



# **EXHIBIT CC 29**

**STATEMENT**

**OF**

**THANDEKA  
GQUBULE-MBEKI**



**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")**

**STATEMENT**

I, the undersigned,

**THANDEKA GCUBULE-MBEKI**



hereby states as follows:

1. I am an adult female South African citizen currently employed as an Economics Editor at the South African Broadcasting Corporation.
2. The content of this statement 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 a statement which details my dealings with the South African Broadcasting Corporation ("SABC") in relation to how I become known as part of the 'SABC8'.

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4. I have agreed to provide this statement as well as evidence to the Commission freely and voluntarily.

5. I, Thandeka Gqubule-Mbeki am Economics Editor at the SABC, where I am responsible for Economics, Business and Financial markets coverage of the corporation across TV, Radio and Digital. Here I became involved in a struggle for independent public broadcasting and freedom of expression, joining a group called the SABC8. I hold a Master's degree in Journalism from Columbia University, New York, and several business qualifications from Wits Business School, London School of Economics, INSEAD Business School, France and Said Business School, Oxford University. I have worked in various editorial capacities in the South African Press including, as Associate Editor at the Financial Mail. I have taught journalism at Rhodes University, Grahamstown and Monash South Africa. Gqubule-Mbeki was awarded the Nat Nakasa press freedom award in 2016. I am the author of two books No Longer Whispering to Power: The Story of Thuli Madonsela; Jonathan Ball (2017) and Semane Queen of the Peaceful Crocodile, Legend Publishing (2007)

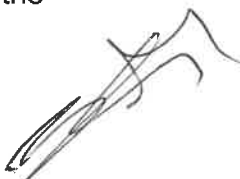
6. The events described herein pertain to the following:

6.1 Political Interference in the News Agenda and Mandate of the SABC;

6.2 My dismissal and that of the group known as the SABC 8 for their objection to the Protest Policy introduced by Mr. Hlaudi Motsoeneng (, former COO of the SABC in 2016 and his cohorts, the Editorial Policy of 2016 .

6.3 The personal harassment, torture, smear campaigns and violent chases and death threats experienced by myself and members of the SABC8 as a result of our stand and our actions aimed at restoring the Mandate of the

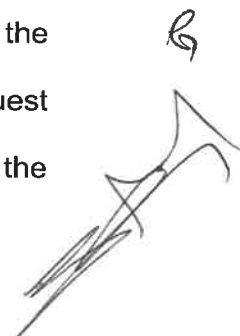
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SABC

**INSTANCES OF POLITICAL INTERFERENCE IN THE NEWS AGENDA  
AND MANDATE OF THE SABC**

7. There were numerous instances of political interference with our editorial independence at the SABC. I will only mention two as I believe that my colleagues of the SABC8 will testify or have testified to a myriad more instances.
8. I was engaged by Nothando Maseko ("Ms Maseko"), who had been appointed mysteriously and inappropriately over us to lead the TV news division, about how to cover the fall in the currency after the sacking of former Finance Minister Mr. Nhlanhla Nene ("Mr. Nene"), and told that we should editorially veer away from explaining the link between market perceptions of the firing of Mr. Nene by President Jacob Zuma and the fall in the fortunes of the currency and its effects on the market. I had to object to her line of reasoning by pointing out how the currency had plunged in relation to the rest of the basket of currencies on the Emerging Market Index.
9. Ms. Maseko's requests amounted to political slanting of an Economics story and were illogical and unjournalistic and amounted to a request to bend the facts and not give a true reflection of national events to the South African public. Basically, I contended that it amounted to a request to deceive and or mislead the South African public which is against the



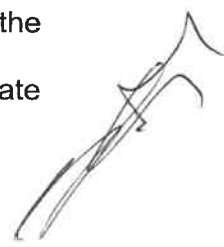
Mandate of the SABC.

10. Secondly, I was given a file by Nyana Molete ("Ms Molete"). It was a file of alleged misdeamenors committed by Mr. Pravin Gordhan ("Mr. Gordhan") at SARS. I was told that this file had been furnished to the News Division by Mr. Jimi Manyi ("Mr Manyi"). A relative of mine then called me to tell me that word around town was that I was refusing to further investigate these alleged crimes of Mr. Gordhan. I was then told informally by a colleague that I was lazy and refusing to investigate. I looked through the documents and found them to be flimsy and I could not find what the exact crime was. I was only let off the hook when I asked that those making the allegations go and depose themselves in an affidavit under oath before the police and lay charges that would indicate the exact offence in law. I asked that once they had done this, they provide me with the case number and I would then ask the police for sight of the docket. I told my superiors that I feared exposing myself and the SABC to a defamation suit from which I would fail to acquit myself. I was told that this would be conveyed to Mr. Manyi and I never heard of this again.

#### **ACTS OF THREATS AGAINST MYSELF AND THE SABC 8**

11. Myself and the SABC8 received the following threats to our lives and were subjected to the list of harassment efforts and schemes designed to harm us physically, professionally and personally. The smear campaign was intense and unrelenting. The documents that follow , including the two court cases and inquiries are evidence that I put before the State

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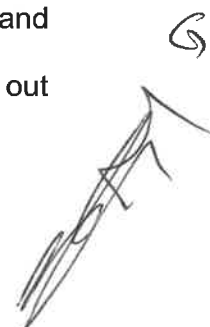
Capture Commission on these painful events designed to ensure that our right to a good name, dignity, privacy and safety were denied

12. The following threats were received on my phone:
- 12.1 *"Enough. Girl u are first bleed 2 death"* This was directed to the late SABC8 journalist Ms. Suna Venter ("Suna"). It was received on Tuesday, 13th of December 2016 at 17:05 pm by SMS.
- 12.2 *"TRAITORS. PROTECTING UR WHITE FRIENDS IN PARLMENT WHO STARTED THIS. TELLING LIES ABT UR CDES. U WERE WARN WE DON'T KILL BLACKS. BUT SIT AND WATCH THE BLOOD FLOW."* This text message was received by other members of the SABC8 too and it came from the same number, 084 923 4036, as the SMS above.
- 12.3 On Monday December 18 2017. A picture of my daughter, Khanyisile Gqubule, who was at the time a minor, was attached to what appeared to be a fake twitter account which was created with my name Thandeka Gqubule on it. I did not have my own twitter handle and or address. I still do not subscribe to Twitter.
- 12.4 The following SMS, which appears to have been directed at not only Ms. Venter ("Venter") but sending a message to all of the SABC8. It said *"TOO SCARD TO GO TO PARLMENT FORCING OUR CDES TO BETRAY THEMSELVES FOR UR AGENDA. WEVE BN PATIENT, WARNED U."* It came from the number 078 492 3436.

