

5/12/1985

ECC VS RAPPORT NEWSPAPER, 1st MEDIATION

Present: ECC: Michael Evans (C.T. ECC)
Clare Verbeek (Jhb ECC)
Michelle Adler (Jhb: Translator)
David Dixon (ECC Lawyer)
Rapport: Mr Tiaart (Editorial Board)
Mr ? Jordaan (Bus Ed??)
Mr Buys (Rapport Lawyer)
Mediator: Mr Bob Steyn (Chairperson, Media Council of SA)

Proceedings:

1. Despite having been granted 2 weeks' extension by ECC, Rapport did not come to the meeting with a reply to ECC's original documents on the case.

They have now agreed to submit this reply by Wednesday 11 Dec at the latest, and to consider our articles for publication.

We set Tuesday 17th Dec. for the next mediation session.

Depending on their written reply, we may decide not to go to this mediation, but rather to push directly for a media council hearing.

2. We pointed out that material such as that under dispute could lead to detention or prosecution of ECC people and it was a matter of urgency that inaccuracies be corrected.
3. Rapport conceded inaccuracies were present in their article.
The only inaccuracy they alluded to at this stage was the allegation that the police are powerless to do anything about ECC as ECC is not banned. (Article 1, Paragraph 3)
4. There was discussion about the fact that, in their supposedly extensive research, Rapport did not contact ECC for comment.
The Media Council's code of conduct does not, in fact, oblige newspapers to "go to the other side" unless the paper has reason to doubt the bona fides of the information

RAPPORT VS :

ECC VS RAPPORT

2nd MEDIA COUNCIL MEDIATION : 17/12/85

Present: ECC: Janet Cherry (P.E) ; Clare Verbeek (JHB) ; David Dison (Lawyer)
Rapport: Tiaart, Jordaan ; Buys (Lawyer)
Mediator: Bob Steyn

1. SUMMARY OF RAPPORT'S REPLY TO ECC'S FOUNDING DOCUMENTS.

Rapport has admitted that the main source for its articles was an ECC official in P.E. This source gave Rapport's Osche a copy of the 'Peace Kit' which was a collection of stimulating material for internal educational purposes, put out in July in P.E. The introduction to the 'Peace Kit' invited recipients to customise it by adding 'newsclippings, articles and ECC pamphlets'. This source added copies of COSAWR's publication 'Resister' to the pack which was passed on to Osche. It is these publications which encourage active support for ANC + SWAPO and the imposition of international sanctions, and calls on South Africans not to serve in the SADF.

Rapport argues that ECC has had contact with SWAPO + sympathises with it. Supporting documents are the programme for the Peace Festival, + an editorial comment in ECC Focus (Jhb) Vol 1. No 1. which argues that without SWAPO, which has majority support in Namibia, no transitional government will bring peace.

Rapport argues that ECC is trying to ruin the school cadets system, using as evidence the "Cadets make Mallofies" poster, a GRACONS pamphlet on Rights of Cadets, a quote from the Johannesburg Workshop Report (Oct. this year), + various representations of soldiers turning into pigs.

They argue that we are trying to 'mobilise' the international press; that we present ourselves as non-political (because we are not aligned with any political groupings) but are misleading people on this issue; that we are dragging along the Churches who are unaware of what they are being used for ('evidence' is from the Report on the Jhb workshop, where it is said that there are advantages in ECC working with the Churches + a Churches - sub-com. should be started).

In order to 'prove' that ECC and UDF operate from the same office in PE, ie Janet's office, they have an affidavit from a man who twice went there under false pretences and saw UDF posters on the wall along with a poster of the broken gun.

They argue that although they were incorrect to say that ECC claims responsibility for the 7589 who didn't obey their call up, it is doubtless that we delight in this information. There is an affidavit from a Brigadier Bosman who swears that Laurie telephoned him about these figures, was warned of their misleading nature and told not to go using the information for political ends, which instruction has been ignored by ECC. (Laurie swears he has never contacted Bosman, or any other general)

To prove that ECC is, wittingly or unwittingly, part of the Grand Marxist plan to overthrow the government, they quote African Communist (SACP publication) which mentions ECC as playing a vital role in the Liberation struggle. They also quote a rightwing 'pro-government' ^{Christian} publication called 'Signposts' which has an article on 'How Marxists overthrow Governments' (whose relevance is not entirely clear to us!), And they say they will call

'expert witnesses' on this point if the matter goes to hearing.

Other 'evidence' included in their reply is an Aida Parker Newsletter (which incidently encourages the ~~STH~~ NSF to distribute a pro-Vietnam involvement article in response to ECC), the booklet explaining the Declaration put out during the Festival and various P.E. ECC pamphlets.

