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OPEN LETTER TO THE BOARD AND CEO OF MEDIA24, AS WELL AS THE BOARD AND CEO OF NASPERS

Dear Mr Koos Bekker
Mr Bob van Dijk
Prof Rachel Jafta
Mr Ishmet Davidson

"THE LOST BOYS OF BIRD ISLAND"

1. I direct this open letter to you in the first instance in my capacity as attorney representing the victims and / or their families portrayed as part of an alleged paedophile-ring being besmirched by the publication of (the now withdrawn) book, THE BOYS OF BIRD ISLAND". This book was published as non-fiction by one of the subsidiaries of the greater Naspers and Media 24 group of companies in **August 2018**.

2. Secondly, I direct this letter to you as a past bursary holder and employee of Naspers more than **40** years ago. I believe that I was taught by masters in their craft about journalistic ethics, the importance of verification of facts and honesty and truth above all else.

   2.1 Furthermore, I can add that it is quite often that I consult with a senior counsel, who now occupies the corner office (of the old Keerom Street building), where Piet Cillié, renowned editor of Die Burger once sat. It is especially at those times that my thoughts go back more than a century (to **1918**) when that august newspaper was founded. It was from that same building that *Die Burger* was printed and sent out on its daily routes – right there opposite the entrance to the High Court.

   2.2 Even more so I, as a youngster from the age of **6** years old, sold Naspers newspapers on the street. As a matter of fact, I was the first to sell Beeld on street corners in my small hometown (Fochville) when it was launched in the "Noorde" to take on the mighty Perskor who had virtual media control of that conservative enclave.

2.3 Today Naspers is the largest listed company in Africa. It is an international behemoth, and without doubt one of the largest media organisations in the world.

2.4 However, I ask myself what happened to its core values and ethics? What happened to the lofty ideas of the gentlemen who got together one evening (more than a century ago), in the lounge of a benefactor, to beg for money to establish *Die Burger*?

3. I respectfully request your attention to and contemplation of some passages, with comments, from the abovementioned book published by Nasionale Boek Uitgewers ("NBU") and Tafelberg Publishers. Your attention is drawn specifically to the publishing editor's role in the construction of a book that at best can be described as a web of lies and flights of mala fide imagination interspersed with defamatory references to two deceased and one still living former ministers – my clients. The book reveals poor judgement, lack of executive oversight and a perilous lack of risk evaluation.

4. The purpose of this open letter is to challenge you and your fellow directors with the inescapable consequences of a serious dereliction of your fiduciary duties by law as well as the King IV standards, to which your organisation and its multi-layers of subsidiaries are signatories. I blame bad management and lack of oversight for allowing the publishing of the book titled "The Lost Boys of Bird Island", aptly and authoritatively described as the lowest point in the book publishing history of SA.

5. In terms of your exacting prescribed duties in terms of both of the aforementioned obligatory requirements, you seem guilty of serious failures in your fiduciary duties to protect, not only the relevant enterprises' financial and physical assets entrusted to you, but also the invisible assets in the form of reputation, brand value and public image of trust and historical impeccable integrity built up over years under the publishing imprint "Tafelberg" and NBU.

6. It is my intention through every available avenue available to me, including canvassed shareholders in Naspers, vigorously and unabatedly to pursue you and your board of directors to obtain removal from office by way of legal process on account of the following:

6.1 Your failure, in respect of the book published as non-fiction by NBU, as far as your legal advisors possibly could have done so themselves or could have ordered it done, to have verified the authenticity and veracity of all of the events, situations and incidents, or at least those

that mainly dictated the storyline as reflected in the book from its first manuscript, in terms of internationally accepted criteria for non-fiction. If you had not carried out this duty, or failed to have it done under your management and supervision, you can be deemed to seriously be in breach of your fiduciary duties to secure compliance with essential directives;

6.2 Your failure, in respect of the book published as non-fiction by NBU, to identify the obvious reputational perils presented by lack of credibility and truthfulness emanating from a virtually complete lack of evidence of the kind that can be expected to stand unchallenged in a court of law (see Willem de Klerk's Legal opinion). Whilst Maryna Lamprecht (the non-fiction editor) in her suggested FAQ's to the two co-editors, must also render you in breach of your fiduciary obligations;

6.3 Your incomprehensible and ceaseless continuation of support for the book, even to this day, recently crowning it with a foolish prosecutorial threat to all who discredit the book. The decision to withdraw it, certainly was not based on new information, in fact all the reasons to withdraw the book had been there at your disposal from the beginning, yet you decided to ignore it until now, despite the steadily growing reputational damage to NBU and Tafelberg. That is a blatant dereliction of fiduciary duties;