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13. We repeatedly submitted our phones to the police, were interviewed by them but none of the numbers could be traced. The police never came to our aid or helped us at all.
14. We visited the Inspector General of Intelligence and wrote to him, Dr. Dintwe severally. We were promised a report but never received one. It has been over two years of correspondence with his office to no avail. He however did tell us that five intelligence agents were sent and deployed at the SABC at the request of Mr. Motsoeneng.
15. On the 6th of October Suna's Home was broken into and her house trashed (pictures in my phone indicate the scale of the destruction).
16. On the 8<sup>th</sup> of October Ms. Busisiwe Ntuli's ("Ms Ntuli") house was broken into, Ms. Ntuli, one of the SABC8. On the same day the 8<sup>th</sup> of October Mr. Foeta Krige one of the SABC8 had the caretaker of a home he owns held up at gunpoint.
17. On November 3 our lawyer at the time Mr. Aslam Moosajee who at the time acted pro-bono for us and worked for Norton Rose Fulbright received a text message to drop the Constitution Court case that we had lodged.
18. Subsequent to this, My computer at work was remotely taken over and would operate and move on its own. This happening also locked me out of the computer and I thus could not complete my tasks for the day.

A handwritten signature and initials in the bottom right corner of the page. The signature appears to be 'G' followed by a stylized name, and there are some initials below it.



19. I was accused of failing to disclose a business interest in a company called Indiza Media. A bogus letter from the Auditor General's office was produced as proof. I phoned the Auditor-General's office and no one had any knowledge of such an audit query. Instead of my name on the letter next to my SABC employment number was the name of business woman Danisa Baloyi.
20. I was accosted by police and SABC security and asked to surrender my phone to an off duty cop from Brixton police station. In November 2017, I wrote an email to Mr. Alho detailing the conduct of the Brixton Police Station towards me, attached hereto a copy of the email as annexure "TGM 001 "
21. Myself and two others were chased within an inch of our lives the incident led to litigation and the police have failed to date to resolve the crime against me and two other colleagues, attached hereto a copy of the court documents as annexure "TGM 002"

22. IN THE HIGH COURT OF SOUTH AFRICA

23. GAUTENG LOCAL DIVISION, JOHANNESBURG

24.

25. CASE NO:

26.

27. In the matter between:

28.

29. **THANDEKA GQUBULE**

Applicant

30.

31. and

32.

33. **SCHINDLER LIFTS (SA) (PTY) LTD**

Respondent

34.

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35. **FOUNDING AFFIDAVIT**

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36. I, the undersigned

37. **THANDEKA GQUBULE**

38.

39. do hereby make oath and say that:

40. I am an adult female journalist employed by the South African Broadcasting Corporation (SOC) Ltd ('SABC') at the corner of Artillery and Henry Road, Auckland Park, Johannesburg.

41. The facts contained herein are within my personal knowledge unless otherwise stated or apparent from the context, and are to the best of my knowledge and belief true and correct.

42. Where I make submissions of a legal nature, I do so on the advice of my legal advisors which advice I believe to be true and correct.

43. **PARTIES**

44. I am the applicant in this matter.

45. The respondent is Schindler Lifts (SA) (Pty) Ltd ('Schindler'), an elevator installation and maintenance company with its registered address at 27 Hippo Rd, Springfield, Johannesburg, 2190.

46. **PURPOSE OF THIS APPLICATION**

47. The purpose of this application is narrow but critically important: to compel Schindler to provide me with the identity of its employee who pursued my colleagues and I at high speed through Westdene on the afternoon 29 January 2018. The driver ultimately attempted to ram into us at a Shell garage. While I thankfully survived, I remain in fear for my safety.

48. Schindler employees have confirmed in writing that they know who the driver of the car is but have refused to disclose his identity. Schindler employees have also confirmed that the car is leased by Schindler.

49. I require the identity of the driver in order to seek urgent interdictory relief against him and for purposes of instituting a damages claim and criminal prosecution against him.

50. I have no other means of obtaining this information timeously or at all. I require the information urgently to protect my safety.

51.

52. **BACKGROUND**

53. I am one of the journalists referred to as the 'SABC 8' who were dismissed and later reinstated for speaking out against the SABC's editorial policies in mid 2016.

54. I have also testified before the Parliamentary *ad hoc* committee established to conduct an inquiry into the fitness of the SABC board to hold office in December 2016.

55. As a result of my participation, I have been subject to repeated harassment, threats and intimidation which continue to date and have increased since the death of my

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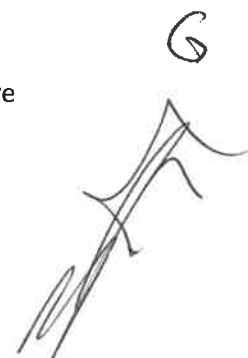



colleague, Suna Venter. For example, I recently received death threats through anonymous SMSes from unregistered cellphone numbers. The history of threats against myself and my colleagues is well documented in the press.