2. OUR OPENING ARGUMENTS:

We argued that Rapport's informant was biased, and had misrepresented his/her position to ECC. Rapport should have known the person was a covert operator and should have doubted the representativity and reliability of information passed on by the source. There is no way that ECC, as a legal and open organisation, could sanction the distribution of documents from an unlawful organisation like COSAWR. Secondly, Rapport claimed it had done 2 months of research on ECC, but by their own admission, most of their information came from this 'source'.

3. RAPPORT'S ARGUMENTS:

They claim they had no reason to doubt their source's representation of ECC, as he/she was an ECC official. They claimed that, because we had invited people to supplement the Peace kit, we were assuming responsibility and support for any additions (legal or illegal) made to the kit.

4. MEDIATOR'S POSITION

Bob Steyn made the analogy of writing an article on the Nationalist party based on information received from a defector from the N.P. In a round-about way he was supporting our argument.

5. PUBLICATION OF CORRECT POSITION ON ECC.

We said we were aiming for a page, with a retraction. Rapport wanted to publish 'the truth'.

Rapport found our documents, submitted for consideration at the previous meeting, unacceptable in form and detail. ^{→ would not consider publishing what did not relate directly to the original} They were prepared to publish one story, on page 11 (or earlier, depending upon the size of the edition), on a right hand page. articles The headline would be a fair reflection of the story, the article could be accompanied by pics, and our lawyer would be able to see the page layout before publication. Rapport's editor would have to agree with the actual content and placing of the article.

Rapport and ECC then separately drafted articles for publication. We finally agreed on what appears enclosed.

Rapport, however, said they were not sure about publishing the retraction we drafted. The reader should be left to decide whether this was the truth about ECC, or the original article. We said a retraction was our bottom line. They refused outright to publish an apology, as they felt it had not been conclusively proved that they had said incorrect things about ECC. We accepted not having an apology, but stuck on the retraction.

Finally we agreed that they could ask their editor about the retraction, and get back to us the following day. A draft of what they are prepared to publish is enclosed. We have asked for an extension until next Sunday before accepting/rejecting it, to allow national consultation. If we do not accept, the whole matter will go to hearing before a judge, early next year.

RETRACTION PROPOSED AT MEDIATION

On 27th October, Rapport published 3 articles concerning the End Conscription Campaign (ECC.) The National Committee of the ECC laid a complaint with the Media Council in regard to the contents of these articles.

Insofar as the Rapport portrayed the ECC as an organisation which used unlawful, communist and marxist methods, encouraged people not to serve in the SADF, furthered the aims of unlawful organisations, ~~and~~ had hidden, unlawful aims and infiltrated other bone fide organisations, Rapport Retracts such claims.

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* RAPPORT, 8 DESEMBER 1985—11

ECC beswaard

RAPPORT het op 27 Oktober 1985 berigte oor die *End Conscription Campaign* gepubliseer. Die ECC stem nie met die inhoud van die berigte saam nie en het hulle op die Medieraad beroep. Die aangeleentheid is nou onderworpe aan die prosedurereëls van die Medieraad en sal mettertyd afgehandel word.

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NDC24/8

1. Rapport het op 27 Oktober 'n aantal berigte geplaas oor die End Conscription Campaign ('ECC') waaroor die ECC beswaard gevoel het. Hy het die saak na die Mediaraad verwys omdat hy meen hy het nie voldoende kans gehad om sy saak te stel nie.

* Retraction

2. Rapport se storie was ondermeer gebaseer op inligting van 'n persoon binne die ECC wat naamloos wil bly en dokumente in dié persoon se besit. Volgens die bron was die dokumente deel van 'n sogenaamde 'Peace Kit' wat uitgedeel is deur die Port Elizabethse streek van die ECC. Die 'Peace Kit' is 'n lêer omslag met 'n aantal dokumente wat betrekking het op die ECC se veldtog. Lede is aangemoedig om die 'Peace Kit' aan te vul maar indien 'onwettige dokumente' hierin beland het, distansieer die organisasie hom van sulke dokumente.
3. Ons gee egter vandag aan die ECC die geleentheid om sy saak te stel. 'Die ECC is 'n wettige organisasie wat binne die grense van die Verdedigingswet beweeg', sê Janet Cherry, Port Elizabethse Streeksvoorsitter van die ECC. 'Ons moedig nie jong manne aan om militêre diensplig te ontduik nie: Ons vra net dat elkeen self moet kan besluit of hy militêre diens wil doen.'
4. Die doel van die organisasie, soos uiteengesit in sy grondwet, is om te strewe vir beeindiging van verpligte militêre diens. 'Hierdie opvatting is gegrond op internasionale beginsels wat die

vryheid van die gewete erken. Getuienis in hierdie verband is voor die Geldenhuys Komitee van Onderzoek gelewer, 'n amtelike Weermagkomitee wat alle aspekte van handeling van die Weermag ondersoek het', sê mej Cherry.

