



EXHIBIT CC 19

AFFIDAVIT & ANNEXURES

OF

JOSEPH NONG

THLOLOE

(a)



EXHIBIT CC 19

AFFIDAVIT & ANNEXURES

OF

JOSEPH NONG

THLOLOE

(b)



EXHIBIT CC 19

AFFIDAVIT & ANNEXURES

OF

JOSEPH NONG

THLOLOE

(c)



EXHIBIT CC 19

AFFIDAVIT & ANNEXURES

OF

JOSEPH NONG

THLOLOE

(d)



**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,

JOSEPH NONG THLOLOE

hereby declare as follows:

1. I am an adult male South African citizen.
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").



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

OUR MANDATE

5. The Terms of Reference of the Commission of Inquiry into Interference in the Decision-making In the SABC Newsroom included but were not limited to:
 - 5.1 Investigating the nature, prevalence, the merits and veracity of all the allegations and/or grievance(s) and/or complaints of editorial, political, business and commercial interference;
 - 5.2 Establishing the factors and/or mechanisms that enabled the editorial, political, business and commercial interference and/or transgressions;
 - 5.3 Establishing whether there was evidence to substantiate the allegations made;
 - 5.4 Evaluating the substance of all the allegations and/or grievance(s) and/or complaints;



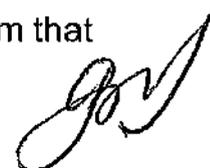
- 5.5 Reviewing any/or all submissions made before by any person(s) in respect to the allegation(s) and/or grievance(s) and/or complaints lodged by the Employees;
- 5.6 Making factual findings and conclusions based on the evidence/testimony presented;
- 5.7 Doing interviews, a review of submissions, and a review of applicable supporting documents;
- 5.8 Interviewing all SABC employees and/or any other person(s) that is mentioned in the allegation(s) and/or grievance(s) and/or complaints lodged by the Employees;
- 5.9 Making recommendations on the appropriate corrective institutional/structural measures to be considered and to be instituted and to address control deficiencies;
- 5.10 Advising the SABC board on what steps need to be undertaken;
- 5.11 Recommending appropriate corrective action which may include disciplinary action where there is misconduct; and

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of several loops and a long tail.

- 5.12 Preparing a written report setting out in detail the methodology adopted, the findings, conclusions and recommendations.
6. We were given the terms of reference by the then Acting Group Chief Executive of the SABC, Ms Nomsa Philiso.

OUR INVESTIGATION METHODOLOGY AND EVIDENCE GATHERED

7. Formal interviews were conducted with persons who voluntarily submitted statements to the Commission as well as with those that were identified as likely to provide information relevant to our investigation. As the investigation unfolded some witnesses were recalled to give further testimony and explanation.
8. In addition to the written submissions, the Commission heard oral evidence in 58 hearings – face-to-face, by teleconference and via Skype.
9. I attach hereto as Annexure **JNT001** our investigation report and as Annexure **JNT002**, transcripts from our interviews.
10. The report attached hereto as Annexure JNT001 is submitted to the Commission, with the permission of the SABC. I confirm that

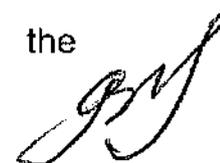


I co-authored it with Mr Stephen Tawana, of MMM Attorneys. It is titled *Report of Commission of Inquiry into Interference in the Decision-making in the Newsroom of the South African Broadcasting Corporation*.

11. The report was accompanied by transcripts of most of the oral evidence we heard, titled "Evid 1" to "Evid 12". Only "Evid 8" is outstanding and we are still trying to retrieve it after Mr Tawana's laptop crashed. As stated supra, these I attach hereto as Annexure **JNT002**.
12. The report and the findings should be adopted by the Commission as is except for minor typographical mistakes that do not materially affect the findings.
13. In respect of interviewing all implicated persons, we were largely confined to those who volunteered to make submissions as we didn't have investigative capacity and could not subpoena witnesses.

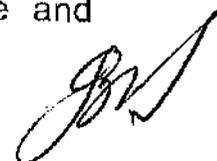
SUMMARY OF FINDINGS

14. The Commission finds that the SABC suffered from the



capricious use of authority and power to terrorise staff and to deflect the corporation from its mandate and its Editorial Policies.

15. The Inquiry found an organisation crippled by pain, anger and fear; by frustration, anxiety and apathy; and by inattentiveness, detachment and helplessness.
16. A witch-hunt for "enforcers" will not heal the corporation; it will divide an already fractured institution.
17. No evidence of a direct line between decisions at ANC headquarters, Luthuli House, and decisions in the newsroom, but the spectre of the ANC hovered over the newsroom.
18. The evidence shows that from the year 2012 up until the year 2017, SABC executives took instructions from people with no authority in the newsroom, for example, members of the SABC board (Ellen Tshabalala) and the Minister for Communication (Faith Muthambi). The executives thus failed to execute their duties in terms of the Editorial Policies, The Commission further found that Nothando Maseko, Sebolelo Dithakanyane and



Nyana Molete were pivotal to the execution of instructions from Hlaudi Motsoeneng, Jimi Matthews and Simon Tebele. They succumbed because of threats of dismissal from their immediate superiors.

19. Lastly, the designation of the GCEO or GCOO as editor-in-chief is not appropriate for the SABC because the circumstances of the corporation are different from those of the BBC, the model for the current structure.
20. This is all I wish to declare but 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.



SIGNED: JOSEPH NONG THLOLOE

DATE: 12th August 2019
at Rooibepoort.

JNT001

**Report of Commission of Inquiry into Interference
in the Decision-making in the Newsroom of the
South African Broadcasting Corporation**

**By Joe Thloloe
and
Stephen Tawana (MMM INC)**

Date: February 25, 2019

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EPIGRAPH

“Every single one of us is entitled to feel fulfilled by the work we do, to wake up feeling inspired to go to work, to feel safe when we’re there and to return home with a sense that we contributed to something larger than ourselves...”

“For those who hold a leadership position, creating an environment in which the people in your charge feel like they are a part of something bigger than themselves is your responsibility as a leader...”

“For those who work for an organisation that does not leave you feeling inspired at the beginning and end of every day, you must become the leader you wish you had...”

“Regardless of our rank in the organisation, every single one of us has at least one colleague, client or vendor for whom we can take some responsibility for how they feel when they work with us. The goal is not to focus on what’s standing in your way; it is to take steps that will have a positive and lasting effect on everyone around us.”¹

- ¹ Sinek, Simon; Mead, David; and Docker, Peter. *Find Your Why: A Practical Guide for Discovering Purpose for You and Your Team* (p. vii). Penguin Publishing Group. Kindle Edition.

EXECUTIVE SUMMARY

FINDINGS

1. The Commission finds that the SABC suffered from the capricious use of authority and power to terrorise staff and to deflect the Corporation from its mandate and its Editorial Policies.
2. The Inquiry found an organisation crippled by pain, anger and fear; by frustration, anxiety and apathy; and by inattentiveness, detachment and helplessness.
3. A witch-hunt for “enforcers” will not heal the Corporation; it will divide an already fractured institution.
4. No evidence of a direct line between decisions at ANC headquarters, Luthuli House, and decisions in the newsroom, but the spectre of the ANC hovered over the newsroom.
5. The evidence shows that from the year 2012 up until the year 2017, SABC Executives took instructions from people with no authority in the newsroom, for example, members of the SABC Board (Ellen Tshabalala) and the Minister for Communication (Faith Muthambi). The Executives thus failed to execute their duties in terms of the Editorial Policies. The Commission further found that Nothando Maseko, Sebolelo Ditlhakanyane and Nyana Molete were pivotal to the execution of instructions from Hlaudi Motsoeneng, Jimi Matthews and Simon Tebele. They succumbed because of threats of dismissal from their immediate superiors.
6. Lastly, the designation of the GCEO or COO as Editor-In-Chief is not appropriate for the SABC because the circumstances of the Corporation are different from those of the BBC, the model for the current structure.

RECOMMENDATIONS

1. That the Group Executive: News and Current Affairs should be designated as Chair of the Editorial Policies and Ethics Committee of the Group Executive. He or she should chair the Committee that would include all the Group Executives of information programming – Radio, Television, Sport, Education, etc. The Committee would be the highest point of upward referral by editorial line managers and would uphold the Editorial Policies and the highest editorial and ethical standards. Structurally the chair would report to the GCEO.
2. The creation of a News and Current Affairs Advisory Committee consisting of at least three members – for example, a retired editor, a person who is or was teaching journalism ethics at a tertiary institution, and a retired judge. This Committee would do what the BBC’s Editorial Policy Team under the Director Editorial Policy does – advising journalists, editors, and producers on editorial issues throughout the production process, with final decisions resting with the line management.
3. All newsroom staff, from the most junior to the most senior, to attend at least one workshop a year on the Editorial Policies, editorial ethics, the most recent rulings of the BCCSA, ICASA, the Press Council and the reports of the News and Current Affairs Advisory Committee.
4. In as much as the Corporation needs healing from the scourge of the “enforcers”, it needs to attend to team building, where members focus on the common good. The process will include deep conversations among managers and staff in which the frustration, pain, and anger that still linger are surfaced and worked through. Staff who held on in difficult circumstances need to be lauded for being the quiet centre of the tornado, keeping the broadcaster on air and on the internet, bringing news and current affairs programmes to viewers, listeners and online audiences every day and on time.
5. Motsoeneng’s instructions to Human Resources to institute disciplinary hearings against employees, or to dismiss, promote or appoint others must be reviewed. Also, Human Resources must do an audit of the appointments, promotions or sideways shifts of senior news management, particularly Nothando Maseko, Sebolelo Ditlhakanyane and Charles Matlou. Where the records are found to be incomplete and the gap is not explained, the

appointment/promotion must be reversed and the position re-advertised, with the person currently occupying it being invited to reapply.

6. A review of the contracts of freelance workers is needed urgently, as these workers need to be a healthy window into the Corporation. It is not good public relations to have these workers walking around long-faced because they are unhappy with their working conditions and remuneration.
7. Improved performance management - at the level of individuals as well as at that of programmes - is vital for the future health of the Corporation. This we recommend after a number of witnesses told us how their programmes were arbitrarily canned, shortened or changed - e.g. the TV programmes *Question Time* and *Rights and Recourse* were taken off air, or current affairs programming on SAfm was reduced from six hours a day to two, or the way the format of Lotus FM, was changed without satisfactory engagement with the people involved in the productions.

CHAPTER 1

INTRODUCTION

1. For five months this Commission examined the innards of an Organisation crippled by pain, anger and fear; by frustration, anxiety and apathy; and by inattentiveness, detachment and helplessness.
2. The Commission heard from people who were not feeling fulfilled by their work, weren't inspired to go to work, didn't feel safe when they were there and didn't return home with a sense that they had contributed to something larger than themselves.
3. This Commission follows a series of inquiries - starting with the Public Protector,² to the Parliamentary Ad Hoc Committee on the SABC,³ all the way to the Independent Communications Authority of SA (ICASA)⁴ – that has shown that the SABC and therefore its newsroom are falling far short of the ideal organisation described in the epigraph to this report.
4. On May 31, 2018, the SABC's then Acting Group Chief Executive, Ms Nomsa Philiso, announced the establishment of the Commission of Inquiry and a parallel one on Sexual Harassment. The two members of this Commission were journalist Joe Thloloe and Stephen Tawana, a Director at MMM Attorneys. The task of this Commission was to deliver recommendations that would help heal the Corporation, contribute to the multi-pronged efforts by Parliament and its Portfolio Committee on Communications and the SABC's Board and management to turn the Corporation into a broadcaster that serves the nation and that helps South Africans become active participants in and beneficiaries of their democracy.

² When Governance and Ethics Fail: Investigation into allegation of maladministration, systemic corporate governance deficiencies, abuse of power and irregular appointment of Mr Hlaudi Motsoeneng by the SABC

³ Final report of the Ad Hoc Committee on the SABC Board Inquiry into the fitness of the SABC Board, dated 24 February 2017

⁴ The Complaints and Compliance Committee at the Independent Communications Authority of South Africa 24 June 2016 CASE NUMBER: 195/2016

5. The Terms of Reference of the Commission included, but were not limited to:
 - 5.1 Investigating the nature, prevalence, the merits and veracity of all the allegations and/or grievance(s) and/or complaints of editorial, political, business and commercial interference;
 - 5.2 Establishing the factors and/or mechanisms that enabled the editorial, political, business and commercial interference and/or transgressions;
 - 5.3 Establishing whether there was evidence to substantiate the allegations made;
 - 5.4 Evaluating the substance of all the allegations and/or grievance(s) and/or complaints;
 - 5.5 Reviewing any/or all submissions made before by any person(s) in respect to the allegation(s) and/or grievance(s) and/or complaints lodged by the Employees;
 - 5.6 Making factual findings and conclusions based on the evidence/testimony presented;
 - 5.7 Conducting interviews, a review of submissions, and a review of applicable supporting documents;
 - 5.8 Interviewing all SABC employees and/or any other person(s) that is mentioned in the allegation(s) and/or grievance(s) and/or complaints lodged by the Employees;
 - 5.9 Making recommendations on the appropriate corrective institutional/structural measures to be considered and to be instituted and to address control deficiencies;
 - 5.10 Advising the SABC Board on what steps need to be undertaken;

- 5.11 Recommending appropriate corrective action which may include disciplinary action where there is misconduct; and
- 5.12 Preparing a written report setting out in detail the methodology adopted, the findings, conclusions and recommendations.
6. The Commission's first hearings were in June 27, 2018 and our mandate was to investigate the period from 2012 to now.
7. The testimony of witnesses was made under oath, except for news management who started our process by explaining the mechanics of editorial decision-making in the SABC.
8. It was explained to the witnesses that their identity would be kept confidential unless they did not object to their names being mentioned in the report.

BACKGROUND

9. Formal interviews were conducted with persons who voluntarily submitted statements to the Commission as well as with those that were identified as likely to provide information relevant to our investigation. As the investigation unfolded some witnesses were recalled to give further testimony and explanation.
10. In addition to the written submissions, the Commission heard oral evidence in 58 hearings – face-to-face, by teleconference and via Skype. The people and organisations that made the submissions are attached as Appendix A. The full written submissions and the transcripts of the oral submissions are available on request.
11. This report gives the texture of life during Hlaudi Motsoeneng's reign, a feel of what it was like in the SABC newsroom. It also gives a feel of the emotional charge during the hearings. We have refrained from a line-by-line analysis of the evidence.

12. Noteworthy in this process was that major players in this drama – former SABC COO Hlaudi Motsoeneng, Acting Group CEO Jimi Matthews and Group Executive: News Simon Tebele – declined the invitations to tell their side of the story.
13. On this, it is important that we quote the lawyers representing Motsoeneng fully:

“We have noted from your letter of 15 August 2018 that the SABC Commission of Inquiry was appointed by the office of the SABC Group Chief Executive following the recommendation of the Parliamentary Ad Hoc Committee on the Board of the SABC.

“As the SABC is fully aware, our client was denied an opportunity by the Ad Hoc Committee to put his side of the story despite the fact that several people who testified at their hearings in Parliament implicated him in one way or another. Ultimately the report of the Ad Hoc Committee mentioned our client no less than 44 times but was produced without him having been given an opportunity to be heard. Leaders of the United Democratic Movement (“UDM”) and African People’s Convention (“APC”) publicly denounced the failure of the Ad Hoc Committee to allow our client to put his side of the story in response to the allegations made against him. So did the SABC in its contribution to the Ad Hoc Committee.

“In the above regard, as our client was not allowed to put his side of the story which would have no doubt influenced the report (inclusive of its findings and recommendations) of the Ad Hoc Committee, our client does not see the point of participating at this late stage in the SABC Commission of Inquiry as it was necessitated by the same report of the Ad Hoc Committee.

“However, with regard to the questions posed in paragraphs 4.1 to 4.3 of your letter of 21 August 2018, please note that our client’s answers are in the negative. (The Commission had asked him if he had personally observed any political, commercial and other interference in the Corporation; if he had ever personally interfered unduly in the decision-making of the newsroom; and if he had ever given instructions that are in conflict with the SABC’s 2004 Editorial Policies.)

“We hope that this letter has put paid to any expectation on your part that our client will participate in the SABC Commission of Inquiry. “

14. It is ironic that a person who had been screaming for a chance to be heard thinks it is logical that he skips it and instead offers a blanket denial. The Commission is wondering what he and his legal advisors thought the value of this denial would be.
15. Hlaudi’s right-hand man during the drama, Jimi Matthews, told us in a telephonic conversation that he didn’t want to “relive the worst time” of his life through a submission to the Commission.
16. Matthews resigned from the SABC dramatically in a midnight tweet on June 27, 2016. In a letter posted in the tweet and addressed to the then Chairperson of the SABC Board, Professor Mbulaheni Maguvhe, he wrote:

“For many months I have compromised the values that I hold dear under the mistaken belief that I could be more effective inside the SABC than outside, passing comment from the sidelines.

“In the process the prevailing corrosive atmosphere has impacted negatively on my moral judgement and has made me complicit in many decisions which I am not proud of.

“I wish also to apologise to the many people who I’ve let down by remaining silent when my voice needed to be heard.

“What is happening at the SABC is wrong and I can no longer be a part of it.”

17. Again, the apology rings hollow when he chooses to remain silent now when his voice needs to be heard to help us to get to the bottom of this matter.

18. The man on the other side of Hlaudi, Simon Tebele, also refused to talk to the Commission, saying he was scared he might be assassinated if he talked. He has barricaded himself and his family in his home and is under constant security guard. He points to the murder of his friend and former Head of SABC Legal Services, Sizwe Vilakazi, in November 2017 and believes Vilakazi was killed because of the things he had uncovered in the course of his work in the SABC.
19. Vilakazi was shot dead by three gunmen, who ran out to a waiting car without taking anything from the store, his private business premises on the East Rand.
20. The police hasn't solved Vilakazi's murder yet, so the Commission is not in a position to pronounce on it, but it is worrying that a former Head of the biggest news Organisation in the country is living in fear that isn't easy to dismiss as paranoia.

CHAPTER 2

EVIDENCE AND ANALYSIS

21. The evidence we have heard ranges from a listener complaining that some producers have blocked him from expressing his views on SABC radio talk shows, a reader who was aggrieved that Morning Live interviewed a University of South Africa professor on *#feesmustfall* without inviting a student to balance the information, to journalists who say they were ordered to cover stories not because they were newsworthy, but rather to promote some personalities, right up to instructions not to cover protest marches to SABC offices by media freedom organisations and political parties.
22. Fingers have been pointed at Cabinet Ministers, SABC Board members and senior executives, as well as at mid-level executives who “enforced” the instructions from the top.
23. To start, we depict a few scenarios to take the reader to the heart of the evidence we read and heard.

EPISODE 1: The story meeting from hell⁵

24. Zolisa Sigabi, National Editor for Radio News bulletins and newsgathering in Auckland Park, is chairing a planning meeting at 08:30 and all the SABC offices across the country are represented in this “Line Talk”, the audio conference. Port Elizabeth say they have the Right2Know, SOS Support Public Broadcasting and other media freedom activists and the Democratic Alliance, marching to their offices to protest against the SABC’s ban on the use of visuals that show service delivery protesters destroying public property.
25. Zolisa says it appears to be a big national story as there are similar marches to all SABC offices. Who will collate the story to make it a big one with inputs from all the SABC offices? What will each office contribute? As the excitement in the conference mounts, Simon Tebele, then Head of news, pours cold water over it: “We are not covering that story.”

⁵ Title lifted from *Storytelling and the Anima Factor* by Tim Knight, Broadcast Press, Toronto, 1995.

Zolisa asks why not, and he replies: *“No, it’s about us.”*

Zolisa says the SABC has covered stories about the Corporation before so what is unique about this one. Tebele closes the discussion: *“No, we’re not doing it.”*

26. The participants in the conference were quiet until about 10 minutes later when Thandeka Gqubule-Mbeki, the Economics Editor, says: “Look, I don’t want my name to be associated with the decision.” And Foeta Krige, Executive Producer of RSG Current Affairs, and Suna Venter, an RSG producer, echo her.
27. Then, according to the evidence from Sebolelo Ditlhakanyane, General Manager, Radio News and Current Affairs, a series of hasty meetings followed, and these culminated in the dismissal of the SABC 8 - Suna Venter, Foeta Krige, Krivani Pillay, Thandeka Gqubule-Mbeki, Busisiwe Ntuli, Lukhanyo Calata, Vuyo Mvoko and Jacques Steenkamp. All because they said they didn’t want their names associated with that decision.
28. Ditlhakanyane told the Commission: *“The decision that was taken to dismiss the eight had my name on it. I wasn’t there...I was attending an AIDS conference in Durban. I never attended a single meeting to dismiss those journalists... I remember quite well, they never said they were not going to implement the decision or the policy.... They said they objected to it.*

“Whoever told Hlaudi said the people in the Radio Editorial meeting said they’re not going to implement”.

29. Sebolelo Ditlhakanyane: *“HR was instructed to suspend them, without my knowledge. I got to know (about it) when Sihle, a Human Resources Department lady who was responsible for Radio News, forwarded the suspension letters to me to check if the contents were okay, factual and so on.”*
30. Ditlhakanyane says she called Sihle to find out what the letters were all about.

“Our Human Resources offices are on the 4th Floor, so I ran to her office and

found there was already an initiator (for a disciplinary hearing) who had actually signed the letters.... I objected”.

“The initiator was supposed to deliver those letters to them.”

And what was the outcome of this flurry of meetings that involved Hlaudi, Aguma, Tebele, Kobus from Employee Relations, Anton Heunis, Ditlhakanyane and others?

31. Ditlhakanyane said Simon Tebele called her to his office and called them (the eight) one-by-one to give them the suspension letters. *“It was painful,”* Ditlhakanyane told the Commission. *“This is not how you treat people.”*
32. A few days later, while Ditlhakanyane and Nothando Maseko were at an AIDS conference in Durban they were called by Human Resources Manager Mannie Alho and told to check letters in their inboxes that they had to sign, dismissing the eight.
33. Sebolelo and Nothando told Mannie they were not going to do that, *“the person who wants to dismiss those people must do it themselves - just remove our names from them. They didn’t - they went ahead and Tebele signed for us, as if with our authority, pp’d, and the letters of dismissal were delivered.”*

EPISODE 2: Turning the blind eye

34. Ditlhakanyane woke up on a morning in 2016 to see that media generally, but not the SABC, were carrying stories that the SABC would no longer be showing visuals of the destruction of public property during service delivery protests.
35. She describes the events of that day: *“When I got to work I got a call from Hlaudi asking why I hadn’t run the story.”*

36. Hlaudi refused to accept her version that SABC Radio didn't get the Press release and he shouted at her over the phone. *"He summoned us to a meeting – myself; Angie Kapelianis, the National Editor, Radio Current Affairs; Foeta Krige, the Executive Producer RSG; and, I think, Krivani Pillay as well. He was with Jimi, the Acting CEO at the time.* Krige's notes of the meeting are illuminating:

31/05/16 (Tue) Radio Park 27 floor:

Present: Anton Heunis (advisor to Hlaudi Motsoeneng), Hlaudi, Simon Tebele (Acting Head of News), Jimi Matthews (Acting CEO), Krivani Pillay (Executive producer SAfm Current Affairs), Sebolelo Ditlhakanyane (Head of Radio news), Foeta Krige: Executive producer: RSG Current Affairs; later joined by Kaizer Kganyago, (SABC's spokesperson) & two ladies (from SABC Communications).

Summary of meeting:

Hlaudi: *We are cleaning up the organisation. People are doing their own stuff. There are many journalists outside that want to work for the SABC. The environment outside is bad. No person is independent. The SABC is independent. This is a new SABC. You must adapt or find a job somewhere else. Tim du Plessis (a guest on The Editors) is from a rival organisation. We cannot allow people from outside to say anything negative about the SABC. We asked Franz (Kruger, another guest) leading questions. Editors' forum must go. It is advertising for rival newspapers.*

Anton Heunis: *I am an RSG listener. I know I am not a journalist. You misunderstand editorial freedom. Asking leading questions. Why didn't you do an insert on research that shows that the presence of cameras leads to violence?*

Foeta: *If you liaise with your editors and warn us beforehand of such decisions, and maybe give insight into the research on which the decision was based, we could have been forewarned.*

Hlaudi: *I do not believe in research.*

Hlaudi: *You must defend the organisation. No journalist is independent. The COO has the final responsibility for news.*

Hlaudi: *Simon, if people do not adhere, get rid of them. We cannot have people who question management... this is the last time that we have a meeting of this kind. From now on you handle things on your level.*

Jimi: *It is cold outside. If you don't like it you can go. You've got two choices: the door or the window.*

37. Dithakanyane says as they were walking back to their offices she told Krivani not to remove The Editors “for now”, but about a week later Tebele told her to get rid of the programme and the review of the newspaper headlines – “otherwise you’re going to lose your job. I’ve been instructed to fire you.”
38. “I’m a single mother, there’s just no way I can lose my job because of that,” Dithakanyane told the Commission. “So I spoke to Krivani, and then she notified the staff.”

EPISODE 3: And the winning party is...

39. Mokonyanya Molete, known as Nyana Molete, National Television News Editor told the Commission about an editorial workshop in Kempton Park meant to get staff ready for the 2014 National Elections. Jimi Matthews, who was head of news then, was also present.
40. “At the workshop - and I was chairing this session - some of our journalists were of the opinion that the things we were discussing and the approach that we were taking to the elections was a good one, but we needed to get top management to walk this path with us.
41. “We agreed that they would arrange a meeting where we would call Hlaudi in order to make him understand what decisions we had taken... basically reinforcing what our own Editorial Policies were saying, and what the

ICASA Regulations around elections were saying. That is all. But while we were sitting in that meeting some interpreted the discussion to be anti-Hlaudi. I guess some of his people told him that, and my suspicion is that this information was being relayed to him as we were discussing issues.”

42. *Back at the ranch on the Tuesday they invited Hlaudi to a meeting. “Basically he wanted to give us some kind of lecture. Quite a few people stood up to him, but the meeting ended with him saying that he was aware that some managers were conniving with workers, with employees, to destabilise the SABC - that kind of thing. People stood up and said: ‘No, but here we are all journalists, there’s no management, there’s no staff here; we are all equal and we are discussing editorial issues.’*
43. *“After the meeting he called us one-by-one into Jimi’s office and accused us of trying to destabilise the SABC. Again we made the point that he should actually thank us for having done this thing, and having done it the way we did it, because what we decided is what actually should happen: it’s what the Editorial Policies say, and it’s what ICASA says about coverage of elections.*
44. *“At Kempton Park we had decided that two people would basically write up the conclusions of the conference. Mahlatse Gallens – now Mahlatse Mahlase – and Thandeka were going to write up the minutes. A week or less after that meeting with Hlaudi, he called us into Jimi’s office in Radio Park - myself and Sebolelo Ditlhakanyane - to meet a gentleman who has subsequently died, whose name was Mohlolo, and who was head of HR, and Keobokile Mosweu.*
45. *“These guys basically gave us an instruction to suspend Mahlatse and Thandeka. And it was clear that that instruction must have come from Hlaudi even though he wasn’t present in that meeting. We refused to suspend them.*
46. *“In a follow-up meeting they brought in a gentleman from Employee Relations to help us draft a letter to the two and even help us with the process. Again we stood our ground, and refused to suspend the two.*
47. *“These people had done no wrong: ‘If you need to fire or suspend anyone you*

must fire or suspend us, or fire or suspend everyone who attended that conference. You can't just decide on these two because they were asked to document what had happened.' "

EPISODE 4: Hello my baby⁶

48. KZN Provincial Editor, Busani Mthembu, tells the story of Hlaudi and a very ill uBaba Joseph "Mshengu" Shabalala of the Ladysmith Black Mambazo.
49. *"We were following up on Shabalala's health daily. I spoke to a family member who told me: 'At some stage we want uBaba to have some peace, you know. Maybe the media must just back off'. He was just saying let's give him space."*
50. On a rainy Thursday evening, the Johannesburg office called Mthembu telling him to send a team to Shabalala's house in Ladysmith because Hlaudi was going there. Mthembu tried to argue that the family had asked for privacy – they had said they didn't want the world to see Shabalala looking frail and on a wheelchair. Mthembu was ordered to send the team through the rain in the night because President Zuma would also be there.
51. When Mthembu phoned the Presidency, it confirmed that Zuma would be visiting Shabalala. Bongani Majola in the Presidency also advised that a team should not be sent because the family had asked for privacy. When Mthembu called Johannesburg to tell them what the Presidency had said, he was told those were instructions from Hlaudi, that he should send the team. *"It was raining, the visibility was very poor. Ladysmith is quite a distance from here (Durban), about three hours. There was fog; it was so bad. The team arrived there at about 10 in the evening."*
52. The family wouldn't talk to the team and it took *"Motsoeneng or someone who was with him"* to persuade them (to talk to us)."

⁶ Title of Ladysmith Black Mambazo song.

EPISODE 5: Me and my friends (1)...

53. Economics Editor Thandeka Gqubule-Mbeki was called back to the office one evening to meet Brian Molefe, former Transnet boss, urgently. Molefe was angry because during an interview anchor Francis Herd had asked him about the procurement of Chinese locomotives by Transnet. He felt he had been ambushed with this question.
54. In the meeting, also attended by Francis, Thabile Ngoato, Sebolelo and Sophie Mokoena (now Foreign Editor), Sophie, who was playing mediator, asked Thandeka to apologise to Molefe so that the matter could go away.
55. Thandeka refused, saying the SABC had no obligation to ask “sweetheart” questions and that Molefe’s communications team should have anticipated the questions and prepared him to meet them.
56. At Molefe’s insistence the meeting moved to the office of the Chairperson of the SABC Board, Ellen Tshabalala in Radio Park. Tshabalala was also on the Board of Transnet. In her office Jimi joined them. Molefe remained “*aggressive, belligerent and physically threatening*”, according to Thandeka, and accused Francis of racism.
57. Thandeka told the Commission that Tshabalala had taken sides, demanding that Thandeka act against Francis.
58. Thandeka says it got down to the level of Tshabalala saying: “*You can sleep with politicians outside, but here sisemsebenzini (we are at work).*” In the end, Jimi dictated an apology to Molefe to a typist, saying the SABC didn’t mean to offend him, which Thandeka signed. She says: “*I was quite prepared to be fired, but I had to consider the positions of Francis and Jimi.*”

EPISODE 6: Me and my friends (2)...

59. Mthembu remembers when he was asked by then COO Bessie Tugwana to send a team to cover the handing over of seven houses to employees of a company owned by friends of the Chairperson of the Board, Ellen Tshabalala.

60. He narrates that they had a very full bulletin that weekend with very interesting stories. He said that when he looked at the event that they were told to cover, he realised that it was not a story. This guy is handing over seven houses. He had actually invited the Chairperson of the Board, Ms Ellen Tshabalala, and a host of other top guys from the SABC and actresses and actors and all to attend. So it was like a celebrity kind of a thing.
61. He talks about the incident:

“Come Saturday I realised that we couldn’t do it because we didn’t have the capacity. That morning I got a call at about 11 o’clock from the Chairperson of the Board, Ms Tshabalala, who told me they were waiting, you know. I explained to her that we wouldn’t be able to do it because we didn’t have capacity. And she told me the event would not start before our crew arrived. Then a second call came: ‘We are waiting and I am giving you 20 minutes to do this’. I said: ‘We are doing a story.’ We were doing a very interesting story - it was an air show, a very colourful story, that involved something like 60 airplanes, some of them vintage - a very nice visual story. We had to drop that because I was under so much pressure and we went to KwaMashu.

EPISODE 7: I can fire you! and I can fire your boss too!

62. An SABC crew from Durban arrived for a function that then Minister of Communications (Faith Muthambi) had near Pietermaritzburg as part of her constituency work for the ANC. According to Mthembu, she and the Johannesburg newsroom insisted that all her constituency visits to Willowfontein outside Pietermaritzburg be covered. *“On one occasion she was going to hand over a house or something. She had been there some three, four weeks before and then she went back to hand over a house, so we had to be there.”*
63. Mthembu testified that their team got delayed somewhere and were about 20 minutes late. When they arrived at the house Ms Muthambi was not there yet. *“She had gone down to a stream where there was a Government campaign to clean up rivers, removing plastic bags and weeds*

and, you know. So she had gone to this river with some locals. Our team decided to wait for her at the house that she was going to hand over to a family.

64. *“She sent someone to check if the SABC team had arrived - other journalists from the print media had gone down to the river with her. As the team arrived at the river, in front of everybody she told them how stupid they were, how fat they were, how bad they were. ‘I can fire you and fire your boss as well... you are SABC, you are my people and you are not listening. I will fire you and I will fire your bosses as well,’ she said.*
65. *“So they filmed her doing whatever she was doing there and then they went up to the house.”*
66. *Because TV crews have to pack all their equipment – mikes, tripods, cameras, etc., the team were slower than everybody else in getting back to the house. “When the crew caught up Muthambi told them to be fast – ‘or I will fire you, I will really fire you’. Then she picked on this young lady and told her she looked fat and that she wasn’t dressed appropriately. The journalist was wearing a nice shirt and a nice skirt.*
67. *Mthembu explained that he was so angry that he wrote a letter of complaint. He said that he “” addressed the letter to Nyana Molete, who is the National Editor; I copied Nothando Maseko, and a whole lot of other people, you know. Not one response came - not even an acknowledgement of receipt.”*

Capricious use of authority and power

68. These seven episodes, culled from the evidence, illustrate the affliction of the SABC in the years covered by the Commission in its work. The Corporation suffered from the capricious use of authority and power to terrorise staff and to deflect the Corporation from its mandate.
69. The people who were in the middle of this world described it to the Commission:

Sigabi: *“The atmosphere was not good, morale was low and fear was really dominant at the time, because there were people who were fired for insignificant reasons.”*

Ditlhakanyane says: *“The level of pressure that we would be put under and with the kind of attitude along with that, like: You are nothing and you will do this whether you like it or not. Those kinds of things would influence us and sometimes we would end up implementing whatever we were supposed to...”*

“I ended up with depression and was admitted (to hospital for two weeks.)”

70. When he resigned Jimi described it as a *“corrosive atmosphere”*.
71. Thandeka Gqubule-Mbeki calls it *“egregious abuse of power”* and describes her state then: *“You know, I’m like on automatic; like I’m a robot. I’m just going through the motions. I get up at 4:30 every day, go to the gym, go to work, do everything that I’m supposed to, but there’s no me anymore. There’s just this automaton. This person, you can call it a robot, Thandi, but this is what I’ve become.”*
72. Nyana Molete says: *“When you’re dealing with individuals like that (Jimi Mathews, Hlaudi Motsoeneng), individuals who are all powerful, and individuals who at any turn would threaten to fire people, you do get demoralised. You just feel you come to work to basically earn your keep. Apart from just the bullying and that kind of thing, there was also a decline in the quality of the work we were doing. To a degree I think people just came to work, people didn’t want to challenge, people didn’t want to apply themselves. As a result, no matter what we were trying to do in terms of improving the quality of work and that kind of thing, it was a very terrible situation. It was very demoralising.”*
73. Molete adds: *“I think it was a combination of a huge ego gone crazy and power and the sense that you made decisions for a lot of people and you were in contact with very powerful people. You would make a call to the President and he would take your call. That makes you feel really powerful...”*

“I’m sure that he (Hlaudi) was put under a lot of political pressure to do things in a particular way. Unfortunately, I don’t think he had the integrity to make a judgment as to whether the direction that they wanted him to take was the correct one or incorrect one. I think he just basked in this whole power thing.”

The Newsroom

74. The pictures above don’t square up with what a newsroom should be - an inspired, creative space in which journalists joyfully bounce ideas off each other. This is a space where the question uppermost in everyone’s mind is: What story should we tell our listeners, viewers or readers today, this hour, this minute to help them make their lives better?
75. The answers emerge at “Line Talk” – radio at 08:30; online, 09:00; or television at 10:00 - when news executives decide on their diaries for the day. The diary is the outcome of input from all news staff – rural, urban; from leafy suburbs or the shantytowns; from different religions and other persuasions – staff in their diversity. The journalists are from nine regional offices throughout the country, as well as from satellite offices in Bisho and Umtata, in Washington, East Africa, Zimbabwe and Lesotho.
76. Present at the conference are the National Editor, the Executive Producers of bulletins and of current affair shows, bulletin editors, the Head of Radio News, a representative from Digital News, the Editors of Specialist Desks – i.e. Parliament, economics, politics and sports - and Provincial Editors. Ideas go into this crucible, and the best survive to benefit audiences – they reflect who we, as South Africans and as citizens of the world, are.
77. The participants are guided by the Corporation’s Editorial Policies⁷, which are “intended to help the editorial staff negotiate difficult editorial issues and decisions so that distinctive and compelling — and sometimes controversial — programmes can be made, while maintaining the highest ethical and editorial standards”.

⁷ http://web.sabc.co.za/digital/stage/editorialpolicies/Policies/Editorialpolicies_rev.pdf

78. “Through this policy, the SABC is well positioned - and unmatched in the market - to meet the challenge of telling the South African story with compassion, determination and resolution, while creating forums where South Africans from every walk of life can communicate ideas about their common future. “

The evidence, its meaning and analysis

79. The evidence we heard and read confirmed overwhelmingly that there was capricious use of authority and power to terrorise staff and to deflect the Corporation from its mandate. The terrain covered in the following paragraphs will cover:
- a. The abuse of power, the violence, threats and fear;
 - b. The role of the so-called “enforcers”;
 - c. Relations among staff;
 - d. Recruitment, exits, upwards and sideways movements;
 - e. Political and other interference in editorial decision-making; and
 - f. Other issues.

The abuse of power, the violence, threats and fear

80. First, we look at the big picture and then zoom in on the specifics; each time we start with a review the evidence of the coordinator of a staff forum, Busisiwe Ntuli, and then we look at some of the individual evidence.
81. Busisiwe told the Commission she *“felt compelled to forward this submission following my unsuccessful efforts to persuade the people who are directly impacted by the incidences below to forward their submissions because of the continued existence of fear in the newsroom”*.
82. She testified: *“People are bruised from their past experiences where they previously attempted to report certain incidents but were either met with complete silence and inaction from the powers that be, or were victimised.”*
83. She told us about the scepticism among staff about the independence of this Commission because the email address we were using was on the SABC server.

84. Her evidence was a bird's-eye view after she collated the stories from staff nationally at regular Tuesday staff forums, linking SABC offices across the country, during which SABC issues were raised.

- a. *Staff members in Kwa-Zulu Natal say that the various factions of the ANC had used their connections to force them to cover their events. In some instances, they would not even call them directly but staff would receive calls from Motsoeneng to go and cover certain events, regardless of whether they were newsworthy or not.*

In her oral evidence, Busisiwe said that when Sihle Zikalala was the Chairperson of the Province, Hlaudi would force staff to cover almost every ANC story and almost every event that the ANC was hosting, newsworthy or not, especially the Youth League of the ANC. They would call the office to a briefing, and sometimes they would make them wait for up to five hours. When other media houses left, the ANC Youth League would boast that SABC journalists had no choice but to serve them.

“At some point the Women’s League demanded that an SABC crew go to Nkandla to cover them protecting Zuma’s home. And throughout their four-hour drive, the journalists were shouted at and harassed by women who were calling them throughout their drive, ordering them to hurry.

“And I’m told among these women was the current Free State Premier, Sisi Ntombela.”

Busisiwe told us that the ban on the use of protest pictures showing the destruction of property also affected Durban because when the city was on fire with ANC members protesting against Councillors, who, they alleged, were imposed on them, the story was not aired.

b. *Interference by traditional leaders*

“The SABC staff In Limpopo were prevented from covering the conflict in the Venda royal family in a manner that they as professionals saw fit,” Busisiwe told the Inquiry.

“At the height of the fight for kingship between King Toni Mphephu Ramabulana and Princess Masindi, who believes she is the rightful heir to the throne, staff was barred from interviewing certain people.

“At least one journalist received death threats for doing his job without fear or favour. During this time, senior news managers including Nothando Maseko and Sebolelo Ditlhakanyane travelled to Polokwane to mediate between the royal family and SABC staff.

“We were told that these managers prevented staff from opening criminal cases following the death threats, saying that they would negotiate with the royal family.”

Zooming in to the granular...

85. Kgaogelo Magolego, a former SABC employee, told the Inquiry that he was dismissed at the instigation of Communications Minister Faith Muthambi. He says he was interviewing her in Lephalale in Limpopo.

“I asked her to explain DTT (Digital Terrestrial Television) in layman’s terms, and once she had finished responding in English, I politely requested - and this is common practice in the SABC - that she repeat the same answer in her mother tongue. She was trying to find her words. It happens with people that say something in English, but can’t immediately translate it into their mother tongue”.

“At that stage she said: No, no, no, I don’t want to talk about it. I want to talk about something else. This is boring. At that time she grabbed her handbag and people were laughing at me.

“She took her things and said: I’m not even going to do this interview. I can’t believe you drove all the way from Polokwane to ask such a boring question. That’s how she abandoned the story.”

86. Kgaogelo says he then started to get phone calls from the SABC, saying he had insulted the Minister. *“I didn’t. Neither did the cameraman or the radio journalist. We didn’t.”*
87. He says he appeared at a disciplinary hearing chaired by Simon Tebele, against whom he had previously laid a grievance that was not processed by the Corporation. Tebele overruled his objections to his chairmanship.
88. He was found guilty of leaking information to the press because the Sunday Times had run a story that he was going to be fired because Muthambi wanted him fired. The other charge was that of refusing to carry out a reasonable instruction by a manager.

“They said I refused to cover the Minister’s imbizo.”

89. He said: *“The radio journalist could not continue with the story either. He was not charged. The cameraperson also brought up the little that we had covered. He was not charged. The video editor could not send anything to Johannesburg because we simply did not have enough material. The radio journalist even came to testify at the hearing to say that the Minister actually kicked us off, that she mistreated us, and told us she wanted to have nothing further to do with us.”*

And why didn’t he broadcast the English version?

90. He says his seniors in Polokwane would not feed it to Johannesburg because although the English version explained DTT, it also showed the Minister saying she didn’t even want this bit on air.
91. He was found guilty and dismissed, even though he had no previous records of misconduct at the SABC. Kgaogelo went to the CCMA, which ruled he should not have been dismissed and ordered the SABC to pay him two months’ salary as compensation.

92. He says he could not afford to take the matter to the Labour Court on review and so he remains unemployed.

Back to Busisiwe...

93. *“In Mafikeng, for instance, there was interference in how the murder of businessman Wandile Bozwana was covered. Staff at that office allege that there was interference with the coverage, that one of the stories was pulled because the reporter had interviewed business people opposed to the premier.”*

Setsokotsane

94. *“A reporter from Motsweding current affairs was allocated to the North West premier’s so-called rural area revival programme called Setsokotsane. This journalist followed the premier in the same way a presidential correspondent would follow the president.”*

Zooming in...

95. Western Cape Provincial Editor Kenneth Makatees, who was at one time Acting Group Executive: News, illustrated the chaotic decision-making at the time:
96. *“On one of his visits to Parliament Hlaudi met SABC staff in Parliament and told them they were not reporting to me anymore, but directly to Johannesburg.”*
97. Makatees says he raised this in a meeting attended by Hlaudi and Jimi. *“Jimi then said they would come back to me. They never did.”*
98. Makatees also tells the story of how the reporting lines of the provincial editors were suddenly changed and they had to report to the regional general managers: *“I reported to the Heads of the Radio and of TV News in Johannesburg - part of the problem is that a lot of these things were never written out or didn’t come in writing.”*

99. “We then queried it with our line managers, that’s now the Heads of Radio and TV. *They said they didn’t know about it, they were never consulted.*”
100. Makatees also tells the story of how the News HR Manager, Mannie Alho, was threatened by another HR Manager for not appointing a Hlaudi nominee to be Executive Producer of Morning Live.
101. Mannie sent him the following email:

“Dear Kenneth

“I would like to bring to your attention a situation that happened to me yesterday afternoon (30 August 2017) in the Radio Park car park as I was about to leave for home which makes me feel very uncomfortable. The issue involves Mr Rabosana Maliehe.

“Mr Keobokile Mosweu greeted me and wanted to know why I was blocking or being a stumbling block with the implementation of the appointment of Mr Maliehe as Executive Producer at Morning Live.

“This is the second time that Mr Mosweu has raised this with me. This undue pressure makes me feel uncomfortable and feel that I could be victimised should I not make it happen. There seems to be obvious pressure from other quarters to ensure that this employee be appointed as Executive Producer at Morning Live.

“May I request for you to please intervene or give guidance in this regard.”

102. At the time Makatees was Acting GE: News. He told the Inquiry: *“I was very disturbed about it. I phoned the COO Bessie Tugwana about it and I also wrote an email about it.*
103. *“And that’s when I realised that this is much bigger than I and it is not as innocent. It is clearly a network controlling this. And that sort of confirmed*

my suspicion there was a structure to whom the Head of TV News was reporting.”

