



30 January 2020

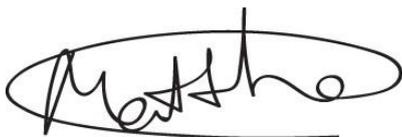
## **Response to Ombuds ruling**

Communicare has now considered the ruling of the Ombuds received on 22 January 2020. After consideration, Communicare wishes to hereby appeal the ruling and rejects the findings on the following grounds:

1. The panel members, Moleboheng Mosia (Chair), Yvonne Musonza and Lizaan Nel are all employees of Sekunjalo, the holding company of Independent Newspapers. In addition Moleboheng other email signature indicates that she is a legal advisor to Surve family office. We do not consider the panel objective, independent nor fair. In addition, it's rather odd that none of the panel members are senior journalists. We fail to see how the panel is credible and how its judgement can be respected.
2. Despite sending several questions which Communicare answered, the journalist did not specifically ask about the alleged R4000 incentive to encourage tenants to relocate. Communicare then pointed out to the journalist that we were aware of the R4000 alleged "bribe" but that it was not true. This information was not verified by any other source and was published as fact which we object to. (The fact that somebody makes an incorrect claim does not make it fair comment, newsworthy or appropriate to publish.) The editor then refused to publish the letter sent to The Cape Argus to correct the facts. This clearly infringes Clause 2 of your press code that says "Independent Media will not publish inaccurate, misleading or distorted information." Since every avenue to publish the facts were rejected, Communicare had no option but to buy paid advertising space to protect its reputation. However, the editor refused to publish the advert. (see attached.)
3. The Argus claims that tenants have contacted the Minister and the Human Right Commission. The fact the tenants have contacted others does not make the claim valid, legitimate nor accurate. Neither does attendance at the Wynberg court do the same. You Code demands that The Cape Argus establish what the charges are, if any, before making such allegations. Communicare is not aware of this issue going to court. Surely, the facts matter. We are astounded that the Ombud with significant legal experience contends that mere "attendance" at the court signifies guilt.
4. The incentives offered in May 2018 in completely different circumstances for tenants has no bearing whatsoever in relation to the relocation of tenants from Welverdiend, 18 months later. It is odd that the Ombud considers this a justification for incorrect facts published by The Cape Argus. The fact remains that no tenant was "bribed" and The Cape Argus had no evidence to prove that except for false information peddled by some tenants which they failed to verify.
5. The fact that complaints have been lodged against Communicare does not justify unfair reporting. Anybody is entitled to lodge a complaint to the Housing Tribunal or a MEC who is obliged to look into such issues. Lodging a complaint should not impute guilt which I'm surprised you claim. Complaints were lodged to the Social Housing Regulatory Authority (SHRA) but they issued a statement indicating that Communicare is not being investigated. (See attached.) Again, complaints to the SHRA has no relevance to the complaint lodged by Communicare.

6. You cannot reference articles from newspapers in your group to justify your innocence. Marvin Charles, whose story you refer to, has a long history of discrediting Communicare. We have made him and his editor aware that his main source, Neville Petersen, is known to peddle false information which both the editor and the journalist is aware of. Mr Petersen has a high court order against him and he has been arrested for contempt of court. Despite that, he continues to be used as a source of information. (The same Mr Petersen is on a watch list by other credible local newspapers for peddling false information which only Independent Newspapers publishes.)
7. Communicare is offended that The Cape Argus and the Ombuds claims that tenants bear the “brunt of Communicare’s treatment”. What treatment are you referring to? It is very clear that the biased reporting by The Cape Argus has brought Communicare into disrepute. The fact that The Cape Argus considered this an “ethical” issue is further evidence of biased reporting. The prejudgement is self-evident. You may want to review coverage from other newspapers on the same issue and see what balanced, fair and credible reporting looks like.
8. While some tenants are not happy to relocate from Welverdiend, there are many more who were very happy to move and have done so already. Many consider the move an upgrade to their previous accommodation. The vast majority of tenants have agreed to move. This demonstrates The Cape Argus’s bias as they have not spoken to any of the happy tenants nor covered the story of the majority of tenants who agreed to relocate. You clearly only publish news that supports your prejudice.
9. Communicare rejects your finding that the journalist’s reporting was accurate. While the tenants’ views were reflected, the journalist is obliged by your press code to verify the information provided as accurate which she neglected to do. The facts remain that Communicare did not “bribe” tenants as the article suggests even though more than one tenants made the claim. Communicare would like to see what documentary proof was submitted to prove that the claims made were accurate and based on fact.

In conclusion, Communicare has outlined its grave concerns regarding the biased nature of your findings and has no confidence that the process was free, independent and fair. We hereby wish to appeal this judgement.

A handwritten signature in black ink, appearing to read 'Michelle Matthee', enclosed within a hand-drawn oval shape.

**Michelle Matthee**  
Stakeholder Relations Manager