

## **Ronald Suresh Roberts vs Mail & Guardian**

### **Anthony Brink vs Mail & Guardian**

#### **Ruling by Press Ombudsman**

**November 6, 2008**

This office will not entertain the two complaints because they deal with a side skirmish when the real fight between Roberts and Brink is about the allegations of plagiarism that Brink has levelled against Roberts.

It is my firm belief that newspaper columns and the Ombudsman's office are the wrong forums for trying to settle the dispute between these two authors.

The M&G was sucked into this quicksand when it commissioned Roberts to write a piece on former President Thabo Mbeki's legacy. That opinion piece snowballed into a response from Brink, followed by a complaint to this office from Roberts and finally a counter complaint from Brink.

What is at issue here is whether the publishers of Roberts's *Fit to Govern* stopped the reprint of the book after they heard of the allegations of plagiarism or if they stopped it temporarily and then proceeded with the reprint in February this year after investigating the allegations.

It would be a simple matter for this office to ask publisher Reedwaan Vally about the story behind the reprint and his conversation with M & G journalist Shaun de Waal. Unfortunately the history of this war tells me that whatever Vally's response, we would have either Roberts or Brink trying to challenge it and we would be sucked deeper into that quicksand.

Until the appropriate forum settles the question of plagiarism, the media will continue to be the victim of abuse by the two parties. If we entertain these complaints we will be allowing the two authors to abuse the media and the Ombudsman's office in their guerrilla war against each other.

I should point out that in the complaint brought by Roberts against *The Weekender* earlier this year, the Ombudsman's panel did not find that Roberts was or was not a plagiarist: we found that on the information before it, *The Weekender* was reasonable in believing that Roberts was a plagiarist.

#### **Leave to appeal**

Within seven days of receipt of this decision, any one of the parties may apply for leave to appeal to the Chairperson of the Press Appeals Panel, Judge Ralph Zulman, setting out in full the grounds of appeal.

**Joe Thloloe**

## **Annexure 1: Roberts's Complaint**

1. On 10 October the Mail & Guardian published an opinion piece by Anthony Brink containing the following sentence "After reading [Brink's] exposé, STE Publishers cancelled the second impression of Roberts's best-selling book [Fit to Govern], then about to go to print."
2. The statement is false as the reprint to which it refers in fact proceeded in February 2008. The "second impression" is easy to distinguish from the initial printing because it has an index, which the first printing did not. I am personally in possession of author's copies drawn respectively from the initial printing and the "second impression."
3. In an attempt to set this and other matters of fact and interpretation to rights, I submitted a letter by way of right of reply to the Editor of the Mail & Guardian.
4. Two days later, I received the following utterly unexplained refusal from one of the editor's colleagues at the newspaper (see below): "Hi Ronald/ Sorry, but Ferial has decided not to run your reply to Brink."
5. The Mail & Guardian accordingly appeared this morning (17 October) with no comment from me nor any correction of fact by the newspaper itself. For all intents and purposes the editor of the Mail & Guardian appears content that a false "fact" specifically brought to her attention should continue in circulation uncorrected.
6. This demonstrates an indifference to, thus a contempt for, truth. In light of the editor's refusal to honour my right of reply, I now seek a direction that an apology and correction should be published with appropriate prominence and the specified headline in the Comment section of the newspaper where the initial mis-statement occurred.

### **"Apology to Suresh Roberts**

In an opinion piece published on 10 October, Anthony Brink wrote that "After reading [Brink's] exposé, STE Publishers cancelled the second impression of Roberts's best-selling book [Fit to Govern], then about to go to print." The Mail & Guardian accepts that the reprint of Fit to Govern in fact went ahead in February, 2008 and accordingly apologises to Roberts for any embarrassment caused."

I am more than mildly puzzled as to why Ms. Haffajee, whom I had previously regarded as robust but ultimately fair, should have acted with this continuing and casual indifference to truth in this instance. I am plainly entitled to the remedy requested.