104. The Inquiry heard more evidence of violence and threats of violence...
105. Thandeka Gqubule-Mbeki tells the story of herself, an intern and a cameraperson being pursued by a strange vehicle, which she reported to the police and the SABC.
106. She concludes: *“R22 000 later and they (the SABC) never even sought to compensate me. Here I am, trying to find out who was chasing (us) SABC employees; we were carrying an SABC satellite, we were carrying the equipment, the cameras, we were with SABC interns, and a representative from the SABC Cameras Department when this incident occurred. The SABC was completely apathetic to their obligations to the equipment and the financial loss that could have ensued if we had lost the equipment; and let alone the human capital, that they tell us is so important. So that indifference tells you everything you need to know about the incident. “*
107. Executive Producer of SAfm Current Affairs, Krivani Pillay, told the Inquiry: *“At first I didn’t believe Suna’s (Venter) claims that she was being followed and attacked. I thought that she was over-exaggerating.*
108. *“The afternoon of her death was when things - I try not to think about it...Suna and I weren’t friends. Sometimes I challenged her on some of these bizarre claims she used to make, but when she died I realised how naive I was and how I wasn’t willing to give her the benefit of the doubt. I think the stress eventually killed her.*
109. *“I don’t like to think about the SABC 8. I actually don’t even like being referred to as someone who belongs to the SABC 8, because it was a very scary time.*
110. *“I worried about my parents’ safety, because they live alone on a farm. So I thought if people were tapping my phone, could they know my parents are alone?*

111. *"I worried about my husband. I never left my home unless it was necessary. The thing I love about radio is people don't recognise you. But then in the two to three weeks we were on the newspapers' front pages almost every day. People in the supermarket used to come up to me, and I was very uncomfortable, I didn't know who to trust, who not to trust, who was on our side or wasn't. It's something that I haven't fully dealt with and I just want it to go away.*
112. *"My psychologist says I suffer from post-traumatic stress disorder and I seem to – I don't like being called a hero. I hate that word and then they say: You should be so proud of yourself. And I know that what we did was a good thing and we exposed something big, but leave it at that. I don't want to talk about it anymore."*
113. Krivani says even as the SABC 8 arrived at Parliament (to give evidence to the Portfolio Committee on Communications), they got a text message: *You must turn around, don't you dare go into Parliament and speak.*
114. *"We were thinking: Who are these people? How serious are their threats?"*
115. The chaos in the decision-making filters down to the level of programme production. For example, the evidence from Business News anchor Francis Herd: *"At one point I was told to cancel interviews with opposition finance people. It was the run-up to budget and we were speaking to the EFF and the DA. We had called them in order to give us their expectations.*
116. *"Sophie Mokoena walked past and about half an hour later I got a call from Nyana Molete saying I needed to cancel those interviews. He didn't give me a reason. I said: What on earth must I tell these people? They were already on their way to the SABC. He didn't tell me to lie or anything, he just said: I'm sorry."*
117. She explained that she knew that Molete was reluctantly telling her to cancel. *"I suspect that he had been told to tell me to cancel them."*
118. TV Current Affairs Executive Producer Mwaba Phiri gave the Inquiry another perspective on the chaos. He said the weekly meetings of current

affairs Executive Producers limped on after the head of current affairs retired three years ago.

119. They continued to meet and rotated the chairing of the meeting among themselves, until Nothando Maseko told them she would chair them.
120. Phiri testified that Maseko has not called a single meeting since then and each EP is left to his or her own devices: *“The destruction of that structure makes it easy for anyone to control the newsroom, because they would meet you in the corridor and tell you: From now on you must not do political stories.”*
121. Phiri says he got such an instruction from Maseko. She said he could do political stories only if the Political Editor approved.
122. He also gave evidence about him or members of his team receiving calls to stop a programme that was already running on air.
123. He said: *“On one occasion, for example, Nyana Molete came into the studio and told me: The COO wants to speak to you. (At that time) on air we were discussing the issue of the Venda king being challenged for the throne by Princess Malindi. (Mwaba told us the Venda king and Hlaudi were good friends.)*
124. Phiri explained that the call he was asked to answer was prompted when Hlaudi saw Malindi on screen challenging the king, Toni Mphephu Ramabulana. Hlaudi called Molete, who came to the studio to call him (Phiri).
125. *“When I reached his Molete’s office he told me there were three people in the COO’s office - Hlaudi, Nothando, who later denied she was there although I was told she was, and Tebele, who was Acting GE News.”*
126. Phiri said it was Tebele that spoke to him on the phone and asked him why he had Malindi in the studio. Tebele ordered him to stop the programme immediately.

127. *"I said I couldn't stop it because if I did I would put the SABC into more problems. It would be very good fodder for sensation in the media because they will say: Here is a programme that's on air, and suddenly it disappeared.*
128. *"I left Nyana Molete talking to them and I ran back to the studio to supervise the discussion. He phoned me again, in the studio, and again instructed me to stop the programme. I refused and was expecting some kind of suspension the next day, but I wasn't (suspended)."*
129. Phiri also told the Commission of an attempt to foist Hlaudi praise-singer Mzwakhe Mbuli as a guest on his programme while it was on air. Again he resisted.
130. Phiri's programme was canned without explanation, his staff were told to find openings elsewhere in the SABC, and he is now left twiddling his thumbs. He reports for duty every day and hangs around until it's time to go home in the afternoon.

Enforcers

131. The one subject at the SABC today that is loaded with emotions it is that of “Enforcers.”

Sebolelo Dithakanyane:

132. Earlier in this report, we saw a version of Hlaudi, Jimi and Tebele in a meeting railing against Sebolelo Dithakanyane (Head of Radio News), Krivani Pillay (Executive Producer SAfm Current Affairs), and Foeta Krige: Executive producer: RSG Current Affairs. Hlaudi was attacking the programme The Editors and the slot where newspaper headlines were reviewed. He ordered them to remove these programmes immediately.
133. Dithakanyane said as they were walking back to their offices she told Krivani not to remove The Editors “for now”, but about a week later Tebele told her to get rid of the programme and the review of the newspaper headlines – *“otherwise you’re going to lose your job. I’ve been instructed to fire you.”*
134. *“I’m a single mother, there’s just no way I can lose my job because of that,”* Dithakanyane told the Commission. *“So I spoke to Krivani, and then she notified the staff.”*
135. Fast forward to the Parliamentary Ad Hoc Committee hearings in Parliament where Krivani fingered Dithakanyane as an “enforcer”....
136. Was Sebolelo an enforcer or a victim? When she stalled for a week, with Krivani’s concurrence, was she an enforcer? When Krivani notified her staff, was she an enforcer? Where does one draw the line?
137. A large part of the evidence we heard related to relations between staff members and their movements within the organisation, fuelling anger and mistrust among peers and against the Corporation. Again culling stories from the evidence, we have:

Sophie Mokoena

138. She has been described as an “enforcer”, which she denies. Here she gives her version of her role under Hlaudi. She starts by telling how she was moved from her position as Political Editor and then goes on to tell how she stood up to him on several occasions:

From Political Editor to Coordinator of News

139. *“Jimi came to me to say: ‘Sophie, you know when the SACP (South African Communist Party), when Blade Nzimande, when Vavi, when Gwede - when they hear your voice on television they don’t even listen to what you’re saying, and then they start calling and complaining that your story is biased. I think you need a break from this political pressure’.*
140. *“That’s when he appointed me as the National Coordinator of General News and moved me from the Political Desk....*
141. *“When the contracts of Eusebius and Sakina, Metro FM, were not renewed - it had nothing to do with content: it was about a leader, or manager, or news editor, or other senior who couldn’t defend the foot soldiers and say: ‘Okay, you are saying Sophie is biased? Let’s listen to her story. Let’s see where the bias is.’ That was allowed to continue, and all politicians now tend to do the same, because they know this thing has happened. If they’re not comfortable with a particular journalist they always call senior managers and put pressure on them. And senior managers will find a way to do it, consciously or unconsciously, I don’t know.”*

Standing up to Hlaudi after Kempton Park meeting and threats to Thandeka and Mahlatse:

142. *“It was a heated meeting, I stood up alone until Jimi, Nyana Molete, Sebolelo Dithakanyane, said: ‘Yes, as management we did support this memorandum’.*
143. *“The then COO said: ‘Okay, let’s adjourn this meeting’.*

144. *“Then he called me to Jimi’s office to say: ‘What’s happening here?’ I said: ‘Hlaudi, SABC cannot punish junior staff members for just compiling a collective contribution of the team in terms of their concerns. If you have a problem with this, and the process that led to it, speak to your seniors, the senior management. Let them explain how it happened. How did they allow a workshop that was meant to prepare for election coverage to come up with this document that management is not comfortable with? Start there’.*
145. *“At that time both Nyana Molete and Sebolelo had been given instructions to suspend the four journalists. I stood up. It didn’t make newspaper headlines, because that’s how I operate, I stand up, I fight, and that’s it. It’s not about glory and grandstanding. Finally they were not suspended because I was able to tell the COO that this is not correct and it can’t be done. Because I used to stand up firmly when I didn’t agree with him.*
146. On service delivery protests...
147. *“There was this issue of the visuals, not using the protest visuals. When that memo was issued as a Press release, it was 23h00, almost midnight. I normally look on social media to check whatever is happening around the country and internationally. Then I saw that memo at 23h00, after it was released.*
148. *“Immediately that night I called my senior, Nothando Maseko, to say, ‘I don’t agree with the content of this memo or media release in terms of how protests should be covered. I understand fully that sometimes when protestors see journalists and they see cameras they get wild and they can sometimes burn things, because you will take pictures and their stories will be heard, or the little ones get excited. You have to be responsible when you cover these: you don’t incite - you do the story. We can’t ban the coverage of protesting individuals. We can’t. We can act responsibly if there’s a fire and if someone is setting fires - you know, it’s a graphic picture.*
149. *“We can exercise caution but we’re not going to stop covering protests. I told her that the next day we must go to Hlaudi and tell him this is not going to happen. And I did just that. When we arrived he said to us: ‘No, I don’t necessarily say you must stop covering them, I’m just saying be responsible’.*

150. *“Then I said: ‘Okay, retract this statement, because it’s too harsh and it doesn’t say what you are saying.’ But they didn’t and I told him that I would continue to cover protests if they are politically related.*
151. *“At the elections workshop I again asked Hlaudi about coverage of protests and the burning of buildings. He denied it again. He said: ‘No, I don’t say you mustn’t cover it, I’m just saying you must be responsible.’ But the technicality is that they didn’t retract the memo. The memo was there, so I could do it, because I felt I can’t subscribe to wrong things, but for some people the memo was still there. So, of course, if the memo is still there, some would be scared to do it, but I continued to assign the political team where I had to assign them in terms of protests.”*

Nyana Molete

“I don’t want to lose my job” cascades down the organisation.

152. Molete confesses that what Calata told the Parliamentary Ad Hoc Committee about him is true. He explains that when Jimi stormed into his office one day complaining about the frequent usage of EFF pay-back-the-money visuals and said, *“Look, man, you’re going to make me lose my job. Why do you keep using these pictures?”*
153. *“I knew that Jimi was under pressure from his boss to stop this stuff,”* Molete says. *“I called Calata and tried to have a discussion with him, but we didn’t agree. He was right, the pictures were relevant and he had to use them.*
154. *“Instead of saying, ‘Jimi says we want him to lose his job,’ I said: ‘Hey, my bra, my kids are coloured, they don’t eat pap and vleis, I don’t want to lose my job.’ Even that in itself was editorial interference.*
155. *“We have the right journalists to do this job and we have the resources to do what we can do. Then something happens, you put someone with a personality disorder there and then everything goes haywire.*

156. *“He (Hlaudi) had this kind of all powerful presence and certain things would be done because he wanted them to happen, not because they were in the best interests of the organisation.”*

Zolisa Sigabi

Jobs, jobs, jobs

157. *“I suppose we were all worried about losing our jobs. If you are then called before a DC because you have defied an instruction, it doesn’t matter that the instruction was not legal, and we could prove that - of course you can always prove that the instruction was not legal, it was unlawful, unreasonable etc. But at that moment I don’t think we thought of that - the majority of people, I suppose.*
158. *“He (Tebele or Hlaudi) would call and say: ‘That story does not sound good, etc.,’ and then we defended the stories and the lines or angles that we pursued. This would be largely if it was about Zuma and all the things that he was doing, that we would broadcast. But we also knew that somebody must have called him. He did not listen to the bulletins, because if he had he would have called there and then, saying: ‘I have just heard this story.’ They would come hours after the story was aired.”*

Nothando Maseko:

159. Maseko seems to be the only news manager who sees nothing wrong in all she did during Hlaudi’s reign as the COO.
160. She testified that she did not see anything wrong or sinister with Hlaudi’s instructions or directive on violent protests. She elaborated that he was only urging SABC staff to exercise caution when covering the stories of violent protests.

Muddied discussions:

161. Two events have muddied the discussions around the “enforcers” – the first was a staff meeting called by the SABC’s recent Interim Board and the other was a petition signed by 116 “key” news staff members.
162. Izak Minnaar explains the second event, the Interim Board meeting: *“At some stage during the meeting, while the Board members had stepped out, there was a vote of no confidence in a number of specific individuals. The MC then, who I think was one of the SABC 8 if I’m not mistaken, just accepted it.”*
163. In the petition to management staff say: *“We are yet to see the end of impunity where those who were responsible for violating our editorial standing in society through their unlawful conduct and enforcement of political instructions, are held to account.”*
164. Ntuli, of the Staff Forum, said: *“We’re not saying people must be fired. We’re saying how do we move forward? And this is what we’ve raised. How do we move forward when the same people continue to do the same thing? At some point we were saying we’re coming up with a new strategy, a new this and a new that. How can the same people drive the same new strategy when they are the ones that brought us to the current position that we are in, where the newsroom was compromised and SABC journalists are seen as a laughing stock out there - we’re not taken seriously, we are Government spokespersons, because of these managers.”*
165. The evidence on personnel shows the extent to which the mismanagement in the C-suite affected staff below: staff lost trust in each other and in the Corporation, they were at each other’s throats, accusing each other of being Hlaudi’s lackeys and enforcing his edicts.
166. Some of the witnesses said they expected the Commission to recommend disciplinary action against the “enforcers”, while those accused of being enforcers argue that they pushed against Hlaudi to the extent that they could and gave in only when they couldn’t fight any more. They claim they actually defended their juniors.

167. If we recommended that “enforcers” should be face disciplinary action, we move into murky waters. We would have to define the management levels of enforcers; define their motives; and we would have to define what enforcement really meant. Is this a case that can stand scrutiny by our courts?
168. If a manager conveyed his or her fears of losing a job with the instruction he had himself been given, was she as culpable as the person who gave the original instruction? Would the conversation between the “enforcers” and Hlaudi, or Jimi, or Tebele be considered before the label of “enforcer” was slapped on them?
169. Also, were the people who carried out the instruction innocent victims? Why did they not use the Corporation’s Grievance Procedures? Was anybody who worked at the SABC, who didn’t object to what was happening, innocent? Why were the trade unions silent?
170. The guilt does not just stop at the C-suite: why was the Board silent? Where was the Portfolio Committee on Communications? Where were the listeners, viewers and readers of the SABC, where was the South African public, the true owners of the Corporation?
171. The courageous SABC 8 brought matters to the boil, and made South Africans aware of the crisis. That point could have come earlier if staff had filed labour grievances, walked out, toyitoyi-ed, written memos to the Board and to the Portfolio Committee on Communications, to the ANC, and to ICASA. (Courage is one of the distinguishing characteristics of good journalists.)

Relations among staff

172. The irony of abuse of any form is that the victims turn vicisouly against each other - in the case of SABC, staff are angry not only with the C-suite and the enforcers, but they carry deep resentments against each other – one finding fault with the other. Some very strong language came through as people were testifying. An example is that of a witness talking about her immediate senior – “her skillset *when it comes to news and*

management leaves much to be desired. And she is well aware of where I stand on the issue.”

173. At the other end of the scale is political journalist Mzwandile Mbeje, who believes there’s a campaign in the newsroom to discredit him, labelling him as part of the Zuma administration simply because he was the presidential correspondent.
174. *“Unbeknown to me there is a petition drafted by my own colleagues which basically says: This presidential correspondent must be removed immediately because he is politically compromised.”* He believes the rumours muttered behind his back have effectively stopped his career dead. *“No one is talking about my qualifications, my experience. No one is talking about that.”*
175. Former SABC journalist, Kgaogelo Magolego, who is still hoping to get his job back, is convinced that in the years he was in the Polokwane office, colleagues would tell tales about him to influential people outside the SABC. For example, if a story suggestion was dropped at the diary conference, word would go out to people outside the SABC blaming him for the story being dropped.
176. The finger pointing extends to allegations that some of the freelance workers use SABC platforms to promote their other businesses, e.g. as public relations practitioners.

Recruitment, exits, upwards and sideways movements

Ntuli on Regional Editors:

177. *“In my discussions with staff at the Mafikeng and Northern Cape offices, I was informed that Motsoeneng appointed provincial editors who were not qualified for the job. It is important for this inquiry to investigate how these appointments were made and what impact they’ve had on the editorial standing of these offices.”*

178. She alleges at least one of them catapulted from scale 40-something to scale 120 or 125 after he was made provincial editor.
179. News HR manager Mannie Alho told the Inquiry about the pressure from both inside and outside the SABC to manipulate the appointment of a Provincial News Editor in Limpopo. While the interviewing panel was dealing with internal applicants, they started receiving phone calls telling them who to appoint.
180. He believes that one of the panellist got a call from Mohlolo, who was the Group Executive of HR at the time. *“He has now passed on, but I know that he personally called one of the panellists.”*
181. Mannie testified that because of this interference, the panel halted the internal process and advertised externally. The matter ended up at the CCMA with one of the internal candidates saying the recruitment process was flawed because he should have been appointed.
182. Other witnesses also spoke about external influences on appointments, promotions, and lateral movements of staff. Mbeje recalls how he was moved from his role as acting Political Editor by Acting COO Bessie Tugwana months before his acting mandate was due to expire. *“She thanked me for a job well done and said I could now revert to my old position.”*
183. When he got back to the newsroom his line managers, Nothando, Nyana and Sebolelo were surprised – Bessie had not discussed this with them.
184. Jonathan Tekiso, Group: HR told the Commission that Human Resources document and keep records of:
- the motivation that confirms that the vacancy exists:
 - the motivation that confirms that the budget exists;
 - a copy of the advertisement:
 - copies of the interview panel’s scoring sheets: and
 - copies of CVs for all the candidates.

185. It should therefore be easy to audit the records of newsroom personnel, particularly management, to check the credibility of their appointments.
186. The Commission looked at the personnel files of some of the people who were fingered. Nothando Maseko, Sebolelo Ditlhakanyane, Hlaudi Motsoeneng and Charles Matlou.

Nothando Maseko

187. All recruitment processes appear to have been followed except for one flaw: there is no satisfactory explanation why Maseko was considered over another candidate, who scored higher.
188. The report states that the other candidate's interview was not considered because a different panel interviewed him.

Sebolelo Ditlhakanyane

189. She joined the SABC as a Radio journalist in the Free State and was later appointed as Regional Editor in the Northern Cape.
190. In her HR file, there is no copy of the advertisement for the Regional Editor post, no interview report, no application by her for the post, and no memorandum of the establishment of the post.
191. In her HR file, there is no verification of her qualifications for the post.

Hlaudi Motsoeneng

192. He was employed by the SABC in the Free State as journalist in 1995. At the time he did not submit a Matric Certificate as required and promised to submit it. Despite numerous requests from HR since 1996, he did not submit the matric certificate.

193. His appointment as the COO was irregular as all the SABC recruitment processes were not followed. Most of all he did not qualify as there was no record that he possessed the matric certificate. It appears that his name was submitted to the Board, then the Board convened a special meeting to approve his appointment.

Charles Matlou

194. All the recruitment processes were followed, except the verification. He was appointed without the verification of his qualifications. There were also outstanding documents.
195. It is not clear in the file if the verification was done in the end or whether the required documents were finally submitted.

Freelancers

196. Elvis Presslin told the Inquiry that freelancers at the SABC are ill-treated and are not constructively engaged by TV news management: they have no way of ventilating their concerns.
197. *“TV news management has a blasé attitude towards our concerns as freelancers. They act unilaterally and with impunity in removing freelancers from presenting rosters, without formal written Commission or communication or even a meeting to discuss their problems.”*
198. He told the Inquiry that his remuneration has remained the same since 2013.

Editorial Independence and the ANC

199. Among the SABC's values in the extant Editorial Policies is Editorial Independence:
200. *"The SABC is governed by the Charter of the Corporation, which enshrines the journalistic, creative and programming independence of the staff of the Corporation, and the constitutionally protected freedom of expression"; and*
201. *"The principle of editorial independence is therefore fundamental to the operations of the public broadcaster and especially important to the functions of the SABC's news division."*
202. The Commission did not hear evidence alleging a meeting or meetings in smoke-filled rooms from which participants emerged with a plot to capture the SABC newsroom and with assigned roles in the plot. There were no email or sms trails we could follow.
203. We could not delineate a direct path from decisions at Luthuli House to editorial decisions in the SABC's newsroom. However, Nyana Molete sketched a possibility: *"When it comes to politicians - remember, you also have the SABC reporting to a Minister. That Minister would be a member of a particular political party. Since 1994 all these Ministers that the SABC reported to were ANC deployees."*
204. *"Those people would communicate with people in the SABC. Whether it's people on the Board or Senior Executives in the SABC, those people would communicate with them. The structure of this whole thing allowed them to do that. Then you also find senior executives who actually enjoy being in the company of those types of people, so in the company of Ministers, maybe even in the company of the President and before long they actually lose their identity. They don't know whether they work for the SABC or they work for the Minister, and in some cases whether they work for the ANC or work for the SABC."*
205. A similar picture emerged when Zizi Kodwa and Pule Mabe, for the ANC, proposed to the Commission that the SABC must employ people qualified for their jobs. *"Our sense is that the Corporation comes from a period where*

because of the notion that somebody reports to Luthuli House, nobody questioned anything, and therefore wrong things went on underneath.

206. *"We emphasise qualified people because our sense is that less qualified people are braggarts and name droppers, and they don't understand the concepts of independence and impartiality... they create this ANC which somebody would call a gogga...feared by people. There mustn't be a possibility of an individual so powerful that...people can't even think of disagreeing with him or her. There mustn't be fear at the SABC."*
207. This statement might not have been intended as such, but it is a huge concession by the ANC, that there could have been people at the SABC using the organisation's name to intimidate others. It is hard to believe that the ANC woke up to the crisis at the SABC only after Jimi resigned, after the SABC 8 saga, and "after widespread condemnation of policy decisions at the public broadcaster". Was it convenient for the party to turn a blind eye to the mounting crisis at the corporation?
208. The confusion of roles was demonstrated earlier in this report: for example, the chairperson of the SABC Board wore ANC regalia at an SABC Corporate social investment event and was angry when SABC journalists asked her about it; Faith Muthambi insisted on coverage while doing ANC work; and Hlaudi Motsoaneng scrapped The Editors radio programme because guests were *"always lambasting the ANC"*.
209. Furthermore, it is not clear who was pulling the strings behind Motsoeneng, however his utterances to the executives who attempted to resist his manipulation - *"I will go to Pretoria and see the President"*; *"All events attended by the President must be covered by the SABC irrespective of their news-worthiness"*; or *"I will call the president now"* - speak volumes that he was linked to the office of former President Jacob Zuma.
210. And if ever there were doubts about the relationship between the SABC and the ANC leadership, Muthambi and Hlaudi, even after their removal from the SABC, travelled to Durban earlier last year to show support for President Zuma when he appeared in court.
211. Press Statement

212. By the middle of 2016 the chaos at the SABC was obvious to everyone, including the ANC, whose secretary-general at the time, Gwede Mantashe, issued a Press statement that in all fairness we quote in full:

"The African National Congress (ANC) has noted with grave concern recent developments at the South African Broadcasting Corporation (SABC) which have led to the resignation of the Acting Group Chief Executive Officer, the suspension of several senior journalists and widespread condemnation of policy decisions at the public broadcaster which border on censorship.

"Over the last few days, the ANC (and correctly so) has referred all matters relating to the developments at the SABC to the SABC Board of Directors and the Minister responsible for Communications – who are best placed to deal with matters involving the SABC. We emphasised that the SABC does not report to the ANC. It was our hope that by now these issues would have been attended to and resolved. We still believe it is not too late for them to do so; we are of the view however that the ANC must clarify its position on these matters.

"The African National Congress has throughout its history steadfastly upheld the principle of media freedom and freedom of expression. This unambiguous position of the ANC is enshrined in the Constitution of the Republic of South Africa and all policy articulations of the movement over many decades. We have jealously guarded the right to freedom of expression and have never hesitated to speak in favour of media freedom wherever and whenever allegations of media censorship of any kind were raised. The people of this country, led by the ANC, fought for freedom of expression, for the freedoms enjoyed by the media today and the right of any person to access any information.

"Therefore any policy changes or editorial decisions by the SABC that in anyway limit these freedoms can never be sanctioned by the ANC nor do they represent the policy views and aspirations of the African National Congress. The ANC stands opposed to any actions that infringe on our people's rights to hear and see what they want to hear and see. The ANC also stands opposed to any infringement of journalists' rights to practice their craft.

“While the ANC does not glorify violence, the decision of the SABC to desist from showing images of the destruction of property has not been consulted with or condoned by the African National Congress. This is worrying as it amounts to a change in a policy position of the governing party – without any due engagement on its merits and reasoning. Further, significant policy changes such as this in South Africa undergo an extensive public participation process, to canvas opinions of the South African people and to build consensus on a matter – this too has not been done

“Owing to the SABC’s unique place in society as well as its public mandate, it is particularly important that the public broadcaster is free of political interference of any kind. Successive administrations have been accused of political interference of some kind at the SABC – and this is nearly always said to be in the name of the ANC.

“To date, no evidence has been produced to substantiate such claims. The latest controversy surrounding editorial practices at the SABC, unfortunately being made by an individual who has fallen out of favor with his employer, have also regrettably once again drawn the ANC into the fray.

“The ANC categorically rejects any allegation to have connived with members of the SABC staff or management to undermine any political party and change any editorial decisions.

“They are a consequence of a lack of leadership at the institution. Vacancies at the most senior and critical positions within the institution as well as ongoing court challenges facing the COO serve to weaken general managerial control and have led to a collapse of corporate governance within the organisation. The role of the Board in the ongoing challenges leaves much to be desired and should be strengthened to allow the public broadcaster to effectively deliver on its mandate.

“The African National Congress has sought a meeting with the Minister of Communications, Comrade Faith Muthambi, to receive a briefing on matters related to the SABC including some of the reported decisions being taken within the institution. We will also

be calling for an urgent enquiry into the very serious allegations being made that tarnish the image of the ANC in respect of the current developments at the SABC.

“The extremely unfortunate developments at the public broadcaster cannot be allowed to continue any further and can definitely not continue in the name of the African National Congress and the countless South Africans who paid the highest price for the constitutionally enshrined freedoms we enjoy today.”

213. S-l-o-w-l-y now: *“Successive administrations have been accused of political interference of some kind at the SABC – and this is nearly always said to be in the name of the ANC.*
214. *“To date, no evidence has been produced to substantiate such claims.”*
215. This doesn’t tell us why the ANC has done nothing to reassure staff at the SABC that those who take the party’s name in vain should be exposed and that the party fully supports full compliance with the Editorial Code. Staff needed this assurance much, much earlier.
216. A-g-a-in: *“The African National Congress has sought a meeting with the Minister of Communications, Comrade Faith Muthambi, to receive a briefing on matters related to the SABC including some of the reported decisions being taken within the institution. We will also be calling for an urgent enquiry into the very serious allegations being made that tarnish the image of the ANC in respect of the current developments at the SABC.*
217. Why was this briefing not sought when governance at the SABC started unravelling? Why was the ANC last in the queue in “the widespread condemnation of policy decisions at the public broadcaster which border on censorship”?
218. Zizi Kodwa explains the ANC’s interventions, but sidesteps the question of the timing: *“Not only did we make public statements, we made attempts to meet one or two people on official meetings. We can make reference to the meeting we had with the COO at the time, to express this concern. So nobody would have done anything claiming to act on behalf of the African*

National Congress, because when we met with the COO, we said: 'Some of the issues that are happening under your leadership and everybody else, undermine the very same public mandate of the SABC, including decisions, that in our view sought to undermine the Editorial Policy of the SABC'.

219. The ANC's message to the COO did not reach the newsroom and did not help staff resist bullying. For example, Dithakanyane told the Commission: *"There was a pattern, but mostly it was to protect the ANC. I may not have been instructed by a politician myself but I think it was more for the benefit of the ANC."*
220. The Commission accepts that any person, organisation or institution in the country has the right to influence coverage by the SABC, but the decision on what to cover and how to cover it rests with the editorial staff.

Editorial Policies

221. The latest draft of the Policies states:

"To sustain and deepen the trust the public have in the SABC, we have to maintain the highest standards of performance. In this regard, the SABC requires its editorial staff to understand that with the legislated and constitutional protection of the Corporation's independence comes the responsibility to serve the public with the highest standards of excellence and integrity.

222. *"Accordingly, the onus is on individual Executive Producers, Editors and Commissioning Editors to ensure that they understand and uphold the provisions of the Broadcasting Act, including the Charter of the SABC; the Editorial Code, the BCCSA Code of Conduct for Broadcasters as outlined in the Broadcasting Complaints Commission of South Africa (BCCSA), the Independent Communications Authority of South Africa (ICASA) regulations and the Press Council of South Africa (PCSA) Code. **As a rule, and as a matter of policy, the authority for editorial decisions is vested in the editorial staff.***

223. *“In this regard, subject to standard management and editorial controls, Executive Producers, Editors and Commissioning Editors are responsible for the production of the programme including editorial control. Should any difficulty arise during programme production and/or editorial control, or the programme producer or Commissioning editor be unsure of anything, they should consult their supervisor for guidance.*

224. The Policies document goes on to say:

“This process of voluntary upward referral could extend as far as the Group Chief Executive Officer in his capacity as editor-in-chief. The GE: News reports to the Chief Executive Officer, who is accountable to the SABC Board for all content carried on all SABC platforms. The role of editor-in-chief is one of many responsibilities that the GCEO assumes and should not be confused with the functions of the Group Executives of News, Radio, Television, Sport and Education or of the other editors and channel and station managers employed by the SABC.

225. *“However, the Board of the SABC delegates responsibility, and holds accountable the GCEO for the performance of all news and other programmes, broadcast and presented on all SABC radio, television, internet and other multi-media platforms.”*

Hlaudi as Editor-in-Chief

226. COO Hlaudi treated the Corporation’s Editorial Policies in the same way that he treated the SABC and its staff - with disdain, except when he could use them to prove he was boss.

227. By 2015 a review team led by Graham Welch was finalising the amendments to the 2004 Policies document. By January 2015 the amendments were submitted to Group Executive for approval ahead of a Board Subcommittee meeting. On January 12, an instruction was issued by the COO’s office to the Company Secretary to withdraw it, and to ask all Group Executive members who had received copies of the submission and copies of the revised Editorial Policies to destroy them. Four days later Hlaudi called the review team into a meeting and said that because the

underlying legislation was likely to be changed in the short-term the review was no longer appropriate and would stop and the team would be re-deployed.

228. Welch says in 2016 he was instructed by the CEO's office to go to a meeting somewhere around Muldersdrift on the West Rand to brief the then Acting CEO, Jimi Matthews; the CFO, James Aguma; and the COO, Hlaudi Motsoeneng, about the status of the Editorial Policies.
229. *"Anton Heunis, who at that stage, I think, was no longer a permanent employee of the SABC, but was described as the COO's commercial advisor, was also in attendance."*
230. *The two most vocal participants were Heunis and Motsoeneng. "They were complaining that I was taking up too much time by arguing about the changes that they wanted because they needed to get them to the Minister. So I think they took that presentation directly through to the Minister and said that these are the new Editorial Policies."*
231. A critical part in what was taken to the Minister was the change of Editor-in-Chief from the GCEO to the COO, thus paving the way for Motsoeneng to climb into the newsroom with his edicts. The 2016 – the "Hlaudi" - Editorial Policies were struck down by ICASA on March 2, 2017 because the public was not fully involved in writing them and the SABC was instructed to revert back to the 2004 document, the one still in operation, with the GCEO as Editor-in-Chief.
232. However, a closer look at the issue of the policies further reveals the extent of the chaos at the Corporation. One of the people key to implementing the Editorial Policies, Ditlhakanyane, General Manager: Radio News and Current Affairs, told the Commission: *"I've never seen it (the 2016 Editorial Policies), but we were told that it was there. And I think in March 2016, we saw a Press release, where it was stated that the Editorial Policies had been amended. But we have never seen that particular document."*

233. *“How we also got to know about it was at a rediffusion - a video staff meeting - where we connect with all the provinces. Hlaudi announced that the COO was now the Editor-in-Chief.”*
234. Sigabi, National Editor: Radio Bulletins and Inputs, told the Commission: *“He (Hlaudi) was introducing the new Group CEO, Lulama Mokhobo, to staff when he announced it and I think it must have shocked the new GCEO. Hlaudi said as Head of Operations of the SABC the COO was now Editor-in-Chief.”*
235. Several witnesses argued against the GCEO’s designation as Editor-in-Chief, saying that this confusion about the title Editor-in-Chief provided the window for Hlaudi to sneak into the newsroom and take control.
236. The Commission recommends that the Group Executive: News should be designated as Chair of Editorial Policies and Ethics Committee of the Group Executive he or she should chair the committee that would include all the Group Executives of information programming – Radio, Television, Sport, Education, etc. The committee would be the highest point of upward referral for editorial line managers and would uphold the Editorial Policies and the highest editorial and ethical standards.
237. Structurally he/she reports to the GCEO. He or she and her committee will be responsible for upholding the Editorial Policies and the highest editorial and ethical standards.
238. The model of the GCEO as editor-in-chief is derived from the BBC, where the Director-General is designated as editor-in-chief, but a quick examination of the BBC model shows that the directors-general have risen through the ranks in television and radio journalism.
239. Experience and training in journalism is not a requirement for appointment to GCEO position at the SABC. The recommendation confirms the Editorial Policies that already state: *“As a rule, and as a matter of policy, the authority for editorial decisions is vested in the editorial staff.”*

Editorial Forum and Internal Ombud – view from staff

240. Many of the witnesses saw the revised Editorial Policies as one way to help heal the SABC. For example, in their submission to the Commission and to the committee that is reviewing the Policies, staff say:
241. *“The SABC’s newsroom has over the years experienced serious challenges of lack of integrity and credibility as a result of editorial interferences. This has eroded our public trust and our ability to meet our mandate in our young democracy.*
242. *“As part of the mechanisms to ensure newsroom democracy and avoid future interferences, the SABC newsroom shall appoint an editorial forum to guard against any erosion of freedom of expression and adjudicate disputes on matters that threaten to compromise our editorial standing in the eyes of the public to which we have to remain accountable.*
243. *“The forum shall be constituted by editorial managers and staff.”* This suggestion stems from a visit to Germany by the SABC 8. The public broadcaster they visited had a 12-member editorial forum comprising six editors/managers and six journalists. It convened immediately when there were large differences in the newsroom and made recommendations to the editors involved.
244. There were also suggestions, first made by the SABC 8 to the Parliamentary Ad Hoc Committee, that an internal Ombud be appointed to adjudicate in editorial complaints from both outside the SABC and from staff.
245. The Policies review committee seems to lean to the idea of an Ombud. In the recommended amendments there is a section on an SABC News Ombudsman:

RATIONALE OF SABC NEWS OMBUDSMAN

- *To restore public trust in SABC News;*
- *Provide a platform for the public to register complaints and receive adequate attention on the grievances made against the broadcaster;*
- *To support News in providing assurance to the public on complaints pertaining to all News content.*

ROLE OF OMBUDSMAN

246. *The primary role of the SABC News Ombudsman is to provide impartial and expeditious assurance of all external complaints received of all news, current affairs content on radio, television and the internet; whether in-house or produced by a third party that falls within the scope of the Corporation's policies; as amended from time to time.*
247. *The SABC News Ombudsman ensures that the members of the public are well served by the news content and its presentation with respect to issues of disclosure, fairness and accuracy.*
248. *Responds timeously to complaints raised by members of the public.*
249. *Performs an assurance role on all external complaints and makes recommendations on the corrective actions regarding a complaint to SABC News Management and Board.*
250. *Prepares quarterly reports to the Board of Directors of the Corporation on how complaints were handled and review main issues handled by the Office of the Ombudsman.*
251. *When necessary, the SABC News Ombudsman identifies major public concerns as gleaned from complaints received by the Corporation and advises SABC News Management and journalists accordingly.*

252. These two suggestions were presented to the Commission by various witnesses and after weighing the evidence we recommend the creation of a News and Current Affairs Advisory Committee consisting of three – for example, a retired editor, a person who is or was teaching journalism ethics at university, and a retired judge.
253. This committee would do what the BBC’s Editorial Policy Team under the Director Editorial Policy does – advising journalists, editors, and producers on editorial issues throughout the production process, with final decisions resting with line management.
254. The Advisory Committee would convene when a staff member was unhappy with an editorial decision, an editor asked for guidance on an ethical issue and on any other ethical matter that had come to its attention.
255. This Advisory Committee would not adjudicate: merely advise staff and editors. Decision-making would remain firmly in the hands of the editorial staff.
256. However, unhappy staff would get an independent platform to vent their grievances about editorial decisions, managers would have the advantage of a fresh, independent look at issues. The Advisory Committee would publicise monthly reports on the issues they handled, and would provide quarterly and annual reports to the SABC Board. The reports would alert South Africans in time if there was a crisis looming at the Corporation.
257. This mechanism will not dilute the line authority in the newsroom – it would enhance it. A disgruntled reporter would perhaps understand better why her idea for a story was rejected if the explanation came from an independent Advisory Committee or, on the other hand, the editor might revise his opinion after a recommendation from the committee.
258. The Advisory Committee would thwart any regression to the era of Hlaudi, the era of fear and pain. The Commission did not embrace the idea of an Internal Ombud because the industry mechanisms for the public to complain about editorial output from the SABC are adequate. Members of the public can complain to the BCCSA, ICASA, or the Press

Council and these are mechanisms that have garnered credibility over decades.

259. An Internal Ombud would clutter the chain of authority in the newsroom. The democratisation of the newsroom through an editorial forum would also blur the line of authority and possibly paralyse the newsroom.

A workshop a year to keep the doctor away

260. Instead, the Commission recommends that all newsroom staff, from the most junior to the most senior, to attend at least one workshop a year on the Editorial Policies, journalist ethics, the most recent rulings of the BCCSA, ICASA, and the Press Ombud, as well as the reports of the News and Current Affairs Advisory Committee. The various codes should be embedded in the daily language of all news staff when they argue for or against ideas in the creative space of the newsroom.

261. The one workshop a year would change the narrative from the newsroom from what we heard from Nyana Molete: *“It (the Editorial Policies) hasn’t been socialised properly. It has not been made the bible of the editorial staff. I wouldn’t be surprised if there are journalists and management in the News Department who last read this thing in 20-whatever. And also when we recruit people, when we get new journalists, we don’t give them this stuff...”*

Other issues

262. Among other issues raised by witnesses:

The SABC-The New Age breakfast contract; and

Allegations that there’s a plan to let Lotus FM collapse in order to privatise it and sell it to people who have already been identified.

The Commission saw these as more examples of the chaotic decision-making and the distrust fanned by it.

CHAPTER 3

CONCLUSION, FINDINGS AND RECOMMENDATIONS**Conclusion**

263. The real motives of those who abused power and authority are still unclear as the people who could have explained declined invitations to talk to the Commission. Was it sheer incompetence, personality disorders, or for monetary gain? We don't have the answers.
264. But we believe our recommendations address the issues raised in our hearings:
- a. A clear line of authority in the newsroom and channels to resolve issues before they grow to be damaging and unmanageable;
 - b. Clarification of the credentials and roles of all in the newsroom;
 - c. A chance at healing and starting afresh;
 - d. A shield against non-editorial interference in the decision-making in the newsroom.

Findings

265. The Commission finds that the SABC suffered from the capricious use of authority and power to terrorise staff and to deflect the Corporation from its mandate and its Editorial Policies.
266. The Inquiry found an organisation crippled by pain, anger and fear; by frustration, anxiety and apathy; and by inattentiveness, detachment and helplessness.

267. A witch-hunt for “enforcers” will not heal the Corporation; it will divide an already fractured institution.
268. No evidence of a direct line between decisions at ANC headquarters, Luthuli House, and decisions in the newsroom, but the spectre of the ANC hovered over the newsroom.
269. The evidence shows that from the year 2012 up until the year 2017, SABC executives took instructions from people with no authority in the newsroom, for example, members of the SABC board (Ellen Tshabalala) and the Minister for Communication (Faith Muthambi). The executives thus failed to execute their duties in terms of the Editorial Policies. The Commission further found that Nothando Maseko, Sebolelo Ditlhakanyane and Nyana Molete were pivotal to the execution of instructions from Hlaudi Motsoeneng, Jimi Matthews and Simon Tebele. They succumbed because of threats of dismissal from their immediate superiors.
270. Lastly, the designation of the GCEO or COO as editor-in-chief is not appropriate for the SABC because the circumstances of the Corporation are different from those of the BBC, the model for the current structure.

Recommendations

271. That the Group Executive: News should be designated as Chair of the Editorial Policy and Ethics Committee of the Group Executive. He or she should chair the committee that would include all the Group Executives of information programming – Radio, Television, Sport, Education, etc. The committee would be the highest point of upward referral by editorial line managers and would uphold the Editorial Policies and the highest editorial and ethical standards. Structurally the chair would report to the GCEO.
272. The creation of a News and Current Affairs Advisory Committee consisting of at least three – for example, a retired editor, a person who is or was teaching journalism ethics at a tertiary institution, and a retired judge. This committee would do what the BBC’s Editorial Policy Team under the Director Editorial Policy does – advising journalists, editors,

and producers on editorial issues throughout the production process, with final decisions resting with the line management.

273. All newsroom staff, from the most junior to the most senior, to attend at least one workshop a year on the Editorial Policies, editorial ethics, the most recent rulings of the BCCSA, ICASA, the Press Council and the reports of the News and Current Affairs Advisory Committee.
274. In as much as the Corporation needs healing from the scourge of the “enforcers”, it needs to attend to team building, where members focus on the common good. The process will include deep conversations among managers and staff in which the frustration, pain, and anger that still linger are surfaced and worked through. Staff who held on in difficult circumstances need to be lauded for being the quiet centre of the tornado, keeping the broadcaster on air and on the internet, bringing news and current affairs programmes to viewers, listeners and online audiences.
275. Motsoeneng’s instructions to Human Resources to institute disciplinary hearings against employees, or to dismiss, promote or appoint others must be reviewed. Also, Human Resources to do an audit of the appointments, promotions or sideways shifts of senior news management, particularly Nothando Maseko, Sebolelo Ditlhakanyane and Charles Matlou. Where the records are found to be incomplete and the gap is not explained, the appointment/promotion must be reversed and the position re-advertised, with the person currently occupying it being invited to reapply.
276. A review of the contracts of freelance workers is needed urgently, as these workers are a window into the health of the Corporation. It is not good public relations to have these workers bad-mouthing the Corporation because they are unhappy with their working conditions and remuneration.
277. Improved performance management - at the level of individuals as well as at that of programmes - is vital for the future health of the Corporation. This we recommend after a number of witnesses told us how their programmes were arbitrarily canned, shortened or changed – e.g. the TV programme Question Time was taken off air, or current affairs programming on SAfm was reduced from six hours a day to two, or the

way the format of Lotusfm, was changed without satisfactory engagement with the people involved in the productions.

JOE THLOLOE

AND

STEPHEN TAWANA

JOHANNESBURG

25 FEBRUARY 2019

ANNEXURE A

The Commission acknowledges the contributions of the following individuals and organisations, and thanks them heartily:

1. Zolisa Sigabi, National Editor Radio News (x2)
2. Sebolelo Dithakanyane, GM Radio News (x2)
3. Nyana Molete, National News Editor, TV (x2)
4. Izak Minnaar, Digital News Editor (x2)
5. Nothando Maseko, GM TV News (x2)
6. Angie Kapelianis, National Editor Radio Current Affairs (x2)
7. Elvis Presslin, freelance anchor SAfm,
8. Lucas Masake, member of public
9. Zizi Kodwa, Pule Mabe (ANC)
10. Lucas Kgaphola, former news anchor and producer
11. Krivani Pillay, EP Current Affairs SAfm
12. Kgaugelo Magolegwa, former employee (producer Thobelafm)
13. Mzwandile Mbeje, political reporter and Presidential Corps (x2)
14. Francis Herd, SABC news anchor, Radio and TV.
15. Mwaba Phiri, EP Question Time
16. Thandeka Gqubule-Mbeki, Economic Editor TV (x2)
17. Stephen Kirker, freelance Weekend PMLive
18. Foeta Krige, EP RSG Current Affairs
19. EFF (Mbuyiseni Ndlozi)
20. Sophie Mokoena, Foreign Editor
21. DA (Phumuzile van Damme)
22. Busisiwe Ntuli, EP Special Assignment
23. Nadive Schraibman, Story Editor, Special Assignment
24. Richard Newton, former employee
25. Zolisa 2nd call

26. Izak Minnaar 2nd
27. Nyana Molete 2nd
28. Sebolelo Ditlhakanyana 2nd
29. Angie Kapilianis 2nd
30. Nothando 2nd
31. Portia Kobue, former employee was EP Morninglive
32. Dumile Mateza, producer SABC News, freelance
33. Aabra Bramdeo, EP Digital News
34. Thandeka Gqubule 2nd
35. Gerald Koning, radio listener
36. Mvusiwekhaya Sicwetsha, EC Provincial Government, Rural Development and Reform – member of public
37. Mosololi Mohapi, Specialist Producer Lesedifm
38. Sam Mochichila, EP Thobelafm News Current Affairs
39. Mzwandile Mbeje 2nd
40. Graham Welch, Acting GM TV Strategy and Policy Development
41. Mann Alho, HR News
42. Kenneth Makatees, Regional Editor Western Cape, former Acting GE:News
43. Sophie Mokoena 2nd
44. Tebogo Alexander, EP Special Broadcasts National Events
45. Kaizer Kganyago, SABC spokesperson
46. Simon Mathebula, Avhasei Nemaguvuni, Mandlenkosi Thabethe – security office
47. Buti Motaung, EP Sesotho Desk, TV
48. Judy Sandison, retired Regional Editor KZN
49. Santosh Beharie, former Programme Manager Lotusfm
50. Busani Mthembu, KZN Provincial Editor: News
51. Motale Sebege, Provincial News Editor, Bloemfontein
52. Linda Mgobozi, KZN Acting TV Assignment Editor
53. Bontle Motsoatsoe, EP SAfm
54. Tshepiso Makwetla, News Anchor SAfm
55. SANEF, MMA, SOS: William

56. Naka Moloi, EP Lesedifm Current Affairs

57. Tuwani Gumani (MWASA)

58. Jonathan Tekiso (GE: HR)

JNT002 – EVIDENCE 1

VOLUME I

SOUTH AFRICAN BROADCASTING CORPORATION

5

COMMISSION OF ENQUIRY IN TERMS OF DECISION MAKING**PROCESS IN THE NEWSROOM**

PANEL MEMBERS:	MR JOE THLOLOE	- Commissioner	10
	MR STEPHEN TAWANA	- Panel Member	
	MR TSHEPO MOYAGA	- Panel Member	

27 June 2018**INTERVIEW WITH ZOLISA SIGABI** 15

PANEL MEMBER:	Good morning, lady and gentlemen. This is a news enquiry initiated by the SABC, where certain allegations regarding the News Department within the SABC have been made against certain individuals, certain departments, by a political party and organisation and employees within the SABC. I would like the members of the panel to introduce themselves. My name is STEPHEN THABANG TAWANA. I'm a director at MMM	20	25
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ATTORNEYS. I'm assisted by TSHEPO MOYAGA, who is our Associate, and I would like our leading Commissioner to introduce himself as well.