56. **THE INCIDENT**

57. On 29 January 2018, a car leased by Schindler and driven by one of its employees pursued me and two colleagues at a high speed through Westdene and then attempted to ram into us before we lost the car in traffic. The following detail is relevant.
58. On Monday, 29 January 2018, I attended, and reported on, a tribute by members of the economist community to Prof Sampie Terreblanche at 1 Tolip Street, Westdene.
59. I arrived at about 11h00 with two colleagues: a camerawoman called Vanessa and an intern. After completing our filming, the three of us exited the premises in the white Volkswagen in which we arrived to return to the SABC in Auckland Park less than 2 kilometers away. We exited the venue before the event ended at about 15h00. Vanessa was driving and I was in the front passenger seat. It was raining.
60. We turned right out of the driveway of the premises towards the stop street a few meters away at the crossing of Tolip Street and 4<sup>th</sup> Avenue. As we crossed the stop street and 4<sup>th</sup> Avenue to continue along Tolip Street, a dark grey Volkswagen sped from 4<sup>th</sup> Avenue and turned into Tolip behind us. I heard tires screeching and at first thought that it was an accident but when I looked, there were no other cars in the immediate area.
61. We then realised that the car was speeding towards us from behind and we sped up to try to get away and avoid an accident. I inferred that the car was likely waiting for us to leave the premises.
62. The car continued to pursue us at a very high speed. Vanessa decided not to stop at any traffic lights or yields and continued speeding to try to shake off the car. Nevertheless, the car continued to pursue us at a high speed despite her efforts and we could not shake it off.
63. I called the office on my cellphone and put the speakerphone on so that our colleagues were aware of what was happening. We were all extremely scared and feared for our safety and our lives.
64. The car continued to pursue us through the streets of Westdene for what felt like a number of minutes until we pulled into the Shell garage at 1 Main Road, Melville and stopped at pump number 5. We thought that the number of people at the garage would deter the car from continuing to pursue us. We were wrong.
65. The car pulled into the garage behind us. At this point we considered stopping the car entirely at the garage and surrendering the camera equipment, speculating that it might ensure our safety.
66. Before we could reach any decision, the car sped towards us and threatened to ram into us on the garage premises.
67. At that point I thought that the people in the car would or could well shoot us. We screamed into the speakerphone to our colleagues repeatedly that that we were under attack and that we do not know what is going on.

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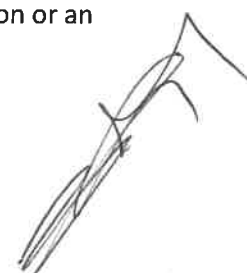


68. Vanessa accelerated out of the car's way just in time and we sped away from the garage, turning left around the corner and left again. We rushed to Kingsway Avenue near the SABC offices, where there was mild traffic and eventually lost the car.
69. I do not remember the exact route that we drove because of my distress and because we took many turns in trying to shake the car. I was also unable to see how many people were in the car as the windows were slightly tinted.
70. The entire chase took a number of minutes but was probably over by about 15h15.
71. **SUBSEQUENT EVENTS AND SCHINDLER'S ROLE**
72. We immediately reported the incident to a senior colleague at the SABC and sought a few days off for medical reasons. We were all in shock and traumatised and required psychological treatment. I sought counselling during this time.
73. On that Saturday, 3 February 2018, Vanessa tried to report the matter at the Brixton police station. Sergeant Vilakazi declined to open a docket on the basis that we did not suffer any physical harm from the incident. I have been advised that this is not permitted and that the police are required to open a docket. I am considering whether to attempt to lodge another criminal complaint, but at this stage and given the response of the police thus far, I have little confidence that it will produce prompt results and resolve my urgent and pressing fears for my safety.
74. I returned to work this past Monday, 5 February 2018 and immediately started to conduct investigations into the identity of the driver and the owner of the car.
75. I returned to the Shell garage in Melville and spoke to the owner who expressed concern and asked me which of the women in the car I was. He provided me with the security camera footage that showed the car accelerate towards us on the garage premises.
76. From the footage, I could identify the car's registration number as **FK 92 PW GP** and I could with reasonable certainty identify the driver as a white male. There was only one occupant.
77. The footage also confirmed the time of the incident as about 15:06.
78. Insofar as is necessary, I tender to make the security footage available at the hearing of this matter and my legal team will make the necessary arrangements.
79. Also on Monday, 5 February 2018, I requested an investigator to assist with identifying the owner of the car. My colleague, Foeta Krige, requested the same from one of his investigators who discovered that the car belongs to a fleet management company in Edenvale.
80. I contacted the company who confirmed that the car was leased to Schindler and provided the contact details of Hannes Olivier, a supply chain manager employed by Schindler, who signed for the vehicle.
81. On Tuesday, 6 February 2018, I called Mr Olivier and explained the incident to him. He undertook to investigate the matter and get back to me. I followed up the phone call with an email annexed as "**TG-1**", in which I requested *inter alia* the identity of the driver of the car, the speed at which the car was driving, the tracker details and the reason for the high speed chase.
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82. Mr Olivier acknowledged receipt but provided no substantive response. On Tuesday, 7 February 2018, I emailed him again to seek a response. A copy of my email is attached as Annexure "TG-2". To date, I have not heard from Mr Olivier.
83. Also on 7 February 2018, I received an email from Mayuir Bhairparsing, apparently an employee of Schindler, from the email address mayuir.bhairparsing@schindler.com. Mr Bhairparsing stated:
84. *"I am looking into the matter. the employee reports to me and the information you are asking for is confidential."* [sic]
- 85.
86. A copy of the email is annexed as Annexure "TG-3". Mr Bhairparsing cc'ed Mr Hannes Olivier and a Mr Jan Johannes Ungerer in his email. I presume that Mr Ungerer is also a Schindler's employee but I do not know what his further role in this incident and its non-disclosure is.
87. On Wednesday, 8 February 2018, I called Mr Bhairparsing and asked him again to disclose the identity of the driver. Mr Bhairparsing said that:
88. It is a 'private' matter and not a big deal because we were not physically injured.
89. He refused again to give the name of the employee.
90. He then suggested that I come to Schindler's offices to meet with this nameless driver in person and try to "sort it out" between us privately.
91. I found his suggestion to confront the nameless driver on the premises of Schindler to be an outrageous risk to my safety. This risk is compounded by the active steps taken by Mr Bhairparsing to protect the identity of the driver.
92. Finally, Mr Bhairparsing suggested that if I wish to proceed with litigation, I should write him an email to that effect so that he can obtain instructions internally.
93. After our call ended, I immediately emailed him with the following notice of intention to take legal action:
94. *"As requested, please find herewith confirmation that we would litigate against the company Schindler for the information required."*
95. *We have no option, as we cannot proceed against the gentleman concerned as we do not know his identity."*
96. *We are of the opinion that any resistance would amount to obstruction of justice on the company's part. However, we will let the court determine that in the urgent matter that we shall bring."*
- 97.
98. A copy of the email is annexed as Annexure "TG-4".
99. Mr Bhairparsing stated in response:
100. *"Noted. I will forward the relevant parties, so we can find out what to do."* [sic]
101. A copy of the email is annexed as Annexure "TG-5".
102. Finally, on Friday 9 February 2018, I responded to Mr Bhairparsing, stating that *"I think it is important for me to clarify for you that we are totally against a "private" solution that you suggested."* I referred to his telephonic suggestion that I present myself at Schindler's premises to meet 'privately' with the nameless driver to resolve the matter privately. A copy of the email is annexed as "TG-6".
103. Mr Bhairparsing reiterated his view in response:
104. *"Per our conversation. This is a personal matter not a company matter".*
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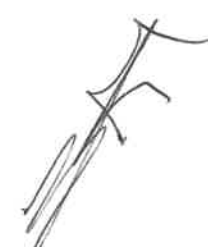
105. A copy of the email is annexed as "TG-7".
106. I presume that Mr Bhairoparsad sought to take instructions from other employees at Schindler as he indicated to me that he would do. I have however to date not been contacted by Schindler or anyone acting on their behalf to seek to resolve this matter.
107. At this point I am unable to discern Schindler's reasons for not providing me with the information sought. I am also at this stage unable to discern whether any other Schindler employees are acting in concert or otherwise assisting the driver to threaten my safety. My rights on this regard are fully reserved.
108. I consulted with my legal team that same day, on Friday, 9 February 2018 and again on Saturday, 10 February 2018. My legal team drafted this application over the weekend and it will be issued on Monday, 12 February 2018.
109. I address the requirements for the relief sought and then address the urgency of the matter.
110. **DISCLOSURE OF DRIVER'S IDENTITY**
111. I am advised that this Honourable Court has an inherent power to order Schindler as a third party to disclose the identity and contact details of the driver if doing so would prevent a denial of justice and where the party requesting the information faces a procedural difficulty. This Court has very large powers to order a disclosure of facts where justice would be defeated without such a disclosure.
112. I am further advised that I generally have to satisfy this Court that:
113. I have a *bona fide* claim against the driver;
114. Schindler can provide the name and contact details of the driver; and
115. I have no other appropriate remedy.
116. ***Bona fide claim***
117. I submit that the facts set out above and supporting documents annexed hereto clearly show that I have *bona fide* claims against the driver, both civil and criminal.
118. The driver's chase and acceleration towards us caused me to believe that force was immediately to be applied to myself personally and to the car that I was in. It was an act of harassment and intimidation meant to instil fear in me. It threatened – and was intended to threaten - my physical safety and caused me psychological harm. This is even more convincing when viewed against the backdrop of the history of threats and intimidation made against me as a journalist as mentioned above.
119. I also have a *bona fide* basis on which to seek an interdict against the driver.
120. My need for an interdict becomes more urgent because of the history of intimidation and threats to my safety and because Schindler is the elevator maintenance and installation service providers to the SABC. Schindler's employees are frequently at my place of business and any one of them could be the driver, or someone acting in concert or common purpose with him.
121. Nothing about my interaction with Schindler employees to date has given me comfort that any steps have been taken against the driver, such as disciplinary action or an assurance that he will not enter the SABC premises.