## **Annexure 2: Brink's Complaint**

This is a complaint against an article 'Matter of fact' published in the *Mail&Guardian* on 17 October 2008 and the *M&G*'s refusal to publish my correction letter, 'Matter of fiction', written to cure the harm it caused me.

I am an advocate of the High Court of South Africa. I currently work full-time as an independent researcher and writer. I've authored three books, have three more in press, and another, my major work, is close to completion. My writing and research work has been applauded by leading investigative journalists such as Martin Welz, the late Paul Foot, the late Donald Woods and Rian Malan, and by high ranking scientists in Europe and the US, including the scientist who invented the drug AZT, the subject of my first book. I've addressed and in some cases organized numerous conferences and meetings in South Africa and Europe, most recently in Russia, and my work has been translated into Spanish, French, Russian, Italian, German, and Dutch.

Although the *M&G* has repeatedly smeared me as mentally ill over the years for my opposition to the pharmaceutical industry's ARV drugs that it promotes as a matter of avowed editorial policy (which sort of lying insult your predecessor Ed Linnington found acceptable in public discourse), none of the *M&G*'s goes at me have impeached my reputation for honesty and meticulous factual accuracy in my writing. Such reputation is obviously all-important to me as a writer in an intensely politicised, contested knowledge controversy with immense public policy and other ramifications. And it's fundamental that as an officer of court, an advocate must always be able to be taken at his word, and that any question raised over his integrity cannot be left unresolved.

On 10 October the *M&G* published a letter I wrote, running it as an opinion piece under the title 'Aids, lies and dissidents'. It answered an article by Ronald Suresh Roberts two weeks earlier, 'The Mbeki Legacy', in which he continued to misrepresent former President Mbeki as a subscriber to the HIV theory of AIDS, as he'd done in his book *Fit to Govern*, defended his book's fake line on this, and coarsely disparaged Mark Gevisser's contrary report in his biography that Mbeki is in fact a dissident on AIDS.

My piece pointed out that in the month *Fit to Govern* was published, Mbeki himself had unambiguously moved to repudiate Robert's core claim that he is 'not now, nor has he ever been, an AIDS dissident' and had set the record straight by (i) telephoning Gevisser, (ii) asking him whether he'd read *Castro Hlongwane*, (iii) confirming that this radical critique of AIDS orthodoxy set out his views, and (iv) sending him an updated, amplified version of it the following day.

I also revealed that Mbeki wrote Gevisser a letter shortly after his biography was published, specifically to confirm that he'd correctly described him as an AIDS dissident in his book.

The former information appears in Gevisser's biography, and the latter I got from Gevisser at a talk about it at the Seapoint Synagogue Centre in Cape Town on 28 May 2008; and if Roberts wants to dispute it, Gevisser can be called to confirm it.

In my piece I wrote: 'After reading my exposé, STE Publishers cancelled the second impression of Roberts's best-selling book, then about to go to print.'

This statement was and is, to the best of my knowledge, perfectly true, and it was based on what Reedwaan Vally, owner of STE Publishers, told both *Die Burger* and me at the time.

On 17 November 2007, one week after my book *Lying and Thieving: The fraudulent scholarship of Ronald Suresh Roberts* was released, *Die Burger* quoted Vally's reaction to its disclosures in an article under the headline '*Roberts se boek oor Mbeki eers nie herdruk*' (Roberts's book about Mbeki will not be reprinted for the time being):

*... die herdrukproses van dié boek, waarvan ál 8 500 eksemplare uitverkoop is, is tydelik gestaak totdat daar uitsluitel oor die aantygings is, het mnr. Reedwaan Vally van STE-uitgewers, die uitgewers van Fit to Govern, gesê. (... the reprint of the book, of which all 8 500 copies have been sold, has been temporarily halted until finality over the allegations has been reached, said Reedwaan Vally of STE Publishers, Fit to Govern's publisher.)*

The '*aantygings*' (allegations) in question were specified in the preceding opening paragraph: '*aantygings oor plagiaat*' (allegations of plagiarism). The article quoted Vally further:

