



# **EXHIBIT CC 16**

**AFFIDAVIT & ANNEXURE**

**OF**

**MWABA PHIRI**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**IN THE COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR  
INCLUDING ORGANS OF STATE ("THE COMMISSION")**

**AFFIDAVIT**

I, the undersigned,

**MWABA PHIRI**

hereby declare under oath as follows:

1. I am an adult male South African Permanent Resident currently employed as Executive Producer in the SABC Current Affairs Department.
2. The content of this affidavit is true and correct and falls within my own personal knowledge, unless the contrary clearly appears from the context or is otherwise stated.
3. I have been approached by investigators associated with the Commission of Inquiry into Allegations of State Capture, Fraud and Corruption in the Public Sector and certain Organs of State ("the Commission") and have been requested to provide an affidavit which details my dealings with the South African Broadcasting Corporation ("SABC") in relation to how I become known as part of the 'SABC8'.
4. I have agreed to provide this affidavit as well as evidence to the

MP  
mk

Commission freely and voluntarily.

5. I hold a Bachelor of Mass Communication (Hon) obtained from the University of Zambia in 1989 and a Postgraduate Diploma in Business Administration from Midrand University. I have 30 years of post-graduate experience in which I have worked as a reporter or producer rising through the ranks to become Executive Producer. I was Executive Producer of a programme called 'Question Time' on the SABC News Channel from May 2012 to March 2018 when this programme was controversially halted.

#### **CHANGES TO EDITORIAL POLICY: PUBLIC PROTECTOR REPORT**

6. When Public Protector Thuli Madonsela released the report "When Governance and Ethics fail" on February 17th, 2014 the SABC Newsroom was heavily shrouded by a fear that the main newsmaker Thuli would not be allowed into the studios for any interviews. Her report was negative about the SABC COO Hlaudi Motsoeneng ("Mr Motsoeneng") recommending corrective action be done on him.
7. Given the fact that Mr Motsoeneng had been unilaterally handed reign over the SABC editorial by the then Minister of Communications, Ms Faith Muthambi ("Ms Muthambi") and his autocratic attitude, no SABC editorial staff wanted to be in conflict with him.
8. The Public Protector's report found that successive SABC Boards had allowed Mr Motsoeneng to operate above the law. I was the Executive

mk.

Producer of 'Question Time', a current affairs programme whose mandate was to interview this kind of news sources for clarifications in the public interest.

9. In our daily editorial meeting on the day of release of the report, the *Question Time* team felt it was obliged to invite Ms Madonsela onto our platform. At the time *Question Time* was a pre-recorded programme so Ms Madonsela was invited for the morning of Tuesday February 18th.
10. Tensions went up when, before she came in, my team got the news that Ms Madonsela's earlier interview scheduled for SAFM's Forum at Eight programme had been cancelled. My team had obviously from Monday actually anticipated a similar fate but having already booked our studios we went ahead to record her interview. I attach herewith as **Annexure "MP001"** copy of the newspaper insert on the cancellation of Ms Madonsela's interview.
11. I knew that the interview would come to naught as soon as my line manager [Themba Mthembu] and other top editorial management staff came to know we had done it. So we went about a discreet plan in which we first informed the print media that we were to have Madonsela as our guest so that if her interview never went on air at the scheduled time the story would nevertheless be out there that she had come for the interview.
12. We then proceeded to hide the TX tape (the final recorded tape) ensuring it never fell outside the hands of anyone else but me and my team until

17:00. That was when we were to hand it to our FCC [ FCC in layperson's terms is the unit that receives the final broadcast material and has the technical responsibility to beam them out to the public. ]

13. Indeed before airing time, news reached my line manager Mr Themba Mthembu ("Mr Mthembu") that we had interviewed Ms Madonsela. He called me to his office to request the editorial reasons behind us inviting her. I explained that given the events she was precisely the kind of newsmaker my programme had been created for and that we wanted her to clarify her report on the SABC. He said he had a meeting at which he was to explain this but did not offer any objections. My only fear then was that he or anyone else could go to FCC before we had delivered our tape and find this TX tape wasn't there. I do not know if he did but we effected our plan and handed the tape to FCC at about 17:00 so that it went on air at 17:30 on 18th February 2014.