COMMISSIONER: My name is JOE THLOLOE. I'm chairing this panel here. Will you please introduce yourself? 5

MS SIGABI: My name is ZOLISA SIGABI, I'm the National Editor for Radio News bulletins and news gathering in AUCKLAND PARK.

COMMISSIONER: We have received quite a number of submissions from staff members and others in the public, but before we get into those submissions we need some background about SABC - the news gathering and the decision making in the newsroom. Essentially this is an information session, where we want to get background before we delve into the allegations. 10 15

MS SIGABI: You need clarity. Thank you, Chair.

COMMISSIONER: Ms Sigabi, how long have you been in this position? 20

MS SIGABI: This is my tenth year in this position.

COMMISSIONER: Can you tell us about the decision-making processes, and what actually happens from input right up to output?

MS SIGABI: As you know, the SABC has nine regional 25

offices throughout the country, according to the provinces of SOUTH AFRICAN, but they also have pilot offices in places like the WESTERN CAPE, where we have GEORGE and in the EASTERN CAPE, where we have BISHO and UMTATA. The editors in the regions sit and discuss stories that the journalists are selling, or stories that they themselves would commission from their journalists. Once they have done that they then come to the National Conference which sits at 08h30 in the morning for Radio News, where they sell their stories to the National Editor, the EPs, which are Executive Producers of current affair shows, as well as bulletin editors. I represent the National Bulletins Desk in that conference, although I also perform as a National Assignment Editor. So they come and sell their stories there, and then we discuss the treatment of the stories and whether it is a story worth doing. Because in most instances it would be stories that are based on Government press releases. In instances like that we would look for issues - what issues they would pursue; if it is about jobs, a seminar on jobs, as was the

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case just yesterday. We want to find out what else they would want to put into that story in terms of the job statistics in the given province and nationally. Research helps in that regard. Then we make it more an issue-driven story than a press issue - a media conference or a workshop that Government is doing. Because we believe that Government has to do their job. If they do a workshop they workshop because they want to come up with the best plans to tackle the challenges that the country faces.

Then we, as the SABC, have to juxtapose as to what the reality on the ground is and make a story out of that, and the impact whatever is happening will have on the people on the ground. We commission stories on those guidelines. It has to be issue driven. In fact we seek to stick to our mandate to empower, to educate, to inform and to entertain. We try to do that. That is how the commissioning of stories goes. So they go and do their stories and then they ...

COMMISSIONER: What do you put on LOTRIET's argument, yet entertain, educate etc?

- MS SIGABI: Sorry, Mr Thloloe, say that again, what's the question?
- COMMISSIONER: I'm saying hasn't anybody improved on what LOTRIET said so many decades ago: Educate, entertain and ... 5
- MS SIGABI: You would remember this in your time. Those are words that you guys gave us. We modify around it but it still remains the basic tenet of what informs what we do. We're not good at entertaining, I must say that, we really have 10
to push for people o find stories that lift the spirits. We can't always be about murder, rape and all these political things that happen. Unfortunately it still goes like: If it doesn't bleed then it does not lead. 15
Unfortunately.
- PANEL MEMBER: Do you have any specific criteria at the 08h30 conference? Does it have a specific criteria to use before they can consider the story worthy of being covered? 20
- COMMISSIONER: I thought we would let her give her side and then we can ask questions afterwards.
- MS SIGABI: Okay. They go out and do the stories, and the stories are then filed for bulletins first. We always insist that bulletins must come 25

first, and we break it on bulletins. Although now we have a tight challenge with digital, because the argument is that we should give it to the world through digital and then Radio News because that's an access thing. Radio News may be confined to SOUTH AFRICA or beyond the borders of SOUTH AFRICA. Then digital they have to tweet, that's what it means - just flash it on digital and then file for bulletins, sound, voices, sound bites or just heart, depending on the strength of the story for starters. 5

Then they also file for current affairs shows. Journalists have to make themselves available for crossings to current affairs shows because of the tight schedule of current affairs shows. Within an hour they have to pack in so much information and the stories come from all regions of the SABC. So we try and push for Q&A's for current affairs shows. Q&A's that go with sound, again depending on the nature of the story, when sound will make it stronger rather than a Q&A. Then we will work with sound and then for current affairs shows the journalist talks to the sound. But then 10 15 20 25

there's a package. There is space for packaging that material for current affairs PM shows, that is afternoon shows. If it carries over to the following day then that story can be packaged for AM but moving it forward, 5
throwing it forward as a preview that also reflects on the background of what happened during the day. That's how our stories are packaged for both bulletins, current affairs shows and digital. I keep forgetting the 10
third leg.

PANEL MEMBER: Can you give us an example of digital?

MS SIGABI: Digital news is an online news service.

PANEL MEMBER: TWITTER?

MS SIGABI: Yes, TWITTER but they also use longer versions 15
of TWITTER that the journalists would have first sent. They also go onto something we call "approved desk" on Radio News, which are stories that the Bulletin Editor approves. All this material is filed in a place called 20
"REGIONS" for all regions. The editors in the region sub and edit stories come from the journalists, but file only on regions. Only the approved editor - we have someone called 25
an Approved Editor who looks at all these

stories that are filed in the regions, and out of those they edit and put the source for each bulletin, for headlines and bulletins. The reason for the approved desk, as the name suggests, is really to gate keep stories that are broadcast over all SABC radio stations. There must be accountability for whatever we put out on air. That's the machinery to gate keep it. What digital then does is, they go to that approved file and get the longer stories from there and publish them on digital space, online news service. I hope that clears it up a bit. 5 10

COMMISSIONER: Let me take you back to the ideas and the suggestions from the reporters. Are these approved at the regional level, to say: This is going to be our diary for the day? 15

MS SIGABI: Yes, that is how it is, Chair.

COMMISSIONER: I'm asking.

MS SIGABI: Yes, I'm trying to answer. It is like that. 20

COMMISSIONER: Okay.

MS SIGABI: The regions themselves have their own mini conferences. We have the national conference but the regions have mini conferences with their teams, where the journalists come to 25

sell their stories. Or maybe the editor will have a better idea, saying: No, no, that's not a story, or maybe not for today, let's do this story. Then they commission that way. When they have compiled their own diary then they bring that to the national conference. 5

COMMISSIONER: And the national conference is done by phone?

MS SIGABI: No. Oh, we have links. We are linked to them, but it's just an audio link. There was an attempt to have a screen so that we could have a video of them, then we can chat better but it was costly and so with austerity, etc they never set that up. But we just depend on the EX and audio link. 10

COMMISSIONER: Okay. 15

MS SIGABI: In some instances where the lines fail us people do join us through the telephone. I just want to mention that the regions shall again have filed their diaries beforehand so we all know what Region A is doing, it's there. It's available. 20

COMMISSIONER: So by the time you get to line conference you have ...

MS SIGABI: It is there, yes.

COMMISSIONER: Given the fact that the approval starts at the 25

regional level and then it goes up to the national level, at what point is it possible for political, commercial or other interference in the process?

MS SIGABI:

I will have to go back a bit, because the stories will be there and everyone - I'm going to make an example that is fresh to everyone of the SABC EIGHT - the thing that resulted on the SABC EIGHT. It was a conference, and where it all started is, we were discussing the marches against the SABC when HLAUDI gave that directive that we do not cover the protest - the protest that resulted in the burning of properties, etc. There was that directive from HLAUDI that we don't cover that. At this particular conference the DA was marching to the SABC, nationally. They were coming to AUCKLAND PARK, and they were already in PE and CAPE TOWN. So the editor from PORT ELIZABETH presented his diary to say that we also have the DA march against the SABC. I was chairing the conference, and then I said: This is happening nationally let's get inputs from everyone so we can see who can rep for current affairs - where it is bigger

then we can do. Chair, I'm trying to answer your question by giving this example. The then Head of News, SIMON TEBELE, was part of the conference as well. The GEs of News all attend conferences, when they can make time. 5
He was part of the conference and would attend every day. He said: No, we are not covering that story. Then I asked why, and he said: No, it's about us. Then I said: We have covered stories about us before, what is 10
unique about this one? He said: No we're not doing this one. Then I asked Conference: Any comments, Conference, on this thing now? He never explained himself, and so people kept quiet. Then after ten minutes of moving 15
THANDEKA said: Look, I don't want my name to be associated with the decision. And so did FOETA and SUNA. I asked MR TEBELE for his comment, and he refused to comment.
So the political interference which came with 20
HLAUDI's time, let me say the overt one, the direct one, happened that way. It happened at conference as it happened in this instance. But in other instances these things would not be raised at conference with all of us there, 25

but rather the editors would be approached directly that there is this thing. For instance, ZUMA's office would complain about our bulletins, that we called ZUMA, "ZUMA", and we should say MR ZUMA. When that was raised by MR TEBELE, because he was phoned by someone at the Presidency, I told him that then you would have to change the style book and that needs to have the Board's approval. We don't use honorifics here, so that can't happen, unless you're saying to me: There's a change and the Board has approved it. So I never got that instruction again, but I told the Bulletin Editors that: These people may come to you directly and sideline me, and this is what you do. Say, PRESIDENT JACOB ZUMA as you would first mention, the second line, the President and then he. If you have to mention him more than three times then your story is too long and it can't make sense. In that way we do not give away our credibility by bowing to whatever pressure, we couch it in that way, but we are not going to use honorifics. The long and short of it, Chair, is that the interference did happen directly, as in that

instance, but there were other stories you may have heard and submissions from other people who were directly affected by that.

COMMISSIONER: Now you've mentioned a style book.

MS SIGABI: Yes. 5

COMMISSIONER: We haven't seen a copy of the style book, we've just seen the policies.

MS SIGABI: The Editorial Policies.

COMMISSIONER: Yes. Is a Style Book separate from this?

MS SIGABI: Yes, we do actually have a Style Book. We're 10
still hoping for the adoption of the new Editorial Policies after all the consultations, etc, and then out of that we were going to update the old Style Book. But I can ask IZAK MINNAAR to send a soft copy. 15
He would have that.

COMMISSIONER: I think we would appreciate that.

MS SIGABI: Must I ask him or will you - I can always ask him and forward it to MELISSA.

PANEL MEMBER: I just want to find out from Zoliswa. During 20
the national conference, when the conference takes a decision to cover a story, is it an individual decision or a collective decision?

MS SIGABI: We take a collective decision because I would come up with a - for instance, yesterday the 25

EASTERN CAPE had CYRIL RAMAPHOSA going to MERCEDES BENZ on an undisclosed amount of money that they were investing at the time of conference. That's what the EASTERN CAPE told us. So their strongest political reporter was assigned to do a Department of Small Development workshop in EAST LONDON, and YANGA, the journalist was assigned to CYRIL. Now, Politics couldn't send somebody there because it's a costly thing at times, especially when the region can handle the story. I was not even chairing conference, but I suggested: Why do you not leave this Government workshop, you will have to call those people when they are finished and they've decided on whatever their resolutions are; then you follow up on that and do a story around what they have resolved to do, but go to the ground and match their resolutions with that. Then take MAKHAYA to do CYRIL - the politics and the investment part of it, then YANGA, the junior reporter, must do the colour piece: How much is MERCEDES investing, what kind of impact do they make in the EASTERN CAPE in terms of job

creation; how many women have been trained as technicians? Those kinds of stories, the human interest angle of a story. So MAKHAYA will do the serious political investment etc, YANGA will do the colour, and have a case study on that. That was a decision that was embraced by conference, and we agreed. So we do it that way. 5

At other times someone will suggest something, but if conference feels that the EASTERN CAPE has a case here, we must do that Government workshop, the way they had intended to do it, then we decide collectively. 10

PANEL MEMBER: You mention MR TEBELE.

MS SIGABI: MR TEBELE? 15

PANEL MEMBER: That during that specific conference you mentioned that he raised a vote to say: No, no, we cannot cover this story.

MS SIGABI: Yes, he did.

PANEL MEMBER: If he raised his concern did you guys collectively consider his concern as an individual, or did you overrule or overpower his concerns? 20

MS SIGABI: This is what happened. We were always aware that behind MR TEBELE there was a HLAUDI and 25

so ...

COMMISSIONER: TEBELE was the Group Executive for News.

MS SIGABI: For News, yes. There was a HLAUDI, and so whatever he was saying we knew that that came from the top. Most of us - and especially me, I just kept quiet, I left it and so did everyone else, until later in conference when THANDEKA raised her hand, to say: Chair, I just want to raise the fact that I don't want to be associated with this decision; my name must not be part of this. If it is asked one day who took the decision not to cover protests against the SABC, my name must not be part of that. Then she was followed by two others, FOETA and SUNA, who has since passed away. But that story was never covered.

PANEL MEMBER: So there are instances where the conference is divided?

MS SIGABI: There would be sometimes, and understandably so. In this context of TEBELE and the HLAUDI background, it was understandable for people to just keep quiet because they had seen things happening to others. But outside of any intimidation, outside of any fear, conference argues stuff out. People do argue

things out.

PANEL MEMBER: Can I just backtrack a bit.

MS SIGABI: Yes.

PANEL MEMBER: In this conference how is it constituted? Who sits where and who does what? Maybe so that we can get a clear understanding of who is there and who is not there. Like maybe if MR TEBELE was there, was it like a special sitting that he had to be there, or was he representing someone? Just a structure of how the conference is constituted. 5 10

MS SIGABI: This national conference is attended by everyone except journalists. "Everyone" meaning Editors, the Assignment Editors, the Executive Producers, those are the Current Affairs Heads, the Aational Editors of Current Affairs and Bulletins and News Gathering. The Head of Department, which is the Head of Radio News, a rep from Digital News, the Editors of Specialist Desks. Specialist Desks are Parliament, economics, politics and sports. Am I fast? I'm terribly sorry. I'm talking as if you should know, but only the Chair would know about this. Where have I left you? 15 20

PANEL MEMBER: A rep of Digital News. 25

- MS SIGABI: Digital News, yes. IZAK does not attend conference but he has EPs that go, Executive Producers that go. So the Head of News.
- PANEL MEMBER: Editors, Assignment Editors, Executive Producers, National Editors, Heads of Department and representation of Digital News. That's what I have. 5
- MS SIGABI: Yes, okay and the Bulletins Editor.
- PANEL MEMBER: Bulletins Editor?
- MS SIGABI: Yes. Of course in the regions it would be the Provincial Editors who come to join conference, Assignment Editors, their EPs and the Bulletin Editors. Everyone is represented. The Heads of Provinces are also there, with their people, and with their Editors as well. No, MR TEBELE was not a special guest. It was not a special sitting, it was normal conference that he would attend. 10 15
- PANEL MEMBER: So there wouldn't be an objection to his presence? 20
- MS SIGABI: No, no, no.
- PANEL MEMBER: Similarly if a CEO would come and oversee ...
- MS SIGABI: No, not a CEO. No, no CEOs. He goes there in his capacity as the Head of News, as the head of the division. 25

COMMISSIONER: He is the most senior in the News Department?

MS SIGABI: In that collective, yes.

PANEL MEMBER: So that means that news is debated amongst all of these individuals and they now categorise them, as to: This is the one we're leading with and these are the following ones. 5

MS SIGABI: Yes.

PANEL MEMBER: I would need to experience what the core criteria are to consider before the conference can decide to cover a story. 10

MS SIGABI: Most of the stories will be planned stories, planned in the sense that they are known. We also have research that assists with that. They will be court stories. We know that DE LILLE's hearing is happening today, and therefore CAPE TOWN has it on their diary. We know that there's an ESKOM enquiry, and there is a diary entry from that. PRAVIN was testifying yesterday. Then we also know when GCIS has some Minister, maybe the Minister of Communications is addressing a conference, or something like that, then we have it in our diary. We also know that there's Wealth happening tomorrow for instance, so Economics would have that as a preview and also telling 15 20 25

us how they are going to go about it, what the issues are, what is needed in the country's investment. So all of it is known. But there are also breaking stories, which would not have been planned for. Some of them break after conference, others during conference. Those, too, are accommodated and we depend on the regions to advise on whatever is happening. For example, SECUNDA - we have been told that SECUNDA is on fire with protests, etc, and that we did not know about before it happened, but we have MANQOBA and DITABA there. The majority of it is planned, but we would like to have more breaking stories.

PANEL MEMBER: Sorry to interrupt, Mr Chair. Are there any instances where a story can be covered or published before a national conference can decide?

MS SIGABI: Yes. Stories have been - look we can only plan, the conference is for planning.

PANEL MEMBER: Okay.

MR SIGABI: And for us to know what to expect for both bulletins and current affairs shows and digital. Most stories happen outside of

conference time, so it is not always that we will sit and discuss a story. But what we have done to kind of keep the conversation going we set up a WhatsApp group so that people are informed of what is happening. 5
That WhatsApp group has all these people that I mentioned that sit at conference, and it's called the Radio News WhatsApp group. It's to update the editors on what is new and is happening now in a region or wherever. We 10
don't say: Go now; no, you can't go now. We just leave it to the provincial leadership to decide.

PANEL MEMBER: To decide on the matter?

MS SIGABI: Yes. 15

COMMISSIONER: Can I go back to the Editorial Policies? You mentioned that they are being updated at this point.

MS SIGABI: Yes.

COMMISSIONER: What is the latest version of the policies? 20

MS SIGABI: What has happened beyond HLAUDI - look, there were original Editorial Policies, and then there were policies that were introduced by HLAUDI where he then made himself the Editor-in-Chief. 25

COMMISSIONER: Which year was that?

MS SIGABI: I think this was 2014. I think it was 2014. I can't remember, but when he became COO then he introduced new Editorial Policies. No, it's 2016, sorry. 5

COMMISSIONER: The version we were given is a 2004 version.

MS SIGABI: That's the original one.

COMMISSIONER: The original one?

MS SIGABI: That was the original one. He changed that to suit his purposes and made himself Editor-in- 10 Chief in 2016.

COMMISSIONER: 2016?

MS SIGABI: Yes.

COMMISSIONER: The reason I'm asking this is because in the one that we have here, there is supposed to be 15 upward referral.

MS SIGABI: Yes.

COMMISSIONER: Is that the one that ...

MS SIGABI: In the latest one, yes.

COMMISSIONER: Where the Editor-in-Chief is in fact the Group 20 Chief Executive?

MS SIGABI: Yes.

COMMISSIONER: So this is the latest that we have?

MS SIGABI: I hope it is, because it was just submissions that were made based on the 2004 Editorial 25

Policies. Remember, when the Interim Board went about getting inputs into the review of the Editorial Policies, the SABC used that as the basis, but then inputs had to be canvassed. We, as News, made our own input and forwarded that, where we were taking the upward referral back to the GE News. Because between the 2004 and this new process that came with the Interim Board there were HLAUDI's Editorial Policies.

COMMISSIONER: I think this becomes quite confusing for me. Let me just pull this out, the version that we have here.

MS SIGABI: Mmm.

COMMISSIONER: It goes back to 1 April 2004.

MS SIGABI: No, these are the very original ones.

COMMISSIONER: But they also contain the GCEO as the Editor-in-Chief?

MS SIGABI: Yes. The 2004 Editorial Policies made - remember during PETER MATLARE's time, he was the Editor-in-Chief. The Group CEO was the Editor-in-Chief, according to these 2004 policies. But then HLAUDI came as COO, and he changed that to make the COO the Editor-in-Chief. Then came the very new process, and we

are changing all of this to make the GE News the Editor-in-Chief.

COMMISSIONER: Okay. So there are versions in between that we don't have?

MS SIGABI: Yes, and I think KAIZER's office should have a copy of HLAUDI's Editorial Policies because that's when he could make decisions. These things were really manifest mostly in television, where they would have lined up somebody, maybe THABO MBEKI to come to the show, and he would just step in and use his power to say: No, no, no, you can't do that interview, cancel it, etc. But that's another story for other people to talk about. He gave himself the power and in fact he actually ...

COMMISSIONER: As COO?

MS SIGABI: As COO. He actually announced that, and I think he must have shocked the then Group CEO, because it was at the staff redistribution where he was introducing the new Group CEO, LULAMA MOKHOBO. So he said the COO, as Head of Operations of the SABC, is the Editor-in-Chief, not the Group CEO. These redistribution things, I hope they record them. I don't know if they ever record them, but that would be

there. He took the power from the Group CEO changing the Editorial Policies in effect, but then he actually produced some Editorial Policies that ...

COMMISSIONER: Now, when TEBELE said: We are not covering 5
the march to the SABC, did anybody pull out the policies to say: Our policy is to cover this and we are in violation of that or perhaps quote the BCCSA Code?

MS SIGABI: Not at that moment, not at that conference, 10
no.

COMMISSIONER: Not at that moment? So these things are never
raised in terms of the policies, etc, during the debates around conference?

MS SIGABI: That instruction was really an eye-opener for 15
us, because then we went back to look for the hard copies of those Editorial Policies. Some of us were even carrying them to conference, thinking that TEBELE will again come up with some ambush that we were not prepared for, so 20
that we could refer him to this. But we did have a subsequent meeting with him, raising our concerns. ANGIE, myself - I can't remember whether or not we invited IZAK, but we raised these things with him and pointed - 25

it was a Management Committee meeting that we were invited to. We raised these things, that the Editorial Policies actually dictate things this way, and this is how we should be doing these things. That was before the suspensions and everything that resulted in that. But we learnt from that. We've relaxed a bit now, we don't bring the Editorial Policies to conference. 5

PANEL MEMBER: Since this incident have you come across the very same incident whereby an individual during the conference is opposing the coverage of certain stories? 10

MS SIGABI: I must say that the new management that is at SABC has kind of led to us relaxing a bit, because there hasn't been a hint that anybody is carrying a political card or is trying to impose on news, and PHATHISWA herself said in her introductory meeting that we are independent. The new logo, the thing that is now making the new logo of SABC independent, but she said this in so many words, that the SABC belongs to SOUTH AFRICANS, to the public, not to any political party. I suppose the test will be - all of these challenges will 15 20 25

really come during elections, so the test will come there, but we have no reason to think that there is anybody who is going to wield their political allegiance over news and coerse us to do things that are not supposed to be done with the new dispensation. 5

PANEL MEMBER: So I take it that it's only this, the very same incidence that happened ...

MS SIGABI: That reality changed. You know this is a repeat ... 10

PANEL MEMBER: Since you have joined the SABC?

MS SIGABI: No, listen the SABC has its own history. Remember the black listing of some analysts at the SABC. We come from there also, but maybe it was not as overt as HLAUDI was, It was the black listing that resulted in the ZOLAKE Commission, etc. We're now going to quote the JOE THLOLOE commission whenever something like this happens. 15

COMMISSIONER: Getting back to TEBELE coming in and pushing his particular line. You assumed that it was on instructions from HLAUDI. Was there any indication that in fact these were instructions from HLAUDI? 20

MS SIGABI: Not because TEBELE said anything. It is just 25

a known thing that this sounds like a HLAUDI instruction, especially when he could not explain himself as to why we were not going to do this story. Because if you take a decision you really have to give reasons for why you say we should not do A, B, C, D, E. Then if you don't have answers the assumption is, because we know what power HLAUDI had over TEBELE and ...

COMMISSIONER: So why did the conference decide not to cover the story because of one man?

MS SIGABI: Because the Group Executive of News said so. But also I suppose we were not wiser at the time. I suppose we were all worried about losing our jobs. If you are then called before a DC because you have defied an instruction, it doesn't matter that the instruction was not legal, and we could prove that - of course you can always prove that the instruction was not legal, it was unlawful, unreasonable etc. But at that moment I don't think we thought of that - the majority of people, I suppose.

PANEL MEMBER: From what you're saying it seems as if the Group Executive of News was the person who

took the decision at the end of the day, on which story to cover.

MS SIGABI:

No. Actually no. He took a decision on that day and even announced his decision that this story is about us, about the SABC. But the 5
problem was that we did stories that were against the SABC. The Memorandum was going to be handed over to HLAUDI and it was an anti-HLAUDI thing. So it was an instruction that was not so much to protect the SABC but to 10
protect an individual. No, he didn't take decisions on what stories should be covered in that way. Of course he would call and say: That story does not sound good, etc, and then we defended the stories and the lines or 15
angles that we pursued. This would be largely if it was about ZUMA and all the things that he was doing, that we would broadcast. But we also knew that somebody must have called him. He did not listen to the bulletin, because if 20
he had he would have called there and then, saying: I have just heard this story. It would come hours after the story being aired. But of course we tried to protect BAFA(?) and to protect our independence that way. But at 25

that meeting at that moment, no, we didn't take up the stance that we should have as a collective.

COMMISSIONER: Two things: Do you have any memos or any emails that were sent out either by TEBELE or by HLAUDI? 5

MS SIGABI: On stories?

COMMISSIONER: Do you have any memos, any instructions?

MS SIGABI: No, Chair. I suppose those instructions were never written down because there would be a paper trail, isn't that so. It was always verbal, a call that you would have no record of. Because if they came, they would only come from MR TEBELE to me by phone. He would say, I think this story - and I would say why do you think so? No, no, this is why we used it the way we did. 10 15

PANEL MEMBER: It would appear to me that at some of the conferences where you would take a decision to cover a story, sometimes MR TEBELE or the Group Executive of News did not attend. 20

MS SIGABI: He would attend most of the conferences unless he had another engagement or commitment. Otherwise he was a regular attendee. He would attend regularly. 25

COMMISSIONER: Where was he stationed?

MS SIGABI: On the 4th Floor.

COMMISSIONER: On the 4th Floor?

MS SIGABI: Television Block.

COMMISSIONER: Okay, TV? 5

MS SIGABI: TV Block, yes.

COMMISSIONER: So he was not at RADIO PARK?

MS SIGABI: No. He was at TV Block and that's where News is. Television is on the 3rd Floor, Radio on the 2nd Floor and Digital is on the 1st Floor. 10
He was on the top floor, the 4th, where Research is.

COMMISSIONER: Now you also mentioned something in passing that people were scared of losing their jobs, of disciplinary hearings, etc. What was the environment like during that period? 15

MS SIGABI: It was really tense, because even as TEBELE took that decision or announced his decision, you could see his countenance. It was like you were looking at HLAUDI. I even remarked 20
that: Wow TEBELE looks like HLAUDI today. He looks like HLAUDI today. He was a good man, he had a good heart, but HLAUDI took over and I think he was too scared of HLAUDI and I think he felt maybe indebted to him. He came 25

from retirement, and PHIL MOLEFE, who was the
 GE before him, before JIMI and then, made him
 the Head of Special Projects. The special
 project then had to do with NELSON MANDELA,
 etc, so he was that. PHIL goes, because of 5
 HLAUDI again, and TEBELE is made to act as GE
 for News. This is somebody who came from
 retirement. Kort-kort he was then made a
 permanent GE, so I think there was a condition
 to all of those things. There was a catch, 10
 and you could see that even his health was not
 good, as a result. He was taking a lot of
 pressure, but it was his countenance that
 determined that. But yes, the atmosphere was
 not good, morale was low and fear was really 15
 dominant at the time, because there were
 people who were fired for insignificant
 reasons. The Provincial Editor of FREE STATE,
 who has since died, was also fired because
 there was a past altercation with HLAUDI, and 20
 others were suspended.

COMMISSIONER: While he was still in the FREE STATE?

MS SIGABI: While he was still in the FREE STATE, because
 he came back as a Stakeholder Relations
 person. He was a very important person when 25

he came back. First PHIL made him an Acting Provincial Editor in the FREE STATE, suspending the Provincial Editor that was there, SELLO THULO. Then they manufactured some charges against him and so he was fired. 5
He died subsequently.

COMMISSIONER: What was his name?

MS SIGABI: SELLO THULO. Then he died. Some people were suspended, some never came back, others came back. They went to the CCMA to challenge 10
their suspensions. So there was that kind of fear that you just don't want to be the next person; you don't know who the next person would be. Because he was making decisions willy nilly, and I'll give you an example. 15
The Chair of the Board, ELLEN TSHABALALA, went to KWAZULU-NATAL in ANC regalia, but she was going there as the Chair of the SABC Board to give away some wheelchairs or something like that in KWAZULU-NATAL. Now our DURBAN office 20
carried the story, but did not talk about the fact that the Chair of the Board was actually in ANC regalia. This was also in the run-up to elections. Then I asked the question: Why are we not doing this angle, because we heard 25

it from other media and print. It was said:
No it was an oversight. People always find
ways of getting out of trouble. The following
offering by ELLEN TSHABALALA was going to be
in the FREE STATE, to do the same thing, CSI 5
for the SABC, if you like. She was donating
a house there or something like that, for the
SABC. At conference, again I was chairing, I
said to the Editor representing the FREE
STATE: Please ask your reporter to ask the 10
Chairperson of the Board about going to
KWAZULU-NATAL, wearing the ha of the SABC, as
SABC Chair, but in ANC regalia. This has been
widely reported, we haven't heard her reply on
that, so we will move the story that way. 15
Yes, the reporter asked the question and was
she in trouble. Who sent you, who gave you
the instruction? So there was an instruction
that I should be suspended, but before that
could happen JIMI MATTHEWS, the GE for News - 20
now this was before TEBELE because then JIMI
moved to the Group COO. JIMI called me and
the Head of Radio News - my boss - to a
meeting to explain my instruction for that
reporter to do that story, because now the 25

Chair wanted answers. I explained myself the way I've just explained it to you now. This was my reason and (?) would move the story further - that we get her point of view because she had not been given space to reply. 5
So let her reply at the SABC so that we can all understand what is happening. So that's the problem. JIMI wanted an apology. I said: But we can't apologise; I don't think we should apologise for this. But he pushed. 10
Then I said to him: I'm going to write a report just explaining myself, and please pardon the Head of Radio News, she was not even there, I took the decision; she's not part of this and she shouldn't be answering 15
for me. Then between the two of them I think they wrote the apology or amended my letter. I never did. That appeased the Chair of the Board and perhaps also saved me from suspension. I don't know. I never got the 20
copy that she finally wrote, but I got a sense of that because of the way she was so apologetic to JIMI on my behalf and I was there. So these things do happen and they happen in many ways. We also had Board 25

interference in this instance, coupled with all of this.

COMMISSIONER: One question if you don't mind, and I just want to wrap it up. Who do you report to?

MS SIGABI: The Head of Radio News. 5

COMMISSIONER: The Head of Radio News?

MS SIGABI: Yes.

COMMISSIONER: Okay, I'm happy.

PANEL MEMBER: Ms Sigabi, I just want to find out, is it possible for a journalist to come up with a story, give it to the editor and the editor consults with the top management or whoever he's supposed to report to, and then top management decide to take the story from that particular editor and give it to another editor? 10 15

MS SIGABI: No, it's impossible to do it that way. It could be that, as an example of NORTHWEST and what was happening with SUPRA MAHUMAPELO then. That story was a NORTHWEST region story, it was all happening there. But because it was a big story that also needed input from LUTHULI HOUSE, the experts, the analysts, etc, therefore we took a decision that Politics run with the story because it couldn't be confined 20 25

to the province. NORTHWEST can have the meetings it has with its PEC and the protests around that, but in terms of what it means to have a SUPRA, who has decided not to resign anymore, it's a national story it's a political story, so this desk, which specialises in politics, needs to take it. 5

PANEL MEMBER: So it's not possible but there are exceptions to that?

MS SIGABI: Yes, there are. Look at CYRIL RAMAPHOSA, for instance, in EAST LONDON talking about a huge investment from MERCEDES BENZ. That's an Econ story by right. It's also kind of politics because his legacy as the President is he wants to raise how many trillions to really resuscitate the economy of the country. So in instances like that again we get the Specialist Desks to take over. But that is something that is widely understood. However, if for instance with ZUMA appearing in court now, in KZN that's a heavy political story, but DURBAN feels that they have the capacity to do this story without the help of politics. We also respect that because we know the delivery. When they say they can do it we 10 15 20 25

look at their record of delivery, so we leave it to them. If the region is strong enough to do a particular story then we leave it to them.

PANEL MEMBER: And I think maybe to build on that, then what would be, if any, the involvement of the reporter who brought the story, because now it has come to be a big story: Thank you for bringing it to us but now we sit with a nationwide kind of interest. What then is their involvement? Are they 100% left out, do they have an input, or what's their involvement going forward with the story?

MS SIGABI: We have been accused of parachuting people from the national office. The provincial reporters break their stories, it starts small and then when it becomes big then we think no let's leave it to politics. It is a decision where, when it is taken, the editor there has to talk to the reporter and explain to them why we've decided to handle it this way. That this desk is expertly poised to do this story and move it forward. If there are any other things in the region that the reporter can still do relevant to the story, then they can

do it. But sometimes it does become a take-over because of how big the story is and it's implications. But it's all for the good of Radio News.

COMMISSIONER: How is the subsequent resentment handled? 5

MS SIGABI: We always trust the editors dealing with the reporter that they will in most instances - sometimes we also have to make a call. I make the call just to assure the reporter that: Actually it's not questioning your capacity to do the story, but it would be costly to have you come up to JOHANNESBURG to do this story on a national level, because it has now moved in terms of how big it is. Sometimes the editors do fail the reporters and maybe fail all of us and then we do get some resentment, but we really try to manage it. 10 15

COMMISSIONER: Thank you. If we have any more questions, can we call you?

MS SIGABI: Okay. Thank you so much. As promised I will get the soft copy of the Style Guide. 20

COMMISSIONER: The Style Guide, as well as the latest soft copy.

MS SIGABI: I think that the submission that we made towards the Editorial Policies as news, that 25

would work I suppose. I will do both of those. Thank you very much for making it easy. I thought: Oh, I've never sat in an enquiry.

COMMISSIONER: No this is really a relaxed conversation. 5

MS SIGABI: Indeed.

COMMISSIONER: No cause for panic or anxiety.

MS SIGABI: Yes, thank you very much. Thank you, Chair, and thank you so much, gentlemen. I haven't needed to use my notes as a result. 10

THE INTERVIEW ADJOURNS

INTERVIEW WITH SEBOLELO DITLHAKANYANE

- COMMISSIONER: My name is JOE THLOLOE, I am Chairperson of this panel. I will ask my colleagues to introduce themselves and then you can all introduce yourselves. 5
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA from MMM Attorneys.
- PANEL MEMBER: I'm TSHEPO MOYAGA, also from MMM Attorneys, assisting MR TAWANA.
- MS DITLHAKANYANE: My name is SEBOLELO DITLHAKANYANE, I'm from the SABC. 10
- COMMISSIONER: And your designation?
- MS DITLHAKANYANE: General Manager, Radio News and Current Affairs.
- COMMISSIONER: How long have you been in this position? 15
- MS DITLHAKANYANE: Since December 2014. This is my fourth year.
- COMMISSIONER: And before that where were you?
- MS DITLHAKANYANE: Before that I acted in this position from 2012 until 2014, and before that I was the Provincial Editor in the NORTHERN CAPE. 20
- COMMISSIONER: All in all how long have you been with the SABC?
- MS DITLHAKANYANE: For twenty-one years.
- COMMISSIONER: So the child who was born when you started is now an adult? Now at this point of our 25

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hearing we didn't yet want to delve into the submissions we have received. We need some background information to be able to go into the substance of the enquiry, and we thought we should start with Senior News Management to give us an idea of what has been happening, and what is currently happening. The first area in which we are particularly interested is the decision-making processes within the SABC Editorial Department. What are the current processes, who is involved in the decision making, etc?

MS DITLHAKANYANE: What is currently happening is that we have nine or, let me say, ten offices and we also have bureaus outside of SOUTH AFRICA.

COMMISSIONER: Outside SOUTH AFRICA?

MS DITLHAKANYANE: Yes, we have SHIBONI(?) in WASHINGTON, we have SARAH KIMANI as well. We used to have NTHAKOANA NGATANE in LESOTHO but she's now with us because of some personal problems. Then we also have a representative in ZIMBABWE as well. What happens is the bureaus are controlled, or the Editor is the Foreign Editor, who engages with them directly as to which stories they should do. Then the

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Provincial Editors, what happens in their
respective regions, they have their own
editorial meetings where they brainstorm story
ideas that they have, they decide on which
stories they want for the day and then they
come to conference. We have a line conference
where we discuss our stories. For Radio we
sit at 08h30. The Provincial Editors, the
Assignment Editors, Executive Producers and
Bulletin Editors all have to be there. JOBURG
has also to be around - the Assignment Editor,
the Output Editor and the Specialist Desks
Editors, which is politics, economics, foreign
and sports. That's where we discuss our
stories. Whatever they bring along from their
own provinces or from their own Specialist
Desk, they present, but we normally start with
feedback as to what worked yesterday or what
didn't work and why it didn't work. Then we
proceed to the stories of the day with each
and every province, as to how they are going
to deal with that province's stories. They
then present to us, and, for lack of a better
term, they have to sell the stories. Everyone
has an input into the treatment that has to go

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with a particular story. Eventually we decide which ones we want to do and how to do them. Sometimes, if we feel that it is not such a big story, it will just go for bulletins. Or maybe, if we are short-staffed and there are true stories that are happening in one province, and they only have one journalist, the other one can just wait for bulletins. Maybe the editor can do it from the office and then the journalist can go to the bigger story of the day, in that province. So it's like a collective of minds, so to say. 5 10

COMMISSIONER: Who do you report to?

MS DITLHAKANYANE: To the Group Executive, News.

COMMISSIONER: Who would that be currently? 15

MS DITLHAKANYANE: PHATHISWA MAGOPENI.

COMMISSIONER: She is very new?

MS DITLHAKANYANE: Yes.

COMMISSIONER: What basic documents do you use to make your decisions? Policy document, your code? 20

MS DITLHAKANYANE: We have our own Editorial Policies. There's a Press Code, and there are our own Editorial Policies which we try to follow at all costs. We have our own SOPs which are actually old right now. 25

COMMISSIONER: Talking about the Editorial Policies, is the 2004 document the current one?

MS DITLHAKANYANE: Yes, it is.

COMMISSIONER: We have been told about another version called the HLAUDI Policy. Do you know anything about it, where the COO became the Editor-in-Chief? 5

MS DITLHAKANYANE: I've never seen it, but we were told that it is there. And I think in March 2016, we saw a press release, where it was stated that the Editorial Policies had been amended. But, as I said, we have never seen that particular document. Also, how we got to know about it besides the press release, is there was a rediffusion - a visual meeting where we connect with all the provinces. Then HLAUDI announced that he is now the Editor-in-Chief, the Editor-in-Chief is now the COO and now the CEO. Soon thereafter there was a press release that went out at night that we shouldn't show violent protests or audio because I deal with audio and not necessarily visuals. 10 15 20

COMMISSIONER: Did the change happen at the time of the press release on coverage of protests ...?

MS DITLHAKANYANE: Yes, almost at the same time. But I don't 25

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have the dates. In the morning other media houses carried that story, that the protests were not to be shown, but the SABC didn't. Then when I got to work I got a call from HLAUDI asking why I didn't run that particular story. I was like: I don't have the story and have never seen it anyway, but there was a press release. Like, no there was no press release. I think KAIZER and his team made a mistake and they issued it into other media houses except for the SABC. 5 10

COMMISSIONER: So he called you?

MS DITLHAKANYANE: Yes, he did.

COMMISSIONER: Personally?

MS DITLHAKANYANE: Yes, personally. Then he was going through to SAFm and others here to do interviews. When he was with others here, with ANTON HEUNIS, the Executive Producer complained that management, like myself, don't communicate stuff with them. I went to see them after the interview was over, and he started shouting at me and asked me why I didn't communicate that. I said: I told you on the phone that I knew nothing about it. Then he summoned us to a meeting. That was myself, the National 15 20 25

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Editor, Current Affairs - ANGIE KAPELIANIS, FOETA KRIGE, he's the EP, and I think KRIVANI as well but I will check the date and my notes properly. We got there and he then called - because we were adamant that we knew nothing about that particular story, and you can't thumb suck from what media houses are using, we have to do our own stories. He then called KAIZER and MMONI. 5

COMMISSIONER: KAIZER and ...? 10

MS DITLHAKANYANE: MMONI SEAPOLELO, who is working with us. So they came with their laptop as evidence that they did issue the press release, but it became clear that none of us at the SABC had received it. Thereafter he was shouting and shouting and shouting at us and threatening us that we were not doing our job and he was with JIMI as well. 15

COMMISSIONER: JIMI MATTHEWS?

MS DITLHAKANYANE: JIMI MATTHEWS, yes. I took issue that we cannot be shouted at like that especially when we are not in the wrong. JIMI, the Acting CEO at the time, said I had the right to call him. So I said I cannot just call you, when even TEBELE knew nothing about it. He said: From 20 25

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today onwards you must ensure that you call me
if there is anything that you are doubtful of.
I was: Okay now we know. That was when we
then did the story about the protests. During
that time the SAVE SOUTH AFRICA and the DA and 5
other NGO's decided to march countrywide to
SABC's offices complaining about the
announcement of the violent protests that were
not supposed to be aired. We were in our
08h30 meeting and TEBELE said we shouldn't 10
broadcast or cover those events. Who was
chairing? Because I introduced something of
chairing, rotating provincial editors to chair
the conferences because some were lax, and we
found that they were not really interested in 15
what we were doing. I think it was ZOLISA who
was chairing that day, ZOLISA SIGABI, the
National Input Editor. She asked as to why we
shouldn't cover it. No, no, no, we cannot
cover negative stories about ourselves. And 20
then things became silent. We then continued
with our other stories. THANDEKA, went out
and came back after 15 minutes. THANDEKA is
the Economics Editor. She then politely
interrupted the conference to say she has an 25

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issue with the instruction that we shouldn't cover ourselves. Because what was surprising was that there were a number of stories that we had done about the SABC, but with this particular one, why? She said didn't agree with the instruction and also the instruction not to broadcast violent protests. 5

COMMISSIONER: Can I interrupt you? I think we need to order food and then continue. Let's just take a break. 10

THE ENQUIRY ADJOURNS**THE ENQUIRY RESUMES**

COMMISSIONER: Before you proceed I have problems sorting out the sequence. The meeting where JIMI was present, how did that end? 15

MS DITLHAKANYANE: I was going to ask you to allow me to go back to it because I realised that I forgot something. In that particular meeting HLAUDI went on and on about the programme the editors - we used to have the editors on SAfm, that they are always lambasting the ANC and the politicians. That platform is actually for the editors to thrash out issues, but almost every Sunday it's about the ANC and what have you. And they would always call an editor 20 25

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that they know very well is associated with organisations like AFRIFORUM or SOLIDARITY or the DA, or something like that, hence they don't want that particular programme. And also we should also stop doing newspaper headlines because we are promoting newspapers, whereas they are competition. But we said there are people who benefit from these particular headlines, there is a particular reason why we are doing it, and it's for public good. But he insisted that on RSG FM because they were the only two platforms that had the editors and the newspaper headlines. They said we must do away with them that particular day. The press release one was done, but it was too late. We couldn't just do a catch-up on it. Then while we were walking back to the office I was walking with KRIVANI, and I said: Krivani, you're not going to remove the editors for now. Let's see what happens. He'll forget about it, and the newspapers; don't do it.

The coming Sunday it didn't happen. This was in May 2016. The following week on a Wednesday, TEBELE came to me and said: You

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know what, you have to remove those editors and newspapers otherwise you're going to lose your job. I've been instructed to fire you. I was like: I'm a single mother, there's just no way I can lose my job because of that. So I spoke to KRIVANI, and then she notified the staff that they have to do away with those things.

Then there was another incident where we went to KEMPTON PARK to strategise on the editorial issues. A lot of editors were unhappy about the way we were doing things and they went to me and HLAUDI but (inaudible). In that meeting we had two scribes, MAHLATSE and THANDEKA, but eventually - because I'm told they wanted to protest, so NYANA and I were acting at the time, and we decided to manage the situation that because we were chairing, whatever we decided upon must be based on our Editorial Policies. And eventually we came up with a document to say: This is how we are going to do things, and the final arbiter in terms of what goes out on air is Conference, not anybody nobody else. Those are the editorial meetings that we have. What

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happened was that JIMI was there, he agreed and he praised us as to the way we handled things, and what have you. He was there when everybody signed. Then I don't know who said what to HLAUDI, but he started terrorising us: 5
How can we decide on that? That was NYANA and myself. JIMI was now saying he didn't know anything about it. He wanted that particular document, and it wasn't there, but MAHLATSI and THANDEKA started to sit down, go through 10
their notes and write down everything. The mistake I think they made was to print that document and sign it, with the two signatures there. Now it was like their own document, that the two of them came up with it, whereas 15
that was not the case, it was a collective. Then we were instructed to fire the two, that's NYANA and I. I told JIMI that we would not do that. Then we were threatened again that we would lose our jobs. We went to ER, 20
Employment Relations, because despite numerous explanations to say it was not their thing, it was our thing they kept on saying: You must fire those two.

COMMISSIONER: Now was it JIMI who said you must fire the 25

two?

MS DITLHAKANYANE: JIMI and HLAUDI.

COMMISSIONER: Oh, both of them?