6.4 The strongest possible indication that Lamprecht and management above her, as well as Marianne Thamm, over the few years it took to complete and publish the book, had been taken for a massive ride by two authors with their respective dubious pasts. Both, however, had been endowed with powerful and imaginative persuasive capacities, often also unscrupulous, hence Mark Minnie's well-planned and startling confession by email to his co-author (Chris Steyn) and his editor (Maryna Lamprecht) only three days before launching the book: ***"We have no concrete evidence to the effect that any of the three ministers sexually molested a victim. We need a victim to come forward and make an accusation followed by an identification".***

6.5 Since neither Minnie, nor Steyn, after more than thirty years had revealed any concrete evidence then or the latter to the present, this confession to all intent and purposes accepted the reality that the ministers never had been involved in the hideous crimes the book

tried to hang around their necks, effectively also ruling out any possibility of doing so anytime in the future.

6.6 The crucial question then was what should have been and what actually was Lamprecht's and her Management's response in terms of their fiduciary and King IV accountabilities, to this last-minute destruction of both the book's classification as "Non-Fiction" and its main storyline, resulting in its inevitable loss of credibility?

6.7 Lamprecht on her own, or as advised by her superiors, but with Chris Steyn at her side probably egging her on, simply ignored such implications as if Minnie had never made the confession, and went ahead with the launching and huge publicity campaign on NEWS24 and other media.

6.8 In the process Lamprecht clearly exposed herself not only to violation of fiduciary and King IV prescriptions, but also to several other possible charges, such as *crimen injuria*, fraud, transgressions relating to the protection of consumers and wilful slander and defamation.

6.9 Hence the question arises, in terms of King IV and fiduciary dictates, why should the Chairperson and Directors, as well as certain executives of NBU, Media24 and even Naspers itself, not face disciplinary proceedings and relief of duties? What puts them above the law? Nothing at all.

6.10 NBU's removal from stores of unsold books confirmed their realisation of their accountability and culpability in having produced and published such an abomination of a publication that, according to best available information, it deservedly suffered their first ever withdrawal of a publication. It also compels them to also buy back all the books from all second-hand book shops and, more so, indeed also from all original buyers of the book, now widely accepted as false and deceitful.

6.11 This step, undoubtedly identifies itself as an introduction of the reading public into NBU and Tafelberg's new drastically scaled down standards of decency, ethics and morality.

6.12 Decisive proof of the rejection of the book's credibility, are the statements by two prominent and respected editors of newspapers in the Medie24 realm. First, the apology by Rapport on **Sunday, 14**

April 2019, combining an unbiased apology with an honest admission that they had made a mistake in publishing their article of **5 August 2018** sourced, from the book in question.

(https://www.news24.com/SouthAfrica/News/rapport-apologises-for-publishing-bird-island-paedophile-accusations-against-np-ministers-20190415)

Second, the opinion article of the editor of Beeld, Barnard Beukman, dated **16 March 2019**, stating that the publication of the book marked the lowest point in publishing history in South Africa.

6.13 So far, the peak in the well-known divisions in publication standards in Media24 between newspapers and book publishers, is the cartoon in Beeld of **10 March 2020**. It depicts our client, Barend du Plessis as a boxer in a ring, wearing two gloves labelled "Truth" and "Facts", after knocking out his opponent, labelled "THE LOST BOYS OF BIRD ISLAND", with a man's arm labelled "Nasionale Boek Uitgewers" throwing in the towel. Powerful indeed.

6.14 This cartoon emphasises the stern advice from Media24 newspapers to their book cousins, to "check your facts". This message was strongly endorsed by Carte Blanche (also in the NASPERS stable) on **Sunday, 8 March 2020**, to their millions of viewers. After further exposing untruths in the book, they indicated to the public at large to decide for themselves (that the book had no credibility).

7. I have tried, since my first involvement more than a year ago, by way of correspondence with NBU and their attorneys to find a mutually acceptable solution where all parties can walk away with the minimum of reputational damage. I had to serve a Form C Notice in terms of the Promotion of Access to Information Act (PAIA) to force the hand of NBU to hand over to us legal opinions obtained, manuscripts, correspondence and other relevant material. It mostly confirmed what we already knew by then as obtained after Minnie's suicide. What was very telling though from the opinion was the advice by your legal advisor "dead men can't sue".

7.1 However the taint of the book will clench to the legacies of our implicated clients and their families and generations to come for the rest of their lives – due to the global village and the speed of dissemination of information on the internet. A task your organisation flourish in.

7.2 The "rule" that the dead cannot be defamed is not absolute. We will address this issue in due course and will take on the long an arduous route to obtain redress with a precedent-creating journey in South African courts. The German and EU courts found in favour of the deceased and their families and the tide in favour of the man on the street on this score is turning..