### **CHANGES TO EDITORIAL POLICY: 2014 ELECTIONS**

14. It was Local government elections time in March 2014. Because EFF President Julius Malema ("Mr Malema") had just released his party's election list on March 17th, the *Question Time* team felt he would be our ideal guest. We therefore invited him at a time when no one wanted to invite him.
15. The newsroom was at the time abuzz with Mr Motsoeneng's close ties with President Jacob Zuma and inviting a person like Mr Malema was going to



be seen as an affront to our boss's reputed relation with President Zuma.

16. Mr Malema entered the SABC on the morning of March 18th just as Head of TV News Mr Jimi Matthews ("Mr Matthews") was leaving the building for a workshop at some Eastern Johannesburg hotel.
17. Mr Matthews then sent Executive Producer Mr Khwezi Skhosana ("Mr Skhosana") to follow Mr Malema and to stop whatever interview he had come for. My colleague Vincent Mfundisi had somehow got wind of what was happening and he came to inform me in my office that my programme was about to be cancelled. I rushed to the Studio and found Mr Skhosana informing the crew and my team that the interview he had found in progress should be stopped.
18. When I queried him, he responded that he was only passing on a message from Mr Matthews and I should not pick an argument with him. I responded that I had received his message, but that we would go ahead with the recording.
19. We recorded the interview and given these happenings during recording we anticipated the airing which we had scheduled for March 19th would be stopped so we made two copies of the final tape. As the *Question Time* team we effected nearly the same plan as in Madonsela's case only that this time we handed one tape to FCC but kept a copy to ourselves.
20. Later the next day Mr Simon Tebele who was Special Projects Manager at

the time was to ask for the tape from my subordinates. It was odd that a manager of a different department, to whom I was not accountable and had no senior responsibility in the newsroom, but in fact was responsible for a different department, would demand to have a look at my recorded programme. Even more peculiar, was that he didn't approach me but had gone straight to my subordinates, to demand the broadcast tape. He had apparently been assigned to view it and make some sort of assessment of it. To this day, I am not aware who assigned him to encroach on my editorial space. The final tape didn't go on air on the day of recording. This gave rise to reports in the media that the interview had been canned. However, the next day we handed our copy to FCC and It went on air on 19<sup>th</sup> March. [See attached article, titled "Thuli In Dark Over Cancelled Interview"].

21. No one asked me how it had gone on air, but I think they were resigned to the fact that it had been aired even as it was causing a lot of hullabaloo in the news media.
22. This is all I wish to declare and accordingly reserve my rights to provide further documents to the Commission as and when they may become available or come into my possession and insofar as they may be relevant to the investigation.



DEPONENT





Signed and sworn before me at Brixton this 21<sup>st</sup> day of August 2019 after the deponent declared that the deponent is familiar with the contents of this statement and regards the prescribed oath as binding on the deponent's conscience and has no objection against taking the said prescribed oath. There has been compliance with the requirements of the Regulations contained in Government Gazette R1258, dated 21 July 1972 (as amended).

COMMISSIONER OF OATHS:

[Signature]

FULL NAMES:

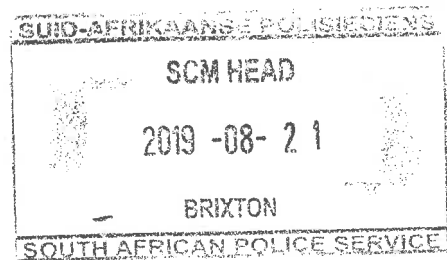
MAETSO KWASA

CAPACITY:

SERGEANT

ADDRESS:

Cnr. High and Moteng Street  
Brixton



[Handwritten initials]

4 Sowetan Wednesday, 29 May 2012

News

**Thabo Mokone**

COMMUNICATIONS Minister Yunus Carrim is consulting the chief state law adviser before acting against Hlaudi Motsoeneng, the troubled acting chief operations officer of the SABC.