MS DITLHAKANYANE: I think JIMI was pressured by HLAUDI because
he lied that he wasn't party to the decision 5
that we took, whereas he was there.
Employment Relations reminded us that we are
the line managers of these people and it's our
prerogative to decide, so we decided that we
were not going to fire these two. We dodged 10
the bullet. I was like: I would rather go
and fight it at the CCMA because my conscience
wouldn't allow me to do it at all. I don't
know what happened, but all of a sudden it
went quiet and we never received those 15
threatening calls anymore. But it was after
we wrote a report that we had decided that we
were not firing these two because we knew very
well it was a collective of editors from all
over the country. Then it just went dead. It 20
was a very traumatic period because you
wouldn't even sleep. If HLAUDI heard
something on air - and you don't know whether
it was somebody else who heard something on
POWER FM, you would get a call saying: 25

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SEBOLELO your people are talking nonsense on radio. When you asked: Which station, what was said, he didn't know. So it would tell me that he received a call from someone. I had to listen to SAfm only because all these politicians were targeting Safm, so I had to keep abreast of exactly what was going on, on current affairs. One day, during the editors, before we took it off, PIET RAMPEDI was one of the editors and he said the decision that HLAUDI took was a good one, not to show violent protests, but the way that he did it was the wrong approach. He could have done it differently. Because people are copycats, they will end up - sometimes they do it, we've seen it as journalists. They see a protest somewhere, burning whatever, and then they will also do it, and if they see a camera they go wild, and it's like: Let's do this thing. So as journalists we also have to be careful about how we go about covering our stories. Fortunately I was listening. As I said, I had to listen to Safm. Then I got this call that this person was talking nonsense on radio.

COMMISSIONER:

RAMPEDI?

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MS DITLHAKANYANE: ELVIS RAMPEDI who was their anchor. No, now you're talking nonsense because that day I ended up shouting at him. It was a Sunday and I told him he was talking nonsense because that's not what was said, and it didn't even say it was good or it was bad that the decision was made. He said it was good. It didn't come from ELVIS and then he backed off. There are so many instances where you would get calls from him and JIMI threatening you: Why do you have the DA on radio, why do you have EFF. We believe we have to balance and do what we are taught.

COMMISSIONER: You mean HLAUDI and JIMI?

MS DITLHAKANYANE: Yes, HLAUDI and JIMI. It was: What particular analyst are you using, why are you using this one and not using that particular one? We don't want this one because they're always on ZUMA's case, and the DA doesn't have anything to drive their campaign, and everything is about ZUMA. JIMI was saying we should - for instance, the first sentence would say PRESIDENT JACOB ZUMA, this and that and then afterwards it would be ZUMA. He called to say in fact that we have to change

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and call him the President. In fact, he said we must keep on saying "President ZUMA", which doesn't sound good on radio. So we decided that we would just go with the President, and that's it. There are many other incidences where we had to implement those kind of instructions from HLAUDI and JIMI. I don't know, I ended up with depression and I was admitted. The sad part is, what people don't know, they kept on calling us and forced us, not knowing exactly what we went through. He instructed me to fire SAKINA, for instance. I said: I'm not going to fire SAKINA. Then there was MOHLOLO, he has passed on, MOHLOLO LEPHAKA. If the calls didn't come from JIMI and HLAUDI, they would come from him that SAKINA is too hard on politicians, SAKINA is this and that, and I have to fire SAKINA. I said: I'm not going to do it if you want to fire SAKINA, do it yourself - MOROBO(?) and HR. It's so strange that the GE HR was telling me to do all sorts of wrong things, and I was not going to do them. And NOTHANDO at some point was acting, and she was given instructions to fire me as well. She stood

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her ground to say: No, I'm not going to do that.

COMMISSIONER: We don't know how this started, because we were watching from outside and we thought we knew.

MS DITLHAKANYANE: You know it pained me when people went to the *ad hoc* Committee, hearing KRIVANI reiterating the name, that I am an enforcer, when I went through some of the pain, you know, and everything with her. They didn't know what I went through. There was a time when it was on MORNING LIVE - PALESA was brought here from BLOEMFONTEIN, I wasn't party to that. When she was with MORNING LIVE, HLAUDI MOTSOENENG then told me that I must get rid of TSEPISO MAKWETLA and PALESA must also anchor PM LIVE.

COMMISSIONER: TSEPISO MAKWETLA?

MS DITLHAKANYANE: Yes. I said: No, I'm not going to do that but because LESEDI FM don't have a strong anchor in the afternoon she can do MATSOTLA(?) in the afternoon from JOBURG, she doesn't have to do it from BLOEMFONTEIN. But they were adamant she had to be on PM LIVE. I refused, and I put my foot down up until I told MOHLOLO: Just stop calling me; if you want

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TSEPISO to stay at home, as I told you with SAKINA, do it yourself. You would find yourself between a rock and a hard place because your junior staff think you are having a nice time. Because THABO MOKONE wrote this article about an enforcer, and what have you. There are journalists who went to QWA QWA and what have, who labelled me HLAUDI's friend. There was a newspaper article that I was born and bred in BEPATHUNG(?) and you're labelled as being from PHUTHADITJHABA. You're HLAUDI's friend from QWA QWA. I went to school in BEPATHUNG, my (indistinct), my mum died and my father remarried, and we had a tough time. My sister took us to a boarding school MATABELE, and hence here, because my other sister stayed in QWA QWA. We were in a boarding school we were not in a township or anywhere else. I have relatives in PHUTHADITJHABA that I would visit. HLAUDI comes from MASALA(?) or wherever he comes from. I knew him when he was in BLOEMFONTEIN, when he was a correspondent from QWA QWA and I was in BLOEMFONTEIN. I worked here for one year and then I went to BLOEM as a anchor for the

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afternoon programme, then as a journalist and then I became an editor. That's when I got to know him. If you know somebody, and you're working together, you become acquaintances. It's not like the person is a friend. 5
Everybody thinks because of those kinds of articles that we go way back from QWA QWA. There's nothing like that. I was not born in QWA QWA. My (indistinct) gave me BEPATHUNG and it was because of the many problems that 10
we had to go to a boarding school. I could have gone to high school in BEPATHUNG but it didn't happen. We had to school ourselves. But today it's like he's done me a big favour, but he hasn't done me a favour. He harassed 15
us big time; big time.

COMMISSIONER: Do you have any correspondence with him, emails or memos, or was it all by phone?

MS DITLHAKANYANE: It was all by phone and verbal, like in a meeting like this. 20

COMMISSIONER: When you were admitted to hospital how long were you there?

MS DITLHAKANYANE: Two weeks.

COMMISSIONER: Two weeks? So far I can take it that your job and your duties may have interfered with some 25

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top management. Did you ever raise a concern regarding that?

MS DITLHAKANYANE: With whom?

COMMISSIONER: Maybe with the CEO?

MS DITLHAKANYANE: No, remember who the CEO was. It was JIMI at 5
some point. With LULAMA - when did LULAMA
leave? No, I never did, but the rest like -
why am I getting a mental block now? I can't
remember who was before JIMI acted,
REKUMANG(?) was there. But I never did. 10

PANEL MEMBER: Was the submission that you were in a position
that clearly articulated some interferences
and it appears as if, as a Senior Manager at
the SABC you're confirming whatever has been
said, that indeed there was interference. All 15
the provisions that the Editorial Policies
encapsulated in the publication, the coverage
of news that must be in the public interest
which should be educative to the public, it
appears as if they were being set aside. 20
There was only the prevalence of certain
individuals as the SABC for certain news to be
covered.

MS DITLHAKANYANE: Yes, there were a lot of instances where JIMI
would be telling us how to cover certain 25

stories or not to cover certain stories. So it did happen. I'm not going to say it didn't happen.

PANEL MEMBER: Why didn't you challenge that at a particular time to say: That's not what the Editorial Policy says, the Editorial Policy says: You need to do this. 5

MS DITLHAKANYANE: Sometimes I would, but the level of pressure that we would be put under and with the kind of attitude along with that, like: You are nothing and you will do this whether you like it or not. Those kind of things would influence us and sometimes we would land up implementing whatever we were supposed to. But with others, especially those that were obvious enough, you would say: No, no, but now it's my integrity that's at stake here, I can't do that. How do I go to the editor and say: Do this and that, when I know very well it is not supposed to be done like that. Sometimes I wouldn't - and I do admit sometimes I implemented those kind of decisions or instructions - in fact let me put it that way. Even decisions that were taken - for example the decision that was taken to 10 15 20 25

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dismiss the SABC EIGHT had my name on it. I wasn't there, and that's one thing that people don't know. I was attending an AIDS conference in DURBAN. I never attended a single meeting to dismiss those journalists. 5
After THANDEKA objected to not covering the protests, I think FOETA and SUNA also protested. And I remember quite well, they never said they were not going to implement the decision or the policy, or whatever you 10
wish to call it. They said they object to it. Whoever told HLAUDI said: These people in the Radio Editorial meeting said they're not going to implement. So HR was instructed to suspend them without my knowledge. I got to know when 15
one HR lady, who was responsible for Radio News, SIHLE forwarded the suspension letters to me to check if the contents were okay, factual and so on. I then called SIHLE and asked: What is this now, why are these people 20
suspended? And even what is contained in these letters is untrue. They never said they're not going to implement, they said they would object. And if you want to object, why would you suspend somebody for that? Our HR 25

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offices are on the 4th Floor, so I ran to SIHLE's office. There was already an initiator who had actually signed these letters, and I objected. I said: We are not going to give these people those letters. 5

COMMISSIONER: So they were already proceeding with a disciplinary hearing before they had even received their letters of suspension?

MS DITLHAKANYANE: Yes. The initiator was supposed to deliver those suspension letters to them. Then the following day, because I remember SIHLE called her boss, they had a long conversation and I told this guy, Tata TEBELE: Tata Tebele, you know very well that they never said they would not implement it, so why are you doing this? 10 15

TEBELE said: No, no, it's not me, it comes from HLAUDI, whatever. They were not given those letters on that particular day. The following morning, when I was in the office, HLAUDI called me around 08h30, before our editorial meeting, to say: I understand that you are interfering, and you don't want these people to be suspended. I said: Yes, there's no reason for suspension. He requested I go to his office. I went to RADIO PARK. When I 20 25

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got there, he was there with, AGUMA, TEBELE, KOBUS from ER, ANTON HEUNIS - there were like eight men. When I walked in, it was like a men's lapa in there. He then asked me exactly what had happened so I gave him a picture of exactly what had happened because I was there. He then said: Tebele, but then why did you say this is what they said? TEBELE said: No, no, I didn't say that. You, ER, why did you rush to suspend those people? No, but you're putting us under pressure, you said it must be done today. FOETA was even on leave in that particular week. So he instructed them to go ahead with it. They went ahead, wrote those particular letters, TEBELE called me to his office and called them one-by-one to give them those particular suspension letters. It was painful. This is not how you treat people.

COMMISSIONER: So basically they were suspended or dismissed because they wanted to uphold the provisions of the Editorial Policy.

MS DITLHAKANYANE: Tata, I'm coming there. So there were those protests. They were suspended and there were protests throughout supporting those people, and it happened on the television side as

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well. There were other television journalists that were suspended. That's when NOTHANDO and I went to the AIDS conference in DURBAN. While we were there MANNIE ALHO, who was our HR Manager - he is still there. He told us to check our emails because there are letters that we have to sign. We went through - those were the dismissal letters and they had our names there, that we - that SEBOLELO DITLHAKANYANE and NOTHANDO MASEKO are the ones who are dismissing these people - each and every letter. We told him: Mannie, we are not going to do that, the person who wants to dismiss those people must do it themselves, just remove our names there. They didn't, they went ahead and TEBELE pp'd in our names and they were then delivered to wherever, their homes, to say ...

COMMISSIONER: Were they fired before disciplinary hearings, or did they have disciplinary hearings?

MS DITLHAKANYANE: No, there was no disciplinary hearing.

COMMISSIONER: And it was SIMON who pp'd your names?

MS DITLHAKANYANE: Yes.

COMMISSIONER: I'm curious. Where is SIMON now? Is he still with the SABC?

MS DITLHAKANYANE: No, he has retired. He's at home.

COMMISSIONER: For the second time?

MS DITLHAKANYANE: For the second time.

COMMISSIONER: So those letters were sent out in your names?

MS DITLHAKANYANE: Yes. 5

COMMISSIONER: With SIMON's signature?

MS DITLHAKANYANE: Yes.

COMMISSIONER: Is that perhaps one of the reasons they claimed you were an enforcer, because your name appeared on the document? 10

MS DITLHAKANYANE: Yes.

COMMISSIONER: Then did JIMI and HLAUDI pursue you after that?

MS DITLHAKANYANE: I don't understand the question?

COMMISSIONER: I mean did they continue harassing you? 15

MS DITLHAKANYANE: It continued. We were actually saved, I can say, by the SABC EIGHT case, because now we could retain our independence again and do our job the way that we were supposed to. It's like an incident where a call comes through 20 and you see this particular name and you're like: What's coming now? It continued up until they left. It became much better when, no I can't say that - JIMI was acting CEO, no because it still continued, but more calls 25

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would come from HLAUDI. I wonder if SABC will ever be right because such things are continuing. It's an unrelated matter about sexual harassment. I just want to give you an idea of what's going on. Somebody was suspended and there was an issue that was dealt with. The Provincial Editor and apparently the General Manager in HR didn't handle the matter well and they decided to suspend this guy. One of the subordinates said she didn't get a job because she refused to date him. 5 10

COMMISSIONER: Unfortunately, we are not handling this sexual harassment.

MS DITLHAKANYANE: I know, I just wanted to give a picture of something similar to what has happened. You don't have to take notes. When they went to deliver those letters I was not involved in that and that person was still reporting directly to me. They delivered the letter with my name - in fact luckily NOTHANDO was there. Imagine they are suspending somebody about something I know nothing about and they have my name there. So NOTHANDO managed to say: Just rework that particular letter 15 20 25

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because she knows nothing about this thing. That's why I'm saying such things are continuing, although it may not be related to why I'm here today.

COMMISSIONER: Can I take us off the subject for a while, as you recover. We have the Editorial Policies. To what extent were they effective during this period when you were being harassed? Could you quote that in your own defence while it was happening? 5 10

MS DITLHAKANYANE: I did. It's a pity that most of the stuff was verbal communication, it's not like if it's written down. Because like: Jimi, you're from a journalism background, but you want us to do wrong things. Why? Whereas we know our newsrooms have Editorial Policies on the wall. Our talk room meeting has Editorial Policies that you can refer to at any given moment. You discuss the stories nicely: This is the treatment for this particular story. But then when you go out of there, you get a call: No, no, you don't have to do that story, Sebolelo. 15 20

COMMISSIONER: And what excuse would you make for changing the story?

MS DITLHAKANYANE: That is the hardest part. How do you go about 25

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telling editors to change that particular story. Even if maybe you want to implement the instruction, how do you do that, because they will definitely remind you of the Editorial Policies.

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COMMISSIONER: So what was your way out of that one?

MS DITLHAKANYANE: My way out was I would come up with a different way to say: You know what, maybe on this particular story you can add this particular analyst to give a voice to the issues that are happening there - the issues that we're talking about.

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COMMISSIONER: So the policies meant absolutely nothing to JIMI and HLAUDI?

MS DITLHAKANYANE: They meant nothing.

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COMMISSIONER: And was there no way you could report to their seniors, the Board?

MS DITLHAKANYANE: That Board - ELLEN TSHABALALA was - Apparently on TV THANDEKA was interviewing somebody, and this person didn't like the way THANDEKA was doing things. THANDEKA was summoned to ELLEN TSHABALALA's office and told where to get off because the guy complained to ELLEN. And it also happened with us. ZOLISA - I wasn't there, I think I was on leave when ELLEN was

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in KZN wearing ANC regalia and what have you. The journalist in DURBAN didn't ask anything about it. Apparently when ZOLISA went to BLOEMFONTEIN she instructed the journalist to ask about that particular story, angled to say: Why was this happening when she was there on SABC business? And she wasn't impressed. We were called to JIMI's office - I was back then. 5

COMMISSIONER: And who else? 10

MS DITLHAKANYANE: ZOLISA, as the National Editor. But JIMI was adamant that I must write a report. I said I'm not going to write a report. ZOLISA also came to support me saying: Sebolelo knows nothing about this because she was on leave, I'm the who did that, and why shouldn't we ask the Board? How can we exempt them from doing stories, because we're supposed to be impartial here. So she was the one who wrote the report, I didn't and it just ended there. Taking stuff to those people would be a waste of time. 15 20

COMMISSIONER: And if I could go to the heart of it, what do you think the motives were, striking terror among the journalists and the editors, etc and 25

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instructing them to do certain stories in a particular way. Was there a pattern to this?

MS DITLHAKANYANE: There was a pattern, but mostly it was to protect the ANC. Remember, some years ago when MALEMA was still with the ANC YOUTH LEAGUE, I think I was in the NORTHERN CAPE. He said: We're controlling the SABC, and they do whatever we tell them. I may not have been instructed by a politician myself but I think it was more for the benefit of the ANC. 5 10

PANEL MEMBER: So it appears that the line conference that you guys had, did not have any meaning because somebody can come there and instruct you to change, meaning the decision has been taken during the line conference? 15

MS DITLHAKANYANE: I can't say it didn't have any meaning because there are other important stories that we would do - even the live interviews that would happen. When JIMI would call to say: Why did you allow that kind of interview, it was like: 20 You know very well that I can't interfere with the production team who have decided on that line-up.

COMMISSIONER: Now if you were under so much pressure, did the juniors who worked under you get direct 25

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instructions, or did they do things that you wouldn't allow because they had the blessings of the people above you?

MS DITLHAKANYANE: Would you please repeat the question?

COMMISSIONER: You were under pressure, being in a fairly 5
senior role. What happened to the people under you? Would they get instructions, bypassing you, going straight to the juniors or were you expected to be their conduit?

MS DITLHAKANYANE: I think there are others. Maybe, but I don't 10
have proof that they would talk to the journalists directly. But I'm not here to talk about rumours unfortunately, and I don't have evidence. But it would be talked about to the right people that are getting 15
instructions to do certain stories, or not do certain stories.

COMMISSIONER: Do you mean without the approval of the senior...

MS DITLHAKANYANE: Without the approval of conference. Because 20
we don't want to be - when you're sitting in that meeting even though you may be the head of the unit, we know when we're there how we should be doing things, and you expect everybody to do their job properly and not 25

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necessarily give instructions. It was only when you realise that the story is one-sided that we were like: No, no, no, this is not how we do stories.

PANEL MEMBER: What happens if you realise, or the management realises that the editor has covered the story without the approval of the line conference. What happens with that particular editor? 5

MS DITLHAKANYANE: There should be consequences, but it's very rare that we do that. We would engage the person to say: But where does the story come from? I think it's the nature of the job to say you're not supposed to do this again. 10

PANEL MEMBER: Okay, so you just reprimand, you don't pursue a disciplinary hearing? 15

MS DITLHAKANYANE: Depending on what it is. For instance there was a producer of one of the current affairs shows. They interviewed - I can't remember this lady who has been against ZUMA all the time from the NORTHERN CAPE. FAKEY(?). So they interviewed her on Monday about all the shenanigans, everything she talks about against the ANC and ZUMA. Then on Tuesday, while they were prepping for Wednesday morning, one senior producer decided to say: 20 25

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No we have to speak to FAKEY again? Then the EP said: What's new, why should we speak to FAKEY again because Monday's story was balanced? We spoke to the ANC, they responded and tomorrow morning you want us to speak to FAKEY again. What is new that she has said or she has come up with so that we can do our planning properly and we balance the story. There was nothing, and he was instructed not to include that in the line-up. But he did, and he phoned FAKEY in the morning. With that one there was a formal case.

COMMISSIONER: Now, having gone through this period at the SABC, what do you think can be done to protect staff and ensure that the SABC is independent and impartial? You had the policy documents you had the codes, you had everything else in place but these were trampled on.

MS DITLHAKANYANE: There's this thing that I realised immediately when people go mad. It is power. I think if the SABC can be wholly funded by the public and not by - because right now it's only about 3% representation that is coming from Government, for everything else we have to generate income. The SABC has to do it

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themselves. There's a lot of money in the SABC, I think especially in content, because now we're just spending news most of the time, we don't bring in revenue. Content, commissioning dramas and so on. There's a lot of money. So honestly speaking, if it can be wholly funded by public money and come up with a very tight policy on commercial and political interference or NGO influence - because they do as well - it will be much, much better. I think journalists can be protected.

COMMISSIONER: My problem here is that here are the policies, and they are supposed to be protecting the journalists to do their work independently and impartially. Now, what else needs to be put in place to ensure that there is no such interference? When we talk about funding if it's public funding, obviously the political parties will come in, it's our money. How does that protect the journalist?

MS DITLHAKANYANE: If it's tax money - we pay tax all of us, Tata Thlolo.

COMMISSIONER: Pardon.

MS DITLHAKANYANE: We all pay tax, and the political parties

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can't come and dictate. We pay petrol, which is funding on a lot of things, and how much are we paying? We cannot sit back as society and allow people to trample on our economy, for lack of a better term. If that funding can come from the public and they are held accountable, whoever the CEO or whoever, the Board, they are held accountable. On a serious note there won't be this; there won't be economic pressure, there won't be political pressure, there won't be all this that I have listed, and more. And tighten up as to who the final arbiter is in terms of decision making on what is going on air. If we can tighten that up. The upward referral, who and in which circumstance is there a Board referral? If we can address those things on a serious note but I know that there's a process that is going on. I don't know when it will be concluded and these things were looked at.

COMMISSIONER: Getting back to upward referral, it is said in the policy documents that it is a methodology used by other jurisdictions, other broadcasters. Do you know any other

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broadcaster who uses the same upward referral system as contained in this document?

MS DITLHAKANYANE: I think the BBC uses it. But with the AUSTRALIAN broadcaster it's not quite clear as to whom the upward referrals should finally be because it will ... 5

COMMISSIONER: The AUSTRALIANS and the BBC?

MS DITLHAKANYANE: Yes, like from producer or journalist to editor, and from editor to the senior, just like that. It goes in ... 10

COMMISSIONER: They all go right up to the Group Chief Executive?

MS DITLHAKANYANE: Yes, they do.

COMMISSIONER: So we should look at the AUSTRALIANS and the BRITISH? 15

MS DITLHAKANYANE: Yes, look at that,

COMMISSIONER: Any more questions?

PANEL MEMBER: I'd like us to briefly just touch on the commercial interference, if you have any knowledge thereof. Because I think I understood you to say that, remember, SABC generates most of its revenue from the commercial side, from the advertising and all those things. Have you experienced a situation where a commercial interest is being 20 25

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pursued through the broadcaster or someone approaches officials of the SABC, or even you, to say: Favour this entity over the other. In that spectrum - just as a broad reflection, any commercial interferences that you have heard of or come across? 5

MS DITLHAKANYANE: I gave you two examples. It happens a lot on the drama productions. But I ...

COMMISSIONER: Can I interrupt for a second. I need a break.

THE ENQUIRY ADJOURNS BRIEFLY

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THE ENQUIRY RESUMES

COMMISSIONER: Thank you, I think you were still responding to the question.

MS DITLHAKANYANE: For instance, yesterday there was a story that JOMO SONO is launching an IT company, and some instruments that it would track: a firearm, if it's lost, and what have you. They got the press release from SIFISO RAMARA. Then, I looked at it and thought that it didn't look like such a big thing. So yesterday he called me to say: Rumi(?) is still waiting for you guys to come and cover this particular story. I said: No, no, but if you look at this it will look as if we are marketing JOMO's products. How many IT solutions companies do 15 20 25

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we have? How many people are coming through in innovation? We can't market for him, he has to do it himself. He kept on calling me: Hey, you know what, he's harassing me. You then ask yourself why is he persuading me so much to do this story, but we ended up not doing it. I didn't even take it to conference, that we are not going to do this story, finished and klaar. Those kind of examples will tell you that these things do happen. You may not have proof but you can see. There was the SAP accounting. There's a story that we broke, not necessarily broke the story, but followed up, but we ended up giving it to AMABHUNGANE to investigate further about SAP's shenanigans with the GUPTAS. When we were doing the story KRIVANI was given the story. I said: Okay, because these are your contacts, run with the story, but just make sure that we get all sides to the story. There was someone who was totally against us doing the story, and we had contacts. Remember we also have agencies like FSN throughout globally. So they would assist us with certain interviews. That's when we

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roped in SOPHIE to say: Sophie, when will you
 contact FSN to do this part and that part.
 But the Economics Editor didn't want this, as
 it was an economics matter. She didn't want
 us to do the story. She went to KRIVANI and 5
 shouted at KRIVANI. I had spoken to NYANA, we
 assigned DIABO(?) to do it for television.
 But the way she fought that we shouldn't do
 this particular story. Eventually she said:
 I will take it up and I will do the story. 10
 Okay fine, but we did the first instalment, it
 went on air. Fine. And when we realised she
 was not going to Legal because she was going
 to Legal to ask if we were doing the right
 things and KRIVANI told her: I did check with 15
 Legal, because such stories we have to check
 with Legal first. No, but I will do it. She
 never did it. So you ask yourself why. These
 are the things where you wouldn't easily find
 proof but you can see the pattern that there 20
 is something going on here.

PANEL MEMBER: So at what point - sorry, were you continuing
 to?

MS DITLHAKANYANE: There is some point that I forgot but I will
 go back to the *ad hoc* Committee. 25

PANEL MEMBER: Okay. Just on that commercial aspect, because I understand that you guys would convene at the conference and discuss the stories to be pursued and so on. Has an editor at that conference perhaps raised the point that: 5
This story ought not to be pursued? Or has an editor come and said: We need to pursue this story, and we need to do it whether you guys agree with me or not? Or: You guys come with a different angle, and I think this is the way 10
to go? In the sense of saying one would evidently get an impression that there is an agenda being pursued, in covering the story from this angle instead of another angle.

MS DITLHAKANYANE: You must remember these people are very 15
clever.

PANEL MEMBER: Yes.

MS DITLHAKANYANE: He or she would not just come and say: Let's not pursue this particular story, but they would throw in that particular angle to say: 20
How about we do this particular angle, and the rest of the issues that you have raised can follow, but the angle should be this particular one. You have to be sensitive enough to detect such things as an editor, and 25

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engage this particular person as to why they pursue this particular angle when there's a stronger one that we can pursue, or there's a bigger story. Say for instance this political story in SASOLBURG, where the EFF is doing whatever during the Council meeting. Because SASOLBURG is closer to GAUTENG, we deploy from here, but you may find that one of the editors will insist that BLOEMFONTEIN covers that particular story. No, but why do you insist that BLOEMFONTEIN and this particular journalist covers the story? Then you have to stop it then and there. Because we also do this to work smarter in terms of saving costs and other things. Can I go back to the one that I said I forgot?

COMMISSIONER: Yes.

MS DITLHAKANYANE: It's the KEMPTON PARK story where we were instructed to dismiss MAHLATSI and THANDEKA. When THANDEKA was in Parliament she was asked by one of the MPs as to who saved her from dismissal. She said LUTHULI HOUSE. We were all taken aback, and the MPs didn't follow that particular angle, to say: This is the typical political interference. Everybody

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knew that MBULELO saved these two. It hadn't been explained as to how LUTHULI HOUSE saved them. Even though MAHLATSE didn't mention our names in one of the SANEF meetings, which she was addressing, that she applauds some women in leadership because one of the women, together with one guy in the SABC - she didn't mention the names - saved them from HLAUDI's prosecution. Those are the kind of things where you ask yourself: How come LUTHULI HOUSE? I just wanted to raise that particular point.

PANEL MEMBER: And maybe your view or assessment of just that statement, how do you think LUTHULI HOUSE had intervened, or she said it intervened in saving her? Just your general impression of that statement?

MS DITLHAKANYANE: My take would be that maybe she engaged someone, a senior in the ANC and then they instructed HLAUDI or JIMI to stop it. That was my take on it.

PANEL MEMBER: Alright.

COMMISSIONER: Can I go back to what happened after JIMI and HLAUDI left. Have things changed? What is happening at the SABC as far as the type of

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interference you used to get from JIMI and HLAUDI?

MS DITLHAKANYANE: Nothing. That's what I said, that we have our freedom to do our journalistic work as freely as we can. There is something where I think they don't understand our executives. We are not in the SABC to work for the Minister of Communication. Most of the time when the Minister of Communication do something we also have to cover it. Sometimes she's doing her work. For instance, the budget speech. Let me present a budget vote from Parliament. We have journalists in Parliament but then we find the stakeholder corporate office would want radio to plan for this, and it would be that you would hear announcements every day on radio, not on current affairs shows. They have to plan and provide a plan to the powers that be that: This is how we're going to do it. Then they instruct News, to say: News, come up with your own plan. So we say no, we're going to cover this budget vote as an ordinary budget vote like any other. We don't have to have a concrete plan outlining nice things and also which angles to take. No.

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Because somebody has to go back and read what was presented last year, and look at how we can come up with different angles of covering that afterwards. Maybe the one-on-one interviews. I think that has to be pursued to say: Are we journalists or is the SABC an entity of the Communication's Minister? It doesn't really sit well with me, because if we have to do that why shouldn't we do it for all other Ministers? And that's where our independence comes from. 5 10

COMMISSIONER: But you haven't had the type of pressure that you had under HLAUDI and JIMI?

MS DITLHAKANYANE: No. I'm happy, now. Maybe not totally but we are much, much better now. 15

COMMISSIONER: Anymore questions?

PANEL MEMBER: I think I'm going to go back to the last point that you were covering, in fact, the recommendations from you. Remember at the time of HLAUDI, I think it would be fair to say that you felt helpless at that point to either do or not do certain things. In that assessment would you say you would have had plans or ideas that might have saved you from having to feel that kind of pressure. Because 20 25

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I'm sort of trying to drive you to a point where you could say to us: You know, for me as a GM, I wish I'd had someone I could refer this thing to - but not these two people sitting in front of me - who could then assist me in this situation in which I find myself. So that when we come up with recommendations, we can say: Look for upper management because the Board referral might be just a step above them, and then that's the end of it. So I'm trying to say to you recommendation-wise, on top of the two that you've come up with, from your personal experience what mechanisms would you have wished there had been for you to state your grievances and still be protected in the position you were in at the time?

MS DITLHAKANYANE: I never thought of it, and I think it's a good idea. The senior management is not protected at all. I really wish that could happen. You can put it down.

COMMISSIONER: How helpful is the News Committee of the Board, looking at the old Board and looking at the new Board?

MS DITLHAKANYANE: I haven't seen their effectiveness.

COMMISSIONER: Can I wrap up?

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PANEL MEMBER: Yes.

COMMISSIONER: As I said, this was just an initial presentation of what the problems are and what's happening from the perspective of Senior News Management. Now, as we go through the hearings, we might get to a point where we might ask you specific questions, so I hope you don't mind us calling you back if or when we think it's necessary. 5

MS DITLHAKANYANE: No, I don't mind. Will I be alerted as to exactly what it is that you require? 10

COMMISSIONER: Yes, we'll list specific things because at the moment we are still trying to find our way.

MS DITLHAKANYANE: Okay, thank you. It could take a whole day if I have to tell you about the SABC in HLAUDI's era, because I'm thinking of so many things that I forgot now. 15

COMMISSIONER: If you think of anything please send us a note. Don't wait for us to ask you to come back. 20

MS DITLHAKANYANE: Okay, thank you.

COMMISSIONER: Thank you.

THE INTERVIEW ADJOURNS

THE MEETING RESUMES**INTERVIEW WITH MOKONE MOLETE**

- COMMISSIONER: Our apologies for the late start. We've been running behind schedule.
- MR MOLETE: No problem. I don't envy you. 5
- COMMISSIONER: If you don't envy us you'll give us solutions. I don't need to introduce myself but I'll ask my colleagues to.
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA. I'm a director at MMM ATTORNEYS. 10
- PANEL MEMBER: TSHEPO MOYAGA, I'm an Associate at MMM ATTORNEYS. That's MALEBYE MOTAUNG MTEMBU ATTORNEYS.
- COMMISSIONER: If you could introduce yourself and give your designation at the SABC? 15
- MR MOLETE: My name is MOKONE MOLETE, known as NYANA MOLETE. I'm National Television News Editor at the SABC.
- COMMISSIONER: And how long have you been in that position?
- MR MOLETE: I've been in that position since 2011. 20
- COMMISSIONER: And before then?
- MR MOLETE: I had left the SABC and went to work for TELKOM MEDIA for a short stint. That was from 2000?
- COMMISSIONER: The one that didn't get off the ground? 25

- MR MOLETE: The one that never happened. But I had previously worked at the SABC, first as Editor. Well, I was Output Editor, before then I was Editor of MORNING LIVE and before I worked at MORNING LIVE, I was an Executive Producer of Current Affairs. 5
- COMMISSIONER: We have some submissions from various staff members and members of the public but we thought before we can actually start tackling those we need to get some background on what is currently happening at the SABC, what the decision-making processes are, what the loopholes are that may have led to the alleged interferences, whether it's political, commercial or other, so that's why we're starting with the top management to say give us background before we go into the substantial submissions that have been made. The first area we are keen to examine is the decision-making process in your department. Where is a story initiated, what decisions are taken, and by whom, up to the point where it goes on air? 10 15 20
- MR MOLETE: There are different ways in which stories come to the SABC. Firstly, the journalist 25

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themselves may have ideas in terms of what stories they want to do. In fact, we would like to encourage journalists to do more and more generating of their own stories. But there are also stories that come through either Government departments, PR companies and so on and so forth. With members of the public, in some cases people would phone and say: This is happening at such and such an area. Once all of that comes in the Assignment Editors who are responsible for sending journalists out to stories would discuss those stories with the journalists and assign journalists to those stories. Some stories come through discussions we may have, where, just in discussing issues, you think there may be a story in whatever informal conversations you have. Then a decision is taken to follow that up as a story or not. In terms of decision making, the Assignment Editors would be the ones making a call as to whether something is a story or not, and would be sending journalists out to cover those stories. But we also have editorial meetings which happen in the mornings and the

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afternoons. The afternoon meeting is a kind of planning meeting for the next day. The meetings are attended by Executive Producers, and they are attended by Assignment Editors from JOHANNESBURG and also from all the regions. This is one of the forums that decides on whether a story is a story or not. Then there's the morning meeting at 10h00, which is supposed to be a kind of update meeting of the 16h00 meeting that happened the previous day. That editorial meeting is also a conference attended by Regional Editors and Assignment Editors, Executive Producers in JOHANNESBURG and the Assignment Editors in JOHANNESBURG. In our department, as National Editor, I would chair those two meetings or conferences. If I'm not there, as, for instance today, I'm not going to be there today, one of the Assignment Editors in JOHANNESBURG would do that.

The process of decision making is not mechanical. For instance, I may discover that we are about to do a story, or that there is a story happening that we are about to miss and I think very strongly that that story

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needs to be told, I would then intervene and say: For this or that reason I think we should pursue this particular story; or: for this or that reason I don't think the story we have on our diary is a story worth doing. I don't think it is a story worth spending resources on. And I would discuss that with the Assignment Editor or with the journalists involved. But the conferences that I spoke about also, also in discussions in the conference, stories may be strengthened or dropped, new stories may be suggested. So there is no single way in which these kind of decisions are made, but the main decision platform would be the conferences that I spoke about.

COMMISSIONER: Have you had instances where there have been extraneous influences on the process?

MR MOLETE: Yes, there have been instances. Look, for instance, as National Editor I would report to the Head of Television News. The Head of Television News reports to the GE or the Group Executive. That Group Executive reports to...

COMMISSIONER: Which Group Executive?

MR MOLETE: Group Executive, News.

COMMISSIONER: Okay.

MR MOLETE: And the Group Executive, News reports to - it ought to be the CEO now, in terms of the new Editorial Policies, but in the past they would report to the Group COO. And there would be situations in which any of these individuals would discuss or want to influence what stories are done or which stories are not done. There would be instances like that. In some cases they may hear of a story that we are not aware of, and tell us that it is a story that they think it important that we do. In other cases they would question the stories that we have done and how we've approached them.

COMMISSIONER: The people who are at line conference are people with news experience, and they then have to get the say-so from people who have absolutely no news experience.

MR MOLETE: Sometimes, yes.

COMMISSIONER: Now how do you justify the COO, for example, intervening in material that he knows nothing about?

MR MOLETE: There are situations where they may be correct. It's not like they will always be

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wrong. How you justify that is - you see, we are all employed by one organisation, and all these positions have a certain amount of power. In their view they may be exercising their authority or the power that they have over the newsroom or over the SABC. The fact that they either have or do not have any news experience depends on the individual. You have a CEO for instance who has just left the SABC, who used to be in the newsroom in the FREE STATE, and he'll tell you that he knows everything about news. Whether you agree or disagree with that, he had spent some time in that newsroom. What he was doing in that newsroom and how he was doing it, is a different question. But he had spent time as a journalist and he thought very strongly that he knew everything about news. But I think the system is flawed in a sense that you may, for instance, have a person who does not come from a news background, who becomes a CEO or a COO, who may want to influence what stories are done and which are not. I think that the SABC is in a very peculiar situation, in that being a public broadcaster, everyone feels

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that the SABC belongs to them. Whether these people are religious people, business people or politicians they feel that a public broadcaster is owned by them. And whenever these people have any kind of message to put across, they would want to use the SABC as a courier for that kind of message. We live in SOUTH AFRICA, and particularly when it comes to politicians - remember, you also have the SABC reporting to a Minister. That Minister would be a member of a particular political party. Since 1994 all these Ministers who the SABC reported to were the ANC deployees. Those people would communicate with people in the SABC. Whether it's people on the Board or Senior Executives in the SABC, those people would communicate with them. The structure of this whole thing allowed them to do that. Then you also find Senior Executives who actually enjoy being in the company of those types of people, so in the company of Ministers, maybe even in the company of the President and before long they actually lose their identity. They don't know whether they work for the SABC or they work for the

Minister, and in some cases whether they work for the ANC or work for the SABC. So I think how this whole thing is structured is very open to manipulation.

COMMISSIONER: Is your guiding light your Editorial Policy? 5

MR MOLETE: Our guiding light is the Editorial Policy.

COMMISSIONER: Now let me ask about this copy that we have. It says it became effective on 1 April 2004.

MR MOLETE: Yes.

COMMISSIONER: Is this the current one? 10

MR MOLETE: Yes, this 2004 Editorial Policy is the current Editorial Policy. But there was another Editorial Policy I think - I don't remember whether it's the 2015 or 2016 Editorial Policy. This Editorial Policy is the current 15 one because the previous one was deemed - I don't think the word is illegal, but for lack of a better word, it was deemed illegal because of the ...

COMMISSIONER: That's the 2016 one? 20

MR MOLETE: The 2016, one. Was it 2016? 2015 or 2016. ICASA ruled that we go back to these Editorial Policies, and if we were going to embark on new Editorial Policies we needed to follow the correct procedures. That is why the SABC went 25

on a road show consulting communities and interested parties on the existing Editorial Policies. It think the main difference between this one and the previous Editorial Policy was that according to the 2004 Editorial Policy, news reported to the CEO and the Chief Executive Officer was the main arbiter in terms of disputes. The Editorial Policy that was kicked out basically took that power away from the CEO and gave that power to the COO. I think that is one of the main differences between these Editorial Policies and the previous one that was kicked out.

COMMISSIONER: Some people have referred to it as the HLAUDI Editorial Policy. 15

MR MOLETE: That one, yes.

COMMISSIONER: Now, there are two things in here. The one makes the Group Chief Executive Officer the Editor-in-Chief.

MR MOLETE: Yes. 20

COMMISSIONER: But it also says the Group Chief Executive's role is not to make day-to-day programming on newsroom decisions. To what extent has that line been drawn, that you don't make day-to-day ... 25

MR MOLETE: To be honest, I haven't been in that situation. They don't make day-to-day editorial decisions. Day-to-day we deal with editorial matters. It is in situations, for instance, where they have received complaints or they have been asked to ask the newsroom to cover something where we would have that kind of discussion with them, but they do not participate in day-to-day editorial matters - not this current CEO, and not the CEOs who have worked in the SABC in the past. Even HLAUDI did not deal with issues on a day-to-day basis. But the difference between him and the others is that his involvement or his presence was much more frequent than the others.

COMMISSIONER: I'm very keen to look at the discussions with HLAUDI. Were those discussions based on the policies where you would say: Our policy says we should do this and what you are saying goes against that? Or was it a question of: I'm the boss therefore you will carry it out?

MR MOLETE: The use of the word discussion and HLAUDI in the same sentence - no, HLAUDI never discussed things, HLAUDI gave orders. I think in some

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situations there were people who could maybe
get to him, but get to him kind of outside
meetings. I personally tried to have
discussions with him around many things, and
I've never had a situation where I thought he 5
understood what I was saying or even agreed
with what I was saying. I never had
discussions with HLAUDI, it didn't happen.
When I came back from TELKOM MEDIA and joined
the SABC, HLAUDI came to my office to 10
congratulate me for having come back, and
immediately told me that there was a story
that had happened in the FREE STATE about two
or three days previously, that story had not
been on air and I needed to ensure that the 15
story went on air. I said: Look, if this
thing was just an event and it happened on the
weekend and we are sitting on Tuesday, what do
I say to the Executive Producers about running
an old story? Then he said: No, no, no, the 20
issue is still relevant, the story is still
relevant, you can just put it on MORNING LIVE
like this. I said: Okay, I'll see what I can
do.
I then decided that there was no story there. 25

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What had happened was that ACE MAGASHULE was at some event. He spoke at the event and wanted to see himself on television, but as far as I'm concerned the story was dead, and there was nothing I could do with the story. 5
But the guy was so - I think for three weeks he had been asking me when that story was going to run and when it was not going to run. I don't know what happened in his life, but something made him forget about it and that's 10
where we left it. For instance, when it comes to Editorial Policies one of the milestones for me was when we were preparing for the 2014 National Elections. I don't remember what date it was that we had a workshop in KEMPTON 15
PARK. My boss then was JIMI MATTHEWS.

COMMISSIONER: 2014?

MR MOLETE: 2014. We had an elections workshop, and basically the workshop was meant to get us all ready for the elections. We dealt with 20
editorial matters, technical matters and so on and so forth. But at the workshop - and I was chairing this session - some of our journalists were of the opinion that the things we were discussing there and the 25

approach that we were taking to the elections was a good one, but we needed to get top management to walk this path with us and we needed to tell them that. So we agreed that that was what we were going to do and we agreed that we would arrange a meeting where we would call HLAUDI in order to make him understand what decisions we had taken. The decisions that we took were basically reinforcing what our own Editorial Policies were saying, and what the ICASA Regulations around elections were saying. That is all. But while we were sitting in that meeting people interpreted the discussion to be a kind of anti-HLAUDI discussion. I guess some of his people told him that, and my suspicion is that he was being informed as we were discussing these issues. We then invited him to this meeting on the Tuesday, and he came. Basically he wanted to give us some kind of lecture. Quite a few people stood up to him, but the meeting ended with him saying that he was aware that some managers were conniving with workers, with employees to destabilise the SABC - that kind of thing. People stood

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up and said: No, but here we are all
journalists, there's no management, there's no
staff here; we are all equal and we are
discussing editorial issues. After the
meeting he called us one-by-one into JIMI's 5
office and accused us of trying to destabilise
the SABC. Again we made the point that he
should actually thank us for having done this
thing, and he should thank us for having done
it the way we did it, because what we decided 10
is what actually should happen: it's what the
Editorial Policies say, and it's what ICASA
says about coverage of elections. So you
should thank us for actually having allowed
this discussion to happen. Because if you 15
didn't allow the discussion to happen, the
decisions that were to be made would have been
ambushing the SABC, because you would be
sitting with a lot of people who wouldn't be
prepared to work on elections. 20

Then at KEMPTON PARK we had decided that two
people would basically write the conclusions
of the conference. Those two people were
MAHLATSI GALLONS - well, I think her surname
has now changed. 25

- COMMISSIONER: It's still MAHLATSE. She's now MAHLATSE MAHLASE.
- MR MOLETE: MAHLATSE and THANDEKA were going to write up the KEMPTON PARK minutes. I think a week or less after that meeting with HLAUDI, with him calling us into JIMI's office one-by-one, myself and SEBOLELO DITLHAKANYANE were asked to a meeting at RADIO PARK with a gentleman who has subsequently died, whose surname is MOHLOLO, and KEOBOKILE MOSWEU. 5 10
- COMMISSIONER: Who was that?
- MR MOLETE: MOHLOLO. He was head of HR.
- COMMISSIONER: And who was the second one?
- MR MOLETE: KEOBOKILE MOSWEU. We went there and these guys basically gave us an instruction to suspend the two. And it was clear, where he didn't need to know or to have proof of any kind, that that instruction must have come from HLAUDI. 15
- COMMISSIONER: He wasn't present? 20
- MR MOLETE: No, he wasn't present in that meeting.
- COMMISSIONER: Now, this is very strange. The HR person calls you in, gives you instructions that you need to suspend these people.
- MR MOLETE: We need to suspend these people. 25

COMMISSIONER: When in fact you should be giving them instructions.

MR MOLETE: Yes. But the long and short of it is that we refused to suspend these people. And then in a follow-up meeting they brought in a gentleman from Employee Relations and the idea of bringing him in was so that he could help us draft a letter to these two or even help us with the process. Again we stood our ground, and refused to suspend the two. All these people were interested in was that action needed to be taken. And whatever arguments we put to them and the fact that these people had done no wrong - our argument was that: If you need to fire or suspend anyone you must fire or suspend us, or fire or suspend everyone who attended that conference. You can't just decide on these two because they were asked to document what had happened. Why was I making these examples? Why was I going to 2014?

COMMISSIONER: I think because you said discussions with HLAUDI were not discussions.

MR MOLETE: They were not discussions. But even on issues like this, where clearly nothing wrong had happened, what happened was he got a sense or

he felt that people were beginning to challenge his power or his authority. For him, the best way of dealing with it was not to discuss or not to engage but to get his lieutenants to deal with the situation in a manner that would satisfy him. 5

COMMISSIONER: So what happened to MAHLATSE and THANDEKA?

MR MOLETE: Nothing, I don't even think they knew that we were in these type of battles with those people. Nothing happened. We didn't do anything. We just refused to take the action they wanted us to take. 10

COMMISSIONER: When it came to discussions about content, do you have any other examples of where he said: You will do this or you will do that? 15

MR MOLETE: You see, the thing is that this man operated in a weird way. The instructions that he gave were never written. Since I've worked at the SABC I have never received a single email from that man. A lot of the decisions that he made he would communicate verbally, or he would call what they call a rediffusion. That is like a staff meeting where everyone is invited and then he does his preaching there and those who like him, will praise him, and that is it. 20 25

But nothing in writing.