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122. On the contrary, the conduct of Schindler to date shows that it is intent on continuing to conceal the identity of the driver: Mr Bhairoparsad insists that the matter is 'private' despite acknowledging that:
123. the driver is a Schindler's employee;
124. the car is leased by Schindler; and
125. the incident occurred on a Monday and during office hours.
126. As a result, I am afraid to be at my place of work. I have two weeks' available leave which I am seeking permission to take from Monday, 12 February 2018 to assist with my protection in the interim. Even this, of course, is no guarantee of my safety. After that, I have no choice but to risk my safety by going to the office.
127. **Schindler can provide the identity and details of the driver**
128. Schindler has confirmed in writing that it knows who the employee is. (See e.g. Annexure "TG-3".) I submit that I self-evidently meet this criterion.
129. My right to take legal action against the driver outweighs the rights of Schindler and the driver not to disclose the information:
130. It is not clear what right Schindler can lawfully assert given its insistence that the matter is 'not a company matter'. On its version, then, it cannot be confidential company information and Schindler can have no potential privacy (or other) claim against disclosing the information.
131. Unless I obtain this information, the driver will remain free to avoid the civil consequences of his actions and be able to threaten my safety again at any time.
132. **No other appropriate remedy**
133. I am advised that alternative remedies must be effective, reasonable and adequate in the circumstances and must grant me similar protection than the relief sought herein.
134. I have no other appropriate remedy available to obtain the relief I seek from another party. The driver has threatened my personal safety and I need to seek relief, such as an interdict, against him personally.
135. As a more general proposition, I am not aware of any other legal remedy by which I can access the identity and contact details of the driver in the circumstances of this case.
136. The Promotion of Access to Information Act 2 of 2000 ('PAIA') does not assist me in these circumstances where my personal safety remains under imminent threat.
137. PAIA only applies to "records" that are in existence at the time of a request. While it is clear that Schindler knows who the driver is, it is not at all clear whether there is a "record" in existence with this information.
138. In any event, PAIA has very lengthy time periods and procedures that apply to it. Schindler would be entitled to take 30 days to respond to a PAIA request.
139. PAIA does not guarantee me the relief sought, and certainly not within the urgent timeframe required by this application. It therefore is not effective, reasonable or adequate and does not grant me similar protection.
140. Further argument will be advanced at the hearing hereof.
- 141.



142. **URGENCY**

143. This application is inherently urgent:

144. The threat to my safety continues without any assurance that it will not be repeated. For example, I do not know if the driver is one of the Schindler employees who frequent my place of work. I point out in this regard that Schindler does a substantial amount of work at the SABC premises.

