



P.O.Box 412365 • Craighall • Tel (011) 325-5755 • Fax (011) 325-5736 • e-mail: bccsa@nabsa.co.za  
No 2 Albury Park • Magalieszicht Ave • Dunkeld West • 2196 • www.bccsa.co.za

**CASE NUMBER: 34/2005**

**DATE OF HEARING: 11 MAY 2005**

**E TERBLANCHE  
W SERFONTEIN**

**1<sup>ST</sup> COMPLAINANT  
2<sup>ND</sup> COMPLAINANT**

**vs**

**94.7 HIGHVELD STEREO**

**RESPONDENT**

**TRIBUNAL: Prof Kobus van Rooyen SC (Chairperson)  
Prof Ravi Nayagar  
Mr Ed Linington (Co-Opted)**

**Complainant: The Complainants did not attend**

**For the Respondent: Ms P Gwangwa, Regulatory Affairs Manager, Primedia**

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*Fairness – race and language – reference to “Afrikaans” students was not likely to have polarized students. E Terblanche, W Serfontein vs 94.7 Highveld Stereo Case No: 33/2005.*

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## **SUMMARY**

**Two persons lodged a complaint against Highveld Stereo news. The complainants took issue with the fact that a reporter from the campus of the University of**

Pretoria stated that five protestors were injured by “Afrikaans” students during a protest action. They felt that it was unfair that the students were referred to by way of reference to race or language. Gone were the days when certain groups were labeled by the media for the actions of only a small part of that group with reference to their skin, colour or race. The same should apply to the users of certain languages. They demanded that the radio station apologize for its unfair comment. They object to the selective reference to certain race and language groups. None of the protesting students was referred to in terms of race or language. The one complainant feared that because of report, he might “be the victim of a retaliatory attack, only because my mother tongue is Afrikaans”.

The truth that it was Afrikaans students who attacked the protestors is not disputed. On the papers before us we could also not come to a different conclusion. Clause 35 requires fairness and truth. The Tribunal does not believe that the mere fact that “Afrikaans” was mentioned is unfair. It was the truth and came from the campus itself. The mentioning of “Afrikaans” is also not sufficient to glamorize violence in terms of clause 16(1). The argument that the mentioning of Afrikaans is likely lead to racial violence is also not acceptable. This reasoning presupposes that Black students might believe that *all* Afrikaans students were involved or that all Afrikaans students are likely to sympathize with the Afrikaans students involved. Such a point of view is, with respect, not justifiable. No students would draw such an inference.

The Tribunal, accordingly, came to the conclusion that the complaints were not justified. It is, of course, unwise to mention race or language in news items and it is always safer to steer a course clear of such references. In the present case, however, the Tribunal does not believe that the item was likely to polarize students.

**The Complaints were not upheld**

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## JUDGMENT

**JCW VAN ROOYEN**

- [1] Two persons lodged a complaint against Highveld Stereo news. The complainants took issue with the fact that a reporter from the campus of the University of Pretoria stated that five protestors were injured by “Afrikaans” students during a protest action. They felt that it was unfair that the students were referred to by way of reference to race or language. Gone were the days when certain groups were labeled by the media for the actions of only a small part of that group with reference to their skin, colour or race. The same should apply to the users of

certain languages. They demanded that the radio station apologize for its unfair comment. They object to the selective reference to certain race and language groups. None of the protesting students was referred to in terms of race or language. The one complainant feared that because of report, he might “be the victim of a retaliatory attack, only because my mother tongue is Afrikaans”.

[2] Highveld Stereo’s response to this complaint was that its news reports on the matter were truthful, accurate and fair, in accordance with its requirements under the Broadcasting Code of Conduct. There was no sanction, promotion or glamorization of the violence that was reported on. The news material simply reflected what was taking place on the University Campus at the time. In addition, the requisite balance in the story was provided by the different views from the various stakeholders that were also broadcast.

[3] The report said that a “clash between Black and White Students at the University of Pretoria was not racially motivated. This is the word from the Student’s Representative Council. At least four students were injured in a fight between these two groups on the main Hatfield Campus yesterday. Scores of Black students were apparently protesting against increased fees. A fight broke out when a group of Afrikaans students tried to stop them. The SRC President Cornelius Janse Van Rensburg is insisting it wasn’t a racial issue”. The SRC President was interviewed and a clip of the interview was broadcast. The news bulletin also reported on the University’s view on the matter. The news broadcast complained of consisted of the broadcast of a development in the story whereby the University of Pretoria’s spokesperson, Karen Lazenby, had on the previous day in the 18h00 news bulletin, stated that the Black students and the White students were engaged in a fight, thereby suggesting that the fight was racially motivated.

[4] **Clause 35 of the Broadcasting Code provides as follows :**

Licensees shall be entitled to broadcast comment on and criticism of any actions or events of public importance. Comment shall be an honest expression of opinion and shall be presented in such manner that it appears clearly to be comment, and shall be made on facts truly stated or fairly indicated and referred to.

**Clause 16(1) of the Code provides as follows:**

Licensees shall not broadcast material which, judged within context, sanctions, promotes or glamorizes violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.

- [5] The truth that it was Afrikaans students who attacked the protestors is not disputed. On the papers before us we could also not come to a different conclusion. Clause 35 requires fairness and truth. The Tribunal does not believe that the mere fact that “Afrikaans” was mentioned is unfair. It was the truth and came from the campus itself.
- [6] The mentioning of “Afrikaans” is also not sufficient to glamorize violence in terms of clause 16(1). The argument that the mentioning of Afrikaans is likely lead to racial violence is also not acceptable. This reasoning presupposes that Black students might believe that *all* Afrikaans students were involved or that all Afrikaans students are likely to sympathize with the Afrikaans students involved. Such a point of view is, with respect, not justifiable. No student would draw such an inference.
- [7] The Tribunal has, accordingly, come to the conclusion that the complaints were not justified. It is, of course, unwise to mention race or language in news items and it is always more appropriate to steer a course clear of such references. In the present case, however, the Tribunal does not believe that the item was likely to polarize students. The SRC President in fact confirmed that the incident was not racially motivated.

**The complaints are not upheld**

**JCW VAN ROOYEN  
CHAIRPERSON**

*Commissioners Nayagar and Linnington concurred*