COMMISSIONER: None of you are old enough. Rediffusion was our first approach to broadcasting, when they wired all the houses in SOWETO and put in little boxes on the corners and that was rediffusion, where RADIO BANTU started out. 5

MR MOLETE: That is the manner in which decisions were made, always verbally. I did not have contact with him on a daily basis. He would be the kind of guy who - it didn't matter what you were doing or what you were involved in, if he wanted to give you an instruction you basically had to walk to RADIO PARK, and sometimes wait for thirty minutes or even an hour, wait for something that he could have just told you on the phone. For instance the decision around broadcasting violent pictures or not broadcasting them, I don't think that decision was minuted anywhere. The decision about 90% content, I'm not sure if that decision was even minuted anywhere. He made a pronouncement and that was the SABC's decision. I suspect that people like him would have been - for instance at the time when there were these service delivery 10 15 20 25

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protests, where day-in and day-out you would see tyres burning, you would see violent protests and things like that - again that decision was his decision, not to broadcast any form of violence. And I think he even 5 spoke about it openly in interviews and that kind of thing. But that was it. It was a decision that he had taken and we were to follow it. Unfortunately for him we didn't follow that decision to the T. Even after he 10 made the pronouncement we continued to cover what we thought needed to be covered.

COMMISSIONER: Was there any come back for that?

MR MOLETE: I suspect that he would have spoken to people like JIMI or NOTHANDO but for me personally 15 there was no comeback.

COMMISSIONER: I'm asking myself was this an ego gone wild or was it some political agenda?

MR MOLETE: I think it was a combination of both. I think you had a person here, firstly, who came from 20 a rural kind of setting. Secondly, he had no matric and it was made known to the world that he had no matric. In my view, this person wanted to go all out to show the world that even without a matric he was still the boss 25

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and he could still make decisions. He once went to WITS, where invited him to speak at the WITS SCHOOL OF BUSINESS, and he insisted that we send a crew there. We did. We sent a crew there, and after he did his thing our reporter interviewed him. That is where the famous "I'm a born intellectual" came from. I think this was part of the ego thing. At one point he was even invited to the VAAL to address school children about the importance of education. He did that, he addressed them and when we interviewed him we asked him: What did you tell the children. He said: No, education is important but education just gives you a piece of paper. The important thing is that you must "brain".

COMMISSIONER:

You must?

MR MOLETE:

You must "brain". So one of the jokes in the newsroom was that you'd send a journalist out to a story, and say: Look, I really want you to do a good job on this story, but instead of saying: Do a good job on the story, just say: "Go brain it". I think it was a combination of a huge ego gone crazy and power, and the sense that you made decisions for a lot of

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people and you were in contact with very powerful people. You would make a call to the President and the President would take your call. That makes you feel really powerful. I suspect that politically he - as I said 5 earlier, people would want to influence the direction that the SABC takes. I'm sure that he himself was put under a lot of political pressure to do things in a particular way. Unfortunately I don't think he had the 10 integrity to make a judgment as to whether the direction that they wanted him to take was the correct one or incorrect one. I think he just basked in this whole power thing.

COMMISSIONER: During that period, from what we believe, 15 there was a lot of fear and a lot of demoralisation inside the SABC. What would you attribute this to, the fear and the poor morale?

MR MOLETE: Things happened at different levels. Firstly, 20 think, when you're dealing with individuals like that, individuals who are all powerful, and individuals who at any turn would threaten to fire people, you do get demoralised. You just feel you come to work to basically earn 25

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your keep. Apart from just the bullying and that kind of thing, there was also a decline in the quality of the work we were doing. To a degree I think people just came to work, people didn't want to challenge, people didn't want to apply themselves. As a result, no matter what we were trying to do in terms of improving the quality of work and that kind of thing, it was a very terrible situation. It was very demoralising. There were issues, for instance, of recruitment and employment and promotions, and, in my view, he had a hand in a lot of these things. There's a lady who used to work for a radio station in BLOEMFONTEIN, who was a Current Affairs announcer, who is SESOTHO speaking. She was brought to JOHANNESBURG. I don't think that the proper processes were followed, but she was going to be one of the main anchors on MORNING LIVE until very recently. Now, those are the kinds of things that do demoralise people. After she joined MORNING LIVE, there were lots of complaints about the quality of her presentation but nothing could be done about it. There was even a guy who worked in

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radio in BLOEMFONTEIN and was brought to JOHANNESBURG to work in Marketing, or something. The marketing people basically thought: he doesn't know what he was doing. They didn't want him, and that guy also ended up on MORNING LIVE, on an important television programme. He was supposed to be supervising people who were more experienced than him. That kind of thing makes the organisation a bit of a messy organisation and it impacts on morale. So, as I say, he had this kind of all powerful presence and certain things would be done because he wanted them to happen, not because they were in the best interests of the organisation.

COMMISSIONER: Now, in the end, what use was this document during that period?

MR MOLETE: It was as good as not being in existence, really. As I said, if in 2014, on the basis of what this document says and what ICASA says and what the Constitution says, and you needed to suspend, or you were forced to suspend people, it means that these documents meant nothing.

COMMISSIONER: Have you ever gone head-to-head with him on

final decisions?

- MR MOLETE: No, not directly. I've gone head-to-head with him on a number of things. For instance one of the issues I had with him was about the TNA broadcasts. 5
- COMMISSIONER: THE NEW AGE?
- MR MOLETE: THE NEW AGE broadcasts. I was of the opinion that it was not helping us at all and that we were spending money on something that was not doing anything for us. When this TNA thing 10 started, it was meant to be a once-a-month thing. And I suppose because the TNA people were making money out of it, they were getting sponsorship and it was a great generator of revenue for them. They then wanted it to be 15 more regular. I had huge issues with this, I discussed these with JIMI and I think he also had a discussion with HLAUDI. And then GARY from TNA - I would be one of the people that they called to say: We have this organised, 20 and that kind of thing. We would have fights about things. I would say: We are a programme in our own right, we are not just waiting for you to decide that you are going to have a TNA in SANDTON and then we must just 25

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do it. We can't, we have to have a proper way of doing these things, and we can't have it every week; it's basically turning us into something that we are not. That was one of the big issues that I had with him, until GARY 5 and them came, and we had a meeting in his office about this. I said the kind of things that I said to him, and to this GARY guy. I think NAZEEM was also in that meeting. NAZEEM HOWA. Then he took a decision that there is 10 no way that this was going to be stopped, it would continue. It was going to happen - I don't remember whether he said it was going to be three or four times a month, and that was it. He basically said: This is an 15 instruction, I'm not discussing this anymore and JIMI, I and those people left.

COMMISSIONER: Was it the GUPTA brothers pulling the strings, or was it the ANC?

MR MOLETE: No, I'm not sure about the ANC. I suspect 20 that at the beginning - because at the beginning this was sold to us as something that would be like the President talking to the nation, taking calls and engaging the nation once a month, but it morphed into 25

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something else. I suspect that if that was the initial idea, the ANC would have been happy with seeing the President on TV and the President engaging with people. I don't think the concept was a bad one, but, the way it ended up going is, you would have a situation where you have these TNA's and the people who were filling the hole were Government employees and those type of people, and there was no proper type of engagement taking place. And it would be sponsored. TRANSNET used to sponsor it, and other people, and you would pay to come and sit there and listen to these people.

COMMISSIONER: Why wasn't ANN7 doing it? 15

MR MOLETE: It started before they actually started with ANN7. One of the questions I asked was: Now that you have your platform why don't you take this thing there, but it ...

COMMISSIONER: So after this it just went on? 20

MR MOLETE: It just went on. As I said we would go to DURBAN or CAPE TOWN and do these things. They would be making money and we would be spending money, not making any. Because you have to fly people there, you have to pay for 25

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satellite costs, you have to accommodate your crew and your anchors and so on. Besides I haven't seen the contract myself, and I don't know what the contract between us and those people looks like.

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COMMISSIONER: So besides HLAUDI what other political, commercial or personal issues interfered with your decision making in the newsroom?

MR MOLETE: Commercial and political interest I must be honest, I have not received any call from any politician telling me what we ought or ought not to be doing. I think in all of this stuff, politicians would probably deal with so-called senior people. The only person I would fight with from time-to-time was the late RONNIE MAMOEPA. But because RONNIE was who he was, he just didn't care. If he thought that you were doing nonsense he would just phone and tell you so. Maybe it's because I knew him from way back, and we are also both crazy, so he thought he could give me instructions, but not in a threatening way. When he had an agenda, he was one of those people that: Because I know Nyana, I'll call him and try to ...

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COMMISSIONER: So he was a PR ...

MR MOLETE: But in terms of politicians calling me directly, no, I've not had that experience. Some of these politicians are people we knew from the 80s but I've never had any kind of pressure or any politician telling me what to do. Sometimes the spokespeople of these Ministers would try their luck with having their Ministers on air. Sometimes it would make sense that we had them on air, sometimes it didn't make sense, and you would fight those battles as you had to. But in terms of telling me: You are fired - no I haven't experienced that myself. But I do think that politicians put pressure on the SABC. I wouldn't even be surprised if they continue doing it now, it's just that it's not getting to us. I think it is in their interest to try their luck, particularly now with elections coming. NUMSA may not be telling us but I suspect that if I was a politician I would do the same.

COMMISSIONER: Again, putting HLAUDI aside, why does the SABC have this notoriety that it is pushing a political agenda?

MR MOLETE:

I think it's partly an historical issue. Some of us actually never thought that we would work for the SABC, because we had linked the SABC with the apartheid system. Then when we joined the SABC there was the MANDELA euphoria, there was the new SOUTH AFRICA and we were going to change things. But before 1994 we knew that the SABC was the mouthpiece of the NATIONAL PARTY. What I think had happened post 1994 is that you had in the SABC the old guard and the new guard. The old guard is pretty much gone now. But you also had a lot of changes at top management - a lot of proper transformation at top management. In terms of middle management and lower management, and even among the foot-soldiers, among your producers and writers, there are still remnants of the old SABC. There are still, the sunset clause people are still around. Post 1994 what happened largely was, because it was now sexy to identify with the new democracy, the SABC in a sense kind of went overboard. The SABC was not critical of how we covered Government, how we covered the ANC. And I think to a degree people slowly

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felt that it was the right thing to do. That was the way to go. Up to today I think that we still have issues with the depth of discussion and analysis in our approach to how we cover politics. If you look at how we cover politics, it's like politics is largely the ANC and Government and here from time-to-time you will see the DA and you'll see the EFF. I think it is an historical issue, on the one hand, and I think it is probably also maybe a management issue of editorial depth really.

I speak as if I'm outside the SABC, but I am part of that and I think we are guilty of not interrogating, not just the political stories we do, but not interrogating the stories we do enough. We still have a way to go in terms of really engaging with every story that we do. I think it is impossible to do that, but maybe the starting point would be to chose just a few in a day and deal with these kinds of stories thoroughly. But we don't have that culture at the SABC and I hope that it does it come back with the new management.

COMMISSIONER: If you go through this document, it's a very

idealistic document. What has prevented its implementation? We're talking of 2004 and 2018, a fourteen year difference.

MR MOLETE: Two things. I think it hasn't been socialised properly. It has not been made the bible of the editorial staff. I wouldn't be surprised if there are journalists and management in the News Department who last read this thing in 20-whatever? And also when we recruit people, when we get new journalists, we don't give them this stuff. We ...

COMMISSIONER: Is there no induction that takes place?

MR MOLETE: There's no proper induction. And the induction that does take place is run by people in RADIO PARK, in the Training Department, I think it is. I don't know what they tell people there but I think all they tell them are things like where they park, where the smoking room is. But no, there isn't. It's sad but it's true, there isn't a proper induction.

COMMISSIONER: And no training whatsoever on this?

MR MOLETE: No.

COMMISSIONER: Because I would keep somebody in the classroom for three weeks or so until they know this

thing before they are let loose.

MR MOLETE: No, it doesn't happen that way. Since you've left we've recruited loads of journalists, and then they start today and they know where to sit. We give them a laptop or a desktop and tomorrow we send them on a story. 5

COMMISSIONER: And where do you get your recruits from?

MR MOLETE: Mainly now from universities and other media houses. The last two people I employed came from the eNCA. 10

COMMISSIONER: There's a section here on upward referral and there are certain mandatory references. Have you had any occasion to refer matters or decisions upwards?

MR MOLETE: I've had occasions where I needed to consult, 15
yes. For instance often Special Assignment would want to raise or pay - either when they do a drug bust story, or something like that - either for drugs or for an informant. It's in those situations that I've had to consult, 20
because they would come to me and I would either have to go to JIMI or NOTHANDO, because I report to her. In my case I don't think I've taken things for upward referral for decisions. I've consulted and discussed 25

issues with whoever was my boss. Sometimes it's when I'm too lazy to think, and I want them to make the decision, that I consult, but I haven't had major issues with it.

COMMISSIONER: It also mentions here that this is a system, 5
it's an approach that's taken by the World's premier public broadcasters. Can you point us to the organisations that you ...

MR MOLETE: The one I'm aware of is the BBC. I don't 10
recall what clause it is in their Editorial Policies but I have definitely read about it. I know the BBC has that. I'm not sure about the AUSTRALIANS and the CANADIANS, I'm really not sure.

COMMISSIONER: I thought you were trained by the CANADIANS? 15

MR MOLETE: Yes, but I haven't ...

COMMISSIONER: So you should know what they actually do.

MR MOLETE: No, I don't recall. I must say I haven't gone back to read the stuff, but I suspect they do.

COMMISSIONER: Did you follow some of the *ad hoc* Committee's 20
work?

MR MOLETE: I did.

COMMISSIONER: And why did they think that there was possible interference in the editorial decision making?

MR MOLETE: Because there was. As I said, there was a 25

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decision not to broadcast violent protests or violence in protests. That in itself was interference in editorial decision making. Even at the hearings, this CALATA made reference to me actually calling him about a particular story. That was to do with the usage of EFF pay-back-the-money stuff. There was frequent use of those visuals> On one particular day JIMI stormed into my office and said: Look, man, you're going to make me lose my job, why do you keep on using these pictures? I knew that JIMI was under pressure from his boss to stop this stuff. I called CALATA and I tried to have a discussion with him about this thing, but we didn't agree. I think he was right, the pictures were relevant and he had to use them. Instead of saying: JIMI says we want him to lose his job, I said: Hey, my bra, my kids are coloured, they don't eat pap and vleis, I don't want to lose my job. Even that in itself was editorial interference. But I think the parliamentary process thing was a culmination of a whole lot of things. The fact that the organisation had become so messy that the people needed an

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outlet, I think the parliamentary thing happened at the right time. Remember, also, at that time, people had been fired. Journalists who had questioned certain things had letters written to them to say that they had been suspended. One of those things is also ascribed to me. SIMON TEBELE signed a letter suspending people and my name was put to that. So the Parliamentary process thing in a sense was a good thing because the SABC people needed some kind of outlet, because if that thing hadn't happened I don't know where we would be now. I think we would be in a mess and HLAUDI would still be there.

COMMISSIONER: Now that HLAUDI is gone, do you think the organisation is on its way to salvation?

MR MOLETE: This organisation, in my view, has always had potential. I think it is on its way to salvation. The organisation, for as long as it has existed, has had immense potential but for some reason we don't get there and I really cannot put a finger on it. There have been moments at the SABC when I felt that we can go far. We have the right journalists to do this job and we have the resources to do

what we can do. Then something happens, you put someone with a personality disorder there and then everything goes haywire. But now I truly do think that it's on the right track. There's a positive energy now at the SABC and people are contributing. Even in terms of what you see on television, it's not just that the quality and the depth of the stuff that we do is beginning to improve, but you can sense the energy is there to make things work. I think we are on the right track, we just need to be careful not to bring other people with personality disorders to lead us.

COMMISSIONER: Now what would you change in this policy document to guarantee, if that is possible, that the SABC reaches its potential?

MR MOLETE: I don't think it's the Editorial Policies that need to change. I don't think there is anything there I would like to change. This is a good document. What the SABC needs to do is to preach what its document says. It's like the SOUTH AFRICAN Constitution. It's a wonderful, wonderful document, but we need to learn to live it and I think at the SABC we also need to learn to live our Editorial

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Policies. Look, I don't think the SABC is a perfect organisation, there are still many flaws here, one of which is this kind of top heavy management. I think the SABC has just too many managers. Even in the News Department. I mean there is an Assignment Editor who works with journalists, and he or she is actually the boss of the journalists. Then there's me, who is the National Editor, who is the boss of the Assignment Editor. Then there's the Head of Television News, who is my boss and then there's the GE, whose the boss of all of us. And these things I think in a sense stand in the way of good work because you have these managers, some of whom - for instance I feel very strongly that there's a thin line between the work that I do and the work that the Head of News does. I don't understand why there should be two of us. And you also have the Assignment Editor. I think we need to flatten the structure somewhat, even if people in my position or job have to be redeployed. But you need to flatten the structures.

COMMISSIONER:

McKINSEY rides again.

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- MR MOLETE: Yes, I think the problem is that these things stand in the way of making quick decisions and being flexible. The SABC has become this huge bureaucracy.
- COMMISSIONER: Can I get back to that. This top-heavy structure makes for collective decision making which is better decision making. It's more representative than if a single person were to call the shots. 5
- MR MOLETE: No, it's not - someone has to take the rap and someone has to be accountable. I spoke earlier about the editorial conferences. Now that forum is the forum for discussion and decision making, and editorial decisions are made there. That is where democracy works, and from there you would have your Assignment Editors discussing with journalists. I really don't think that the top-heavy thing is assisting and it's a kind of collective. No it's not. I think it's the opposite actually. I think what that top-heavy thing does is that it perpetuates the bureaucracy, and I don't see it really working and I don't see it as being sustainable. 15 20
- COMMISSIONER: McKINSEY told us that how many centuries ago? 25

- MR MOLETE: In 1996.
- COMMISSIONER: And we thought they were mad.
- MR MOLETE: No, I really don't think - you see it also introduces another problem when it comes to remuneration as well. Then because you've got all these levels of leadership, each level has its scale, and the people who work the hardest are your journalists, your producers, who are on the lowest kind of scale. Those who are at the highest scales - I would say rather take that money and distribute it among the guys who actually do the work that we are supposed to do, and not have these clerks who are called Head of this and Editor of that, when basically what they're doing is administration and not editorial work.
- COMMISSIONER: Then finally from me, how far is the process of reviewing this document?
- MR MOLETE: I know that submissions were made. I was part of the group of people who went to the provinces to get the views of people there. I think it's in the process of being written but I'm not exactly sure. It's a process led by policy regulation people. The work should have been completed by the beginning of the

- year but I'm not sure how far we are with it.
- PANEL MEMBER: From my side, Mr Molete, I just want to understand. You've mentioned that during the line conferences it would appear that sometimes the Chairperson of a conference will suggest that the story is not good enough to be covered. What happens if the Chairperson is of the view that the story is not good enough to be covered? 5
- MR MOLETE: People may agree or disagree with the Chairperson, and then at the end of the day what you would like to encourage a decision that is taken after people have engaged. But sometimes, if people don't engage then whoever chairs that meeting - if I chair that meeting, and I say: Guys, I don't think there's a story here, and I ask around the table: What do you think, and they keep quiet, then there's no story. It's not going to be covered. 10 15 20
- COMMISSIONER: So they need to persuade you?
- MR MOLETE: As I'm saying, we need to openly engage and discuss these things. It doesn't mean that because I'm chairing a meeting that everything I say is correct. I may be blinded by my own 25

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ignorance or blinded by my own up bringing, or whatever. So people should not be scared to challenge whoever chairs that meeting. That is the idea of having a meeting. You don't have a meeting in order to agree with everything. You have a meeting in order to discuss, participate and influence things in one direction or another. 5

COMMISSIONER: Just a follow up to that. What worries me is that you don't use this as a bible for your arguments at these meetings, because you're saying this has long been shelved, nobody knows about it. 10

MR MOLETE: No, but there are times when your memory takes you back to these Editorial Policies. You may not have it in front of you but you will remember. Or someone in the meeting will say: But what do our Editorial Policies say? Then you would be forced to check that out. But it is an impediment that we are not using this as our bible. 15 20

PANEL MEMBER: But the decision at the end of the day would stop with the Chairperson, to say: Okay we can continue with this story.

MR MOLETE: Yes. 25

- PANEL MEMBER: Do you record or minute the conference?
- MR MOLETE: No, we don't, we take our own notes. For instance if POLOKWANE suggests a story about a Minister visiting a village or something and the question is asked: What is new here, 5
apart from the fact that the Minister is there - are we doing the story about the Minister or are we doing the story about the issue? And if we can't really find any issue to be worked into a story then we say: Let's drop it, and 10
it just gets dropped. No, the meetings are not really recorded or minuted. It will just be reflected on the diary that the story is in or out.
- PANEL MEMBER: What if, for example, two editors have come 15
with a story or one editor. He comes up with a story and it's been quashed by the majority in the conference. Is there any mechanism that he or she can use to get redress or to complain? For example if he/she quotes the 20
Editorial Policy, and says: No, no my story was in the public interest, it was educational, it has this economic overview for the public to know about - then, is there a mechanism that he/she can maybe challenge the 25

decision of the Chairperson or the majority during the conference?

MR MOLETE: During the conference, yes, they can. But if everyone decides no it's not a story and that person feels strongly that it is a story then they can complain either to the Head of News or the GE for some kind of arbitration. 5

PANEL MEMBER: Okay. And has that ever happened before?

MR MOLETE: Yes, it sometimes happens, but not in such an educated way. The complaints differ. Sometimes people complain on the basis that: Look, we have wasted resources here, we've had to wake up at 04h00 in the morning and have spent the whole day doing this story, and then once the story is done we are told that it's not a story; but we have spent money on this thing and how do you expect me to wake up at 04h00 tomorrow if my stories are not used? Sometimes the arguments are along that basis. And they may not be strictly editorial complaints, they are more logistical kind of complaints. But even then you have to listen to people, you have to weigh these things up and make decisions. 10 15 20

PANEL MEMBER: You mentioned the story - in fact you said 25

yourself that it was not a story, it was
MAGASHULE wanting to be televised or to be
covered during an event in the FREE STATE. So
after you got instructions from HLAUDI were
you supposed to have the conference, or were 5
you supposed to call a line conference or to
discuss that during the conference, or were
you supposed to go straight to the people
who...

MR MOLETE: No, the story was there, the story was already 10
done, it was just not broadcast.

PANEL MEMBER: Okay.

MR MOLETE: What would happen in this kind of case is I
would have to put the story back on the diary
and then expect that the producers on the 15
different desks would use it.

PANEL MEMBER: So were you the one who was supposed instruct
the producers to run with the story?

MR MOLETE: I was supposed to, yes.

PANEL MEMBER: You were supposed to do that? 20

MR MOLETE: And there are times when I do instruct
producers to run stories.

PANEL MEMBER: Without going through the process of
conferences and stuff?

MR MOLETE: Yes. 25

PANEL MEMBER: Does the policy allow you to do that as a manager?

MR MOLETE: I don't do it because I'm a manager, I do it because of what I think is the strength and the importance of the story. 5

PANEL MEMBER: Okay.

MR MOLETE: You see this whole business that I was talking about of the bureaucracy at the SABC also sometimes interferes with proper engagement. And to be honest with you, sometimes when I do 10 say to people: Look, I think that this story is important, we need to run it, because of the position that I hold, some people may not even question it. Because NYANA said it, let's do it, because they are scared they may 15 get into trouble if they don't do what I'm telling them to do. This position that I'm in sometimes becomes a problem, an impediment to proper engagement. There are people who would really understand where I am coming from and 20 if they want to challenge me then they will. If they feel strongly about something, they will, knowing that nothing is going to happen to them. But there are people who grew up in this kind of culture, where authority is not 25

MOKONE MOLETE

questioned, and they will do things that I say just because I am saying it. But there are those who wouldn't do that. Yes, I could use my position if I wanted to, or if I was that type of person to be like HLAUDI and to just buck instructions and expect people to do what I want. 5

PANEL MEMBER: As the manager you need to use that authority or that power but the exercise must be in line with the Editorial Policy? 10

MR MOLETE: Well, not just in line with the Editorial Policy, but, yes, you have to respect other human beings, you have to respect colleagues and that is not something that is in any kind of document. You have to be a good human being. Maybe it's in the bible, but the point I'm trying to make is that the system can be open to abuse, and to a degree the culture at the SABC does allow for that kind of thing. 15

PANEL MEMBER: Thank you, Mr Bolete, I'm covered. 20

PANEL MEMBER: I'm just wondering about the cameras that the SABC uses, and what quality they are. The thing with me is that I love TV and I grew up with SABC but you know when you watch the news compared to other channels, the cameras look 25

like there's something else.

MR MOLETE: No, we broadcast on SUPERSPORT for instance, and eNCA broadcast on HD. We broadcast on something called SD, which is an old analog signal and we are moving towards HD now. The signal that comes out of SENTECH is not HD quality. The quality of our stuff - our cameras are state-of-the-art but the signal that we beam out is the old analog signal of a poorer quality than HD, so that's why. It's not our cameras, it's the signal. 5 10

PANEL MEMBER: I also watched that show and at the question time I think I saw it specifically there and thought no. So it's the signal that gets transferred to the end-user essentially? 15

MR MOLETE: Yes.

PANEL MEMBER: Now it makes sense. I'm covered.

MR MOLETE: But it's an expensive exercise to get us to digitise completely.

PANEL MEMBER: We'll get there. 20

COMMISSIONER: As I said we are still going through the submissions so we might ask you to come back if there are any specific issues are raised about you.

MR MOLETE: No problem. 25

COMMISSIONER: You know that you have been labelled as one of the enforcers.

MR MOLETE: I know.

COMMISSIONER: So we might call you to look specifically at whatever allegations are made. 5

MR MOLETE: I have no problem with that.

COMMISSIONER: But in the meantime, if you think of something that you should have told us - there are three speeches a person makes: the speech you make before, the speech you actually deliver and 10 the speech you make as you're driving home. So if you pick up anything from the speech that you get as you're driving home, please send us a note.

MR MOLETE: I will. And who do I send it to? News 15 Enquiry.

COMMISSIONER: News Enquiry, yes. Anything else gentlemen?

PANEL MEMBER: No, that's fine.

COMMISSIONER: Thank you.

MR MOLETE: Thank you very much. Enjoy the rest of the 20 day.

COMMISSIONER: Yes, we will. This has been a hectic day.

THE INTERVIEW ADJOURNS

JNT002 – EVIDENCE 2

VOLUME II

SOUTH AFRICAN BROADCASTING CORPORATION**COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**

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PROCESS IN THE NEWSROOM

PANEL MEMBERS:	MR JOE THLOLOE	- Commissioner	
	MR STEPHEN TAWANA	- Panel Member	10
	MR TSHEPO MOYAGA	- Panel Member	

28 June 2018**THE ENQUIRY RESUMES**

COMMISSIONER:	I don't think I need to introduce myself to you, but I am with my colleagues on the panel and they will introduce themselves before we ask you to introduce yourself.	15
PANEL MEMBER:	My name is STEPHEN TABANG TAWANA from MMM ATTORNEYS.	20
PANEL MEMBER:	I am TSHEPO MOYAGA, an Associate at MMM ATTORNEYS as well.	
MR MINNAAR:	Do you want my name or do you also want a little bit of background?	
COMMISSIONER:	A little bit of background.	25

MR MINNAAR: My name is IZAK MINNAAR, I am Editor of Digital News at the SABC. I'm a veteran at the SABC, as I've been there for many years. I'm in the fortunate position in that I have worked in many different areas, in many different dispensations. I have worked in television, special projects, at some stage I was in charge of our provincial bureaus, as well as the research unit, where I worked across radio and TV and I was appointed in my current role in 2011. I've been editor of digital news for the past seven years, or so. I should also declare some of my other industry roles, because I want to refer to some of that. That was my role in the SABC. Outside the SABC, I'm a Council Member of SANEF, the SOUTH AFRICAN NATIONAL EDITORS FORUM, where my focus areas are media policy, regulatory affairs and access to information. I'm also on the IAB's Publishers Council. IAB is the SOUTH AFRICAN INTERNET INDUSTRY ASSOCIATION and in that capacity I was nominated to represent the online industry on the Press Council. So I am also a member of the SOUTH AFRICAN PRESS COUNCIL.

- COMMISSIONER: And how long have you been with the SABC?
- MR MINNAAR: Thirty-two years.
- COMMISSIONER: Thirty-two?
- MR MINNAAR: I started in 1986, nearly thirty-two years ago. 5
- PANEL MEMBER: Different roles.
- MR MINNAAR: I have held many different roles here. I started as a news producer on television news. I then became a bulletin editor, then became executive producer and then an editor in the 10 early 90s. Since then I've been playing - an editor in my case, is a kind of middle-management role and I've been playing different roles since then as special projects, head of regions, head of news 15 research and now digital news editor.
- COMMISSIONER: We have submissions that have been made by people who are alleging there was interference in the decision-making processes at the SABC. Before we delve into those submissions we just 20 want an overall picture of what is happening there. If you could start by telling us the decision-making processes in your department.
- MR MINNAAR: While SABC news has three platforms, radio news, TV news, digital news, for historical 25

reasons digital news is in a very awkward organisational place in SABC news. Whereas the heads of radio and TV news report to the head of news or the group executive news, to give it the correct title, for some historical reason I report to the head of TV news. So digital reports into TV news for organisational purposes. But in practice if there are big editorial issues, then I relate directly to the group executive news. But this also sometimes makes the whole editorial decision making and reporting structure a little bit awkward. I should also state that digital news doesn't have a news gathering or input arm like TV and radio news, so effectively we're an output desk - a publishing desk with very limited original content production capacity inside. In practice what this means is the 80% to 90% of the material that we publish online originated from the radio and TV assignment desk and reporters, including the cross platform specialist desks, like the political desk, sports desk and economics desk. The bulk of what we publish online has been through the

normal editorial vetting processes by radio and TV. We do, however, do some original content within digital news, but with that we try not to overlap too much with what we already receive from radio and TV. Let me give you some examples. Our original content production would be focussed on areas like technology, health, lifestyle, environment, science, which are the typical areas that are under-reported in radio and TV, and with the little capacity we have we would often concentrate on those areas. Secondly, when there's a big news theme in a particular month, say for instance it's Youth Month or MANDELA month or around the national public holidays of Womens' Day and Freedom Day and so on, we would often commission additional material within our unit that would be supplementary to what we receive from the radio and TV desks. Also on big news events, for instance coverage of those national days or things like the opening of Parliament or funerals of high-profile people, we would often assign one or two producers to join the radio and TV teams on site to report from

there. Then again they would not concentrate on the main hard news story of the day but they would rather focus on social media, on feature stories, on the softer human interest stories to supplement our overall offering. 5
We publish on the SABC news website. Much of the material - so text that we publish on the SABC news website would in most cases be reworked text that we receive from radio and TV. Sometimes we would supplement that with 10
material from agencies, or we would assign a producer to go back into our previous stories and add a bit more substance, because very often the radio and TV stories are quite short and then we need to rework a bit from previous 15
material to give more substance to their stories. Our biggest outlet, however, is the SABC news YouTube channel, where 98%, or a little less, around 90%, of that content comes from what has been broadcast on TV. One of 20
the main features of the YouTube channel is also live streaming of live news events. On a particular day SABC news may decide that there would be, for instance, three different news events all happening at the same time 25

that may require live crossings or live broadcasts. Most of that content will be covered by the SABC news channel on DStv 404. But obviously they can only take one of those live events at a time, so they can cross for a while to this event and then they will cross to the other event and then to the other event. In instances like that we would live stream via YouTube all three of those events. So very often viewers can get more comprehensive coverage and specifically in what they are interested in on the digital news platforms than they can get on TV or radio. Hence there is some material that you only find on the SABC news YouTube channel which has not been broadcast as well. 5 10 15

On a fairly limited basis we do podcasting, which would mainly be highlights from what went out on radio news and current affairs and we do a little bit of audio production and video production on our own, from within our production desk as well. So digital news has two main roles in the division. One is to manage the main SABC news digital platforms, and those would be the website, the YouTube 20 25

channel, the podcast channel, social media and particularly the SABC news online Facebook page and Twitter feed. Those would be the main SABC news online platforms and that's all run from within digital news. That's our one main objective. 5

The second objective is to ensure that other online content production and social media production that is happening on the broadcast desks - that there is some consistency and strategic coherence, and also that they provide some support and guidance to our broadcast desk when they deal in online and social media content. In practice this means that if UMHLOBO WENENE current affairs or special assignment or any of the TV or radio shows, when they want to do social media, they need to come to us and we need to have a discussion to confirm a number of things. Firstly, we need to ensure that what they want to do online would be effective and feasible from within their own production structure. The questions that we then work through with those teams is: Do you have the editorial capacity to do so? Because very often they 20 25

would assign a youngster and say: You know about social media run with it. And we say: No, what you need to do is, you need to demonstrate to us that you will make this part of your main editorial workflow and there will be the same editorial oversight over your online output and what you have on your broadcast output. We would ensure that in terms of look and feel and branding that they have the proper SABC logos, and we would probably design it for them. We would advise them on production workflows to make sure that there's alignment between what they put out online and what they put out on their broadcast platforms. So we play that role in advising and guiding, and then we would often also train their staff on how to actually do all of this. That is the second part of what Digital News is doing. We're not taking over the editorial oversight, because the one point that we're very - I cannot take editorial responsibility for something that another production team with an editorial head is doing, but I can advise them on the best way to do it. So, for instance, the executive

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producer of SAbm current affairs needs to take responsibility for both their on air and online efforts and make sure that there's coherence in the way that they promote and utilise their content on air and online. When I say online in all cases I include social media. Maybe I should stop there and ask if this is enough of an explanation of how we operate? 5

COMMISSIONER: I think in a way you have answered our question, but let me put it directly. What is the decision-making process? 10

MR MINNAAR: Within digital news, I'm the editor and we have a number of executive producers. Then we have a production editor, reporting to the executive producers. Then we have senior producers in each and every production team. So on a particular shift you will have a number of producers, at least one senior producer and the executive producer will be directly involved in the publication of content. The production editor may get involved in that but the main objective of the production editor is to run our daily content planning. When we have a story, it doesn't 15 20 25

matter where it comes from, it will be reworked by a producer. It will be checked by the senior producer and it will then be, within our content management system, submitted to the executive producer for publication. The executive producer publishes everything on the web and oversees - but is not pushing the button - publication on social media and on multi-media platforms like YouTube and podcasting, but remains responsible for everything that is published anywhere on any of our platforms. So I hold the executive producer on duty responsible on a particular shift for everything that gets published on that day. We have daily internal diary meetings, one for each shift, so 09h00 for the morning shift. We already start at 05h00 but we have that meeting also when we have an idea of what radio and TV are planning for the day. The first few hours is literally to quickly update as much as possible on the site and then to start looking at planned stories for the day, starting with the diary meeting. So the first shift will go off at 13h00 and then the second shift will come in,

in the afternoon at 14h00. We have the afternoon PM shifts planning meeting, where they will discuss not only stories that we get in from radio and TV, because we then prioritise also. So what it is that we want to prioritise, but also looking at our internal production on a daily basis. If an executive producer has any doubt about anything they would consult me and I will give guidance on how we're going to deal with something. On some stories I would have a discussion with the executive producers on how we're going to treat the stories. I have constant discussions with the executive producer on a daily basis on editorial priorities, on treatment of stories when I think there can be any doubt about it. My job therefore is kind of twofold. On the one hand it's editorial oversight and guidance of the executive producers who publish the content and the people and their teams; and, secondly, then on managing the unit, administratively. I do the main initial interaction with the broadcast editors and executive producers in the rest of the

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division, about the oversight and guidance of their platforms. I just want to add one or two things. I think I mentioned that our production editor then attends radio and TV daily diary planning meetings, and should any editorial guidance be given at those meetings she would convey it to our executive producers or in our daily content planning meeting. So if, for instance, a decision was taken on the radio or TV side about a particular story that we as SABC news want to prioritise, that information will filter through to us and we will participate in divisional editorial priorities as and when that would happen. In the SABC, in terms of our specialist desk, we accept that the political desk, sports desk and business desk would take the lead - our experts and specialists in those areas - so we would mainly follow their lead. For instance, if there's a big, breaking political story the way that we would deal with that is, I would say to the executive producers: You immediately run with the story, because we're often publishing something like that before it goes out on radio or TV. If you have any

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doubts check what political desk is saying or doing about it. If you're unhappy and differ from the political editor, then come to me and we will take a joint decision on how we're going to deal with it. On occasion it has happened that we have dealt with stories, even before they appeared on radio and TV, in a way that we thought best to do it. With that as background, maybe I should say the following. In the years that I've been in digital news, while I'm aware, secondhand, of a lot of political pressure on my radio and TV colleagues, and particularly on TV, to treat stories or to drop stories in different ways, there's been very, very little pressure on me to do it. On the few occasions that I received a call from someone higher up in the SABC to say: Can you please drop that story, or don't do this or don't do that, I would say in 70% of the cases I engaged that person and explained why I thought we should do what I thought we should do. In most cases we found a way - sometimes it is just treating the story a little differently and not dropping it, or sometimes it is how you prioritise

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stories. But in most cases where I thought it was important to get a story out, because I thought it was wrong for the SABC not to carry the story, we managed to actually carry it in some or other way on the digital platforms. 5
I should also say that there were a few instances where I was told not to carry stories, where I proceeded and carried the stories. I'm talking about years ago, so it would be difficult to give you the specific 10 examples. But I have never been taken to task for doing that, probably because my bosses didn't really realise that we actually did it. It was more a question of feedback from radio or TV meeting that this story will not be done 15 and then we chose not to further consult on it and just run with the story. Those were very few, though, and this is not something that happened on a weekly basis or so.

COMMISSIONER: Just one question. I thought online would be 20 the place where stories are broken and then they're picked up by radio and television, but you seem to indicate it's the other way around.

MR MINNAAR: Sadly, we're not there yet, in terms of our 25

capacity to do that. I wish we had the editorial capacity in the digital newsroom to do that on a more regular basis. We have been doing it here and there but it is often a matter of - let me just go back a bit. When I was appointed at digital news, up to that time it was a unit that only reworked radio and TV copy into online. In fact there was a rule then that if it was not already on radio and TV it would not go out - online would follow. I didn't apply for the post, I was asked to step in and take over as editor of digital news at a time when there was an effort to give more priority to the online side of our business. I then put down a number of specific, let's call it, conditions under which I would take the post. And one of those conditions was that we develop the digital newsroom in a newsroom alongside radio and TV, with the editorial capacity to do and break stories. Meaning to create the capacity for full editorial decision making. So literally it took years for us to get out of this mindset of: We wait for radio and TV. But even today I'm sitting with people on

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senior and executive producer level who really do not have the editorial capacity to do it. My efforts over time to replace them have not been as successful as I would have liked. To be completely honest about this, some days I'm sitting there, there's a story and I am not sure that my editorial team can properly deal with it. I would rather then let them run with it when some of the radio and TV editors have checked it and then go with it. On other days I have people there who can actually do it and then they do it. But we cannot do it consistently. So it's an issue with deadwood that I cannot get out of the system, and I've not been given the opportunity to fully staff the unit with competent people. We're trying to do that, but we're not there yet.

COMMISSIONER: I didn't expect any deadwood online, because there's new technology.

MR MINNAAR: I'm literally sitting with people who don't fully understand the online world, who I need to make do with it, and it is sometimes very frustrating.

COMMISSIONER: Did you take over from JUDY?

MR MINNAAR: From JUDY SANDERSON, yes.

COMMISSIONER: Can you give us an example of where you were told not to carry a story and you actually carried the story?

MR MINNAAR: While I was talking I was trying to think. There was a story - and I cannot remember the exact details, but it had to do with a trade union. I remember receiving a call from the then group executive news, who said to me: Look, there are a lot of issues around that particular story, issues that I got to understand had to do with how - it was probably TV, but either radio or TV treated the story up to there, and that it would be best if we just stay away from that story. I argued about it. I didn't win the argument and by that time we actually had published the story, and I just made sure that it was not visible on the home page.

COMMISSIONER: What would have happened if that person had become aware that you were carrying the story?

MR MINNAAR: I don't think anything would have happened to me. I think I would have been able to further explain that I made sure that it was not prominent but it is a bigger issue for me editorially to go and pull a story that we do

not think anything is wrong with. Because why we should pull the story if we don't think there's anything wrong with it? So I think I would have been able to explain myself.

COMMISSIONER: You mentioned that you are aware of political pressure that's been put on some of your colleagues but it hasn't happened to you directly? 5

MR MINNAAR: Yes.

COMMISSIONER: Can you give us examples of the things that you're aware of? 10

MR MINNAAR: This is difficult to do because it's all secondhand. It's not something that I have experienced. You would hear, but never in formal meetings. You would hear in the passages and when you would speak to individuals, that somebody received a call from LUTHULI HOUSE about better coverage of this, or less coverage of that, and that Ministers and Ministerial spokespersons would call editors, and sometimes down the line, sometimes up to a bulletin editor, meaning not only the head of news or the political editor, but even somebody responsible for a bulletin, to try and influence them on doing stories or 15 20 25

not doing stories. There were also instances where we would have discussed how we want to deal with stories in an editorial meeting, and then the head of radio and TV news would get calls from the then COO, HLAUDI MOTSOENENG to say: This is how you're going to do the story. He never ever called me, but I know that very often he was calling the head of TV news and the head of radio news. I'm very aware of many discussions between the group executive news and different ones over the years, and the then COO, where he gave instructions on how stories should be done or not.

COMMISSIONER: Now coming back to that type of pressure, to what extent do the Editorial Policies come into play in the discussions around those?

MR MINNAAR: Sorry, I just want to make another remark before I answer that, if you don't mind. I think that while I said there's been no direct pressure on us, of course, this pressure on radio and TV - because we are mainly dependant on radio and TV - often reflected on the selection of stories that we offered online. So there was always an indirect thing. That

doesn't mean, for instance, that if there's a big political story and we see we're getting nothing from our political desk, that we would not necessarily have carried it. Because at the time we had access to news agencies, and we would then utilise the news agency copy on that. Where we thought there was a gap in our coverage, we would then simply use news agency. I never got into trouble for that. 5

PANEL MEMBER: So before digital news can break a story online it has to be published by radio and TV? There are no instances where digital can ... 10

MR MINNAAR: No, no, that is how it was when I arrived there. That was a rule then. But one of the conditions of my appointment was that I take editorial responsibility and that we start building the capacity. What I'm saying is we have not yet fully built that capacity but that rule is no longer there. If we want to run with a story now ... 15 20

PANEL MEMBER: ... you can run with it?

MR MINNAAR: I can run with it. I can make the final decision on it, I need to account for it and many times we have done that. In some instances, especially with political stories, 25

we have tried to consult or involve the political desk, just like our radio and TV output colleagues would do. But if it's a clear story we just do it. Can you just repeat your question? 5

COMMISSIONER: I was saying in instances where there is an instruction not to carry a story or to carry a story, what role do the Editorial Policies play in the debate?

MR MINNAAR: Since I started at digital news, I said to my staff: There's only one thing that guides our courage, and that is the Editorial Policy so whatever we do we must do in terms of the Editorial Policy. If you're in an editorial dilemma and you're not sure, the first thing you do is you check what the Editorial Policy says. If you're still not sure then you consult, and if you think it is a battle - I would prefer you to first consult with your counterparts on the radio and TV desks and with people like the political and economics editor and so on, but if you feel uncomfortable or if you think it's a battle that you want to win but you're probably not going to win, first come to me and then we'll 10 15 20 25

have a discussion and see how it goes. So for me, in my newsroom the Editorial Policy governs what we do and that would be the first point of referral. In a few cases, not many, I have from time-to-time utilised an upward referral issue and if we had a particularly sticky issue to deal with, I either conferred with the heads of TV or radio news, or the group executive news or discussions with the political editor. I've done that, I would say, a number of times a year. It's not something that happens every week or even every month, except for complaints. When we get complaints and we need to publish corrections or apologies, or whatever, that is something where I would always consult with whoever is either my line manager or the head of news or whoever else is involved. Very often because of the cross-platform nature of what we do, if we have made a mistake that mistake was also probably on radio and TV. We would always consult on those matters on how we then deal with corrections and apologies.

COMMISSIONER: Are there any instances whereby your counterparts in radio and TV can approach you

as digital to say: Don't run with this story, don't publish this story, and you would succumb to that?

MR MINNAAR: No, there have been efforts but I've never - my question would be: What's wrong with the story, let's go through it factually. If there were issues where I thought we should adjust to the text or so, then we would do it. But that would be to bring it in line with the editorial requirements to be fair and balanced, and that would be the yardstick for me.

PANEL MEMBER: In your unit I see you have producers, product editors, senior producers and executive producers. at the end of the day, IN regard to publishing a story, who takes the decision? Is it the executive producer in consultation with you as an editor?

MR MINNAAR: The executive producer is responsible for publishing and takes responsibility for everything that's published on that shift, on any platform. If the executive producer has any doubts - and that happens on a daily basis. Every day I have discussions with the executive producer on duty and we exchange

ideas. He will call me to ask what I think of this and what I think of that. Do I think this headline is okay or not, or do we need to add another element? So there's this constant discussion between me and the executive producers, and in the end I hold them accountable for what they publish. But they are the people who publish the content. 5

PANEL MEMBER: We understand that there are politics within the working environment. For instance, what if the production editor gives the story to the executive producer and the executive producer doesn't publish the story and the production editor comes adrift, can the production editor come directly to you to complain about the executive producer? 10 15

MR MINNAAR: Yes, yes.

PANEL MEMBER: And would you maybe overturn ...

MR MINNAAR: I can't recall something like that happening. We discuss stories at the daily diary meeting or production meetings that we have in the unit, so there's a constant discussion of stories. I have very little friction in my unit on those kinds of issues. Of course there would be editorial discussions about 20 25

should the story be treated like this or that or whatever, but in most cases it would be resolved and settled. I can't remember somebody coming to complain to me that the executive producer didn't want to publish a story for something. And if it happened, the kind of thing is, we would then immediately say: Well, let the three of us discuss it, identify the issue, resolve it and move on. But that is what should happen. You want people to question because the more people that question the better your chance is of getting it right. I think the more views and participation to get a story out, the better the chance that it will be fair, balanced and correct.

COMMISSIONER: Getting back to the Editorial Policies, I have heard people here saying that very few people actually know what the policies at the SABC are. How widely are the policies distributed, and how much are they used as a basis for arguments that arise?

