in this judgment.

Insofar as complaint 5 is concerned, it should be borne in mind that Mr Terre'Blance spoke for more or less an hour and a half. Probably reference to "dangers that lay ahead" and "everything is associated with the new South Africa" and the reference to the amnesty matter, sufficiently cover this speech.

Insofar as complaint 6 is concerned, it is true to a certain extent that the item portrays a negative image of Mr Terre'Blance. On the other hand Mr Terre'Blanche is a well-known speaker and political figure in South Africa and is known to be particularly outspoken; as was, once again, the case on the evening of the 18th of May. Had the AWB taken part in the 2 June election, the stricter rules which apply to election reportage would probably have led to a finding against the SABC. The AWB was, however, not registered for the election and accordingly those rules did not apply. Clause 2 of the BCCSA Code also requires an arms length approach. This Commission has, however, held in the past that an absolute clinical approach to news could result in extremely boring news and that here and there little salt could be added. The alleged slant against the AWB is, however, not material and accordingly this complaint is not upheld.

Insofar as complaint 7 is concerned, the reference to the band's enthusiasm is probably uncalled for. Once again this is obviously an humoristic note which is added to the item and would not have been taken seriously by viewers.

Returning to complaint 4, Mr Pretorius handed in a video copy of the full speech of Mr Terre'Blanche. The Commission viewed this tape on more than one occasion. It is clear from this tape that the inclusion of Mr Terre'Blanche's statement that he had given "orders" in the Deon Maartens case, was incorrect. Mr Terre'Blanche referred to these orders as part of evidence which he was prepared to give in the light
of the Truth and Reconciliation Act which requires that amnesty would only be given if certain requirements are satisfied. One of these requirements is that the person who applies for amnesty had acted as a result of orders given. He clearly stated in his speech that he was prepared to give evidence so as to fulfil this requirement. His speech also makes it clear that he is prepared to believe that many of his organisation's members could have been influenced by him in their actions. Later on in the speech he states that in his recent amnesty application, he accepted "responsibility" for the actions of his followers. It was, however, clear that the word "responsibility" has a wide connotation which is often used by leaders when applying for amnesty or explaining the misdeeds of their followers or employees. Although Mr Terre'Blanche did not spell out that he had accepted moral and political responsibility for the acts of his followers, it was clear that his reference to "responsibility" was used in this wide sense. When dealing with the Maartens matter he referred to "responsibility" and not to orders. The inclusion of the earlier part of his speech where he refers to "orders" was accordingly not justified. The Commission considered the possibility that from a perspective of a journalist "orders" and "responsibility", within the context of the speech, were in effect identical. After due consideration of this argument, we came to the conclusion that reference to "orders" within a different general context differed substantially from "responsibility" within the context of the Maartens' matter.

We have accordingly come to the conclusion that the SABC contravened the BCCSA Code insofar as it quoted the "orders" reference out of context. In this respect the complaint is upheld. In all other respects the complaints are not upheld.

In all the circumstances we have come to the conclusion that the mere fact of the finding against the SABC is a sufficient sanction. Accordingly the SABC is not directed to broadcast this decision of the BCCSA.

JCW VAN ROOYEN S.C.
CHAIRPERSON