*Vally het gesê die aantygings van Brink in die 370-bladsy-publikasie sal nou deeglik ondersoek word en regsadvies sal ingewin word voordat enige besluit geneem word. 'Totdat hierdie proses afhandel is, bly die boek op die winkelrakke.' Hy het gesê STE-publishers beskou aantygings oor plagiaat in 'n baie ernstige lig en indien dit waar is, sal hy geweldig verraai voel deur Roberts. (Vally said Brink's allegations in the 370-page publication will now be thoroughly investigated and legal advice will be taken before any decision is made. 'Until this process is finalized, the book will remain on the shop shelves.' He said STE Publishers considers allegations of plagiarism in a very serious light, and if they are true he will feel terribly betrayed by Roberts.)*

Vally never complained that he'd been misquoted, and it must be accepted therefore that *Die Burger* correctly reported what he said.

A few days after the publication of *Lying and Thieving*, Vally told me likewise in a telephone call that the available stock of *Fit to Govern* had almost completely sold out, and that just a couple of hundred copies remained unsold.

I had no reason to think Vally was lying, and though not entirely identical, his statements in November 2007, privately to me and on the public record in *Die Burger*, were substantially consistent.

In view of:

(a) the stonewall case I'd made in *Lying and Thieving* that Roberts had plagiarised my research work, my ideas, my insights, my themes, and even my prose;

(b) *Politicsweb* editor Dr James Myburgh's corroboration of my charges following his detailed textual comparison analysis, which turned up further supporting evidence – published on *Politicsweb* on 23 November 2007;

(c) *Fit to Govern's* editor Dr James Sanders's concurrence in this conclusion, after reading *Lying and Thieving* – reported in *Die Burger* on 21 December 2007; and

(d) Vally's statement to *Die Burger* that he took my plagiarism charges very seriously, would be investigating them thoroughly, and would feel terribly betrayed if they proved to be true,

I concluded that Vally's decision to temporarily halt the reprint of *Fit to Govern* had become permanent, and that the book wasn't reprinted. Indeed, Sanders told me it wasn't.

All this informed my statement that 'After reading my exposé, STE Publishers cancelled the second impression of Roberts's best-selling book, then about to go to print.'

The following week, without consulting me to ascertain the basis of my assertion, even though it directly hit my reputation for honest and reliable writing, the *M&G* published an apologetic correction notice under the heading 'Matter of fact':

In an opinion piece responding to Ronald Suresh Roberts and published in these pages on October 10, Anthony Brink claimed that the reprint of Roberts's book *Fit to Govern* was cancelled after allegations of plagiarism. The book was in fact reprinted (before any such allegations were made), and is still in print. The *M&G* regrets the error.

Having regard to Vally's statement to *Die Burger* a week after *Lying and Thieving* was published, and his substantially similar statement to me at about the same time, the *M&G's* statement in its purported correction notice was absolutely false.

Not only was it false, it harmed me by suggesting that I lied in my piece, or at least that I irresponsibly made an unfounded claim, reckless as to whether it was true or not.

Appalled by the *M&G's* slur on my reputation as a writer, and suffering the embarrassment of people questioning me about it, I wrote a protest note to *M&G* editor Ferial Haffajee covering a brief letter to fix things under the title 'Matter of fiction', and copied you in.

The *M&G* declined to publish my letter on the basis that a dispute of fact had arisen, that Roberts had complained to you about my opinion piece, and the 'Matter of fact'

article, and that the matter was before you to resolve.

The result of the *M&G*'s misinformed, erroneous correction notice standing uncorrected is that I'm left looking a liar, or at least an unreliable writer who carelessly says things to score points without ensuring that they are true.

I accordingly appeal to you to direct the *M&G* to clear my reputation for honest and reliable writing by publishing my brief correction letter or a notice to the same effect.