# SABC findings only claims – minister

from Enver Daniels, before deciding whether to take any action against Motsoeneng.

**Broadcasting Act.**

This follows Public Protector Thuli Madonsela's damning findings against Motsoeneng, which have renewed calls for his axing.

Investigation for that matter – the people whom we decide to act against challenge us in courts of law," he said.

Madonsela's damning report, Carrim said: "These are allegations, and we have to wait on the board to decide on what its view is on the matter. I can't comment until I hear from the chief state law adviser."



# THULI IN DARK OVER CANCELLED INTERVIEW

## Madonsela arrives only to be told radio talk is off

**Mashoto Lekgau**

THE last-minute cancellation of a scheduled SABC radio interview with Public Protector Thuli Madonsela yesterday is shrouded in mystery.

Madonsela arrived at the corporation's Radio Park studios in Auckland Park in the morning, only to be told that an interview set for the popular current affairs programme, *The Forum@Eight* on SABC, had been cancelled.

"We were not aware that the interview was cancelled until we got here," said Madonsela's spokeswoman Kgahalelo Masibi outside the studios. "We were not given a reason why it was cancelled."

A stunned Madonsela said outside the SABC's TV Park that "they just gave us an apology."

"But for us it is their show and if they can no longer accommodate us, we understand," she said. Asked if the cancellation might be linked to the planning report she published on the SABC on Monday, she said: "I do not know, but I hope not."

The report revealed shocking details of how the corporation's chief operation officer Hlaudi Motsoeneng had hiked his salary three times in a year to R24-million.

Her report also painted a messy picture of bad corporate governance and misadministration in the upper echelons of the SABC.

After the cancellation, she did a



**PULLING PLUG:** Thuli Madonsela leaves the SABC's TV Park after her interview with Mpho Tsebe, the host of 'Question Time'. She was supposed to have had an interview on SABC radio show 'The Forum@Eight', but was told it had been cancelled when she arrived.

pre-recorded interview on *Question Time* with Mpho Tsebe on SABC's 24-hour news channel. It is understood the interview with Tsebe, which was expected to be aired yesterday afternoon, was in relation to the damning report. She later did another interview with Tim Modise on Power FM.

# Probe paints a horror picture of Auckland Park

**Nompumelelo Runji**

PUBLIC Protector Thuli Madonsela's report into the SABC paints a picture of an organisation plagued by poor leadership, rampant corruption and misadministration.

In the report released on Monday Madonsela found: ● Hlaudi Motsoeneng's appointment as SABC chief operations officer (COO) as well as his speedy salary progression was irregular; ● He got three salary hikes in one year, taking him from R11-million a year to R24-million, in his position as group executive manager: stakeholder relations; ● He earned another 63% raise as acting chief operations officer from R122 961 to R211 173 in 12 months; ● He fled almost having a matric certificate in order to land a job with the public broadcaster in 1995; ● He facilitated the unfair dismissal of qualified and experienced executives in a bid to protect his lie, secure his position and escape scrutiny for his inability to implement corporate governance. The



SABC also incurred financial losses from settlements paid as a consequence of his purging; ● He presided over the irregular appointment of Sully Motsoeneng to the positions of general manager: compliance and operation stakeholder relations and provinces in 2011, head of compliance and operation in 2012 and acting group executive risk and governance in the same year; ● Her irregular salary increase from R960 500 a year to R1.5-million flouted company regulations; and ● He also facilitated the irregular appointment of Gugie Duda to the position of chief financial officer. Madonsela also found that Dr Ben Ngubane, former SABC board chairman, was guilty of improper conduct, misadministration and abuse or unjustifiable exercise of power. The report said Ngubane ordered the qualification requirements for the position of COO, which was later given to Motsoeneng, to be altered to remove academic qualifications. The SABC's human resources department was found guilty of improper conduct and misadministration for failing to keep proper records on Motsoeneng's qualifications. Madonsela also revealed that Motsoeneng's personal file went missing during the investigation. She also found former

## Hostel violence deals 'NFP a big blow'

**Chris Makhaye**

KWAMASHU Hostel in KwaZulu-Natal is tense and there are fears of an outbreak of violence between supporters of the Inkatha Freedom Party.