MR MINNAAR: I think it's correct that in many newsrooms and on many desks that is probably the situation. But I would argue that it is not

so in my newsroom. We have a weekly meeting called the DIGITAL INDABA. Every Wednesday from 12h30 to 13h30 without fail, for the last - it started a few months after I started my tenure at digital news. Every week we have this meeting. In the meeting we do a couple of things. We talk about editorial projects and editorial issues. So if in the week before there was a contentious story or an issue, this is the place where we would then discuss: How did we treat it, what did we do right, what did we do wrong and we would try and relate that to what the Editorial Policies say about that. We also introduce people to new tools or new services or new sources. We would also discuss upcoming content projects and how we are going to deal with it. We have this weekly opportunity, so whenever there's an ethical issue or an issue about the stories, whenever it comes up we will discuss it and it will always be with the Editorial Policies and the Press Code as the reference point. Sometimes there are also issues related to the BCCSA Code. Over the years we have really made an effort to ensure that

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people in our newsroom are aware about the policies and how they guide our work. We would sometimes deal with a specific topic and try to piece out where it fits in, in the policy framework. In our newsroom we've made an effort to ensure that people know about the policies and that they understand the relationship between the policies and what we do on a daily basis. But I agree with you there are other newsrooms where that would never ever be done. 5 10

COMMISSIONER: The next point is, we have the 2004 Policies, that's what we were given. We are made to believe that there was another set that was published in 2016, referred to as the HLAUDI Policies. Do you know anything about those of 2016? 15

MR MINNAAR: Yes.

COMMISSIONER: What actually happened, because we don't have a copy and everybody is rather vague about it. 20

MR MINNAAR: I think I may have a copy somewhere. I will need to have a look, but perhaps I can help with that.

COMMISSIONER: Thank you.

MR MINNAAR: As you know the 2004 Policies, I think 25

somewhere in the policy it says it must be reviewed and updated every five years. There have been efforts from around 2009 to update it, and I'm aware of quite a number of different initiatives, some by Regulatory Affairs. The biggest initiative was led by someone called GRAHAM WELCH. At some stage he was actually asked to work full time on the updating of the policies. There were public consultations before those policies were issued. There were many internal rounds of opportunities to make input in it, there were internal workshops about it. This is secondhand information, again, but it looked to me that from the work that GRAHAM WELCH has done, submissions were made to the group executive at the time about proposed changes to the policy based on the internal and external consultation up to them. But it may not be a bad idea if you ask GRAHAM WELCH the question as to what extent his input has been included in the policies that were then submitted to ICASA.

COMMISSIONER: Who is GRAHAM WELCH?

MR MINNAAR: GRAHAM WELCH is currently head of commercial

enterprises at the SABC.

COMMISSIONER: He's still with the SABC?

MR MINNAAR: Yes. Before he took this job he was working in the office of either the CEO or the COO - I'm not sure - but somewhere high up. His job was to manage the Editorial Policy process. The impression I have is that not much of the input that he made at the time was actually included. One day when I asked him: Who then drafted the final policies, he said he didn't know. But he did a lot of work in going around the right way to get the information to update the policies. If I can just add, I recommended to the people involved in the new policy process that it may not be a bad idea to go back to his recommendations, because there was a lot of - for instance the input that we've made over a number of years about how to incorporate online and social media issues into the policies, of which there is nothing at the moment. We have made many, many recommendations and we sat in workshops with him and others to ensure that it is included in the new. Our submission, the one that I've submitted to you that I want to say

a few things about, kind of summarises or captures most of the input that we've previously made. Because we didn't know what happened to his input we then put everything in the submission.

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COMMISSIONER: Now what happened to the 2016 Policies?

MR MINNAAR: It was challenged in court, ICASA then rejected that and instructed the SABC to start afresh with a proper public consultation process, which resulted in the Interim Board's efforts. This issue with ICASA happened during the tenure of the Interim Board and they then started with the process of drafting the Editorial Policies. Essentially, if I remember correctly, what ICASA said is they reject the - sorry I'm not sure if it was a Court judgment that instructed ICASA or whether ICASA did it themselves. Sorry, it's a little vague in my head now, but the fact is that the SABC were effectively instructed to revert to the 2004 Policies until such time as new policies had been formulated through an inclusive public consultation process.

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COMMISSIONER: And you also referred to upward referral.

It's mentioned in here that it's used by

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public broadcasters abroad etc. Which public
broadcasters use the idea of an upward
referral?

MR MINNAAR:

Can I not answer you directly, but talk a
little about that because for me it's a key 5
issue that needs to be resolved? Think about
this. If the editor-in-chief is the GCEO, the
Group Chief Executive, why is it that when the
SABC advertises to fill the post of group
chief executive, that there's nothing in the 10
advertisement to qualify that person to take
final editorial decisions at the SABC. So the
people who are appointed as the group chief
executives of the SABC, don't get appointed
because they have editorial experience and a 15
reference for that, they get appointed to run
the business. I think it is a totally flawed
idea that the group chief executive can be
editor-in-chief of the SABC. He can't be.
But I understand that there are many other 20
factors to take into account. It is true that
the Board holds the group chief executive to
account for everything that's happening in the
SABC, including what's published in news. On
the Board there's normally a News sub- 25

Committee. The nature of the News sub-Committee is also such that sometimes you have people with knowledge of news on the News sub-Committee, other times not, and other times there's a mix of people. But I would argue that if you actually look at the News sub-Committees over the past twenty years of the Board, very few of those news sub-Committees had the required editorial knowledge and expertise to properly fulfil their roles as News sub-Committee of the Board.

The only person that gets appointed in the SABC, based on their editorial knowledge, or the highest person, would be the group executive news. I think some of the problems we've had over the years with news credibility is precisely that when things were referred upward from the news division to the group executive news and later on to the COO, when the previous COO changed the structure so that the head of news now reports to the COO and not to the CEO, that's where many of our problems started. When those people then get to make decisions that should be editorial decisions, but then they become business

decisions and decisions that relate to -
because those guys have what they always call
the stakeholder, which is Government, that
they need to keep happy. And they will
inadvertently take decisions that will keep 5
the stakeholder happy. They say: We need to
report to the stakeholder. The stakeholder is
the Government. How do you get somebody in
that position to take a fair and balanced
editorial decision? It cannot be like that. 10
I'm aware of various possible solutions for
this, and I disagree with that. For instance
in the news division's submission on the
Editorial Policy, they make mention of an
Editorial Forum. I think the context in the 15
document says something like: If there are
issues around editorial decision-making
problems they should be referred to the
Editorial Forum and the Editorial Forum should
be constituted with news management and staff 20
as members. I don't think that is something
that could work. How do you get something
where, if the head of news, which I think
should be the editor-in-chief, if the head of
news can't take a decision, then how do you 25

defer this to an Editorial Forum of people reporting to her and staff to resolve it? It's not something that can work in an organisational environment. It can't be like that. The other proposal that was made by the SABC EIGHT, when they appeared at the Parliamentary Enquiry, was to appoint an internal ombud. I think that is also problematic, because there are invariably going to be issues between the head of news and an ombud like that, and who is going to be in charge, where will the final buck stop? Are they still then going to ask the business manager of the SABC to make a call on editorial issues if they differ?

My suggestion is something very different to this. In the SABC legislation there is already provision for Advisory Boards, and I think the best thing to do would be to set up an Advisory Board with editorial skills. There are many different ways that that can happen. But just to pull some of the strings together that I spoke about, firstly, we have this problem with the new sub-Committee of the Board that is changed every five years, and

sometimes some of those members get changed even more because the sub-Committees change, or people resign from the Board and so on. So there's no continuity and consistency there. I would argue that the new sub-Committee of the Board can benefit from being able to refer matters to an Editorial Advisory Board to give them guidance or views that they can consider when dealing with news issues. If it should continue that the group chief executive should be editor-in-chief, such an Advisory Board with preminent people with adequate editorial expertise could then be a sounding board for that person, to say: I have this, you're my Editorial Advisory Board, please give me advice on this. At least you can then provide that person with appropriate editorial input to make such decisions. I would also argue that if you do it you must compel the GCEO to take advice before decisions are made. I also think if there is such an Advisory Board, it can help the head of news, when there are difficult issues, to be able to pick up a phone to the Advisory Board and say: Look, we have this, what is your advice? I think it

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can just bolster that. And one can also build in a mechanism that if one of the editors is unhappy with an editorial decision made above them, that such an issue can be referred to the Advisory Board for advice. Because it's an Advisory Board, they can't take the decisions, but they can give sound advice. It would take away the difficulties of having something like that as part of the organisational structure, where there can be conflicts if there are too many decision makers inside the organisation. I think this is the kind of thing where, if properly constituted and if it's clear what the relationships are between all the different levels that are outlined, it would be a much better thing. One can then say to the Advisory Board that one of their roles should be, as they are dealing with different issues, to make recommendations on how it should reflect in the Editorial Policies and to make updates to the Editorial Policies as and when things crop up. So one can give them a much bigger role, to oversee or to ensure that the Editorial Policies are frequently updated and

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reflect the issues as they start emerging. Especially also with the development of media models and so on, I think it would be useful to make them the figurehead of protecting the SABC's Editorial Policy.

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COMMISSIONER: If somebody argued that the editor-in-chief doesn't take decisions by himself or herself, but she has a whole lot of editors sitting with her so that she does receive input from this forum ...

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MR MINNAAR: Are you referring to the head of news or the...?

COMMISSIONER: Yes, the head of news. She gets advice from this panel of editors that she sits with. Is that not adequate for what she needs as input?

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MR MINNAAR: I would argue that on a daily basis ...

COMMISSIONER: Let me just finish. The BCCSA is also sitting there as a watchdog essentially, and besides the BCCSA you have the Press Council, and you have all the other institutions that are supposed to be looking over her shoulder. Would it not be cluttering that atmosphere if we created an extra organisation, an extra institution, like the Advisory Board?

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MR MINNAAR: On a daily basis what you refer to is

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happening. Every day, when we deal with the news agenda of the day, that kind of discussion will take place. I do not foresee this Advisory Board either becoming proactively involved in that process, or even being aware of some of the daily operational issues. I think what they need to deal with are policy issues and resolving editorial issues where they cannot be resolved at any other level. They would be there for the benefit of the Board sub-Committee, of the GCEO, of the head of news and of editors, who, after they've done everything internally, if they differ with their boss, to ask their boss, meaning the head of news: Can we please get input on this from the Advisory Board? If it's a panel with the right expertise on it, and if their mandate is clear and it is mainly there to give advice on difficult editorial matters and on how the policies should be adjusted as and when necessary, I think it would be fine. What I'm trying to avoid is this thing that an internal ombud would be able to overturn a decision by the head of news, because that is not going to work.

COMMISSIONER: That doesn't make sense.

MR MINNAAR: This is why I'm stressing this is an advisory body, and they will not be able to make decisions. But it must be set up in a way that - one can talk about what should be in public and what not, but it should be a place where anybody could go and get sound advice on how to act. Then if the Board sub-Committee or the GCEO or the head of news don't want to take their advice, it should be their right not to take their advice. 5 10

COMMISSIONER: The upward referral that's mentioned in the 2004 Policy, it's been suggested in there that it's practised by others.

MR MINNAAR: I'm actually not sure. I have not independently checked that. I think it's assumed that that is something that is happening elsewhere, but I want to raise a different argument around this. I am a believer in the system of a clear distinction between editorial and publishing roles. In most commercial media organisations you would have two very different roles. You have the publisher of and you have the editorial. The editorial head will be in charge of all the 15 20 25

content. The publisher will be in charge of the business, including the advertising and the various income streams and so on. There would be a clear understanding that they have different roles. The publisher will have a limited possibility to tell the editor to do this or that. In fact there are many examples, even in the SOUTH AFRICAN media history, where editors get appointed, they have a certain mandate, they do it. If the publisher is not happy, the publisher would fire the editor and get another editor that he's happy with. I think that in that sense the GCEO should rather be seen as a kind of publisher, meaning in charge of the business and should not interfere in the editorial operations of the business. I think it would be very, very healthy for our organisation if there's that very clear distinction in the roles and the head of news, or the group executive news should be the editor-in-chief.

COMMISSIONER: Reporting to the Board?

MR MINNAAR: He should report for operational purposes to the group chief executive, but for editorial issues there should be no way that the

business manager can tell the head of news what to publish or what not to publish.

COMMISSIONER: As old fashioned as I am but we know that practically today that CHINESE WALL has broken down. 5

MR MINNAAR: It doesn't mean we shouldn't try it.

COMMISSIONER: That has broken down. If you watch what is happening at INDEPENDENT, what's happening with all the other publications, the editors are now part of the business side of that 10 structure. They're no longer independently looking at editorial content specifically. How do we maintain that system in these changed times?

MR MINNAAR: That is why I said, the head of news would 15 still need to report to the group chief executive. I agree with you that it's not like in the olden times when there was a very clear - it's true. But I think it's possible to build in checks and balances to get as 20 close to that as possible, and at least try and make the distinction between editorial and publishing, because at the moment there's nothing. It's like the publisher is the editor-in-chief. That's what we have now. 25

Because of the reasons I outlined earlier, how can the publisher or the GCEO, with no editorial expertise, appointed to do a very different job, now suddenly be regarded as somebody who is an expert in editorial and to make final editorial decisions? We need to move away from that and closer to - even if we can't find an exact way to do it, but we need to get closer to a way that will guarantee the independence of SABC news. But I believe this panel has been appointed to make those recommendations.

COMMISSIONER: That's our difficulty. You said that your desk handles the policies and the ethics in weekly meetings. To what extent is that common in the SABC, where you have training and mentoring that's related to the policies, to the ethics, etc?

MR MINNAAR: It's not common at all. Here and there there would be some editors who would do it, but it's not common at all. There are many newsrooms where this would not have been dealt with, or it may be dealt with once a year at a kind of editorial or a workshop of some sorts, but in many cases it would not be dealt

with.

COMMISSIONER: Any more questions?

PANEL MEMBER: Mr Minnaar, I just want to find out, how was your unit affected by these - there was a resolution, if I may call it that, that the SABC should not publish or televise a violent protest. And then some head of your counterpart, at radio and TV, were instructed not to do that. How was your unit affected by that? 5 10

MR MINNAAR: It meant that we did not get as much material from radio and TV. We did not get the stories because they didn't do it. But I can recall that in that instance, in these weekly meetings when we discussed it, I said: The fact that radio and TV were instructed, nobody instructed me. I didn't get that instruction. That instruction was conveyed to radio and TV. And while they are my bosses, technically nobody told me that. We continued to carry social media and agency copy to reflect what happened during that time. 15 20

PANEL MEMBER: So even your unit proceeded to ...

MR MINNAAR: Yes. That's an example that I forgot about, that you asked earlier. 25

COMMISSIONER:

Has the morale improved at the SABC?

MR MINNAAR:

I think things are going a bit better. The work of the Interim Board really started to turn things around and the new Board continued with that. A key moment in the news division was when KENNETH MAKATEES was appointed as acting head of news, some time last year, around August/September. I may be wrong on the date. When he was appointed, for the first time in years there has been clear editorial leadership and inclusive leadership. I'm happy to say that it seems as if that is continuing since the appointment of PHATHISWA MAGOPENI. With clear leadership and a sense of direction it has definitely had a positive impact on the morale. But I must also say that the reasons for the appointment of this Panel - until the issues that the Panel has been appointed to deal with have been resolved, only then will there be a clear upward path, because there are so many unresolved issues and so much unhappiness with certain things that happened. In particular with the fact that some of the people who enforced and who were instrumental in

effecting some of the things that HLAUDI MOTSOENENG tried to do - the fact that many of them are still in their positions and continuing as if nothing has happened is probably the biggest problem currently still in operation. 5

COMMISSIONER: That is the hot potato. Anything else?

MR MINNAAR: I'm not sure if you're aware of this. The Interim Board called a workshop towards the last half of last year, where they got external people to talk about what should change at SABC news to correct things, and what should be our focus and so on. It was done in one of the big SABC studios. At some stage there was a vote of no confidence from the floor in a number of specific individuals. When that happened, the MC then, who I think was one of the SABC EIGHT, if I'm not mistaken, just accepted it and some of the Board members were out of the room for a moment. When they came back MATHATA TSEDU addressed everybody to say that they took note of what happened, but this is not how things work here. Things must happen in a structured organisational fashion. They noted the 20 25

feeling of the staff and management assembled there and said they would be dealing with the issue in the correct way, but they would be dealing with the issue. Now many people say: What happened? Why did they not deal with the issue? You are now tasked to deal with that issue, that's the impression that I - and many people think: Oh, okay the Interim Board couldn't deal with it, they promised something would happen, finally the Panel has been appointed, so maybe it will happen now. Although it wasn't said directly, people understood the message that MR TSEDU conveyed, that those people would be removed. I just wanted to say that. I have a couple of other things that I quickly want to deal with. Do you have the document that I passed on - the input on the Editorial Policies?

COMMISSIONER:

I think I have it here.

MR MINNAAR:

I touched on some of it in the discussions now. The document I'm talking about is what I referred to earlier as well, where from within our digital news unit, when the invitation came forth for input in the Editorial Policies, we started a process to

collate all the material that we submitted over the years for the Editorial Policy. We did a first draft of the document. Then we broadened the discussions. At the time the news division as a whole had literally a weekly review of sections of the Editorial Policies, which resulted in a comprehensive submission that the news division management and staff submitted to the Interim Board at the time. This section on Editorial Policies as it relates to online platforms was included in the divisional input. We also had some extra consultations on it and the number of external or other bodies including the Press Council also recommended to the SABC to try and include the issues raised in this document in the new Editorial Policies.

COMMISSIONER: Mr Minnaar, do you have a copy?

PANEL MEMBER: It's in your folder here.

COMMISSIONER: I didn't receive that.

PANEL MEMBER: I think we got it yesterday afternoon.

MR MINNAAR: I wanted to just touch on a couple of issues and I will give you the paragraph notes if you want to go back to what I'm talking about. In point 2 of the document, it acknowledges that:

"The SABC now operates in a multi-platform environment, which requires a shift from the focus on public broadcasting in the Editorial Policies, to provide public service content across current and future platforms." 5

Really the point I want to make is that in the operations of the SABC this has started to come through, but it's crucial that it becomes part of the Editorial Policies and that it then also translates in the structures and practices of the organisation. One of the reasons I am specifically raising it here is, from SABC regulatory affairs they want to follow the letter of the legislation and the ICASA guidance on the Editorial Policies. So ICASA's mandate is broadcasting. CASA doesn't have a mandate over the other editorial and publication roles online and social media. I think it would be wrong for the SABC to come up with Editorial Policies that only speak to the legal broadcasting obligations. I think the SABC's Editorial Policies should deal with everything that the SABC does editorially, whether or not it falls under the ICASA 10 15 20 25

mandate. That's on point 2. The next point I wish to deal with is point 8, under the heading:

"LEGAL AND REGULATORY FRAMEWORK

From a regulatory perspective the BCCSA Code of Conduct for free to air licensees only covers broadcast content, it does not extend to broadcasters' online content. 5

Online media is covered by the Press Code of Ethics and Conduct for South African Print and Online Media. In law Press Council membership guarantees exemption from the former Publications Act. As a subscriber member of the Press Council the SABC's Editorial Policies need to refer to the Press Code in its Editorial Policies." 10 15

Then in paragraphs 11, 12 and 13 it makes the point that the BCCSA Code is a general broadcasting code. It deals with everything from news to children's programming, religious programming and a whole range of issues. It's not specifically focussed on news. The Press Code, however, is a code that specifically 20 25

deals with a whole range of issues that are of editorial importance. The current SABC Editorial Code covers what is in the BCCSA Code and covers some of the things in the Press Code, but not everything. Now here's my point. I think that the SABC should actually commit itself to fully comply in all its content with both the BCCSA and the Press Code. I think the SABC should adopt and incorporate effectively the Press Code in its Editorial Policies. The Press Code in its entirety, because it will immensely strengthen the Editorial Policies of the SABC if it is a hundred percent in line with the SOUTH AFRICAN Press Code. Those issues are covered in paragraphs 11, 12 and 13. There's a separate point in paragraph 16. It says:

"The Editorial Policies should include guidance on procedures to correct mistakes when similar content is published across platforms. It often happens that complainants refer to the online version of a video or audio report which was first published on radio and TV. In dealing with correcting these

mistakes both the original radio and TV publication and the online publication which remains in the public domain should be addressed, depending of course on the nature of the complaint.”

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And this really just tries to enforce - so if we now say that we are cross-platform, that we also need to deal essentially with our credibility, how we deal with complaints and mistakes and so on, that there should be a better cross-platform way to deal with that and that we shouldn't deal with it piecemeal. We need to take it seriously when somebody is unhappy with our content. And even if the only version of it is online, it's not just the online issue. If the mistake was initially made on radio or TV we need to take full responsibility for it and do everything we can to correct that and restore our credibility. In paragraph 22 - and I referred to this briefly earlier:

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“Editors and executive producers in charge of broadcast slots and programmes should take full responsibility for all content produced by their editorial units,

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whether for on air or online publication, including social media. Online content production should be part of the editorial planning process integrated into production workflows and subject to the same editorial approval process as is broadcast material.” 5

Earlier on I explained that that is what we are trying to do from digital news, but we are often unsuccessful because many broadcast desks and programmes feel they are actually there to broadcast all this other stuff and then mistakes happen. I think it’s important that something like this is enforced in the Editorial Policies because it will give us better editorial control of social media in particular, but also other online content originating from broadcast desk. 10 15

Paragraph 25, which is related to the previous one, says: 20

“It is the duty of editorial management to direct and monitor their staff’s social media output in the same way that they monitor live programming or recordings to enable them to provide 25

editorial guidance, spot problems quickly and oversee immediate corrections, where needed, in line with a clause in the Press Code.”

So it's also the responsibility of broadcast 5
editors and executive producers to fully take
responsibility for online content originating
on their desk. The last point I want to make,
from this document, is on Social Media Policy,
paragraph 27. The SABC does not have a Social 10
Media Policy that's approved, except for one
IT-related one. But there's no approved
Social Media Policy. I've been involved over
years to draft a Social Media Policy and have
submitted it in different ways. It's been to 15
the group executive a few times that I know
of. The last time was two or three years ago,
but it has never been formalised. One of the
things we've done in our submission is to say:
It's important that the SABC's Editorial 20
Policies include the SABC Social Media Policy
and we have submitted in this document what we
think should be the SABC Social Media Policy.
I think it is really important, and there is
currently a gap. The current Editorial 25

Policies only deal with radio and TV. They need to deal with all online content, including a full Social Media Policy.

That is what I wanted to say about that document. Just one or two other remarks. I saw in your terms of reference, you say it is: 5

“... to establish what are the factors or mechanisms that enable the editorial, political, business and commercial interference and transgression.” 10

Just a short point I wish to make on this. The continuous vacancies in senior positions make it easy for anybody who wants to interfere to actually just - because it's just somebody acting, it's not somebody whose real job it is. Take, for example, the political editor of the SABC. If you go back for your period of your term, maybe you should ask management to tell you for how long during that time did we have a permanent political editor. When we had a political editor they lasted for a few months, or a year or so and then they were gone. Mostly because they were under so much pressure from political interference from within and from outside of 15 20 25

the SABC. I'm not sure what the solution is, but the political editor of the SABC is a very important and a very sensitive position. There must be ways to try and - I'm not sure that "protect" is the right word, but to shield that person and give that person ways in which they can actually survive in a job like that. As I say, I'm not sure what the answer is. But the fact that that position has been vacant for so long - I'm trying to think who our last full-time political editor was and I'm not even sure. It's been years now that we've been running without a permanent political editor. Even now there is no permanent one, SOPHIE MOKOENA is acting political editor at the moment. We've had several acting political editors over the past few years. I may be mistaken maybe we had a political editor around 2016 for a short while. I'm not sure. I think that is a crucial issue to address.

There are also some of the other acting positions, for instance the head of news that has now been vacant for so long. It's not healthy to have people acting in those senior

positions for so long. It stresses the organisation and it stops them from proactively addressing some of the issues.

COMMISSIONER: Because they are vulnerable if they're just acting. 5

MR MINNAAR: I addressed the issue of the upward referral. Yes, I think I'm done.

PANEL MEMBER: Mr Minnaar, I just want to get your opinion or your view because from where I stand I've observed that there's minimum interference in your unit. Can somebody conclude that because of the minimum interference from outside or within the SABC is it because in TV, radio including your unit, the attention is not balanced with regard to publishing news? It appears as if TV and radio is given more attention than the digital news unit. 10 15

MR MINNAAR: You are a hundred percent right. The focus is first on TV and then on radio and then far behind them is digital. I think it's a couple of things. Firstly, because of the impact of the media. Secondly, it's because of the knowledge and interest in our digital operations. Just about all the bosses concentrate on radio and TV. There's much, 20 25

much less concentration on what we do. I can publish something and my bosses would not know about it unless somebody at some stage would make them aware. I get calls, or sometimes when I interact with some of my colleagues in the industry, they say: I saw this story on your online but I didn't see it on radio or TV. And it's true it happens sometimes. So I think it's a combination of all these things. The impact of TV on the one hand, and on the other hand, fortunately internal bosses don't watch me as they watch radio and TV.

PANEL MEMBER: Do you see that as a negative?

MR MINNAAR: No, I think it's positive. It helps us to escape many of the problems that have been happening with my colleagues in radio and TV.

PANEL MEMBER: Okay.

CHAIRPERSON: IZAK thank you so much.

MR MINNAAR: Thank you.

COMMISSIONER: You have enlightened us. 20

MR MINNAAR: Thank you. Good luck with your work.

COMMISSIONER: Okay.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

- COMMISSIONER: Your name is NOTHANDO.
- MS MASEKO: Yes.
- COMMISSIONER: Let me introduce myself. I am JOE THLOLOE, I'm Chairperson of this panel. I'll ask the other panel members to introduce themselves and then you can introduce yourself. 5
- PANEL MEMBER: My name is STEPHEN TABANG TAWANA, I'm a Director of MMM ATTORNEYS.
- PANEL MEMBER: I am TSHEPO MOYAGA, an Associate at MMM ATTORNEYS. 10
- MS MASEKO: I'm NOTHANDO MASEKO, I'm the head of television news for the SABC.
- COMMISSIONER: And how long have you been editor of TV news?
- MS MASEKO: I'm the head of television news, and I'm specific about the title because we do have a national editor. I've been the head of television since 1 December 2014. 15
- COMMISSIONER: And before that?
- MS MASEKO: Basically this is my twentieth year with the SABC. In 1998 I started on an SABC internship programme, and in terms of the work that I was doing in 1999 because I was freelancing, I started at radio and then I moved over to television. In November 1999 I was part of 20 25

the inaugural team and I started with MORNING LIVE as a producer. Then I went up the ranks until I was the executive producer for MORNING LIVE on that particular television programme. Before I was appointed as head of television news I was the executive producer for a breakfast show called MORNING LIVE. 5

COMMISSIONER: Thank you. Now what's happened is we have received a number of submissions from staff members and the public, but before we go into those submissions we need to get a picture of what the decision-making processes are at the SABC currently, and whether there is in fact any form of extraneous interference with the decision-making processes there. If you could tell us what happens in television news, how decisions are made, who makes them, and, if there is an upward referral, where does it go to? 10 15

MS MASEKO: I assume you're talking about editorial decisions in this case? 20

COMMISSIONER: Yes.

MS MASEKO: I'm saying operational decisions, day-to-day decisions, but I'm going to answer assuming that you're talking about the editorial 25

decisions in this case. The editorial decisions, as you would know in terms of the way the SABC is structured, is, for instance, I'm head of television news and current affairs. I have spent a lot of my years at the SABC, I would say even more than fifteen years at current affairs, so I'm going to explain the two different areas - meaning there's news input and output. With the newsroom, and when I say newsroom we're talking about the unit or the department that caters for the day-to-day news coverage or inserts that we see, meaning that deals with the reporters and so forth. What happens is that daily we have editorial meetings. The editorial meeting is attended by assignment editors, some EPs of current affairs programmes also attend on certain days, reporters are also welcomed if they wish to join in the editorial meetings. But you would also then have the various editors daily, meaning your political, sports, foreign and economics editors. Those are your key people. The people who drive that particular editorial meeting are our editors in terms of the

national editor, in our case, somebody like, NYANA MOLETE, but then you also have assignment editors who join in. And of course we also have our digital news and our research units who attend that particular editorial meeting. I will start there because it's almost as if that's where it all starts, where diaries are presented and stories are presented, discussed at length and debated. In terms of decision making stories - that's the day-to-days - that particular meeting often decides on stories. But of course, as I said, there's always someone who drives that. So if the debate is running way too long a decision normally has to be taken and maybe a national editor or an assignment editor, whoever would be driving or chairing the meeting on the day, often then needs to make a decision. However, especially for television, if it's editorial but also involves operational, they would normally then consult. The consultation will take place probably with someone like me as head of television news. I'll give an example. What I mean is a story where you are not getting an

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answer. It's still editorial but there are operational factors. Sometimes it's about the treatment of the story or whether we will take it live or not, or there will be days when you'll find that JULIUS MALEMA is appearing in court in BLOEMFONTEIN and he's appearing at the same time as perhaps another court case, whether it's your State capture or any other case - the DA. When people are uncertain operationally in terms of which story to take live, because there is no doubt you are covering both of the stories, but in terms of the treatment, if they are taking place at the same time, that's when you need to gauge public sentiment, but also operations drive that or are taken into consideration. When I say operations, you might find the story is taking place in BLOEMFONTEIN or in POLOKWANE, where you don't necessarily have the same facilities as you would have when a story is in JOHANNESBURG, especially if it's short, it's a court case and you're looking at your live facilities etc. Then there will be that consultation, where we have to look at the best way of doing things and what facilities

we are sending. Sometimes it's also about costs where in terms of challenges, where it may be redeployment, and what needs to happen, etc. Those would then come through to me. If I'm also uncertain then it would mean the GE of news would also be consulted. The group executive of news is my line manager as head of television. In terms of my experience that's when we decide. The editorial meeting does have certain powers of deciding on certain stories, or the national editor has the powers. The same applies to the current affairs programmes where the heads of current affairs are referred to as the executive producers. They also normally have a say or the final word of what the look and feel of that programme is going to be. But when they are uncertain as well, it could be in terms of current affairs. Let's take SPECIAL ASSIGNMENT, where it could be that they're uncertain or unsure of showing footage that could be seen as offensive or footage that is illegally captured, for want of a better term, where you don't have permission, or they feel that it's in the public interest. So

consultations also take place there where sometimes you speak to your legal unit to check if it's okay for us to use certain information. Whatever the challenge is, if we think it needs legal advice, we would go to the legal unit but if its simply just editorial again you could go to the national editor or myself and if there's a problem then we would go to the group executive of news. In terms of our current structure, I would say the 2004 Editorial Policy, again you would know whether it's there, or the 2014, the upward referral discussion is a debate that has been - in my experience - in the SABC for quite some time. I remember the first time, which was in 2003 as well, when it was thoroughly debated. For instance when there were public consultations in 2003 ...

COMMISSIONER:

On the upward referral process?

MS MASEKO:

Yes, on the upward referral. It was part of the Editorial Policy so it's part of the public consultations. A number of people have debated that because we had SACP that was not for the kind of structure, or whatever was proposed at that time, and then you had the

governing party, the ANC, supporting that -
and of course the public itself, which is the
main key stakeholder. There were lots of
views that came from people. Journalists
themselves wrote a number of articles about 5
that. The debate was basically around the
fact that the upward referral in our form or
what has been proposed, if you look at it, is
similar to the BBC model where the chief or
the editor-in-chief automatically becomes - in 10
their case, they call it the DG, which would
be equivalent to the COO, in our case. But
then the BBC is different in the sense that
they then have other supporting roles. For
instance they would have an editor of policy, 15
they would have an editor of editorial policy
- it's a bit different in terms of their
model. In their case as well, whoever the DG
is, who is in a form the COO, still has to
have journalistic experience. For the SABC 20
then, whether it's the group CEO or it's the
COO, it's different in the sense that it
doesn't necessarily stipulate that that
particular person has to have the journalistic
background. As a result the proposed and the 25

current one, which works, is when the editor-in-chief actually becomes the head of news, because naturally news is important. Decisions are made every minute, every hour, and so forth. So to have a strategic and operational person that sits across the road, having a responsibility of dealing ... 5

COMMISSIONER: Under the road.

MS MASEKO: Somebody under the road, across the road, that far - 27th Floor if I have to go that way - my personal view is it doesn't necessarily make operational sense. I don't see anything wrong with upward referral, but for me it needs to be the people that are basically responsible for the very stories or teams that they are driving daily, in terms of the mandate and the responsibilities that we all have to look to daily. So more of a managerial person that is looking at the entire SABC, who would automatically then become, I would say, questionable or biased in the sense that they also have to care about the revenue of the company, meaning that when you sit in that position you are automatically dealing with the pressures that come with running a 10 15 20 25

business; pressures meaning you have to look into business interests. You are there having to care or worry about sales, and worry about even the legal aspects of the business, and so forth. If I may also give examples in terms of my personal experience, where, with my own colleagues, I've had to fight with them. I remember when the former CEO, LULAMA was also still around, who had a strong background in sales and marketing, you would find people or decisions that had already been made in terms of partnerships or deals that were just marketing and sales deals, where the people were dealing with their own clients. Then you would get a call from a sales person who would say: I have this client, which is the Department of Arts & Culture and so forth or this client is a PICK 'n PAY client, they're running a campaign on MANDELA DAY and we would like them to be on board. You would say to them: No, no, as MORNING LIVE I already have my plans. Our campaign is we will be telling this kind of story or we're broadcasting from wherever you would be broadcasting from. That person would be saying to you: Do you

understand that my client is probably bringing
half of the revenue of this business, or
paying your salary, and so forth, and you
simply don't care because you are a
journalist. Yours is: Sorry, sisi I would be 5
ridiculous if I was to wake up on a day like
that and be talking about PICK 'n PAY when the
whole country is burning or whatever. Also in
a live environment like MORNING LIVE is that
you can play the entire show the day before 10
but if something happens at 18h00 in the
evening and you wake up the story is
different, the picture is different. So you
have to now rework your show. You therefore
don't want commitments of the client and the 15
partner and-and-and. When I say you could be
biased, you naturally might be inclined -
because you understand what that deal means,
even if you have some journalistic background,
but you're now sitting with different 20
responsibilities. That on its own for me is
a bit challenging. Hence at any given day or
time I would say that the responsibility needs
to be with the head of news.

PANEL MEMBER: You're in that situation but are you not 25

forced as a GM to consult with your policy on how to conduct yourself or to decide on covering a story?

MS MASEKO: You mean our Editorial Policy?

PANEL MEMBER: Yes. 5

MR MASEKO: Yes, but it's a guideline, remember. For instance, depending on whatever the example or the context. You're quite right when you say: Are you not forced? Of course you are. You're forced to make sure that the story is 10 accurate, it's factual and all those things. That's why I'm saying, depending on whatever example you are making, is that daily somebody decides. In every media house we all wake up and decide what you, the SOUTH AFRICANS, or 15 the public are going to discuss or talk about. Our role is a very important role because you could be minding your own business, but NOTHANDO, who is sitting wherever she is sitting, actually decides for you without you 20 knowing in terms of what's important news-wise and what it is that you are going to be engaging in, without you necessarily realising that. That is why, when you look at diversity, again I'm going to give an example 25

from my previous experience. When I joined MORNING LIVE I was the youngest, and I was the only Black person within the editorial team. The story that MORNING LIVE was telling - well, we then had a black presenter, namely VUYO MBULI at that stage, the late VUYO MBULI. You could tell who the producers were in a sense, meaning once in a while you would get NOTHANDO coming on to tell a story about abortion from SOSHANGUVE, and I would be passionate about it, because it's my experience. I would be passionate about people at the beginning of the year who don't have funds to go to university, and so on, because it's my experienced. It's my lived experience. But my colleague, who has probably never heard of anyone in her circle struggling about that, might not necessarily have that as a story. So sometimes it's not about being right or wrong, it's about who gets to sit there, whose opinion gets to be pushed or whose voice is stronger around the story you are going to go for. If I'm business inclined, or, maybe in my case for instance, I'm not an avid sports person, I

just have to accept and realise that I'm not broadcasting for myself. Sports is important, SOUTH AFRICANS are a sporting nation, but it doesn't mean that if I were to sit in an editorial meeting and there's a sports story that is not necessarily big and another story perhaps on the arts, which I'm quite passionate about, I would probably argue better on that art story and perhaps push for it more than I would for the sporting story. But if the editor is different, perhaps maybe somebody who also loves sport, that also determines what story you are going to wake up with, what you're going to be reading. So it's a fact that our experiences determine what we're going to go with. When you say doesn't policy then force us, then there are those guidelines around public interest, which I would still argue around: Is it that art story, is it factual - you would then go with it.

COMMISSIONER: What you mean is that the Editorial Policies are only guidelines?

MS MASEKO: I wouldn't use the word "only", I wouldn't say they are only guidelines. It's key, it's like

a bible in terms of how you practise it, but it's not something that we carry with us, get into an editorial meeting, put down the book and when you're arguing you say: Remember Clauses 5, 3 and 6. You're looking at the stories of the day, you're looking at what to you at that stage is of public interest, and the value: whether it's informative, whether it is educational, whether it's empowering, and is it beneficial to whoever would be reading it? Does it make people accountable? It depends on whatever the story is. Also, in terms of the SABC, the SABC is also diverse, not in its making in terms of the people that work there, but say you were sitting in an eNCA newsroom where you are just broadcasting in English and you're looking at a story. With us we broadcast to fifty AFRICAN countries, we broadcast in different languages. All our languages, plus two extra. So an editor for, say, Afrikaans news or an EP for an Afrikaans newsperson might be more interested in some farming story in the FREE STATE, or if there's drought - more interested than perhaps even an English editor at that

time. Depending of course on their thinking. Because if you get somebody creative with SETSWANA, they can also look at the impact that it would have on farm workers. Whereas the Afrikaans person would be looking at the impact it's going to have on their business and the economy, and all of that. Given that on its own, when you're sitting in that particular editorial meeting you can imagine the interests that are sitting in that room. You will always get different voices, and it's not every day that you will agree on what the lead is or the treatment of a story. It's never the same.

PANEL MEMBER: Looking at the current situation at the moment, the experience of the editors, the provisions of the policy and the Broadcasting Act, or any other policy within the SABC, do you think the current situation is positive and is driving the SABC in the right direction?

MS MASEKO: Definitely. The current position were talking of is as in today, isn't it? Yes. You know, I've always personally said this. It's funny how the SABC is almost like a litmus paper of

what's happening in the country. And that's a good thing because I think that's what the SABC should be in essence. The vibe or the air that is around all of us in the country in terms of the need to change, the way the country might be going, or the energy, in my experience it's the same at the SABC, that people, whether it's the public or the team or staff members who work at the SABC, currently there is the feeling of at last there's a bit of credibility in terms of the work that we are doing. There's definitely a feeling of progress. It's like there's support, we've been empowered, people are freer as well in terms of - you know many people at the SABC, and I would probably include myself, there's always been that thing that I normally say, like your self-censorship, where no-one writes anything to you, there's no policy that will say: NOTHANDO you will not do 1, 2, 3 & 4 and such but you find that people are like: No, I don't want to go that way, I just want to be on the safe side. Right now people are feeling that there's movement to tell stories the way that they want to tell those

particular stories. I would never give you an example if I say to them: What stopped you the last time? Then there will be people who would say, for instance, the biggest thing ever, the Protest Policy, where you can make an example around how two reporters in the newsroom in JOHANNESBURG, who have been mainly deployed to cover protests, somebody like CHRISELDA LEWIS and MANQOBA. I remember when the Protest Policy was announced, the first people who came to me individually, it was MANQOBA. In fact I woke up in the morning and he was like: Boss Lady, *sia sebenza anjani(?)* in his words, this thing is killing us. Remember, this is a man, a reporter, who has to go out there try and cover these protests, and we wake up and there's this policy that is also ambiguous. For instance, that particular morning it was probably one of my frustrated mornings where I then had to go - I'm not even sure whether at that stage I was acting as the GE for news, I've also acted as the group executive for news. But I received a call from the then acting political editor and said: There is absolutely no way that this

thing is going to go. That morning we called on JIMI MATTHEWS. Yes, I think I might have been acting group executive, I'm not sure. Because we then went straight to the 27th Floor, to say: We've just woken up, nobody even informed us about this; other media houses started reporting about the story before us, meaning we woke up to the news, what is happening here? 5

COMMISSIONER: Who was with you at the time? 10

MS MASEKO: It was SOPHIE MOKOENA.

COMMISSIONER: SOPHIE.

MS MASEKO: Yes, she was the acting political editor. We went to the then CEO, HLAUDI MOTSOENENG.

COMMISSIONER: Just mention the people who went? 15

MS MASEKO: Who went with me? It was me and SOPHIE MOKOENA. The two of us.

COMMISSIONER: Okay.

MS MASEKO: To say we were uncomfortable with this announcement, and how were we going to work. 20 We also needed clarity. As I said there was a bit of ambiguity in the statement, because we asked: Are you saying we must stop covering this completely, or what is it? I remember him saying: No, no, no, no the media 25

is taking it out of context. And the very same morning we then said, no then give us KAIZER KGANYAGO to then come and clarify because that statement that has been released doesn't say so. I just don't have it, but if I may be allowed - or you might have that statement yourselves. But on the morning of that particular day we then got KAIZER to go onto our news channel for a live interview to try and explain what that statement actually meant. We then decided even on that morning that no, we were not - because they were saying we mustn't stop covering the protest as such, then we were not going to stop. It was very difficult, difficult in the sense that everybody had read the policy. So even in their coverage - and the entire newsroom was extremely unhappy. You can imagine having to deal with a newsroom in fact where you just lose the integrity of a newsroom, because it was an unsatisfactory moment for all of us. But you would see in the coverage that people kind of defied the Protest Policy in a sense, because we continued to cover protests. CHRISELDA LEWIS continued to put herself in

danger, whether it was for "Your Fees must
Fall" or whatever we did. Those, for me, in
terms of the two people because both MANQOBA
and CHRISELDA were in the thick of things. It
frustrated me that I sat there helpless, where 5
you are told: Yes, it was a Board decision or
whatever. The only thing that we could do,
when we went back to the newsroom, was that we
would try our best and not tell anyone to stop
covering protests. It was not going to come 10
from us, to say: Stop covering protests. We
were just going to continue with the work. It
was very difficult.

I'd say when you get a company in a form of
saying that the Board of the SABC has decided 15
- meaning now you're working for a company
that says: These are the policies, whether
it's a Leave Policy or a Protest Policy or
whatever that comes all the way from the
Board, but you know that it just doesn't make 20
sense. Personally for me those were some of
the toughest times as an individual, because
you would find yourself wondering which policy
counts. Is it the organisation's policy, but
then you also are a journalist but and work 25

for that company.

PANEL MEMBER: Somebody can argue this: Where does the Policy feature in this instance, whereby there's an instruction that you shouldn't cover the violent protests ...

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MS MASEKO: It doesn't say that exactly but I hear you.

PANEL MEMBER: I understand the majority within the SABC were opposed to that, so what if somebody who came up with that resolution comes with this aspect on the economic value, to say: I don't want the SABC to cover this violent protest because if we do it will affect the economy of the country, and investors will be afraid to come and invest in our country. Then the majority of the SABC says: No, no, no, the policy also encapsulates the public interest, and we need to take this violent protest to the public. If maybe MR MOTSOENENG comes up with that particular angle to say: No, no, it also affects the economy of our country if we show the world this violent protest - were you, as editors, going to have a problem, or was it that you wanted to be engaged or you wanted to be consulted with, so that somebody could persuade or could convince?

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- COMMISSIONER: Can I reword that. The BCCSA Code says you should state all the facts in your story, you don't withhold some facts because it's not convenient for you. The Editorial Policies say exactly the same thing. 5
- MS MASEKO: Yes.
- COMMISSIONER: As well as the ICASA Code. Now, if you went to HLAUDI and you said: This is in violation of all the things that drive the SABC.
- MS MASEKO: Thank you, that was the essence of that particular visit and I'm glad that you posed that question because in the argument - I just don't remember the press statement as well, in terms of exactly what it said. But in the argument that the SABC was making they were saying exactly some of those things, that it is also our responsibility not to create unnecessary panic in the country. But like Ntata THLOLOE has put it, to say of course for us as journalists you cannot - the very same Code of Conduct in terms of good practice, is that you do practice responsibility whether you are reporting on children, and so forth, which is a different responsibility, but it's not a ban. I think in this case in terms of 10 15 20 25

a ban, it basically distorts the truth, you are assertively hiding the facts. That's the thin line and it's also about - as we said stories are different you treat everything differently, you would argue, on any other day. There was a story not so long ago - in fact it's been some time now, but I am sure you would all remember. I don't remember whether it was THE SUNDAY TIMES or CITY PRESS, where they showed the whole process of one of the street vendors being murdered with a knife. I'm sure you would remember that, it's just too traumatic. But that's what happened and. In my view you're not going to show something like that every day. But once - sometimes when you're wanting to drive home a message about how cheap a man's life is, maybe on that day the editors decided that it was necessary for them to just shock the country by showing the pictures and telling it like it is. If I was the editor, perhaps I wouldn't have thought the same way, I would have thought: Oh no, this is too much blood, I don't need to show it like that, I can still tell people that the vendor was murdered but

without showing it in that manner. We can
debate it. The same applies to protests.
It's not like every day of your lives you're
going to watch that or we lead a story with
protests for you to then assume that we are 5
destroying the economy, etc. There's a
difference when you are putting a ban, because
coming from where we are coming, you don't
want anybody to take away your freedom of
expression, because when there's a ban 10
somebody is also taking away your ability and
your mandatory powers of telling it like it
is. So for me I would argue differently
around it, to say: I hear where you're coming
from with that, but given the Codes of 15
Conduct, ICASA, it does say we have to
practice responsible journalism but it doesn't
mean there must be a ban.

COMMISSIONER: Besides this particular incident - well, it's
not an incident, it's something much more 20
serious than just an incident - have there
been any other occasions when there was
interference in the decision making in your
department?

MS MASEKO: Interference? Could I ask you to define what 25

kind of interference in this instance, before I answer, because I'm sure I've got lots to say but I need to ...