8. I now wish to draw your attention to the belittling responses by your legal counsel that befell my client Mr Barend du Plessis' representations to them regarding the slanderous contents of the abovementioned book, unmistakably evident in their attitude that "Our client has money and time, you, Du Plessis have neither and we will dictate what happens here".

8.1 Truth is, Du Plessis is not wealthy, despite his long and flawless career as a member of Parliament and minister of finance who narrowly missed becoming President of the country. He is **80** years old and neither is he healthy at all, but he has the right to be respectfully treated as a fellow human being, with amongst others the guaranteed entrenched rights under our constitution and in particular the right to dignity. He certainly is not an object worth nothing more than to be bullied by a hugely wealthy opponent into an inferior position, regardless of the merits of his case.

8.2 We therefore find the high-handed attitude NBU has displayed from the beginning towards him as a person innocently accused by NBU of a vicious and despicable crime, distasteful, uncalled for and in effect objectionable.

8.3 Moreover, after having ignored his suggestion for an agreed upon apology, to be disseminated according to an agreed upon media strategy, he simply was ignored, eventually having a one-sided completely inconclusive and biased, by some commentators even described as a dishonest apology, enforced upon him.

8.4 Our clients are regarded as of such inferior intellect that they attempted by bombast, to intimidate us into silence and refrain from further discrediting the book.

8.5 We regard this ultimatum not only as offensively arrogant, but certainly not in keeping with the high standards of behaviour, decency and insight that used to be a hallmark of the two institutions. Learned advocates have quiet giggles about this puerile attempt to intimidate.

9. By way of only four of our seven affidavits from credible persons, we confidently state that the following parts of the book's main storyline are manufactured and fictitious, contributing towards the book's growing status as false, with no credibility. More affidavits on other relevant issues are available:

9.1 The "fact" that the visit in **January 1987** to Bird Island by Barend du Plessis, Magnus Malan and John Wiley, an excursion which in their later lives, Malan and Du Plessis (Wiley by then had passed on), openly admitted to having participated in, (see photograph) together with several other persons, mostly formerly unbeknown at least to Magnus Malan and Barend du Plessis. This trip, the book alleges, was for the purpose of sexual deeds and abuse of boys. An utterly ridiculous, fictitious claim. (Refer two affidavits and public statements made during a Carte Blanche programme on **8 March 2020**, by reputable persons who had been on the Island then).

9.2 The "fact" that, following a so-called "instruction from the Top", the then Senior Public Prosecutor Adv. John Scott, at once "stopped" Minnie's "investigation" into an alleged "paedophile ring" in Port Elizabeth, with which three ministers allegedly were associated. Adv Scott denied ever having stopped or interfered in an investigation and denied ever having met or spoken to one Mark Minnie. Fiction! (Affidavit and a public statement during a Carte Blanche programme on **8 March 2020**, by Adv John Scott himself). Fiction!

9.3 The "fact" that Magnus Malan allegedly had pushed a **9mm** pistol up a young "Coloured" boy's anus and shot him, on Bird Island. This fictitious story simply was designed to evoke emotion and condemnation. It further claims that after an emergency military helicopter flight to a hospital in PE, his life was saved by a doctor in the "white" side of the hospital. (Had this really happened, it would been a medical and scientific miracle and a world first in human survival). During her so-called "investigation", Chris Steyn so harassed Dr Hillock that eventually he claimed doctor/patient privilege to get rid of her. Yet, during the abovementioned Carte Blanche programme, Dr Hillock's voluntary and professional affidavit done at a SAPS office in Port Elizabeth was revealed, stating that never in his life had he done an operation of that kind. Fiction of the worst kind!

9.4 Add to this the meticulous security scrutiny under which cabinet ministers constantly operated at that time and especially in the case of the two pivotal portfolios of Defence and Finance, to ensure that nothing in their personal lives would compromise their defence against security breaches under duress of any kind. In addition, their uninterrupted close protection by security guards at their side at all times, should be taken into account.

CONCLUSION: We demand on instructions from our clients, under independent senior Chairmanship, a disciplinary investigation open to the public and media, into the large scale violations of fiduciary and King IV principles, business ethics and morality, by all directors, executives and personnel, in the broad Naspers stable, under whose watch the book "THE LOST BOYS OF BIRD ISLAND" was conceived, written, published and advertised. This investigation in order to ensure that those accountable are properly brought to book, records of all proceedings to be for the public record.

Yours faithfully,

JOHAN VICTOR ATTORNEYS, LITIGATORS
PER: JOHAN VICTOR

Sent electronically therefore not signed in original.
A signed original of this letter can be obtained on personal request at the physical address of our offices as printed above.