145. I have no assurance that I am safe from his threats at work or otherwise.

146. I cannot seek an interdict against the driver without knowing his identity.

147. I am unable to provide the police with his identity for criminal investigations.

148. As I have set out above, this matter has been launched on an extremely urgent timeframe because:

149. After I had recovered enough from this incident to return to work, I attempted to obtain the driver's identity from Schindler from Monday 5 February 2018 until Friday, 9 February 2018 in trying to avoid this litigation.

150. I immediately consulted with my legal team who drafted this application over the weekend.

151. Schindler has ample opportunity to respond to this application in what is a very narrow request for information that they clearly have, are already on notice to provide and should provide to me in the interests of the administration of justice.

152. I cannot obtain substantial redress in due course while my safety remains under imminent threat.

153. **RELIEF**

154. Wherefore I pray for an order in terms of the notice of motion.

155. I submit that there is no proper basis for Schindler to refuse to provide the information sought. In the event that Schindler does not oppose the application and provides the information forthwith, I do not seek any costs award. However, should Schindler oppose the application, I seek costs on an attorney-client scale in view of the plainly unmeritorious opposition.

156.

157.

158. **DEPONENT**

159.

160.

161.

162. I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at **SANDTON** on this the \_\_\_\_ day of FEBRUARY 2018, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

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166.

167. **COMMISSIONER OF OATHS**

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168. Full names:  
 169. Address:  
 170. Capacity:  
 171.

172.



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173.

IN THE HIGH COURT OF SOUTH AFRICA  
 GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 2018/05461

In the matter between:-

THANDEKA GQUBULE

Applicant

and

SCHINDLER LIFTS SA (PTY) LIMITED

Respondent

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AFFIDAVIT

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I, the undersigned,

NICOLENE NETTO SARGO  
 Identity Number: 800515 0122 08 4

do hereby make oath and state that:

1. I am the Chief Financial Officer of the Respondent and as such duly authorised to depose to this Affidavit, the facts contained herein being within

174.

175. I was accused by Ms. Sophie Mokoena, one of those close to Mr. Motsoeneng of being a spy and soon thereafter the Economic Freedom Front ("EFF") with whom she has a close relationship and Mrs. Mandela

accused me of being an Apartheid agent and a STRATCOM Agent. I applied to all the intelligence agencies in this country to have my Apartheid records declassified (records provided). Instead, the Intelligence agency declassified documents indicated that I was heavily spied on by Apartheid agents, during my activist days that led to my detention and imprisonment. Thus the STRATCOM allegation was proven to be untrue. But, I was vilified and threatened online, on facebook and on twitter and other platforms. I was to be burnt and assaulted and killed. This led to litigation, attached hereto a copy of the court documents as annexure "TGM 003"



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176.

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177. I was smeared all over in national headlines by the Sunday World: The headlines said: "*SIU GUNS FOR GQUBULE*". This was untrue the SIU had not even interviewed me.

178. I was followed home by various cars until I hired transportation to drive my car while I travelled in a different car ahead of me.

179. We were accused of improperly accepting BOSASA monies as the SABC8. This was later proven to be untrue by a SANEF and Audited process.

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180. On the 13th of October 2016 Suna Venter was shot in the face. On the 2<sup>nd</sup> of November 2016, a car tried to Ram into Busisiwe Ntuli as she drove.

#### **EMAIL COMMUNICATION WITH SABC EXECUTIVES**

**After several incidents that had caused me to fear for my safety, I wrote letters raising my concerns with the SABC Board and the Executive in the hope of gaining their support in addressing the issues. They have the forensics department and the ability to properly investigate the matters. I also hoped that they would give me a full report of such an investigation. Such never happened.**

Thus, In 2018 I penned the following letter to the Head of Human Resources of the SABC News Division.

“Dear Mannie,

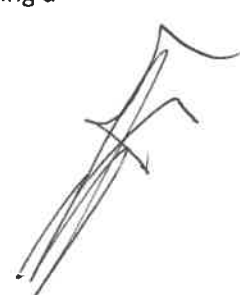
Further to the call I put to you this morning, I would like to note and put on record the following information.

I have received several harassment calls from tabloid writers – making various spurious and untrue claims. One of them works for the Sunday World and is different in that I believe his claims to be true.

He told me that he is in possession of the following SABC documents

- Interview sheets for a recruitment process that took place five years ago for the position of Economics Editor
- He told me the names of the candidates who were interviewed – one of them being a former boss of mine
- He told me what scores the panel gave to each candidate

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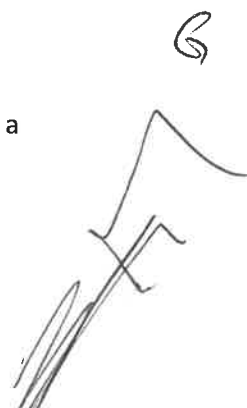
- He told me the comments made by the SABC recruitment panel on each of the candidates who attended the interviews.
  - He also told me that no candidate was appointed
  - He however told me the name of the winning candidate – whom he said should have gotten the job.
  - He confirmed that no candidate was found and an acting editor was installed.
  - He told me that he was in possession of the application for a deviation and business case made a year later.
  - He read segments of it to me on the phone
  - The gentleman was most hostile and said I was a hypocrite who had “installed myself as the Guardian of Governance” and that my SABC bosses say so.
  - I told him that I believe in governance and he should go to court to legally and lawfully challenge any wrong doing on my part and so should the said “SABC bosses”.
  - I told him that I would never gag him, nor oppose him in doing what he has been sent to do. I told him that this would be so because my beliefs, values and my faith would not permit me to do so.
  - I telephoned his Editor Abdul Milazi with whom I worked at the Financial Mail for several years – Abdul was shocked and said he knew nothing of the story and that Sunday World had not commissioned any such – nor did he know which of his reporters I was referring to.
- 
- I have received renewed death threats and in the light of Suna’s death – I take the resumption of these seriously
  - I also viewed as most sinister being singled out by the Presidency after their meeting with Kenneth. A man from the Presidency crept up to me on Telegram. He is the man who looks after the public image of Jacob Zuma.
  - Likhanyo Calata also let me know of the comments made by John Jeffreys, the Deputy Minister of singling me out and blaming me for newsroom issues - that were in fact raised by Likhanyo and other members of staff.