COMMISSIONER: If I say this particular case - the ban on coverage of protests - is an obvious interference from outside the newsroom with the decision making in the newsroom. Now have there been other occasions, whether it was political interference, managerial interference or commercial interference.

MS MASEKO: I'm just trying to think, because I didn't prepare. There are examples to be made. Bear with me if one doesn't immediately come to mind, I hope I'll be allowed to make examples as they come, but that doesn't mean there aren't, because the answer is yes. I just can't think of examples that come to mind.

COMMISSIONER: By the way yesterday I mentioned that there is a presentation you prepare, a presentation you give and then the presentation that you make to yourself as you drive back to the office.

MS MASEKO: Yes.

COMMISSIONER: If you have any of those afterthoughts, please still bring them.

MS MASEKO: The invitation was not clear. I would have

brought the stuff with me. Let me just make some notes for myself. There definitely are, and, as I said, the answer is yes. I'm just trying to ...

COMMISSIONER: All I'm saying is if, after you've spoken to us, things come back to you, please feel free to send us a note. 5

MS MASEKO: Okay, thank you. It's interesting how I actually feel that there was more pressure for me as an executive producer for MORNING LIVE as well, in terms of story telling or what people wanted in terms of their cause. I don't necessarily have dates or anything but I've been called by HELEN ZILLE, who was unhappy. I don't even remember what story it was, it's years ago, sometimes demanding a right of reply. So it depends on how you want to then look into it, or what you do with the call that you get from somebody who might be intimidating, or somebody on that level. When they call you, you even wonder where they got your phone number. The difference there is that you weigh up and see if you've erred or not in terms of where somebody has accused them and they are seeking a right of reply. 10 15 20 25

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You then engage them. I have had calls from political parties, I remember during the time of COPE, and you then decide. You put your foot down if the demand is not sound to you, if you're personally getting the call and you're thinking: No, we did everything we did our checks, sorry. You then put your foot down when that person calls you. But in most instances, when people call looking for a right of reply, or sometimes with some of them it's not even about a complaint, it's about people just wanting you to push their agenda or wanting you to highlight whatever the campaign that they would be working on. It's the same whether it's political or it's commercial, editorially you would look at whether the demands that these people are making make sense or not, whether it is fair or not fair and whether it's valuable. Another example is, just yesterday, there are land public meetings that are taking place and the SABC, again looking at facilities, had decided that now we go live probably today when in the FREE STATE. We covered the story in POLOKWANE but in a different manner. Then

you get into another form of pressure, social media for instance, where you find politicians in this case like TONY YENGENI accusing the SABC of not caring about a story that we should be caring about, given the fact that we are a public broadcaster. Obviously he's not privy to our meetings, where we're saying: Let's cover this story today and the next day we're go extremely big, because it's an on-going story. When somebody like that - if it was not just on social media, if he had personally called me - it is interfering in the work that I'm doing, but I also welcome somebody like that feeling that they have a right to ask and seek of me what it is that I haven't done. Ultimately what I make of that, whether it's a complaint, whether it's on social media or a call to me directly, I think what matters is what I do with that complaint or with that information. Of course some will call in terms of it almost like being an instruction. I've even had people I don't know calling me, some even lying, saying: I'm calling from LUTHULI HOUSE. And you're like: Who are you? You don't know who they are. In

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fact even when they speak to you they are like, Comrade Nothando, this is so-and-so from wherever. And I'm thinking: When did I now become a comrade? And they would say to you: Yes, we put you there. That's the language. 5
So you guys, when you are there, you mustn't do what you're doing. And you're thinking: What the hell is this person talking about regarding: We put you there, and all of that. But personally those are some of the 10
intimidations that I've received from - that's why I'm saying even no names, in terms of people who would say: You must do 1, 2, 3, 4, or even saying: We're watching you, threatening you, to say: We're watching you 15
and you're not going to stay there for long. You do get those and then you are questioned managerially as well. The same applies when I was mentioning sales, is you would get certain managers who would think that they are 20
more senior than you in terms of the structure, and would take a chance and say: But no, you guys need to cover the story. Sometimes even to the SABC's shame: No, but the SABC is embarking on this social drive 25

somewhere, and as somebody who works for the SABC why must we struggle? Why are you guys not covering it? It's because they want to see their story on television. And you say: I'm so sorry, I've only got ten minutes on a day like this; it's a day that is filled with heavy news stories that we cannot do without. But because this is a person who is senior to you, they will make that call and try and push for a story that SABC is giving or building houses elsewhere. That's why I'm saying the answer is yes, but I will look for more critical examples that come to mind. 5 10

COMMISSIONER: If the SABC Policy document said: We welcome suggestions for the coverage of stories from politicians, from businesses, from whatever, but we are going to evaluate them on their newsworthiness, so that they don't feel like they are being locked out, but they should understand that there is a ruler that's being used to measure their suggestions. Whether the suggestions come from senior management inside the SABC, or from politicians or from the YENGENIS, etc, they have to go through that process. You're not saying: Don't make 15 20 25

suggestions to us because you're politicians?

MS MASEKO: No.

COMMISSIONER: But we are going to use our yardsticks to measure.

MS MASEKO: No, definitely I would say a story is a story, 5
a scoop is a scoop, it doesn't matter who it
comes from. It's a story. If JULIUS MALEMA
calls me right now and says: I've got
information that in COSAS (?) there is this
kind of corruption, there's no way that I'm 10
not going to take the story. Mine is to take
the story, verify it, do all those kind of
things and see whether it's a story that I'm
going to run. But it doesn't matter who it
comes from. Whether it comes from business or 15
- a story is a story. So I wouldn't support
any suggestion that a politician or - that's
why I'm saying at the end of the day it's
about what you do with the information, what
you do with the call, how you handle the 20
pressures that come along. As you've noted,
at the end of the day whatever story we would
have received it must then pass the yardsticks
or our pyramid system that we would use for
any story for that matter. 25

- PANEL MEMBER: Are there any instances whereby, after receiving that call from JULIUS or HELEN ZILLE, you are in position to consult with other editors, or can you just make an individual call to cover the story? 5
- MS MASEKO: I think in a newsroom environment consultation is quite key but at the same time there has to be somebody that also then makes the decision. That's why I'm saying if you're an EP an executive producer of a show, you do have 10 producers and so forth, they're going to come up with suggestions, and so forth, but at the end of the day you just have to make a decision in terms of how you're going to go with the story. But if you're uncertain then 15 you would take it up with your line manager, whether it's the national editor or it's the head of TV, or ultimately the group head of news or you're consulting with your colleagues who are parallel other editors. I think it's 20 a natural progression that often takes place when it comes to some decision making when you are uncertain. Yes, when you receive that call from JULIUS, the chances are you don't even have the capacity yourself to do what 25

needs to happen next. Because when you receive a call like, what needs to happen next is that you might need to involve your research, or you might need to revolve whoever the reporter is just to do the checks and balances. So if you receive that call the chances are the next person is going to have to know, and that next person doesn't necessarily have to be somebody whose higher. It could be somebody equal or somebody lower because, as I said, it a case of what needs to be done.

PANEL MEMBER: So when such circumstance or situation arises, and that particular person insists on running with the story, you mentioned that you, as an editor, put your foot down and say: You know what, I'm not going to take that. Do you perhaps mention the Editorial Policy or something that guides you as an official of the SABC?

MS MASEKO: I don't think I've had to argue or explain myself for more than two or three minutes. As I said, it's always: Thanks for that, noted, we'll look at it editorially and then decide. It's never that I had to - I'm saying I don't

need to argue, it's about: Thank you, we'll look at the story.

PANEL MEMBER: How often to you revisit the provisions of the policy?

MS MASEKO: Ever since I've been at the SABC the only time 5
that I got involved in a process where the
policy was being reviewed - and I think I was
privy because of the position that I was in.
It happened for me, I think in 2014, as they 10
were doing the public hearings. But I don't
recall, unless I would have missed it, a major
moment where we would have sat with entire
teams and reminded people of the policy. It
would happen for instance at workshops, where
you have your "bosberaad" and so forth, and 15
maybe you're reviewing your strategy
documents. Again it's at a high level so it's
not something that - I mean, if you are a
reporter at the SABC I doubt if a reporter
would say: Yes, every year or every once-in- 20
a-while in two years, we've got this thing
it's done, it's official. In terms of the
Editorial Policy we have certain codes that
are hanging, whether it's in the newsroom or
offices. I think it's a day-to-day 25

experience, where, if you are working on a certain story, if you are a reporter, maybe if there are difficulties you would be reminded, maybe by your assignment editor to say: No, but look at 1, 2, 3, 4. But it's not something that is systematically done. 5

COMMISSIONER: Let's say a journalist joins TV news, how is that journalist inducted into the system? How much of the policies are given to this person? How much of the BCCSA Code, the ICASA Code is given to the new journalist and in what format? 10

MS MASEKO: When I joined the SABC there was that induction process that you're referring to, where, depending on whatever department you were going into, you would be thoroughly engaged in that manner. But over the years it has died and I can safely say that there are many of our reporters, in fact even senior managers, who are currently working and they've never been part of an induction process, and not even being shown where the newsroom is. That's how bad, meaning you're going to meet your colleague. And it is something interestingly that we've recently 15 20 25

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just been discussing with the news head or parties to say it needs to come back. How that died was that departments at the SABC were centralised. When they were centralised, HR was centralised, the training department was, and that's when things for me went wrong because it's not just even about induction. About six months ago I was shocked to learn during a meeting with the current affairs managers - EPs - when one of them, a SPECIAL ASSIGNMENT EP, BUSI NTULI said to me, when I asked her why she wasn't filing on some scoops on a system that we are using, ENPS: I don't know how to, I don't work on ENPS. To me it was like: What? She said: We work on a WORD document, and this and this. It's not even about just being shown where the newsroom is, but it's also even the systems that we are using. Can you imagine? I think she's been with the SABC for more than five years.

COMMISSIONER:

And is working on SPECIAL ASSIGNMENT?

MS MASEKO:

She's the boss of SPECIAL ASSIGNMENT, the EP, BUSISIWE NTULI. I had to then immediately say: Everybody must. But that's why I'm saying that's when you get to realise how

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important that training or that programme was because those things would all be taken care of. You find people who come from print, for instance, that would have been employed at the SABC and no-one takes them through the ropes like it used to happen when I joined the SABC. Basically for now everybody needs to learn on the job. Whether it's the policies in terms of making sure people are familiar with the way of doing things - it's about everything. It's about the culture of the SABC, that if you come from outside you just have to learn probably from the next person around what the culture is, what normal practice is. I don't think if you were to speak to ten people right now about what normal practice is and what the culture is you would get the same answer. It would probably be shockingly different because everybody would be telling their own different experiences, because we don't have that. That's why I'm saying it's a discussion that we have recently been having around wanting to have it back, to have control of HR, even to have control of the training division. When you look at the quality of everything that

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would come in, whether it's writing to pictures or it's just working for television, we don't have programmes that are specifically designed for TV or that cater for TV news, because it's now going through to the training department that will outsource or just take people for a course. But when I joined, or then, when HR and the training department was with us, as a manager you were able to say: You know what, NOTHANDO's voice is not as clear or she needs diction or she needs 1, 2, 3, 4 and you would take her for voice training. And you didn't need to be calling up others, you had that person downstairs, inside. Those are the things I'm sure even you, sitting from outside, sometimes you can't tell but you can tell: Oh no, the voice of the SABC doesn't sound as nice as eNCA or 702 sound. It's those things that matter. Even the style of writing counts. So over the years there were things that just didn't ...

COMMISSIONER:

It would be much more important with ethical issues. If a journalist says: I've got this story and you turn it down, that person doesn't understand why you are turning it down

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because she doesn't know what the policies say, what the codes say, and so that person goes away with a resentment that: My story was turned down, without understanding the logic behind the reasoning. 5

MS MASEKO:

Definitely and again I think what you are just saying now for me how it's even panned out is that I had an incident not so long ago, maybe even last year, after the SABC EIGHT where somebody said to me: I think there's 10
continued censorship at the SABC. Then they came to my office and I asked: What is continued censorship? They said: Nothando, apparently the other day you had a problem with us inviting PRINCE MASHELE on the show. 15
And I said to them: Yes, I did. I said to you guys: Invite him; you say you're going to be talking about PRESIDENT ZUMA. I think everybody knows what PRINCE MASHELE's view on PRESIDENT ZUMA is, so how about you balance 20
that interview with somebody else, because it's known that he's an anti person? Maybe get a pro or get an objective view or just go to people, so that you can have that balance.
And as you're saying even things like that 25

were issues of balance. They become a problem because then that person raises it or looks at it as censorship. And you were just talking about balance and I make that example because that specific example was an example - I mean 5
PRESIDENT ZUMA is basically at the core of the whole problem. When you look at the ANC itself and you say to people: You cannot be naive and pretend that you don't know that there are different factions within the ANC; 10
try and balance things out or try and balance the views so that the story is objective. That's censorship, or people would think that if they go anti someone because there's a natural feeling against - whether it's an 15
individual or a side of a story, they would think that then it means they're balanced. And you're saying to them: Actually you know what, yes it makes sense that - let me give an example. Let's say you have somebody who has 20
a very good public standing, somebody with authority, somebody who has shown integrity or proven that kind of thing. Say you are PRAVIN, when you say to people go and find somebody or something that will give us both 25

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sides of the story, or try and balance out what the view is as opposed to bringing somebody that is going to be either anti-PRAVIN or be pro-PRAVIN and just try and find that balance. Somebody like him, in the eyes of many of us, because of his bravery, his conduct, is seen as somebody that has done well. So when you've got people like that it becomes so difficult when you want to twist a story by putting any side of a story. It's just an example with that individual because in the absence of MANDELA, I would have picked up MANDELA as well, who was one of the leaders that for many, again you were right if you were on the right side of MANDELA. If you ever criticised MANDELA, if he was still alive right now, unfortunately there would be people who would be saying that it is censoring again. That has been a challenge for me, where I think what we haven't done has been creating a culture of rigorous debates, not at a higher level, because for now that kind of culture only exists at a higher level where it is editors, and those are people who already know. But for me it's critical where it also

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matters the most is that we have not created that culture of getting people to debate the issues, question the issues, try and come up with different angles, try and balance the stories or just have that kind of approach without going with your social media approach. But testing the stories, giving three sides to the story, your side, my side and the truth. I think it's one of the things that we're lacking. Hopefully then with me with the positivity that we've spoken about is I think one of the things in terms of where the SABC is moving to is to try and get to that level, because at least the discussions are beginning to take place. One of the positives to come out of, I'll call it, the SABC EIGHT saga was that it really forced the SABC to review how we work. We are forced to re-look at ourselves, whether it's the *ad hoc* Committee or whatever. One of the positive things maybe was that it was a much-needed thing to happen because it forced the SABC to go back to what we needed to do in the first place, where that kind of energy, that kind of injection comes from the top and is felt throughout the

organisation.

PANEL MEMBER: On that point can somebody conclude that the operation within the SABC is more of the long standing practices that have been happening at the SABC rather than considering the provision of their Editorial Policies as the bible and the SABC Act. 5

MS MASEKO: Yes, I would definitely confirm. It is a practice and even culture, I would say so. I would say yes. 10

COMMISSIONER: As I said we haven't gone into the substance of the submissions yet, so we might have to call you in again or some people might be pointing fingers at you and saying ...

MS MASEKO: That I'm an enforcer. You'll have to explain to me what that is. 15

COMMISSIONER: So we will probably call you back, but if you get any ideas in the interim please write us a note. We will appreciate it

MS MASEKO: I definitely will. It was the examples of interference that you were looking into. Maybe what I needed to question, having now talked about something in terms of interference - I'm not sure whether we would bring it. The SABC EIGHT, how it came about, 20 25

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if I may, while I have the opportunity. For me, when it started or how it started, it started in a radio news diary meeting where in fact unlike even the reports that we've reported on - in my understanding when it started, from what I was told, it was not about the Protest Policy because the Protest Policy had long been announced, but it was about a right to know an event. I think it was a march to the SABC, where our own colleagues, who were part of the editorial meeting, simply said: We don't agree. They basically responded to the then acting group executive of news, and said: We don't agree that as SABC we should not cover that story because the story is extremely important. And of course the group executive at that stage, as somebody who had the last word, said: No, we are not covering the story, and that's it, it's final.

COMMISSIONER: Was that JIMI MATTHEWS?

MS MASEKO: It was SIMON TEBELE.

COMMISSIONER: Oh, SIMON, okay.

MS MASEKO: I'm narrating this I think from THANDEKA's narration, because I was out of the country

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when it happened, and when I came back I found out. She said to me: You know, Nothando, we didn't even say no. All we did was to say: We are just registering our concerns at this meeting, that yes we hear you, you said the story is not going to be covered, but we are registering our concerns and that's it. And two or three days after that they were called into a disciplinary. As I said this was radio but the trick about it is that THANDEKA GQUBULE, as an economics editor reported to me. But there's a dotted line when you're an editor because she reports to both radio head and TV head. I was in CHINA, and somebody sent me a message to say: Can you believe what has happened? Our colleagues have done this and this happened. At that stage, as I said, I was in CHINA. I remember thinking to myself, because it was soon after my own personal unhappiness, where a few months before that I had been acting as a GE of news. Then I was summarily removed when Ntata TEBELE came in and I remember thinking to myself: Thank goodness I'm not Ntata TEBELE. As much as I was not happy with me going back into

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being the head of TV news. In SESOTHO they say, *serang kganang seng rola moralo*. That's what I had thought at that time to myself, being in CHINA. I was in CHINA with the National Editor, NYANA MOLETE and I remember 5 saying to him: Ntata, one of us has to go home because it looks like it's burning. NYANA indeed had to leave, and when he got here he found that while we were there, JIMI MATTHEWS also then resigned during that week. 10 It just got intense. When I came back the number had increased, because it started as about three or four of the colleagues and when I came back from CHINA there were more people. That's why it got to the EIGHT. What it now 15 meant was that when I was in CHINA I was happy that at least I didn't have to deal with it. So when the number increased now I had problems I had to deal with. We discussed with NYANA and SEBOLELO and I said: We've 20 always said it's so bad you know, things are tough, but if there's anything we have to do or that we always tried to do was to protect the colleagues so that they don't necessarily feel the burning - it ends with us. As I said 25

there was some DC that had taken place. I asked what happened when we were in CHINA and they said: No, that's what happened. The people had gone to the media and all of that. Then we discussed it and they asked me: But, Nothando, according to the SABC Policy can people just go willy-nilly and speak to the media, etc? So we need to charge them. I looked at the policy as well, and thought: Okay, if I'm charging people for speaking to the media, maybe not, fine, I'll look at it. It's not even a dismissable offence. While we were then discussing that this is just a progressive thing, we don't agree with the fact that our colleagues have had to be charged for raising their voices or concerns at an editorial meeting - because that's what we do every day. Because our feeling was that even tomorrow, with the next person who is going to argue about a certain story it means they're gone. You cannot have that situation, because that's the whole point of having an editorial meeting, is to have these debates. Then other managers interfered, and our legal team got involved, because as I was seeking

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advice from ER, I went through the normal process, which is HR and Employee Relations. It was still MANDY at that stage. She looked at this thing and there was another guy ANDRE. They said to me: You know what, this thing is not going to fly. I said: Okay, I'm comfortable. Their advice to me was: Don't even sign it. I said: Okay, I'm cool. I registered my concerns to the then acting GE to say: This is just wrong, I've even consulted with the specialists that side of labour law, but also for us editorially we've spoken to how problematic this is for us. And he said: Okay, that's fine. I think two days later I went down to DURBAN for another big conference. I was actually with the head of radio there. While we were there we received calls that this whole thing had actually been taken away from us, and the interference of even other divisions - that it's taken away from us, it's sitting with legal and legal has put some Schedule 8, where they are firing the people. They sent letters to us with our names, saying people have been fired, sign. In fact for the first time, as I said, I was

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already in a space where I was a little unhappy personally. I remember I was so frustrated because they were difficult times, they were painful times. If this had happened two years ago I would have probably been crying here. I've since told the story so any times that it's okay now, I can do it. I remember calling my grandmother telling her: I can't take this, it's about people's livelihoods, and so forth. And my eighty-something-year-old granny, who was unemployed, said to me (mother tongue) come home my child, it's not worth it. Now if someone like that, who has nothing, was able to say to me (mother tongue). I remember thinking: This is someone who is not even educated, she just listens to my frustrations, but she was able to say to me: Do not do it my child, we can go hungry. And I said - because we were fearful of the consequences. It's not a secret that at the SABC, if you had defied management or any decision at that level, you were risking your job. Because we had seen colleagues lose their jobs even over something perhaps petty or smaller. So I had to think

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hard at that stage to say: Okay I'm risking my job and I said: You know what, I'm not doing this. And I took that risk and went to the HR manager to say I'm not in agreement with this, and I am not doing it and I've already told my line manager. I spoke to the line manager who then said to me: No, but Legal says. I said: No, no, legal didn't speak to you, I'm speaking to you as my manager and I'm saying to you this is completely wrong. Then I remember he switched off his phones, got the HR manager to call us ten times to say we must sign the letters - and it was no longer within an hour, it was within fifteen minutes - and they were going to scan those letters. I totally refused and said: I am not doing it. My line manager wouldn't pick up his phone. Then we called NYANA MOLETE, who for me I had left as an acting person here in JOHANNESBURG, and I said: Nyana, did you see the letters? He said: Hello, yes I saw the letters. So what are you doing? He goes: Hold on, hold on, I've got an emergency. He dropped the phone. And then you know what NYANA did? He closed

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his laptop, switched off his phone and went home. It's not funny. So we couldn't get our line manager, the GE, TEBELE, NYANA, who tells us afterwards: Sorry, I just thought this I'm not doing, not in my name. He switched off his phone, ran away and went home. The HR manager couldn't get hold of NYANA, so he kept calling me to say, you have to, and I said no. Then eventually they did whatever they did. Well, that was also interference from an ER point of view where ER tells the division, it does its mandate, says: This is wrong, you can't do it, and then because they're not in agreement with ER that project is also taken away from them. It goes to your legal person who says it's Schedule 8. Schedule 8 is a joke for us, that we use now. As I'm saying we've learnt to turn our sad realities sometimes even into jokes today, that we can joke about it, because I couldn't have talked this way two years ago. But then that happens but the frustrating thing about is that you're sitting as a manager. Your team doesn't know that. As far as they know NOTHANDO fired the SABC EIGHT. That's the narrative and that's

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what people know because you don't sit down and go back. Even when you sit in a meeting, you don't sort of gloat to staff to say: There's this, but I didn't agree with it. So I'm still sitting with that, because even 5 today when you get to tell some people that actually I was not involved, I disagreed, I wrote an email to say no and that's why my signature is not there. Some people are: Really? Why didn't you say this all along? 10 I say: But you can go and ask those people they know who signed their letters. Also for me, because at that stage I was very close to THANDE, because she had called me, crying actually. I had said to her: I didn't, it's 15 not my signature, I didn't do that. I told you that it wasn't going to happen, but anyway it happened and it came from somewhere else. That's why I am saying a Court has since - even now the fact that a court kind of 20 vindicated us, well, I was never even called unlike SEBOLELO, because I think SEBOLELO had signed one letter and the Court then sort of vindicated her. Even with that having happened, where from that document it's clear 25

who took the decision, it's stuff that will still stay with you, that you have to deal with. I guess it comes with the territory. But, yes, that was one of the - and I guess that example is an historic example, because it came thanks to SANEF that you then made it big by giving it a name, the SABC EIGHT, otherwise I don't think it would not be as quick to know of, it it wasn't for the term "THE SABC EIGHT". I think that was just one other example of interference that went extremely badly, because it was interference that went into our editorial space and went all the way to losing our colleagues. But I am certain there are other examples that I will make available.

COMMISSIONER: Okay, thank you. Anything else? Good, thank you. As I said if we require you we will send you a message saying: Please come back. But if you think of anything else please let us know.

MS MASEKO: Okay. Thank you very much.

COMMISSIONER: Thank you.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

- COMMISSIONER: I don't think it's necessary for me to introduce myself. I will ask my colleagues to introduce themselves. I'm chairing the panel and then you will introduce yourself and tell us what your designation is etc. 5
- PANEL MEMBER: My name is STEPHEN TABANG TAWANA, I'm a Director at MMM ATTORNEYS.
- PANEL MEMBER: I am TSHEPO MOYAGA, I'm an Associate at MMM ATTORNEYS, assisting MR TAWANA. 10
- MS KAPELIANIS: My name is ANGIE KAPELIANIS, I'm the National Radio Current Affairs Editor, based in JOHANNESBURG.
- COMMISSIONER: And how long have you been in this position?
- MS KAPELIANIS: In this position in an acting capacity from, I think, 1 October 2012 and then officially appointed to the position in May 2013, maybe starting 1 June. It's either May or June 2013 - approximately five years. 15
- COMMISSIONER: And then before that? 20
- MS KAPELIANIS: Before that I had been at the SABC I think for twenty-five years. I started in August 1992 and before that I was a political journalist of various levels and layers, and then people's politics for a very long time, what 25

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I call people's politics. Then round about 2003, even beyond my acting at current affairs until MADIBA passed away, I was in charge of the Profile Obituary Project for radio news and current affairs, working with various team members across the country, producing embargoed material, researching, getting them ready in different languages before the time. 5

COMMISSIONER: I've been telling my colleagues that if there's one thing I respect you for it's the word pictures you painted on radio, the sound pictures in fact. 10

MS KAPELIANIS: Thank you. I miss that a lot. I do a lot of admin and bureaucratic stuff now, but I do miss it. Thank you, Joe. 15

COMMISSIONER: We have a number of submissions, I think it's over thirty, from members of staff and members of the public alleging that there is interference in the decision making in the newsrooms of the SABC. Before we actually get into those submissions we just wanted a general picture of the decision-making processes at the SABC, and where and how it's possible to in fact intercept those processes. 20

MS KAPELIANIS: We have different levels and layers of 25

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decision making. I work in radio. We do have some combined meetings, some interaction with TV and digital, so if you don't mind I'll speak mainly about the radio process as I know it. For me the main decision-making process happens at our national radio diary meeting. Every morning, Monday to Friday, from about 08h30 to 09h30, depending on the debate, depending on the issues we want to thrash out and give more flesh to certain stories, sometimes we go onto 09h45. At present we have a line conference facility on the 2nd Floor of the TV building called S2 and all the JOHANNESBURG radio, the national editors - there are two of us, myself and ZOLISA, and she does bulletins and input. We have the specialist editors, economics, foreign, sports and politics, and from Parliament we have the Parliamentary editor or someone standing in for the Parliamentary editor. All the provincial editors should be present at that meeting and then we also have the different assignment editors, both in JOHANNESBURG and across the country. They're not always there at the same time because they work shifts.

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Then the executive producers of our radio current affairs programmes, are generally there. Some of them also bring their senior and junior team members to the meetings. At that meeting we discuss the diary of the day, 5 but we always start off with feedback - what stories worked well from the previous night. If it's a Monday we even go as far back as Friday, Saturday and Sunday. What stories worked well, where were the concerns, what 10 were the challenges? Then we literally go through each diary and either interrogate them, unpack them, clarify them. So that for me is really the bread and butter, that's the main foundation. Still national - we've 15 changed it slightly since, I don't know if it was 9 June, for the past two weeks, our new head of news wanted us to have combined meetings with TV and radio, which means we also had to change our diary, which is a 20 template in our system, the ENPS system. So we've been having joint meetings in the afternoon from 14h30 to 15h00. It's been a little bit chaotic, because I think change is different and people want to do things the 25

same way. But at that 14h30 to 15h00 meeting we literally quite quickly discuss what the stories are that are coming in for the evening programme and also what are the stories that either aren't going to make it for evening but will come through in the morning, and sometimes which stories fell out, for whatever reason. Then the 15h00 meeting is now a forward planning meeting to the next day and it's also ...

COMMISSIONER:

Is it a continuation of this one?

MS KAPELIANIS:

Kind of a continuation, yes. We tried initially in the last two weeks to do 14h30 to 15h00 and do combined Parliament, JOHANNESBURG, FREE STATE, DURBAN and it was just too chaotic, because I think the radio people are looking for what's coming in for them and TV is looking for what's coming in for them. I split it and said: Let's do 14h30 to 14h45, we do update radio. 14h45 to 15h00 we do update TV. I wasn't there this week but I hear they've now gone back to doing their own thing, which is fine. Then 15h00 is the planning meeting for the next day. Because there are so many stories, when I was

helping in the past two weeks I said to them: Let's look at what each team's big story is for the next day, so that we can give input into that and we can guide it. I personally think a planning meeting the day before is too late. I think great journalism gets done way before then. That's just fine tuning, but I think we're finding our feet together and I think there's room for improvement. It's not cast in stone, so I think there is room to start working on big stories that we know are coming up. For example the SARS Commission. We don't have to leave it to the day before, we could actually start working on stories a week or two before, getting them ready and then the minute it's the morning or the afternoon we start releasing them. Those are the main meetings.

Then every input team, which is a news-gathering team across the country, be it Parliament, DURBAN, POLOKWANE, JOHANNESBURG, BLOEM, also all have their individual meetings in planning for these national meetings. Then from a current affairs perspective, we have different meetings at different times in the

day. If I take RSG, which is our Afrikaans team broadcasting from JOHANNESBURG, before we even go to the national diary meeting at 08h30, they come off air at 08h00 and then they go and sit. They talk about what worked, what didn't work, where the issues were and then there's another team that comes in and they start planning for the lunchtime programme. So there are a lot of layers of meetings. Not everyone is always present at those meetings, it's almost like a relay, but different kinds of inputs feed into what we do. We don't always get it right but people are meeting and people are talking. 5 10

COMMISSIONER: Is RSG a PRETORIA-based station or JOHANNESBURG? 15

MS KAPELIANIS: Which one, RSG?

COMMISSIONER: Yes.

MS KAPELIANIS: RSG is JOHANNESBURG based.

COMMISSIONER: I used to think it was PRETORIA. 20

MS KAPELIANIS: No. And it's one of the teams that reports directly to me. SAfm and RSG and then the other twelve are in the provinces. The one that's based in PRETORIA is IKWEKWEZI.

COMMISSIONER: I thought there was an Afrikaans - RADIO 25

SONDER GREENSE.

MS KAPELIANIS: No, JOBURG based. Then the station also broadcasts from CAPE TOWN, but we broadcast to CAPE TOWN and we go there sometimes but we don't have an office there. 5

COMMISSIONER: Have you had occasion to see extraneous influences or interference in the decision-making processes?

MS KAPELIANIS: Recently or previously?

COMMISSIONER: From 2012 up to now. 10

MS KAPELIANIS: Now, no, but I am wary. I do like what PHATHISWA is saying and how she is trying to ward off the traditional influences, which would be Government and the ANC, but I don't think she is completely protected. And I 15 think if there's anything that should be achieved, it's how do we protect all the editors from the top to the bottom and the journalists? How do we bullet proof them in a way? I don't know how, but I'm wary because 20 of where we've been. Just stop me if I'm on the wrong track. Also there's a big blur in my head about dates, because I think it's probably part of trauma, that you learn to cope, you learn to fight and you kind of 25

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document it, but then you move on because you've got work to do. The very morning at the line talk or the editorial meeting, it was a radio one, where the former head of news, SIMON TEBELE, told the teams that they couldn't cover the RIGHT TO KNOW protest march on or against the SABC. I just wasn't there at that meeting. I was busy working on some election OBs, getting the documentation ready for that to send teams out to do their pre-election outside broadcasts, and also I was scheduled for election training. So I missed that. It's just I wasn't present and missed that, but then I got to hear what had happened and who said what. There was one instance ahead of an ANC founding anniversary, which they would call the January 8 and for the life of me I don't know if it was 2015 or 2016 - I can't remember offhand now - for example, the then head of news SIMON TEBELE came to me at 19h30 the evening before, and I think we had three or four teams. If I'm correct it was in PE or EAST LONDON. We had three or four current affairs teams that were going to do outside broadcasts. He came to me at 19h30

and he said to me: There may be no analysts
and no analysis. I said to him: Simon, you
can't tell me that at 19h30 at night. First
of all our Editorial Code is very clear on
analysis, we're allowed to and in fact we're 5
required to do analysis to help the listeners
understand what is going on and give them
breadth and depth. And, secondly, all the
teams have made their arrangements and what
you're basically doing is you're pulling the 10
plug on them at the eleventh hour, and that's
not fair. And he said he was insisting. And
I said: Okay, I'm going to send an email to
everyone, but I'm going to attribute the
instruction to you, to say: Simon says this. 15
And I wasn't going to back it up or endorse
it, I'm just going to put it there. The one
thing I don't do and maybe it's because there
have been these kind of influences and they
started with SNUKI, and even the paragons of 20
virtue profess to say one thing but actually
do another thing in reality. The one thing I
don't do with my teams - the radio current
affairs teams - is tell them what to do. I
tell them what's available, I allow them to 25

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make their own options, for example - let's say it was the SARS Commission of Enquiry. I would find out if there was a live audio feed available coming from TV, I would then send them an email and say in one line: This is what's happening, take your visual queue from 404, our 24-hour channel, or eNCA - just visually. Then one of the colleagues, PHEMELO will organise the live feed for us so it will be clean and pure. EPs you decide, you know your audience, you know your profile, you know your languages, you know your interest, you know your needs. Do you want to take the whole thing live, do you want to dip in and out, do you want to record extracts and then also talk to your radio stations? Because many of these things often fall out of the current affairs windows. The same with BILLY MODISE's funeral today. I sent them the same kind of email, but there's never an instruction: You will do this. I think because I'm so wary of where instructions have come from and how they've come, it's something I don't practice. Not once, whether it's on the WhatsApp group or in an email or in a

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discussion. I think they are mature enough and should be the right kind of people to make their own decisions. If they ask for advice that's a different thing, then we'll talk it through. So instructions or editorial interference also comes through in different ways. It comes through an editor off a posting, just a Government notice and then you know it's coming from the shareholder, the Communications Minister. Then you're like: Okay, why are you sending this, this is the shareholder? And I'm not saying we mustn't cover it, but then you must send me a range of things that I am able not to distinguish that this one is popping up and jumping out. In some of the political coverage I think we're weak. I think we need really strong leadership, sound leadership, sound knowledge of the politics and that politics extends beyond the ANC and the EFF. If you had to ask our political team and that group of journalists who are, for example, the spokespeople of the ACDP or who is the Treasurer of the Freedom Front plus, I think you'll hit a blank. That worries me because

it's the same kind of information coming through, and I think it has a kind of history. The editorial interference doesn't always come through as an instruction, it sometimes comes through as an obstruction. So if we would want to do an outside broadcast, we would put everything in place and then this document would just not get signed off and you'll have to chase it. Then they'll try and tell you: Oh no, there's no money. Or they'll try and tell you, if it's partially sponsored: Oh no, it has to be fully sponsored. And there's no such policy to the effect, and policy in my mind is guidelines. It takes different forms. It's sometimes what people say.

In my experience with the SABC EIGHT and the HLAUDI period - let me take you back to something that stood in my way. We had a radio news and current affairs workshop in PARYS round about November 2015, and, because of these eleventh hour political instructions that were coming through, I had asked all our executive producers for their input. The one thing that they weren't quite saying, but I know it weighed heavily on them, was these

eleventh hour instructions and no analysis and we decide what the party wants, when in fact that's not even our place. At the workshop I started by saying: We cannot get eleventh hour instructions, but more than that they cannot be indefensible, they cannot be illegal, they cannot be immoral and they cannot be unethical. And I had hardly said those words, and I think somebody must have phoned upstairs to HLAUDI, HLAUDI got JIMI to come for me and because they couldn't take me on my words and what I was saying because it's the right thing to say, they tried to come to say I had appointed somebody as a freelancer illegally. In fact all of that had been done by the book. JIMI MATTHEWS was the head of news at the time and he had signed off on it, but was insisting that the person I report to, whose the GM of radio news and SEBOLELO DITLHAKANYANE, should DC me. Then I had to write answers and respond to the allegations and then it just went quiet. But it was probably one of the most traumatic - this was before the SABC EIGHT, so it's been happening, but not necessarily in the spotlight, but how

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they would come for certain people. Because
of that - and then that thing just
disappeared. There was no: I'm sorry, we
went for the wrong thing, we actually
supported you in getting this person on as a 5
freelancer, we signed off, we approved it. It
just disappeared. So you live with this
anxiety. I used to walk into the SABC and
feel as if somebody had an iron yoke against
my chest. There were not many people I could 10
tell. There were some I took into confidence,
but because of that then you start noticing
that they changed the way they operate. Then
they would bypass me. Initially I would get
very angry because there were certain 15
decisions or things that were happening that
I needed to know, and yet my executive
producers knew and not me. So I would get
angry and then I thought: You know what, in
a way, I don't know if that's right or wrong, 20
but what I don't know can't hurt me. So they
learnt to bypass and then try and filter the
instruction directly to the next layer. It's
taken different forms. Sometimes its subtle,
sometimes it's just very clear. You can see 25

the kind of information they were passing on for coverage wasn't thought through, and there was definitely an agenda. Then we had our editorial meetings, we still have the editorial meetings but in a way that is gone now. But that's not to say it can't come back again, and if we don't bullet proof or fool proof, protect the newsroom, the editorial team, the journalists, it's going to happen again and again. I'm reminded of the ZWELAKHE Commission on the analysts, so it came in a different form. Now they didn't say: Blacklist so-and-so, now they said: No analysts. We just need to find a mechanism how do we protect and defend.

COMMISSIONER: When you talk about - my mind is racing.

MS KAPELIANIS: Sorry, mine is probably also all over the place.

COMMISSIONER: I've got to slow down. When they said no analysts, do you think that there's a political agenda behind that? That's the first thing. The second thing is, if there is a political agenda, is it a personal political agenda, is there a puppet master who is pulling the strings?

MS KAPELIANIS: I think when they said no analysts there was a political agenda. I don't know whether they were getting directions - and unfortunately it's often been in the case of the ANC. The instructions have normally not been for any other political party. So I don't know if they were getting instructions, or what I call the President's men assumed that this is what the President needs to know and needs to hear. You don't know if they take it on themselves because that's the right thing to do, and then they want to be known for having defended and protected. In the case where SIMON TEBELE said no analysts for the ANC Founding Anniversary, I said to him. But actually that's a very strange instruction because the very ANC that we are going to cover has in fact accredited our analysts. If they had a problem they would never have accredited them in the first place, they would have blocked them right upfront. So whether that's an assumed agenda or an assumed wanting to please, I don't know. I can't talk for whether there was a direct line and who made the phone calls and how they met but it kind

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of sifted through like this, right down to us. Whether they were meeting face-to-face, whether they were at meetings and because of what they heard they assumed that that was the right thing to do, I don't know. You would 5
have to ask those who received the instructions where they got them from and how. But they were definitely almost like conveyer belts, and they would never challenge and say: Actually no. In many cases, it's my layer or 10
level that actually said: No, we're not going to do this. And because of that push back we were targeted in various ways.

COMMISSIONER: Any other examples of that type of interference? 15

MS KAPELIANIS: I don't recall being there again - maybe it's the guardian angels - but I'm aware at one stage JIMI MATTHEWS also kind of putting a blanket on the coverage of the EFF. It was definitely ahead of the elections so probably 20
before 2014, the EFF. And then it's almost I don't know how to say this. That's almost like clear political. Then you would have maybe the political editor coming in and storming into the studios and saying: No, you 25

can't do that; no, you can't ask that. To the extent that I said: You're not allowed in our studios; our studios are for the production crew, and if you have something valuable to add like a question that hasn't been asked yet, it's also the manner in which you do it. Generally people are on edge, it's live radio, it's been going on for two hours or whatever, so the specifics - if I probably had to go and think about I could find finer examples, but I am sure some of the colleagues have made notes of the very specific things. So there was studio interference to the extent that when the President comes - and RAMAPHOSA came recently, previously when President ZUMA was there, there was this whole entourage of bodyguards and VIP security, and I would say to them: You can't go into the production room. I know you need to watch the security, but people are on edge they have to make sure their fingers are on the right buttons, we've got to keep the noise down, so when anyone is interfering with the live, it unsettles people.

We also had - in a way I remember with RSG,

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HLAUDI was very clear that they were going to target that team and I think it's because the team members, and then indirectly through me, would stand up and say no. Then they would say; We're watching you, we're going to zoom in, we're zooming in for you, trying to cancel programmes. Whereas with RSG they didn't succeed, on SAfm they cancelled the editors, they cancelled the newspaper headlines, without inviting me to a meeting, without my knowledge, without me being party to a discussion. It's part of that conversation where JIMI is quoted as saying: There's the door and the window, you know what to do. You either walk out and commit suicide or we'll kind of push you out. So that meeting I wasn't invited to and that's one example of me being bypassed and sidelined. The EFF one stands out, the ANC. I think there was something like, there was a MZWAKHE MBULI praise song for either HLAUDI or the SABC and we were told to play this and interview him.

COMMISSIONER: That's the 90%.

MS KAPELIANIS: 90/10 and all the friends of. I think also what happened is where they knew that we were

going to - I think it really had to do with those that were challenged or targeted were those that questioned. The minute you start doing that they find other ways of seeping through the message or getting the deed done, whatever that instruction is. I would have to think of some more examples. 5

COMMISSIONER: There's a presentation you prepared for coming here, there's a presentation that you've given us and there's a presentation that you will remember as you're driving back home. 10

MS KAPELIANIS: There are many, which one do you want?

COMMISSIONER: Please give us notes about that presentation.

MS KAPELIANIS: The radio workshop one?

COMMISSIONER: No, I'm saying when you remember things when you are driving back. 15

MS KAPELIANIS: Sure. So are you mainly looking at the editorial interference?

COMMISSIONER: Yes.

MS KAPELIANIS: That's the main focus? 20

COMMISSIONER: Yes. Political, commercial or any other interference.

MS KAPELIANIS: I think the clear one for me is really political. The commercial we haven't felt, except recently with the changes at Safm. 25

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This is a battle we lost, there was no one to protect us and we'd been fighting for a few months, since July last year. I think that is a commercial one, but it's influenced by what happened under HLAUDI. SAfm hasn't been doing well, and we are probably at the lowest of listeners. I think there are many reasons for it. My main belief is that it never quite had an identify, and it didn't quite fulfil the public broadcasting model means of radio. Because there are brilliant examples around the world. So they cut on producers and then eventually you have talk, and you're trying to do what 702 is doing and you're doing a bad job. So part of the identity and producing great radio content for me, that's where it went wrong and it was trying to do something but it wasn't good at it. When numbers hit quite low last year BESSIE TUGWANA was acting COO and it's also very hard to remember who was in a permanent position, where they came from, who was acting, and how they landed up there, unless you've time lined it. She called news and current affairs together, the SAfm team and station and we agreed we were

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going to collaborate in the morning, 06h00 to 09h00. We would lose our midday programme but then do ten minute windows, and then we would do 15h00 to 18h00 instead of 14h00 to 18h00. They loved the idea, we got our heads around 5 working on clocks, sorting out teams and then all of a sudden in February this year, the whole plan started changing. The head of radio is a guy called LEUBA RAMAKGOLO and the acting station manager is PETER MASHAMBA, he 10 comes from a marketing/sales background and LEUBA comes from POLOKWANE and was also one of those shuffled around with HLAUDI, while HLAUDI was there. So you don't know what the instruction or the brief was. What they were 15 saying is that we have too many transmitters, we have the lowest audience and we are probably not making the most money on Safm. We agreed to collaborate, and everything was fine until February, where they started 20 saying: No, we're not collaborating anymore, you're only going to get one hour now, 17h00 to 18h00. You can have your 12h00 to 13h00 and then you're not going to have anything in the afternoon. So we've literally gone from 25

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doing thirty-five hours of current affairs on
SAfm to twelve a week. I think we've lost
two-thirds of the broadcast time.

Now whether that is editorial interference or
whether that is driven by commercial 5
interests, a public radio to make money,
whether it's part of another agenda to kind of
stifle the voices, I don't know. Because this
was the very same team, the very same LEUBA
who instructed, with others, the station 10
anchors not to have political discussions .
Sorry, there's another example, and it's not
specifically news. The station anchors and
presenters were not allowed to interview
anyone about politics or any politicians, and 15
they also shut down the listener phone ins.
There was to be no engagement or questioning
or criticism or challenges from the listener.
So it didn't happen in news and it didn't
happen in our playing ground, it happened 20
around us. Now the very same person says:
No, now you can interview the politicians, now
you can do this - the very same person who
effected that instruction.

COMMISSIONER:

I mean he's reversing it now?

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MS KAPELIANIS: Yes, and we had the news colloquium last year. I've got all the minutes if you want that. At the colloquium ASHRAF GARDA - it was a news colloquium but ASHRAF GARDA came there from Safm station and raised his concern. 5
Basically MATHATA and I can't remember if it was KWEYAMA from the Interim Board said: There are no restrictions, you guys can interview whoever you like, as long as you do your proper research, you ask the right 10 questions, you can open the phone lines. They wouldn't undo that ban until somebody upstairs had written it down on paper. So someone like LEUBA wouldn't effect that change until a resolution was passed by the Board. The 15 instructions and interference have come in different forms. Another way was also the provincial editors. We in JOBURG report to the GM of radio news and current affairs or TV. In the provinces they should report to 20 the very same two heads, but with HLAUDI they put the provincial editors reporting to what they call the PGMs, provincial general managers. And those people were also very deliberately put in those places and shuffled 25

around. Now it looks like they are only doing the administrative stuff through the PGMs but editorially they are still coming to us, which I don't think is safe. News is news, and if we're going to continue news needs to be, 5 besides bullet proof, kind of cocooned and it must have one reporting line editorially. And the finances must be done in one place. You can't be half reporting here and half reporting there, because that's how the 10 influences happen. Then they say they have no cars, then they have no money. No you can't go and do this trip, no you can't go and do that story. I don't know, maybe in the print world it's your managing editor. I don't know 15 who it is, the finance people. For me that blurred line is dangerous, it's very dangerous. Either we exist as news and current affairs there's a *raison d'etre* for why we exist, or otherwise collapse us 20 completely, and outsource your news and current affairs.