Concerning my charge in my piece that Roberts plagiarized my work and that your 'Press Ombudsman's Panel agreed on 16 July', I remind you that in dismissing Roberts's complaint against *The Weekender* for reporting his plagiarism, your Panel found '*The Weekender*'s belief that Roberts was a plagiarist reasonable' on the strength of the case made out in 'Brink's persuasive book', corroborated by Myburgh's audit of my plagiarism charges, which 'did confirm his [editor Peter Bruce's] belief that Roberts is a plagiarist', particularly since 'Roberts does not confront the issues of cutting where Brink cut, using identical ellipses and making the same transcription errors.'

More importantly for the purposes of deciding this complaint, your Panel also found Roberts 'unconvincing' in his evidence – in other words an unreliable witness, someone no sensible person should trust, even when he holds his hand in the air and swears to tell the truth – after rejecting his slimy ploy at the hearing to weasel out of my plagiarism charges with the evidence of it irrefutably stacked on the table before him. Roberts's propensity to tell blatant lies freely, even under oath, if he thinks it will be to his advantage and he can get away with it, and his further propensity for manufacturing evidence and changing it as he goes along to meet the need of the moment, which is to say when caught out, was also noted by the Cape High Court in dismissing his defamation case against the *Sunday Times*. Like your Panel did, the judge found Roberts to be an 'unconvincing' witness – a 'contradictory' and 'opportunistic' one too. In short, it's now well-established that Roberts is a profuse and cunning liar, and that every single thing he says has to be checked carefully.

The lesson in this saga is that in his own mind Roberts is never wrong and can't possibly ever be in the wrong; and even when his errors and his crimes have been abundantly demonstrated, he'll dishonestly and shamelessly persist in them to the very last. And that his basic approach when found lying and thieving is go on the attack as the best form of defence, anticipating that if he makes enough aggressive fuss people will cower before him and yield to what he's demanding. Like a child throwing a kicking and screaming tantrum to get his mother to buy him a bag of sweets. Or if he can't have them, because he's behaved appallingly and doesn't deserve them, at least one niggerball to suck on to quieten him down.

The *M&G*'s refusal to publish my correction to its 'Matter of fact' article was communicated to me on 4 November 2008, two days ago. In doing so, the *M&G*'s Shaun de Waal informed me that Roberts had laid a complaint with you against the publication of my opinion piece, the newspaper's rejection of a reply he'd written, and the adequacy in his view of its correction article, and that 'The ombudsman is now dealing with the matter, and I am instructed by Ferial to leave the matter alone and let the ombudsman decide. I suggest you speak to him if you so desire.' In all the

circumstances, if this complaint is late, I ask condonation for speaking to you now.

There was a minor error in the third-last paragraph of my piece in the phrase, ‘the word “denialist” was misattributed to Gevisser’. If Roberts has raised this, it’s the *M&G*’s fault not mine. Immediately after submitting my piece I noticed my mistake and sent a follow-up email, asking for the word ‘denialist’ to be corrected to ‘denialism’ before publication. This wasn’t done. If it’s an issue before you, I’ll provide the proof.

I don’t know whether in his complaint to you Roberts will be persisting with his claim that, like he does and nearly all whites do, Mbeki also still believes in the HIV theory of AIDS, as he claimed in his book, in several talks he gave after it was published, and in his *M&G* article ‘The Mbeki Legacy’ that I debunked – in other words that Mbeki didn’t undergo a fundamental lapse of faith in late 1999, a private paradigm shift, as Gevisser honestly albeit disapprovingly reported on Mbeki’s direct authority in *Thabo Mbeki: The Dream Deferred*. But if Roberts is taking this line in his complaint, *Lying and Thieving* demolishes it brick by brick. My ‘persuasive book’, as you described it, exposing his systematic fabrication, falsification and abuse of sources to build his crooked case, read with *Castro Hlongwane*, Mbeki’s own shattering, radical scientific and ideological attack on the HIV-AIDS model, will dispel any possible lingering uncertainty on this score and blow Roberts out the room like a tumbling, farting monkey caught stealing fruit in the kitchen.