I no longer have parents, but if they were alive – I would let them know that I believe that my life is in danger from very dark and evil forces for speaking up for the principles in which they schooled me. I would tell them to tell the above to Steven Budlender so that should I not be here to speak for myself – they would pursue the matter with the authorities in the prayer that they would feel obliged to do something.

Best regards

Thandeka”.

On the following day I penned the following letter to Mrs Febe Potgieter-Gqubule, a member of the Interim Board of the SABC – then my sister in law.



**From:** Febe Potgieter [[mailto:Febe\\_Potgieter@hotmail.com](mailto:Febe_Potgieter@hotmail.com)]  
**Sent:** 09 November 2017 12:58 PM  
**To:** Thandeka Gqubule; Mathatha Tsedu; John Matisonn; Khanyisile Kweyama; 'headoffice@bemawu.org.za'  
**Cc:** Kenneth Makatees; Mannie Alho; 'Steven Budlender'  
**Subject:** Re: Dirty Tricks, Surveillance, Death threats and fears of assassination

I suggest the chair of HR, Ms Kweyama deals with the matter. F

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In December 2017 I received the following letter from Ms. Khanyisile Kweyama Chairman of the Interim Board of the SABC.

Per attached annexure "TGM004", I penned an email to the Head of Human Resources of the SABC News Division, Mr. Mannie Alho ("Mr. Alho") regarding several harassment calls I received from tabloid writers, who were making making various spurious and untrue claims. One of them works for the Sunday World and is different in that I believe his claims to be true, attached hereto a copy of the letter as annexure "TGM 004" **This email is contained below.**

181. Dear Mannie,
- 182.
183. Thank you for coming to my office – after my call to you about the conduct of the Police of Brixton Police Station towards me last Friday.
184. Thank you also for the hug and for explaining to me how a professional approach to an employee who is unsettled because of a harassment campaign would be.
- 185.
186. The facts bear repeating.
- 187.
188. I was on my way to meet with a group of whistle-blowers from a rail utility, who wished to give me information, as my job requires.
- 189.
190. We were due to meet at Cresta Shopping Mall in the later part of the afternoon. I was running late and phoned them from my landline (which now only makes exiting calls and cannot receive calls ). I told those who were waiting for me, that I was leaving the building.
- 191.
192. I went down to the B1 level and past the turn-styles – clicking my card to register my exit. As I approached the escalators to descend to the lowest floor in the building. I was approached by members of SABC/Mathebula security they were in the company of the police.
- 193.
194. I was shocked.
- 195.

196. I was asked to go into the security offices on the floor below. I felt embarrassed as many fellow employees were looking on and they thought I was in trouble with the law and being accosted by the police. I too thought that I had done something wrong that I was unaware of. I felt ashamed and intimidated.
- 197.
198. No one had called me to make an appointment. No one had written to me. Worse no one had found me to sit down with me to ask me how I planned to proceed. A colleague then called me and I told her that I was in the company/custody of the police in the reception area. I told her that she would have to call me later.
- 199.
200. In utter panic she began to call my SABC8 Colleagues and the Unions. My family was notified – my child began to call and cry (she is writing her Matric Exams and could not focus). I told all those who called including Hannes from BEMAWU, ZWELI VAVI from SAFTU (as they have begun to hold talks about organising in our workspace with other employees – not me) that I was OK and would call back later as I had to attend to the matter at hand.
- 201.
202. The Policeman wore a tracksuit with the Police Force crest on his chest, underneath I could see a black, green and yellow shirt such as the ones worn by ANC adherents. This made me very fearful. I asked what they wanted – they said a police sworn statement from me. Clearly this was alarming. They wanted it there and then – I was on my way to a meeting. People were waiting and phoning to find out where I was.
- 203.
204. I informed them that I did not trust them at all. The Police officer tried to assure me that he does lots of errands for the people at Radio Park – Across the road – he said. I told him that those people were a problem- in my opinion, they cheered along when Hlaudi said all manner of things against reason and us. I told him that after One year of going to every high ranking police officer in the country – Chris Ngcobo – the Inspector General for Intelligence and many others there still is no indication of who sent us the previous death threats. I told him that we had met numerous police officers all to no avail.
- 205.
206. Most importantly I experienced Police presence that was unannounced as intimidatory, heavy-handed and clumsy. I demanded to know who had sent the cops. I was then told that Simon Mathebula had sent an email upon receipt of an email from higher up.
- 207.
208. I left the room on the promise that I would visit Brixton Police Station at a later stage. This move by the SABC took away my rights as a complainant to lodge my grievance in a manner of my own choosing. It is a complainants little privilege to lodge a complaint. I had not done so. But the SABC was now choosing how I do so, to whom and when. Further to lay my complaint at a police station of my, as the complainant's choice, and feel a sense of ownership over my own search for redress, knowledge or just personal empowerment.
- 209.

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210. I would have thought that someone from HR would sit me down. We would then plan what to do for me as an employee and a professional with a professional image to maintain. Thereafter I would have been offered a session at well-ness or I-cares and assurance that the institution is committed to creating a better environment.
- 211.
212. Instead, they opted to bring a cop from one of the most notoriously corrupt branches of the police.
- 213.
214. After a year us going from place to place visiting police stations!
- 215.
216. I went to the car to weep in the visitor's parking lot. A colleague came to console me. Together we phoned Brixton Police Station and discovered that in fact the police officer was "off-duty" and therefore on a private frolic of his own here at the SABC. He therefore was not even in a position to take down a lawful statement as off-duty police may not lawfully do this.
- 217.
218. In fact, the scene was a visual depiction of the institution's leadership's view of whistleblowing. It demonstrates not only a stunning ignorance of the law and management. At its' base the way that I was treated betrays an ignorance of the "Whistleblower's Act – ie the Protected Disclosure Act which basically sees its role as a tool to promote corporate governance and a safe, non-hostile workplace. What that manoeuvre at reception communicated to not only myself, but all who watched , was that this was becoming an increasingly hostile, caustic and toxic working environment for those who have the courage to whistle-blow. As such I was most amused today to receive a little promotion when I entered the building, encouraging people to blow the whistle on malfeasance. I have also heard recounts of a meeting last week where a colleague spoke out about grievous financial and managerial wrong-doing at News – in fact criminal conduct – and she was told to hurry up, shut-up and move on to the next item – which is the most frequent response these days – contrary to the little gadgets we received and the Corporate Communique that we got telling us to speak out – even anonymously.

