



MINDE SCHAPIRO & SMITH

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Our Ref: DEM16/0858/ E JONKER/ks | Your Ref: | Date: 12 October 2022

ATTENTION: **HERMAN MASHABA**
PER EMAIL:

MICHAEL BEAUMONT
PER EMAIL:

ACTION SA
PER EMAIL:

Dear Sirs,

RE: DEFAMATORY STATEMENTS ON 11 OCTOBER 2022

1. We represent the Democratic Alliance (DA), Dean Macpherson, John Steenhuisen, Ashor Sarupen, and Francois Rogers ("our clients").
2. On Tuesday 11 October 2022, ActionSA, released a press statement accusing our clients of bribery. We attach hereto the statement as annexure "A". The statement was issued by Mr Michael Beaumont on behalf of ActionSA.
3. In relevant part, the statement provides:

"ActionSA will tomorrow, Wednesday 12 October, lay criminal charges of bribery against senior leaders of the Democratic Alliance (DA) including its KZN Provincial Chairperson, Dean Macpherson, for attempting to bribe an ActionSA councillor from Newcastle.

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Directors: Heinrich Crous BA LLB | Elzanne Jonker BA LLB | *Jonathan Rubin BComm LLB LLM | Venesen Reddy LLB

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Associates: Lauren Jacobs LLB | Marlon Koen LLB | Estian Maree BComm LLB

Consultants: Louis Meyer BJuris LLB | Marianne Olivier BComm LLB LLM | Marais Hoon BA LLB | Patrick Stilwell BA LLB

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This comes after images surfaced of ActionSA ward councillor of Newcastle, Shandy Singh, meeting with DA Leader, John Steenhuisen, Former Chief of Staff to Helen Zille, Ashor Sarupen, DA KwaZuluNatal Provincial Chairperson, Dean Macpherson, and DA KwaZulu-Natal Provincial Leader, Francois Rogers.

ActionSA has been reliably informed that this meeting was convened to offer Mr Singh inducements to leave ActionSA and fill the DA vacancy in the KwaZulu-Natal Legislature arising from the resignation of its Chief Whip, Zwakele Mncwango.

[. . .]

We call upon the DA to place the residents of Newcastle ahead of any personal efforts to settle political scores with ActionSA. As an organisation that purports to be principled and committed to the rule of law, it is inconceivable that financial inducements would be used to bribe public representatives.”

4. In the statement, ActionSA accuses the four named senior leaders of the DA of bribing an ActionSA councillor, Shandy Singh. ActionSA further accuses the DA of complicity in the bribe, and of hypocrisy on commitment to the rule of law. ActionSA threatens to lay criminal charges against the four named leaders and the DA for bribery.
5. The statement is defamatory of the named senior leaders and the DA.
6. The statement means that the four senior leaders unlawfully offered a councillor a financial incentive in exchange for political gain and favour. The statement accused these four senior leaders of a serious criminal offence—bribery.



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7. The statement means that the DA as “a political organisation” orchestrated or was otherwise complicit in the bribe. The statement means that the DA is not committed to the rule of law and achieves its political ends through illicit, corrupt means. The statement means that the DA is hypocritical and inconsistent in its principles of governance.
8. The effect of these statements, in the eyes of the reasonable reader, diminishes the esteem in which *any* person about whom they were made was held by others in the community.
9. As a result of these statements, the DA and the four named senior leaders have suffered reputational damage.
10. There can be no suggestion that the defamatory statements were made lawfully or without *animus iniuriandi*.
11. The statements are false. The DA, and the four named senior leaders, did not bribe or attempt to bribe Mr Singh. The four named senior leaders met with Mr Singh to discuss potential collaboration between Mr Singh and the DA. The parties to this meeting discussed political options and opportunities. At no point in this meeting did the DA and its leaders offer Mr Singh a bribe.
12. The DA, accordingly, did not facilitate or participate in a bribe. The DA is not inconsistent in its commitment to the rule of law.
13. To the extent that the statements are comments, they rest on false facts. They are, furthermore, unfair and unreasonable given the facts. They are thus not fair comments.

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14. The statements were not published reasonably or with a genuinely belief in their lawfulness. The statements are patently false and were made without any verification.
15. We accordingly demand, on behalf of our clients, that you, within 24 hours—
 - 15.1. Retract the statements; and
 - 15.2. Apologise to the DA and the four named leaders.
16. We further demand that you pay the DA and the four named leaders R100 000, which the DA and its leaders will donate to a non-governmental organisation combatting corruption in South Africa. We request that this is done by Friday, 21 October 2022.
17. Our clients' rights, including the right to approach a court for relief, remain strictly reserved.

Yours faithfully,

MINDE SCHAPIRO & SMITH INC.

PER: **E JONKER/ks**

(Transmitted electronically- therefore unsigned.)