

Court orders former Lottery boss to pay punitive legal costs to journalist

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1 Mar 2023

Raymond Joseph is suing former chief operating officer of the National Lotteries Commission Phillemon Letwaba for defamation.



Former Chief Operating Officer of the National Lotteries Commission (NLC), Phillemon Letwaba has been ordered to pay punitive legal costs to veteran freelance journalist Raymond Joseph (pictured above) / GroundUp

- Raymond Joseph, who has spearheaded *GroundUp*'s investigation into the National Lotteries Commission (NLC), has sued former NLC chief operating officer Phillemon Letwaba for R600,000, claiming he impaired his dignity and reputation.
- Letwaba is opposing the action but failed to file his discovery affidavit, in defiance of a court order granted in November last year.
- Joseph applied for summary judgment against Letwaba.
- Judge James Lekuleni adjourned the summary judgment application until April, but ordered Letwaba to pay Joseph's legal costs on a punitive scale because Letwaba has wasted the court's time.

Former chief operating officer of the National Lotteries Commission (NLC) Phillemon Letwaba has been ordered to pay punitive legal costs to veteran freelance journalist Raymond Joseph for ignoring deadlines to file papers in a legal action in which Joseph is suing him for defamation.

Western Cape High Court Judge James Lekuleni granted the costs order this week after Letwaba's lawyers sought an adjournment of the defamation matter, claiming he had appointed new attorneys who knew nothing about the case.

However, Joseph's advocate Deneys van Reenen pointed out that a court order granted in November last year, giving Letwaba 10 days to file a discovery affidavit, had been served on both Letwaba personally and his new attorneys that same month.

After this was ignored, Joseph's lawyers set the matter down for hearing before Judge Lekuleni this week, asking for default judgment against Letwaba for R600,000 for impairment of dignity and reputation.

Advocate Thato Rakatane, for Letwaba, asked the court for an indulgence and an opportunity to oppose judgment being granted.

Judge Lekuleni put Letwaba on terms to file his discovery affidavit in compliance with the November order by 13 March.

He adjourned the matter until 11 April and ordered Letwaba to pay Joseph's costs on an attorney and client scale.

Joseph is a *GroundUp* freelancer who has written more than 100 articles exposing corruption in the NLC.

Joseph, in his court application, says Letwaba defamed him during an interview on *Newzroom Africa*, alleging that he and his family had benefited from lottery money.

Letwaba claimed that the journalist was "embittered" because the commission had put a stop to his funding.

Joseph has denied this, and says Letwaba defamed him.

In his summons, [served in November 2021](#), Joseph has included a transcript of the interview done with journalist Stephen Grootes in which Letwaba claimed that he had been targeted by him for five years "just because one individual who is the major beneficiary of the NLC decided to declare war against the NLC".

Letwaba claimed that more than 12 organisations linked to Joseph were no longer receiving lottery funds and suggested Joseph was attacking him because of this.

Joseph says that neither he nor any of his family members had ever applied for or received a lottery grant, the allegations were untrue, and they were designed to inform the public that he could not be believed.

"They were understood by the reasonable audience to mean that I knowingly breached journalistic ethics, was a vengeful and malicious journalist, and had embarked on an untruthful campaign against him and the commission," he said.

Letwaba, at the last minute, filed a notice to defend the summons, arguing that his utterances were true and in the public interest. He then missed deadlines to file further papers and documents disclosing the basis of his defence.

Joseph, in an affidavit which came before Judge Lekuleni, accuses Letwaba of using "every possible measure to delay the litigation" and of being "extremely reluctant" to answer his claims.

He said while this dragged on, his entire livelihood was at stake because it was dependent on his reputation as an honest and unbiased journalist.

“Being a veteran journalist, I have always regarded myself as tough and willing to take some abuse. However, the brazen accusations of dishonesty caused me extreme embarrassment and hurt,” he said.

Letwaba is also [suing](#) *GroundUp*'s editor and Joseph for defamation. He issued summons in 2019, but the case appears to be at a standstill.

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