I believe it is important to take a strong governance stand if one is in the lead of an institution so challenged in the eyes of the public that owns the institution.

219. today, upon inquiry, I was informed by Simon Mathebula that he had acted on the written request of Kenneth Maketeers. He Kenneth never called me, talked to me about such plans or even expressed any concern whatsoever.
- 220.
221. The aim of the incident and the false and malicious article are the same. They both may be of one provenance. The aim is to create "occupational detriment", "career harm" , distress, suffering and anguish as well as to put the fear of Might in the hearts of any who may choose to speak out and indeed as journalists engage in the

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issues of the day and stand up for an independent public broadcaster and a free press.

- 222.
- 223. Peter Bruce is going through similar experiences and so is my former SABC/Agenda colleague Jacque Pauw.
- 224.
- 225. Harm is being done.
- 226.
- 227. This is why I and my family have decided to litigate vigorously in the days that follow.
- 228.
- 229.
- 230. Thank you once again, Mannie
- 231.
- 232.

Kind regards

Thandeka

On the following day I penned the following email to Mrs Febe Potgieter-Gqubule, a member of the Interim Board of the SABC my former sister in law, attached hereto a copy of the letter as annexure **"TGM 005"**

On 09 November 2017, I received a response from Ms. Potgieter - Gcubule that the chair of Human Resources, Ms. Kweyama deals with the matter, attached hereto a copy of the response as annexure **"TGM 006 "** **The email appears below.**

Dear Febe,

Thank you for your response. I am currently in a meeting with Krivani Pillay discussing what our official and legal responses should be to the harassment campaign. While we sat here a minute ago a journalist – a certain Mr. Mothombeni called and was most dissatisfied by my official response.

My response is: If he has any problem whatsoever with my moral, ethical or legal conduct, he must approach the courts of this land, as these are well equipped to adjudicate disagreements and address wrong doing. I thanked him kindly him his illuminating inquiry.

He then attempted to badger me on the phone – dissatisfied with my response calling me names.



I have heard from the very senior editors in this country whose private details are in his possession, due to his having the confidential SABC recruitment documents with him, that in their view these could only have been offered to him by people most senior at the SABC. They are considering their legal options in relation to this.

We, have discussed the matter as the SABC8 and we have been reliably informed that there is a well-crafted scheme to discredit our cause – by attacking us physically, our work, our reputations and colleagues have informed us of vigorous inquiries being made about us and our whereabouts and activities.

Other journalists, outside of the SABC are also being scrutinised – their private bank accounts and lifestyles etc.

Best regards

Thandeka Gqubule  
Editor: Economics

On 28 November 2017, Mr. Hannes du Buisson, of BEMAWU, a trade Union Chairperson wrote an email to the then Chairperson of the SABC Khanyisile Kweyama indicating his concern on how my matter had received no attention, attached hereto a copy of the email as annexure “**TGM 007**” **The email appears below.**

On 28 Nov 2017, at 06:50, BEMAWU OFFICE <[headoffice@bemawu.org.za](mailto:headoffice@bemawu.org.za)> wrote:

Dear Madam,

It is with extreme concern we are writing this letter.

Despite very serious allegation made by the writer in her email hereunder, the only correspondence and feedback received this far is a suggestion by the Vice Chairperson of the Board that Ms. Kweyama should deal with the matter.

It's 20 days later.

By now, given the seriousness of the allegations, one would have at least expected the suspension of the HR Manager, and a full and proper investigation as to how employee records this sensitive and confidential under his control landed in possession of a journalist.

It appears, inter alia the SABC is unable and/or unwilling to protect privileged employee records, which is of grave concern to us?

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What has being done, if anything in respect of the issues raised by Ms Gqubule hereunder, in particular the following issues:

- I have received renewed death threats and in the light of Suna's death – I take the resumption of these seriously
- I also viewed as most sinister being singled out by the Presidency after their meeting with Kenneth.
- Lukhanyo Calata also let me know of the comments made by John Jeffrey's, the Deputy Minister of singling me out and blaming me for newsroom issues - that were in fact raised by Lukhanyo and other members of staff.

We await your urgent response.

Sincerely,

Hannes du Buisson  
BEMAWU

In December 2017 I received an email from Ms. Khanyisile Kweyama, former Chairman of the Interim Board of the SABC, informing me that the matter had received the attention of the HR committee and a resolution had been taken on the way to proceed, furthermore that they would communicate this to me and all affected parties via management, attached hereto a copy of the email as annexure "TGM 008". **The email is contained below. From:** Khanyisile Kweyama

**Sent:** 01 December 2017 11:37 AM

**To:** BEMAWU OFFICE

**Cc:** Nomsa Philiso; Thandeka Gqubule; Mathatha Tsedu; John Matisonn; Kenneth Makatees; Febe Potgieter-Gqubule; Sello Xama

**Subject:** Re: Dirty Tricks, Surveillance, Death threats and fears of assassination

Good morning

I had been cut off the sabc email system  
I am now back online

This matter has received the attention of the HR committee and a resolution has been taken on the way to proceed


We will communicate this to Ms Gqubule and all affected parties via management

Kind regards

Sent from my iPad

1. On 30 August 2019, I provided the investigators of the Commission access to my cellular phone device to extract the SMS and pictures I made reference to in the preceeding paragraphs, a copies of said

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SMS's and pictures were made by the investigators.