5. 'Die ECC is 'n oorkoepelende liggaam wat uit 'n menige verkillende organisasies bestaan. Dit is nie aan enige politieke groep verbind of by enige ander organisasie geaffilieer nie. Dit geniet die steun van talle kerk; studente; vroue; en menseregte organisasies, soos die meeste Engelse kerke, die Black Sash en die PFP jeug;' sê mnr Nathan, die Nasionale Organiseerder van die ECC.
6. Die ECC glo dat die teenwoordigheid van die Weermag in die Swart woongebiede en in Namibië/Suidwes-Afrika die geweld vererger eerder as om die probleem op te los. Daarom is hy gekant teen verpligte militêre dien, sê mnr Nathan.
7. Die ECC is 'n nie-gewelddadige organisasie wat hom verbind het tot 'n 'regverdige vrede in Suid-Afrika'.

Die End Conscription Campaign (ECC) is n wettige organisasie wat binne die grense van die Verdedigingswet beweeg. Ons moedig nie jong manne aan om militêre diensplig te ontduik nie. Ons vra net dat elkeen self moet kan besluit of hy militêre diensplig wil doen."

So sê Janet Cherry, streekvoorsitter van die ECC in Port Elizabeth. Sy het gereageer op berigte oor die ECC wat op 27 Oktober in RAPPORT verskyn het en waaroor die organisasie beswaard voel.

Die ECC het die saak na die Mediaraad verwys omdat hy meen hy het nie voldoende kans gehad om sy saak te stel nie.

met---2

RAPPORT se inligting was onder meer gebaseer op inligting afkomstig van n persoon binne die ECC en dokumente in sy besit. Die persoon wil naamloos bly.

Volgens hierdie bron was die dokumente deel van n sogenaamde "Peace Kit" wat uitgedeel is deur die Port Elizabeth-streek van die ECC. Die "Peace Kit" is n lêeromslag met n aantal dokumente wat betrekking het op die ECC se veldtog.

Lede is aangemoedig om die "Peace Kit" aan te vul, maar as "onwettige dokumente" hierin beland het, distansieer die organisasie hom van sodanige dokumente.

Ter wille van objektiwiteit het RAPPORT aan die ECC die geleentheid gegee om sy kant van die saak te stel en 'n verduideliking te gee van sy aard en werk. Totdat die teendeel blyk, aanvaar RAPPORT hierdie verduideliking.

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"Getuienis in hierdie verband is voor die Geldenhuys-kommissie van ondersoek gelewer, 'n ~~amptelike~~ amptelike Weermag-kommissie wat alle aspekte van die handelinge van die Weermag ondersoek het," sê sy.

Mnr. Laurie Nathan, nasionale organisasie van die ECC, sê die ECC is 'n oorkoepelende liggaam wat uit 'n menigte verskillende organisasies bestaan.

met--*

"Die ECC is nie aan enige politieke groep verbind of by enige ander organisasie geaffilieer nie. Dit geniet die steun van talle kerk-, studente-, vroue- en menseregte-organisasies, soos die meeste Engelse kerke, die Black Sash en die PFP-jeug.

"Die ECC glo dat die teenwoordigheid van die Weermag in swart woongebiede en in Suidwes die geweld vererger eerder as om die probleem op te los. Daarom is hy gekant teen ~~die~~ verpligtige militêre diens," sê mnr. Nathan.

Dit is ook 'n nie-gewelddadige organisasie wat hom verbind het tot 'n "regverdige vrede in Suid-Afrika".

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The Media Council's code of conduct does not, in fact, oblige newspapers to "go to the other side" unless the paper has reason to doubt the bona fides of the information

Rapport claims they had no reason to doubt the accuracy of Osche's report. Bob Steyn feels that it is in fact good journalistic practice to approach both sides for comment and that it is a serious shortcoming that the Code of Conduct does not insist on it.

5. General Comments:

- Rapport are playing for time (though this might not be sinister: apparently Media Cases are always like this)
- There are, predictably, enormous gulfs in perception between Rapport & EEC.
- We may find that we see no case for mediation once we have received their replying papers.

The next step would then be a Media Council Hearing which involves

- Use of senior (Afrikaans) council
- Court for 2-3 days
- estimated costs of R5-10 thousand.

We have secured funding for these legal costs if it becomes necessary. Rapport is terrified of such a hearing, partly because they could face a fine of up to R10 000, and partly because the full findings of the hearing (ie point-by-point) would have to be published.

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END CONSCRIPTION CAMPAIGN (ECC)

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