Ntombi Mzila, one of the NFP leaders in Ward 9B, was shot dead as she walked to the local tuck shop.

This is the third violent incident to rock the area in three days. On Saturday, two female members of the NFP were shot and injured.

Police are investigating whether the three shootings are politically motivated.

There was a huge police presence yesterday as NFP leader Zanele Kabagwaza-Msibi visited the area to pay her respects to the family of Mzila.

She praised Mzila as a dedicated and fearless leader. "Her killing is a big blow to us and many of our supporters will

be scared to come out and openly campaign," she said.

After the NFP broke away from the Inkatha Freedom Party three years ago, the two parties have been at loggerheads, resulting in the death of dozens of supporters and leaders.

Police confirmed they had opened a case of murder.

Police spokesman Captain Thulani Zwane said they had also increased the number of police officers stationed at the hostel to prevent further violence.

Both the Independent Electoral Commission and the NEC for community safety and liaison, Willie Mchunu, slammed the upsurge of violence at the hostel.

Mchunu said opposition parties should meet to discuss the volatile situation in KwaMashu Hostel and other hot spots in the province ahead of the May 7 general elections.

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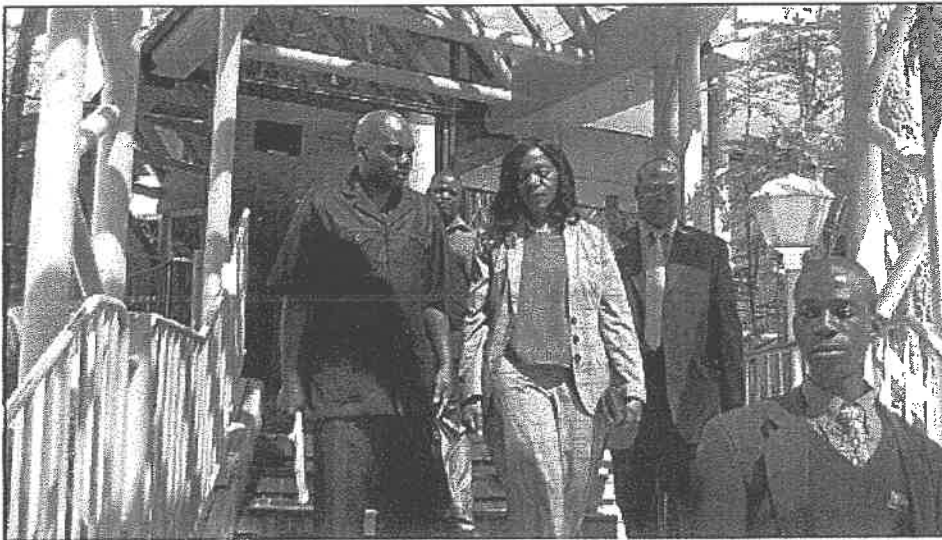
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Sowetan · 19 Feb 2014 · Mashoto Lekgau The Forum@Eight tion Time Ques-

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"We were not aware that the interview was cancelled until we got here," said Madonsela's spokeswoman Kgalalelo Masibi outside the studios. "We were not given a reason why it was cancelled."

A stunned Madonsela said outside the SABC's TV Park that "they just gave us an apology".

"But for us it is their show and if they can no longer accommodate us, we understand," she said. Asked if the cancellation might be linked to the damning report she published on the SABC on Monday, she said: "I do not know, but I hope not." The report revealed shocking details of how the corporation's chief operation officer Hlaudi Motsoeneng had hiked his salary three times in a year to R2.4-million.

Her report also painted a messy picture of bad corporate governance and maladministration in the upper echelons of the SABC.

After the cancellation, she did a pre-recorded interview on