### MY APPOINTMENT AS ECONOMICS EDITOR

I HAVE WORKED AT THE SABC THREE TIMES. THE FIRST TIME WAS IN THE EARLY 1990'S. I MET QUINTIN GREEN IN DAKAR, SENEGAL. I WAS DOING A RADIO INTERNSHIP AT RADIO SENEGAL. PREVIOUSLY I HAD WORKED AT THE PBS NEW YORK, ON A TV PROGRAM CALLED SOUTH AFRICA NOW. AT PUBLIC SERVICE BROADCASTING NEW YORK, I FELL IN LOVE WITH THE IDEA OF PUBLIC BROADCASTING. IN DAKAR, I TOLD QUINTIN GREEN OF MY INTEREST IN DOING PUBLIC BROADCASTING IN A LIBERATED SOUTH AFRICA. HE ASKED ME IF I WOULD LIKE TO RETURN HOME TO WORK FOR THE SABC. I RETURNED HOME TO SOUTH AFRICA. I APPLIED IN DECEMBER 2002. I JOINED THE SABC FOR THE FIRST TIME IN EARLY 2003. I BECAME THE FIRST BLACK PRODUCER ON AGENDA/AGENDA. I JOINED THE DISCUSSIONS IN THE COUNTRY ON HOW A PUBLIC BROADCASTER SHOULD BE CREATED. I WON NUMEROUS AWARDS FOR DOCUMENTARIES INCLUDING AN SPCA AWARD. I BECAME AN ANCHOR. I WAS ONE OF THE LEAD ANCHORS OF THE FIRST DEMOCRATIC ELECTION. I LEFT THE SABC AFTER DECIDING TO JOIN THE RDP OFFICE IN THE OFFICE OF NELSON MANDELA IN THE PRESIDENCY OF THE FIRST DEMOCRATIC ADMINISTRATION OF SOUTH AFRICA.

I RETURNED TO THE SABC AGAIN IN 2007. THE CORPORATION WAS GOING THROUGH AUSTERITY AND A COLLEAGUE WAS ON SICK LEAVE. I WAS CALLED IN TO STEP IN AS BULLETIN EDITOR FOR THE EARLY

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MORNING WEEKEND SHOWS. THERE WERE PROBLEMS WITH GETTING PAID EVEN THOUGH THE WORK WAS REWARDING AND ENJOYABLE. I HAD TO LEAVE WHEN MY BOSS HAD TO GIVE ME MONEY TO PAY MY ELECTRICITY BILLS. I WENT THEN TO TEACH AT MONASH DESPITE BEING OFFERED THE OPPORTUNITY TO STAY ON AS LEADER OF THE ECONOMICS TEAM OR IN A DIFFERENT CAPACITY. IN 2011 I RECEIVED AN OFFER FROM THE LATE SEFAKO NYAKA TO RETURN TO THE SABC AS ECONOMICS EDITOR. FOR A FULL YEAR AND MORE, I DECLINED THE OFFER. I EVENTUALLY DECIDED TO ACCEPT THE OFFER AFTER DETERMINING THAT I COULD MEANINGFULLY CONTRIBUTE. I APPLIED I WAS INVITED FOR AN INTERVIEW. I WAS TRAVELLING WHEN OTHER PEOPLE WERE INTERVIEWED. NO ONE WAS SELECTED. I WAS INVITED AGAIN FOR AN INTERVIEW. I WENT AND I WAS SENT AN OFFER A FEW DAYS LATER. I ACCEPTED THE OFFER AND WAS APPOINTED ECONOMICS EDITOR: I WAS TOLD THAT THE CORPORATION HAD BEEN THROUGH SEVEN EDITORS IN A BRIEF PERIOD OF TIME. THEY SAID THEY NEEDED STABILITY. I WAS TOLD ALSO THAT THE PREVIOUS INCUMBENT, MY FORMER BOSS, HAD EXPRESSED A PREFERENCE FOR ME. I WAS TOLD THAT THEY COULD NOT FIND THE RIGHT MIX OF BUSINESS/FINANCE REPORTING/ JOURNALISM AND BROADCASTING. THEY ALSO WERE LOOKING FOR A TRAINED MANAGER. I JOINED AND NOW HAVE THE PRIVILEGE OF HAVING SERVED THE CORPORATION FOR CLOSE TO 7 YEARS AND LEAD A COMPETENT AND DEDICATED TEAM.

CONCLUSION



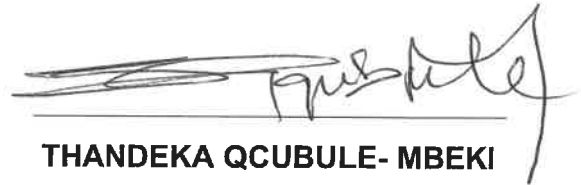
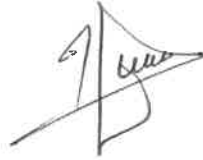
During the past 10 years a determined and corrupt group of people laid siege to the public broadcaster, to loot it of its resources and to lead a stray from its mandate. It was a systematic and vigorous project. It involved people inside the SABC and those outside it. They wished to bend the narrative to suit their misappropriation agenda. They were indifferent to the human rights of citizens and employees of the SABC. They violated the public's right to know how they are governed. They violated the right to freedom of expression of their journalists. They violated labour rights and the rights to privacy that citizens and journalists have. The corporation buckled under the looting and the plunder, R4,1bn was unaccounted for. The newsroom was a place of fear and pitched battles. They were vicious in the execution of their project and in their wake many people suffered, employees, families, children. Those considered to be opponents of their agenda were dealt with ruthlessly. This is the story of our recent history as a corporation. It is also the story of our country of how a callous group of people laid siege to our lives and livelihoods and helped themselves to our futures.



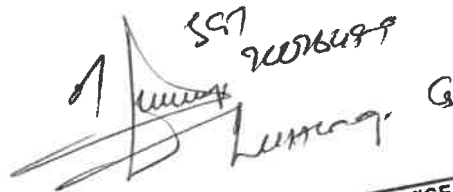
This is all I wish to state.

Dated and signed at Parkview on this 2 day of September 2019

2. September 2019.



THANDEKA QCUBULE- MBEKI



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