Those would be some of the examples. Sorry, what was the other one, Joe? Oh, that's what I wanted to say. Another form in which 25

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interference takes place, which I feel very strongly about, is the way appointments happened. People were put in places, people went for interviews, they didn't qualify for the job and yet in a year's time they're still acting and then all of a sudden they get the job. That happened under HLAUDI. There were many of those. It was not just, say, your two GMs for radio and TV. It was not just them. It happened in the provinces. Whether it's a buddy buddy, whether it's a: I put you in place, you didn't quite make it but I'm influencing the interviewing panel. I will give you an example. Let's say we had an opportunity - and I'll use RSG - to appoint a new senior producer. There might have been a White guy who did really well, but because we're constantly aware of the dynamics of the team, the diversity, I think the pendulum swung completely post 1994. The representation in our newsrooms is lacking. In POLOKWANE, for example, if you go and look at the stats census 2011, the latest update, you'll find, let's say there's a sizeable Afrikaans community. There's not one single

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Afrikaans speaking radio journalist. If you go to - which other team can I highlight? And where they have, maybe it's one person, one person. I don't know if we have Muslims in our radio newsroom, I don't know that we have Jewish, so for me the diversity is lacking. But to go to the RSG example. Let's say this White guy did really well in the interview, but there was a Coloured woman and she did well, not that well, then you could justify it and say: You know, she's good, not as good as that one, but we need to change the mix of the team. We need to bring in these different worlds that make our reporting so much stronger, that when we're having our debates and discussions, I hear your world, because it's almost as if we are talking to ourselves now. I think there are some appointments that if you had to look at you could justify, but there are others where due process was - they went through the motions, but they didn't make the right appointments. That for me is part of editorial interference because it starts influencing the decision making. So it's not a blatant, I tell you to do this, I send you

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something and by implication you must do it. It's how did they change the structure and legitimise and put in place that or those for which they needed to do whatever? I don't know if I'm making myself clear. 5

COMMISSIONER: When you appoint vulnerable people, you can manipulate them.

MS KAPELIANIS: Yes, and you're never quite there on your own merits. That's why I'm quite open. I was on the task team with BESSIE and I think it was probably for the Interim Board with MATHATA, KWEYAMA, JOHN and all of them. I think to understand what had happened at news they asked us to nominate peers, and there were five of us that were put on that. We started by asking all the teams to give us input. Where were their concerns - whether it was in the appointments, the money matters, the equipment matters. But I got a sense that things were not hunky dory, things were not kosher, and if they put you in a place on your own merit, you can stand up. So if you had to go and look at my interview report and how I was appointed, you can say: Yea or nay. If you go and look at somebody else, you say: No 10 15 20 25

this doesn't add up, when does the pay back
come? When am I going to demand - or whoever
put you in there or via someone - when am I
going to demand that you do something that is
not kosher or legit or journalistically 5
ethical? And we never know when that time
comes. I have a feeling things are brewing in
the FREE STATE right now, and that is going to
be a consequence and an implication of how in
one example the FREE STATE newsroom was 10
treated as a fiefdom. I don't know if
everyone there is on merit or what they were
expected to do at a certain time when that
call was made. So it goes deeper than just:
I tell you to do this or I suggest this. It's 15
how the structure was manipulated and people
were put in key positions willingly or
unwillingly, wittingly or unwittingly. As you
say the vulnerable, the impressionable, those
that are not really strong, that don't have a 20
spine or came into this through different
ways. It's not easy. It's very murky and
very muddy.

COMMISSIONER: Now do you expect us to be able to clear the
waters there? 25

MS KAPELIANIS: Please. And something like that is quite simple. You could ask HR in news: Give me the report of every single person who was appointed. Sorry, the reason we also said 2012, I was instrumental in saying 2012, because I knew a lot of things started happening in 2013 but that wasn't to say that things didn't start in 2012 and earlier. But it's to cover that base. You can go to HR and say: Give us all the appointments that were made from your beginning point to now. You can randomly pick out reports or you can have a summary. There are interview reports, and you can see where the appointments are made. 5

COMMISSIONER: Why 2012? 15

MS KAPELIANIS: Why 2012? Because I was appointed in 2013.

COMMISSIONER: What happened in 2012 to make it a ...

MS KAPELIANIS: I can't remember when HLAUDI arrived at the top of the building. When did he arrive?

COMMISSIONER: I have no idea. 20

MS KAPELIANIS: But that's something important to look at. When did he shoot up to what they call the 27th or the 28th Floor? I have a feeling it was around 2012. And maybe that's when we started feeling things but couldn't quite put 25

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the finger on it. But with the appointments,
mine was in 2013. I know MIKE SALUMA left so
SOLLY PHETOE went to CHANNEL AFRICA. He would
be someone very interesting to talk to,
because he was in my position for like 5
fourteen years, and all of a sudden he was
very sick and I got a sense there was
pressure. I will tell you how I know there
was pressure, although we've never discussed
it, and he's never looked me in the eye and 10
spoken to me about it. MIKE, who was then the
Head of Radio News, kind of lamented the fact
that we don't have journalists who do these
hard talk profile interviews. So I said:
Look, I can do real interviews but I also need 15
to prepare for just in case and then all these
languages. There was an opportunity to
interview NADINE, and I said: Okay, let me go
and interview her. I got the interview, I did
it and then I moved straight on from NADINE 20
GORDIMER.

COMMISSIONER: NADINE GORDIMER?

MS KAPELIANIS: Sorry, yes, NADINE GORDIMER. And literally at
the same time while I did that interview - and
I asked her about everything. I went back to 25

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her books being banned, what she thought about the politics of the time, it was the spear, it was the Secrecy Bill - all those things were happening in 2012. It was the fact that the kids in LIMPOPO still hadn't got school books 5 and it was unacceptable for an author, a NOBEL literature laureate, but right after that MARY ROBINSON, the former President of IRELAND and the United Nations High Commission, was it the High Commissioner for Refugees, Human Rights? 10 MARY ROBERTSON - for Human Rights. She was coming in to deliver the MANDELA lecture so I literally moved from one to the other. MIKE was very pleased that I got the NADINE GORDIMER interview, I did this lovely piece, 15 put it out and then one of my colleagues said to me: Oh, your story is travelling all over the world: ANGOLA is using it and PORTUGAL, you know ANGIE's busy, she's moving onto the next story. And then I sent the email to MIKE 20 and said: Oh, you were happy that I got the story, now look at the reach. So I then said to the SAfm team: Look, if you want to rebroadcast it you're welcome. I sent it to the senior producer, then later on I realised 25

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that I didn't hear the story being broadcast, let me go and ask them. And the senior producer, who has subsequently left, said to me: Oh no, Solly was here and he was listening to your story, and they were trying to edit out the bit about Zuma. And I was like: What? 5

COMMISSIONER: About ZUMA?

MS KAPELIANIS: NADINE was critical about ZUMA and his kind of Presidency. It was at that time of the spear painting that was splashed and covered, and how he was making these changes. We've always had a good relationship, SOLLY and I. He had never come to me and said: You know what, we're getting pressure from up, we can't rebroadcast this, because this is what they are saying, it's criticising ZUMA and whatever. And then he was very sickly, he was in and out of hospital and then he couldn't take news and current affairs. I also think when MIKE left, the environment - I think they felt it more. They probably feel it like we've been feeling it, or my colleagues on my level have been feeling it, but you try and protect the team. You try and protect the 10 15 20 25

team members from all that stuff that's coming. So it might be useful for you to talk to MIKE and SOLLY PHETOE. They left ...

COMMISSIONER: MIKE is now with POWER FM.

MS KAPELIANIS: Is he not still with eNCA? 5

COMMISSIONER: Or with KAYA?

MS KAPELIANIS: I don't know he was with eNCA last, Africa Editor, I don't know if he's moved on.

COMMISSIONER: Okay.

MS KAPELIANIS: So MIKE left, I think it was, in April 2013. 10
But I know both of them had been under a lot of pressure, and then we started having people acting, NHLAKANIPHO ZULU, who has retired. He was asked to act for three months. One month was hardly gone, and he was asked to go back 15
to KWAZULU-NATAL. Then SEBOLELO was brought in. I heard off the record that when SOLLY was moving to CHANNEL AFRICA, HLAUDI wanted SEBOLELO to act at current affairs. So what I'm giving you a sense of, is not really the 20
names that you can find, it's that there were movements and changes and pressure that went before 2013. But I think they became quite noticeable from 2013 and then in 2015, 2016. So it could be - I don't know, I suggested it 25

as a date to go beyond, because maybe there were some things happening that we didn't know about. It may not be the definitive input. But it would be interesting to see, because HLAUDI manipulated all these things and he wasn't alone. He definitely wasn't alone. 5

COMMISSIONER: Now getting back to HLAUDI, was he himself doing things or was he manipulated, or was he instructed to do things, or was it just his personality that ...? 10

MS KAPELIANIS: No, he had the blessing and the permission of someone. Because I think he would have been stopped in his tracks if he was out of line. It went on too long. It's almost like: President Zuma, you went on for too long, people turned a blind eye, they tried to say something, they were either shut down. For me it's the same kind of *modus operandi*. He acted with the blessing or the permission. And, yes, it could have been his personality and maybe that's why he was put there. You don't just do something like that, I don't know. 15 20

COMMISSIONER: Let's assume he had this big ego, he also had a chip on his shoulder and he thought the best 25

way of getting into the books of the big politicians was to do what he thinks they want.

MS KAPELIANIS: I think that is possible. I have a feeling, and I have no proof or facts, that he actually attended political meetings. And he was privy to - whether it was coming through GCIS, whether it was coming through the Communication Ministry, whether it was coming through LUTHULI HOUSE, I have a feeling he was party to and whether he was party to - and whether he was party to meetings as an ANC member or a former youth leader, or whatever he was, he was in meetings. I don't know that he was deliberately and explicitly told, and often I think things don't work like that. It's this kind of assumed - you almost just know it. They may not say it in express words, but you know what's being told to you, for you and of you. But I don't know I didn't attend those meetings.

PANEL MEMBER: What was the situation, how was the situation within the SABC? Was there any interference compared to post 2012?

MS KAPELIANIS: For me the most vivid one was definitely the

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SNUKI period. I was not directly involved, targeted or affected but I once told SNUKI when he was brought in and wanted to introduce bi-media, I said look I've done it in NAMIBIA it's not going to work, you're going to kill radio. He didn't speak to me for months and years. But I think that there were others that were directly affected so I just carried on and did my thing. That period for me stands out. We also had people who seemed like they were freedom lovers and democracy lovers but also kind of came with instructions or messages. And then you're saying: But why are you wanting me to interview that person, because you know that that person is friends with so-and-so? That's why I was talking about the paragons of virtue. It's even those that you think understand journalism, have done journalism all their lives, have good reputations, good names - that place is porous and things trickle through. Sometimes they stand up, but even when they pass on something they don't seem to be conscious of what they are actually asking of you or requiring of you. It can seem so innocent. But it's that

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friend, like I say: Interview JOE; JOE will give you a good sound bite, and it's because I'm friends with JOE. It's not because of who JOE is, what he's done, the reputation and the credibility. So for me the period under SNUKI was a tough one. Then it was that now and then these things would filter through, and then under HLAUDI definitely. I can't even remember who was before HLAUDI. 5

COMMISSIONER: But SNUKI was a party hack, we all knew that. 10

MS KAPELIANIS: But HLAUDI, who knows where he comes from? He comes from somewhere in the FREE STATE, he was picked up as a stringer. We heard what ALWYN had to say about him through the Public Protector. I still don't know. It's like the GUPTA. I still don't know how he rose to the highest of highs, because you don't do that on your own. And maybe there's a personality that allows you to but I haven't risen to the highest of the highs. In fact, I will resist that because I know the wind blows very strongly up there. So I think there have been moments, and these are the two like dark clouds, the darkest periods. And then we fight, we do our work, we carry on, we do the 25

best that we can. I mean I could have given up a long time ago, but then I would probably have to leave the country and I don't want to do that.

PANEL MEMBER: How do you compare the two periods, before 2012 and after 2012? How do you compare them as far as interference from the top management is concerned and newsroom? 5

MS KAPELIANIS: The 2012 one is very tough and maybe it's because I was higher up, in my position now. Previously I would just get on with my work. When I would hear things I would say: Okay tell me when to raise my head, has all the shit disappeared? You know. Has the spanner in the works disappeared? I think it's also the very position I'm in, whereas previously I would say. No, that's your problem, you deal with it, you protect us, I need to work and we need to help each other to do the work. So the interference has been enormous. I'm not sure if the correct date is 2012, I think you need to look at when HLAUDI was there. When was he appointed to that 27th or 28th - or whatever floor that he was on. And apparently people used to go running in and 10 15 20 25

out. People that you wouldn't think would run with their tails, every time he clicked his fingers they would run across the road from the TV news building to radio. They would say things: You know, that man's delusional, he's a madman and yet they would then effect an instruction or pass on a message. Before 2012, I think it was lighter. I've used the phrase that now it's a little bit lighter, it's not quite brighter and that is my hope for the SABC, especially news. For me still the 90s, from when I started in August 1992 at bulletins and then the JOBURG newsroom and then politics and the Truth Commission and all those things, for me that was the golden age of public broadcasting. In democracy, a multi-racial newsroom, an opening of the mind - and I come from NAMIBIA, so I got to know liberation politics, a new democracy, a new Constitution a multi-racial newsroom. And then I came and I was: I don't want to do this again but clearly it had my name on it. For me that was the golden age. Like they talk about the golden era with the DRUM magazine. We were trained, we were

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encouraged, there was just this freedom. You know what you need to do and if you don't know you'll ask for advice, which I think comes to the upward referral. You will ask that advice, you will seek that advice. But it 5
wasn't this oppressive period. So there have been ups and downs and then there have been these two like ...

PANEL MEMBER: So what is the situation like right now?

MS KAPELIANIS: I think it's better. I do worry that those 10
that my colleagues call the "enforcers" are still there, as if they did nothing wrong. They act with impunity, they are just doing what they have to do. But I think there needs to be - there's been no apology for the amount 15
of damage that was done. When I raised this via the task team I know BESSIE was Acting COO. She got wind that that would go a long way, and I take my hat off to her, she did apologise for what had happened under the 20
SABC, not that it was her directly. But it wasn't taken up well by the colleagues, which shows you how much hurt and damage was done. But many are sitting there, they are cruising, they're coasting, they're doing the bare 25

necessity, ticking the box and we're never going to flourish, we're never going to get back to that golden age. It did a lot of damage, it hurt a lot of people. They hurt our profession, they hurt the broadcaster. 5
In some way there must be an amends. I don't know what that is but there must be an amends of sorts. Trust is gone, so you ask how it is now. I'm hopeful and I'm doing what I have to do. I've never changed. This is who I am, 10
I've always approached my work the same way, work too long hours. I'm hopeful, but I'm not blind to the possibility that something like this can happen again. We need to put in place something that just never allows this to 15
happen again. Maybe we had to go through the worst.

COMMISSIONER: The policies are supposed to be your defence and the version we have here goes back to 2004. Why didn't this provide the defence you 20
needed?

MS KAPELIANIS: For example, when SIMON TEBELE was either acting or head of news - if you come into our line conference room, on the wall is a version of this little booklet. It's a big framed 25

picture, and he would stand over it and say:
That's such a great document. Then he
wouldn't understand what that great document
was about, to the extent that when things got
so bad - we need more of these and we need 5
more of the new version coming along; it's a
little booklet and it's a summary of the SABC
Editorial Policy. At the top it says "We
don't bend with the breeze". Joe, I don't
know if you were involved in this or it was 10
MATHATA or BARNEY or FRANS. At one stage when
things got so bad, I've got a few of these I
treasure. There are two that are not even
marked and I treasure them. We would walk to
the editorial meeting with these little books 15
in our pocket. Then they would say something
and we would go: No, no, no, you can't do
that the Editorial Policy says this. But we
were too few. What I hope we can do with the
new Editorial Policy - and it's not the full 20
extent of what we should be doing - but I know
PAULA FREY did the Press Code, e-learning and
some of our journalists and executive
producers were encouraged to go on that e-
learning course, which is the Press Code, e- 25

learning and you've got three weeks and you have to answer these questions. Those that went on it, the team members got around 87% to 97%. So with our Editorial Policy, I want something similar and e-learning where every single layer has to engage with this document. I'm not saying it's the only way, and there could be other more dynamic ways. Like if a complaint comes from the Broadcasting Complaints Commission, they have the right to complain, the listeners and the BCCSA, and we have an obligation to respond. Often, we higher up, spend a lot of time fixing the reports because we are more familiar with the documentation. But how do you inculcate that they - like the Constitution. with those little booklets that you can quote and if you don't remember it's okay, but you know where to look. I would like that and we haven't had that. We haven't had that culture of understanding what exactly is this Editorial Policy.

Then I think news knows its Editorial Policy better than the whole company, and the Editorial Policy governs education,

programming. I can tell you now, if you had to do a random pole with people outside news, they wouldn't know. They wouldn't know what that policy says. How do you bring it alive and make it a living organism, a living document, and have everyone engaged with that document? So why did it fail us? It didn't fail us. Because it's a sound document. As one of your questions in the email it was like other examples of upward referral. I was looking for example of the BBC and ABC yesterday, as two examples. They have pretty much similar things in there. I think it's the knowledge of that document and that if somebody says to you, you must do this, immediately you must be able to place: What is that falling into, where does this fit? I think that's what's lacking. People don't have that foundation. Journalism is everyone in their blood. The experiences are different. Some have come into journalism through different means. For me the fundamental change was in June 2016. We had an election workshop in MAGALIESBERG. It was a two-day workshop, 6 and 7 June. JIMI

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MATTHEWS came, and then HLAUDI came twice, then JAMES AGUMA came. And at that time, this was before the SABC EIGHT, the colleagues and the assignment editors were starting to complain about this ban on protests. They were saying: What do we do, our journalists are in the field and you're telling us that we can't cover this and we can't cover that. But we can't turn a blind eye. That's where the SABC EIGHT thing started in a way, was the discussions that people were having in the newsrooms and raising their points of contention. Let me go one step back. I think in 2014 GRAHAM WELCH - I don't know what his designation is now - was the Manager of the Editorial Policy. He pulled the news team into the room and he presented the old version to us, and some new input. I even have a document that I sent back to him with track changes. We never saw that, and this was at the time when there were supposed to be public hearings across the country. And at one stage HLAUDI was talking about sunshine journalism. We were worried that people were being busked into these public hearings to influence a

particular line. That was around 2014. So to come back to the 2016 election workshop, HLAUDI was saying: Oh no, but you guys aren't implementing your Editorial Policy and so on. Something told me to take the big version of this, of which I only have a photocopy here, but it's a big booklet like this. 5

COMMISSIONER: That's the version we have.

MS KAPELIANIS: Is that the one you've got? I think it's that one, yes. Something had told me to take my one or two only copies in my laptop bag with me to this election workshop. And he said: But you guys aren't fulfilling the Editorial Policies and you don't know the Editorial Policies, and there's a new policy and it came in in April or February. I had worked with the team on the track changes of the Editorial Policy and I didn't know what he was talking about. We hadn't seen anything published, there was no notification. So I said: Look, Hlaudi, I don't know what you're talking about. This big book, this is the Editorial Policy we have. Where is this new document? It hasn't come back to us for final sign-off and understanding. Within a day or two they 10 15 20 25

published it on the intranet and that was the one. I spent hours going through it. The change was not in the new section. The change was right at the beginning in the upward referral. What it said there was that he changed that the editor-in-chief was now the COO, and not the CEO and that the COO's word was final. The way that manifested - so that was where the change lay. And many of us couldn't find it because we were all looking in the new section. We were like: How does this all compare, how does it differ, where's the word, is the comma there? And we were looking in the wrong place. The change was effected in upward referral, which was at the beginning of the document. The way he interpreted that, that the COO's word is final, was he used that as an opportunity to cascade down instructions. Whereas if you understand upward referral it is about seeking advice, the collective wisdom of going sideways and up. That's how I understood it, but the way he interpreted it, he made that change and then effected instructions coming down. And they were often in sarcastic

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remarks and denigrating and whatever. We've always had the same document. We've always had the same decision-making processes, but I think it's the porousness that things can seep through. There are holes where things have the ability, like a loophole, where it has the ability to find its way and it's how do we cement and plaster those holes, but still remain see-through and transparent, but protected.

So why didn't this stand us in good stead? I don't know I think it's got to do with how you know your document. And if you don't know, like you can't know everything - I'm really bad at court stuff, but then I go and look or go and speak to someone who has that expertise and ask. Can I also say the one thing that has been a big concern for me is we don't have a media lawyer, and I'm hoping somewhere in this...

COMMISSIONER: The legal department, what is it?

MS KAPELIANIS: I don't know. They do contracts or something. I don't know what they do, but I want a media lawyer like a DARIO MILO and the best of the best in our newsroom. Not even on the 20th-

whatever floor they are on, but in our newsroom, to say where we can push the boundaries. What can we do? What is in the public interest? We don't even have a common understanding of what the public interest is. 5
And it's simple things like that, that how do you begin to workshop those ideas? How do you have these discussions, because some things are not always cast in stone? They have areas of differences and grey. So I would love a 10
media lawyer, and if we can't have one because it's expensive, like a Hotline. When I'm in doubt I phone. And I think it talks to the Editorial Policy but it also talks to the media law. So in doing that little bit of 15
homework on the BBC and ABC, the difference between the BBC and us on the upward referral is that they're more specific. They're listed. I can give you examples and I can leave it with you. Whereas we have mandatory 20
and there are a few things, you can see they borrowed it either from the BBC or CBC or ABC. There is no doubt in their team's mind that the Terrorism Act or the National Security Act is something that they need to be cautious of, 25

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and that's when you upward refer. It has to do with the mandatory referrals and what I call the ordinary referrals. And mandatory is not just because it's compulsory, it's because the law requires it or the mandate of the broadcaster requires it. There are a lot of things that are intertwined and we're very loose in these areas. If I don't know something I go to someone and say: You know it's not my forte, what is the rule again? So it is there, I think it was just how it was manipulated and in that upward referral change from CEO to COO we were in the dark. I don't know where this memorandum of articles or whatever this document is that they were talking about. Where is that document? The Charter? So is it in the Broadcasting Act? Why is it not separate? Why is it not up for everyone to see, for everyone to become familiar with?

COMMISSIONER: I'm taking an example, for example the ban on covering protests. It was very clear right from the beginning that that was in breach of the ICASA Code or the BCCSA Code, as well as the SABC's Code. Weren't these things raised

with him at the time?

MS KAPELIANIS: I think they were, but I don't recall him, except for when he was speaking at that election meeting at MAGALIESBERG. I think he would call the JIMI's, or the SEBOLELO's and the NOTHANDO's and whoever over to RADIO PARK and tell them certain things. Then they would come back and say: Now you must do this. And when the team started raising these issues: But we can't not cover it, it's like we're putting our head in the sand, or our bum in the air, we can't. We understand it's about destruction. but we can't ignore it because then we're failing to do what we should be doing. I think at that layer there was no: No, no. Because of the sound journalism reasons. And even if you don't always have that at your fingertips, you know something's uncomfortable, you know something's wrong. You can then go and do your homework and say: You know what, I've slept on it, and in fact what you're asking us is in clear contradiction or violation of this or this. So we're conscious, the only one that really applies in the BCCSA to us, is radio and it's

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still not written in the Code, but I believe there was some agreement with our broadcasting compliance office, is the Audience Advisory. But it is very specific. It says when there is explicit graphic detail and especially sexual crimes. We agreed on a census: That the following story may upset sensitive listeners, including children, and that was done with the help of FAKIR HASSEN, the previous manager for broadcasting compliance. But one of the implications of that is that then people are so scared to even talk about rape. And it's not that you can't report on rape, it's about the detail of the rape: what is enough and what is not enough. So if we go back to that case on the editorial, I think it's just those that should have stood up to him and others didn't do so and were compliant. Yes, just tick the box, just do this, just do that. And often there wouldn't be anything in writing. When we would ask for things in writing, they would refuse and ignore us. They would ignore us as if we were mad, because they knew there would be a paper trail. I think that's why we struggle with

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dates and times and places, is because we don't have that paper trail. I think with the SABC EIGHT colleagues, they were advised by their lawyers to put it in writing, and you will often see their correspondence is for clarity. They seek clarity. That's definitely legal advice, but there would be no response. I've got my monthly report where one person took us, when they removed the editors on SAfm, it's a lecturer from STELLENBOSCH, I can't remember her name off-hand. She took us both to the BCCSA and CASA. I didn't deal with the response, it was given to SEBOLELO and KAISER. KAISER was also responsible for perpetuating lots of things in the public realm that were not right. To this day we have not seen the SABC's response to ICASA and BCCSA about that complaint. And it remains in my monthly report. Maybe that's the wrong thing to do. So we haven't quite left these things. There are so many things hanging. There's a lot of unfinished business, and if you ask they don't know what you're talking about. It's like: Why are you still remembering that thing, why are you

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still reporting on that thing? So with the Codes or Press Council, although that doesn't really apply to us, it applies more to digital but I think the principles of journalism are great, which the BCCSA doesn't have. The Code, our Editorial Policy - the current one until we get the new one, and I'm hoping that you will be able to influence that in some way. I don't know where they are but all of that must be second nature. You must be able to wake up someone in the middle of the night and say: What does it mean, what's that point, so that they know it.

COMMISSIONER: It becomes part of the culture.

MS KAPELIANIS: Yes, and it's not. So somebody like the acting political editor thinks that if we do a story on, let's say, the ANC we must get balance. Now, the understanding of what balance is and the right of reply is completely not understood, so maybe we all need to go back for training, maybe we all need to go through journalism again - some maybe more than others - but it can't harm anyone. I don't want to talk about rehabilitation or reengineering. It's how you

awaken that craft, the profession in us again, so that we are all on the same page. Because there are often days that we're not on the same page.

COMMISSIONER: What is the morale like now? Lighter? 5

MS KAPELIANIS: I think it's lighter. There's been a lot of erosion in the newsrooms. Our journalism generally, not completely, is weak. Kind of Government and ANC statements - and, please, when I say this don't get me wrong that I 10 don't think they have a voice or a place. But it's that culture where you just take a statement and you cover it because it's coming from those two sources. Some teams are not going out, they're not getting into the car 15 and driving into the dorpiés and the communities and going to look and listen and speak to people and picking up stories. Generally we have a shortage of staff. There's a moratorium on staff, so we can't 20 appoint, and yes we understand that we're in a financial mess, but you know what we didn't blow that R5 billion in five years, yet we're being punished for that in a way. So the journalism is weakening and fewer people are 25

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doing more. They are burnt out, they're sick. I suppose because some haven't seen action, they think: Why must I go the extra mile? The SAfm team took a particular knock after the changes of current affairs in April. They 5 were demoralised, they wanted nothing to do with station and I said to them: Guys, you know what, we've done the best we can, we have fought the battle and I think they took advantage of the leadership gap, both at news, 10 before PHATHISWA came in and before NADA came in at radio. I think the openings there were kind of manipulated to do their change at station. Whether it's going to work or not, I don't know. So the SAfm current affairs 15 team took a huge knock. STEPHEN GROOTES would be on our list to work with us. I think he would have been a great asset, and I think we would have worked very well together. Poor STEPHEN sits on station side doing his thing 20 with minimal support. So the SAfm teams are starting to come alive again, but it's moments like that that really take you down and it's hard to keep people's spirits up. It's hard. For me it's a little bit lighter. Is it 25

brighter and clearer? No.

COMMISSIONER: Which pockets of the SABC have been immune from these attacks?

MS KAPELIANIS: Not affected? Of SABC news, SABC?

COMMISSIONER: Particularly SABC news. 5

MS KAPELIANIS: By the attacks?

COMMISSIONER: Yes.

MS KAPELIANIS: Maybe Finance, but I don't know if they then have the other pressures of: We don't have money, we don't have a guarantee, keep the costs low, let them budget. I don't know if they face other pressures. I think HR has been affected, the input and output teams have been affected, radio, TV. Maybe digital less because they're on the 1st Floor and they are kind of in this dungeon, but I don't want to say that they didn't feel the pressures. Digital is IZAK MINNAAR's team, so maybe less for them, and also because they're not quite out there. They just work on the web they take the radio and TV stories, so there's minimal interfacing. But IZAK may have other examples where they were told not to publish something. 10 15 20

COMMISSIONER: They're not in the public eye? 25

MS KAPELIANIS: Yes, they are kind of behind the scenes. Maybe our news research team and maybe our news support team, which are our computer guys. I think they all have their challenges and they've been affected in different ways 5 but the same kind of assault that we faced, no. But I think they felt the impact. It can only have had an impact. I believe everyone felt that when things were being said in our name and on our behalf there was a time where 10 nobody wanted to go out, they couldn't walk with their heads held high, their shoulders up straight, because you knew people would look at you and say: What are you still doing there? You must be crap. And it's not 15 because we are crap it's because we love what we do. We've assumed this responsibility to do great public radio and TV. That was hard for a lot of people. How do you face the public, you wouldn't want to introduce 20 yourself. How do you keep your chin up and your shoulders straight? I think more behind-the-scenes teams that were not really in the public limelight.

PANEL MEMBER: Perhaps just one question. We have a 25

submission which stuck with me, specifically relating to a term used as the "gatekeepers" the enforcers. The SABC essentially went through a top management transition, but the people who are said to have been the enforcers of those instructions are still there. 5

MS KAPELIANIS: Mmm.

PANEL MEMBER: For you personally, sharing the same environment with those people and having perhaps observed the general feeling from that time to this time, what is your view on the transition that happened at the top, but still here you still have the same people who are now reversing what they said people should do in the first place? 10 15

MS KAPELIANIS: As if it never happened?

PANEL MEMBER: Yes.

MS KAPELIANIS: For me, the enforcers are still there, higher up. Don't underestimate what they call the GE level - the group executive level. The changes have been minimal. But at one stage - and I don't know if it was on an intercom, I can try and find it or you can ask the corporate coms to get you this page, they sent us out these emails with internal news. At 20 25

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one stage there were these photos, and they were all HLAUDI appointments, from BIT to HR. It was his cousin who passed away. Every single person was a HLAUDI appointment. He was shuffling the deck. It started there and that hasn't been completely cleared. We've now got the new CFO who comes from outside, we've got a new CEO coming in, we've got CHRIS MAROLENG who has come and that's the extent. There about twelve positions up there, if I remember correctly. These three would go to Board but then there are others that are in charge of HR finance, technology or whatever the case is. Some are acting but that hasn't been - there needs to be a complete sweep. It started there. At news we've had a GE change. Then with the enforcers lower down, for me it is those who aided and abetted whatever happened, was suppose to happen, or which still hasn't happened. It's the GM level in news and I wouldn't underestimate some provincial editor appointments.

PANEL MEMBER:

And referring to that, one of the submissions made was there are too many acting positions. There isn't specifically someone who takes the

bull by the horns and makes a decision, they will say: I don't know I'm just acting.

MS KAPELIANIS: I'm just acting I cannot make decisions.

PANEL MEMBER: Generally how does that feel in the environment? Having someone who probably 5
wouldn't make a direct decision because they're acting or who says - you know when people act continuously at some stage there's no balance there.

MS KAPELIANIS: Having acted at current affairs from October 10
2012 to May or June 2013, it is a difficult one, because I was asked and I was quite surprised because it wasn't my field. My field was input. It's always been in the newsroom, coming in, rather than on the 15
production side. So it is difficult when you're in an acting position because you need to take the bull by the horns, but at the same time you don't know if you're going to go back to your position. You don't know if you're 20
going to like it or if they're going to like you, but still you must be able to make decisions to keep the ship going. The financial and human resource decisions are probably the most difficult, and you can't 25

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effect change there. The acting is also
linked to the fact that there's this
moratorium and somebody can leave in October
and they will randomly decide in November
there's a moratorium. It can't work like 5
that. You can't tell someone don't leave in
October because there's going to be a
moratorium. Then that post is going to get
frozen, then we're going to have acting and
then they will try in a way to lose those 10
positions by telling you: We're too top-heavy
or we're too heavy. We have one thousand
people at news or whatever the case is.
Acting in some case is difficult, you can only
act on certain positions. At RSG, for 15
example, when SUNA died almost a year ago
today, this week, we motivated - her and a
producer resigned the next month. For nine
months that document got stuck somewhere at
RADIO PARK. For nine months we haven't been 20
able to fill that position. There's a
moratorium then somebody is refusing to sign.
We then take from the producer level and say:
You are going to act for a month. I like to
do a month and a month, unless it must be 25

three. I like to rotate. But some people are not good at it, and some people are just better. Then you keep that post active by acting, but they can't really take decisions and I don't know that I would always trust them with certain things because they might talk. You haven't got that confidence yet. They're very good producers but would you have them sign off on freelancers' money matters? no. Then I would rather take that and say: You know what, I will sign. We've got one acting at current affairs in EP, ELI KGATSE(?) in MOTSWEDING. He's been acting for a very long time, and I don't think that's healthy. That doesn't mean he's not good, it's just not healthy. Those are critical positions. That's a guy or a girl who has to run a production team that must produce and put on air an hour or two hours in the morning, one hour at lunch time. You can't not fill that post. So there seems to be this blind: There's no money so we're just going declare a moratorium, and that's it. But you still need to function. The work hasn't gone away, the load hasn't gone away. It's not healthy.

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But I don't know that we have too many. There's ELI for current affairs, nationally DAVID DLAMINI is acting for the NORTHWEST. I think the provincial editor - something has happened there and I don't know the details. 5
We don't have a lot that I'm aware of in radio and current affairs. But these are all things that complicate it and it does make it difficult for you to make a decision. But I wouldn't make hard decisions if I was just 10
acting. KENNETH was acting as head of news and before we knew it he was back in CAPE TOWN, and now he must report to the two people that he was managing. Its awkward.

PANEL MEMBER: I'm covered Chair, thank you. 15

COMMISSIONER: Thank you so much, Angie. As I said can we call you back if we need more information and if you remember things as you're driving home, please send us a note.

MS KAPELIANIS: If there's anything, maybe if you want 20
details, just drop me a note and say this thing that you referred to, what was the date? If you need more of that you're welcome.

COMMISSIONER: Thank you.

THE ENQUIRY ADJOURNS

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JNT002 – EVIDENCE 3

VOLUME III

SOUTH AFRICAN BROADCASTING CORPORATION

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COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**PROCESS IN THE NEWSROOM**

PANEL MEMBERS:	MR JOE THLOLOE	- Commissioner	10
	MR STEPHEN TAWANA	- Panel Member	
	MR TSHEPO MOYAGA	- Panel Member	

02 July 2018**THE ENQUIRY RESUMES** 15

COMMISSIONER: I must apologise profusely about our own confusion about the starting time. This in fact is the panel that's enquiring into the interference in the editorial decision making in the SABC. I am the Chairperson and I don't think I need to introduce myself again. I will allow the other members of the panel to introduce themselves. 20

MR TAWANA: My name is STEPHEN TABANG TAWANA, I'm a Director of MMM ATTORNEYS. 25

PANEL MEMBER: TSHEPO MOYAGA, an Associate at MMM ATTORNEYS.

COMMISSIONER: Now if you will introduce yourself and your designation.

MR PRESSLIN: I'm ELVIS PRESSLIN, I'm a presenter for the SABC radio programme AM LIVE as well as for the television show at the SABC that is called NEWSROOM. 5

COMMISSIONER: And how long have you been in these positions?

MR PRESSLIN: With SAFm in total just over ten years. With NEWSROOM since 2013, and that' now on SABC Channel 404. 10

COMMISSIONER: Do you mind taking an oath or affirming that what you will be telling us will be the truth.

MR PRESSLIN: I don't mind, no.

MR ELVIS PRESSLIN (duly sworn, states:) 15

COMMISSIONER: We're administering the oath for the simple reason that we take what we are doing with some sort of seriousness, and we would be unhappy if people just came in casually to tell us stories that they themselves didn't believe in. We received your submission, and we have gone through that, but can I ask you at this stage just to give us the chronology of events as the way you see them? 20

- MR PRESSLIN: Shall I do it from my submission, because I've basically edited the submission just to provide another copy to the Commission, for today.
- COMMISSIONER: Okay. 5
- MR PRESSLIN: There's an addition that I want to add in relation to my radio work as well from 2016. I will start with the issues at hand and why I'm here today. The matters raised include, among others, that freelancers are not been 10 instructed or engaged constructively by TV news management - not even on emails to ventilate their concerns. TV news management are non-responsive, they have a blasé attitude towards our concerns as freelancers. 15 Management act unilaterally with impunity in removing freelancers from presenting rosters, without formal written commission or communication, or a meeting to discuss their problems. 20
- COMMISSIONER: Can I ask you, you don't need to read through the entire document because, as I say, we have gone through the submissions. So if you would just add the amendments and then respond to

our questions.

MR PRESSLIN: Since 2013, if I just start with the
chronology - and I'm talking specifically
about SABC news now - my package as a
freelancer was R2 500 for a three hour show. 5
When we amalgamated NEWSROOM in October 2015
with another show that EBEN JANSEN was doing,
the remuneration stayed the same for two
consecutive periods of six months, up until
March 2016. 10

COMMISSIONER: March?

MR PRESSLIN: March 2016. The *status quo* continued to date
because there was a new contract that was
supposed to be signed in 2016 to 2018, which 15
was a two-year period. The contract was
exactly the same R2 500, and they really used
the same contract as a basis for the new
contract and just scratched out the time
periods. Instead of a three-hour shift it now
became a seven hour shift. So I was getting 20
the same remuneration but with extra duties,
because I had to produce certain segments of
the show as well. I made it clear to
management, especially the incumbents that

came in, that I was not unwilling to perform this duty, because I had been doing it for the last twelve months or so, and I was willing to continue, but they needed to look at the package because it could not stay the same. 5
I also discussed it with HR eventually when I ran out of options, after I spoke to my executive producer, and I spoke to the head of news, MS NOTHANDO MASEKO.

COMMISSIONER: That's where the chronology comes in. Who did 10
you speak to first, and then who followed,
etc.

MR PRESSLIN: Firstly, in 2016 I spoke to EBEN JANSEN, my
executive producer and I said to him: Look,
this contract that you're giving me I'm not 15
happy with. He said: No, you need to speak
to the head of news because there's nothing
that I can do about it. On the eve of signing
the contract ...

COMMISSIONER: Who was the head of news at the time? 20

MR PRESSLIN: NOTHANDO MASEKO.

COMMISSIONER: Okay.

MR PRESSLIN: On the eve of signing the contract I indicated
to her at a meeting full of staff members, of

all presenters as well as producers present, that I wanted to discuss my contract with her because I was not happy with it. She then said: Look, there's nothing I can do now, but you need to sign your contract now because you are not going to get paid at the end of the month, and I will address all your individual issues thereafter. Which I took on face value, that she will do so. That did not happen. I sent out a number of requests - and I've sent you the attachments of all the emails that I sent from that period, since April, to say to her: Look, I need to have a chat with you. In May 2016 she came back to me and said that she would meet with me but only in August 2016 to discuss my contract. That was five month's later.

COMMISSIONER: I think in that note she says she's away and will only be back in August.

MR PRESSLIN: Well, not really away, she just says: The meeting is scheduled for August, and it's a very short - you'll see it's not even a full sentence. So 2016/2017 arrived and there was no solution to the contract. I then raised it

with TEBOGO ALEXANDER, who became the acting head and with KENNETH MAKATEES in 2017, to say: I have a problem with this contract, gentleman, is there anything that we can do about this? You will also see the letter that I wrote to MAKATEES stating the very same objective, that: I'm not unwilling to perform these duties but please look at my contract. I just want to be paid exactly the same as other people are, and there were no increases since 2013. In December 2017 the SABC permanent staff embarked on strike, a protected strike, I might add. I informed my executive producer, EBEN JANSEN, that I would not be coming in because I feared for my life and my safety. That was part and parcel also in lieu of what was happening at the SABC. The next morning at 12h00 I received a one-line email from him stating that I was taken off the roster. I tried to contact him because in the email he indicated that if I had a problem I must take it up with management, there was nothing that he could do about it. Which I did, I tried to get hold of

TEBOGO ALEXANDER as well as KENNETH MAKATEES to explain the reasoning for taking me off the roster. There was no response. ALEXANDER then informed me just before the end of December that their reasoning was due to me not coming to present on that particular day. 5

COMMISSIONER: On the day of the strike?

MR PRESSLIN: On the day of the strike. But once again it was a verbal communique, there was nothing written. 10

COMMISSIONER: Was that when you met in the green room?

MR PRESSLIN: In the green room, yes. He also informed me that they would keep the present presenter at that point in time, CHANTE JANTJIES, who was a new presenter brought in to continue with the slot. I said to him: But you know what, I have a contract that's up until August and you haven't given me any written communique to state the reasons, so can you please send me that written reason that you've given me so that I can take it up with HR or whoever? I didn't receive anything. I bumped into KENNETH MAKATEES as well, and he informed me of the same thing that they couldn't do 15 20

anything now because he was out of that acting position as well as ALEXANDER, and I must now go back to NOTHANDO to present my case. I tried several meetings again with NOTHANDO MASEKO to request a sit down. On 19 April, 2018 she saw me. That's now since January/February where I tried to get clarity on my contract. She asked me what steps I took to remedy the situation. I told her I had been in touch with MAKATEES and ALEXANDER and there's no end in sight to this impasse that we're standing at, and I had also approached BEMAWU them to assist me with the process. They had written a letter to the acting CEO, but there was no response. This was the shocking thing for me, that MS MASEKO retorted that she would have also not responded because this is a labour matter, it has nothing to do with them, and we are freelancers and we need to know our place; that we are not protected and that we can't belong to unions. At the time she also informed me that they were busy restructuring the channel, where I knew what was going on,

and that she would inform me shortly before the June deadline. She never did. That was now since April. On 1 June there was a meeting called by the new GE of news to present the new presenters and the new show that was going to come forward. For the first time I heard about the line up and who was going to present what. I was not part and parcel of that line up. When MS MASEKO stepped out of the room I asked her briefly: So you haven't come back to me since April, I don't know what is happening, here you are presenting this new show, and I don't know what is going on, can you tell me. And she said: No, you will be part and parcel of the presenters on the standby roster. I retorted by saying to her: Look, I have a contract up until August and I have a five-day contract, Monday to Friday, so now you're telling me that I am on standby for whenever that will happen, and you haven't given me a written response to my request. It would seem then from that point in time that things have definitely changed. I even indicated to her

I'm open to change: if things have changed and the channel has been restructured, fine, but let me know in writing so I can have it, and at least call me for a meeting. I also tried to get a meeting with the new GE of news, but unfortunately she's very busy and I could not set up a meeting to discuss this issue. But prior to me coming to the oral submission this morning, on Thursday I received a call from one of the producers asking me to come and present the weekend show, the AGENDA, which I took, because for me it seems like the oral submission at this Commission is the catalyst to perhaps a change of what is happening at the SABC. So I presented on Saturday as well as yesterday and Sunday. I think also from management's perspective this is perhaps their way of showing that they are keeping their verbal promises. But this is a last ditch approach, which I think is because of the Commission. As we speak I still don't know where to next, because they didn't tell me what is going to happen next. That is from news management.

Now seeing that I didn't submit this and over the past week I have thought about this, because my radio show was also affected by this - and this is now when we talk about interference in the newsroom. We're talking 5
about 2016. There was a cloud hanging over the SABC with the former CEO, MR MOTSOENENG. Because my weekend show, WEEKEND AM LIVE - on Sundays we had a slot for THE EDITORS. It was a three-hour show and on Sunday we had a one- 10
hour slot for THE EDITORS, where we host various editors from different newspapers to discuss the top stories for the week that was and the week ahead, and we also read out the headlines from the various newspapers. We 15
were informed that THE EDITORS would be cut short.

COMMISSIONER: Cut or cut short?

MR PRESSLIN: Cut short. We were thinking maybe they wanted to revert to the thirty-minute slot of THE 20
EDITORS, because prior to the one-hour slot, because the one-hour slot was probably about a year-and-a-half into its stay at that stage. It was a half-an-hour slot at first. We

thought maybe they were going to revert to the thirty minutes. But the exact date in June - in the second week in June 2016, management informed us that the slot had been canned completely. THE EDITORS had been taken off 5 and we were no longer allowed to read newspaper headlines, because those newspaper headlines speak ill of the SABC, and of course THE EDITORS does exactly the same. So THE EDITORS was gone and the Sunday show was 10 reduced to two hours. Now I view this as extreme interference in the newsroom, and to the independence of the newsroom, because that speaks to who makes the Editorial Policy within the newsroom. And it seems of course 15 that MR MOTSOENENG was the catalyst to do that. In 2018 management decided to overhaul the news and actuality programmes on SAfm. The show was now called the WEEKEND VIEW and it has been reduced to only one hour. 20

COMMISSIONER: One hour?

MR PRESSLIN: One hour between 6:00 and 7:00. But what seems to be the victory to our loyal listeners - because for the last two years our listeners

were constantly calling for THE EDITORS to come back. THE EDITORS was brought back for half-an-hour.

COMMISSIONER: When?

MR PRESSLIN: Starting about a month ago. But now it's only 5
thirty minutes again and it's between 6:30 and
7:00. So of that one hour show, the total
show which is one hour, we dedicate half-an-
hour to THE EDITORS. Now I don't view that as
interference in the newsroom because it's 10
restructuring in terms of the entire SABC, but
what I viewed as interference was the
intolerance of the then CEO of removing the
entire slot. The new restructuring I don't
deem as interference, but I view it as change 15
perhaps, because they want to see how it goes
because they introduced music and light-
hearted talk in the last two hours of the show
that was between 7:00 and 9:00.

COMMISSIONER: Just take me back a little. You were both on 20
radio and on TV.

MR PRESSLIN: Yes, sir.

COMMISSIONER: And was the struggle for the contract with
both?

MR PRESSLIN: No, the struggle with the contract is only with television.

COMMISSIONER: Right, so radio just continued.

MR PRESSLIN: Radio continued. One year we didn't get an increase but the rest - because the SABC was also in financial trouble so we didn't worry much about that. That was in 2017, but at least we got other increases as we continued with radio. So the radio contract was fine, and the only problem that I had with radio was the interference into THE EDITORS that was taken off air. Because I voiced my concern with management in that last meeting, when they informed us that THE EDITORS was being taken off.

COMMISSIONER: Besides THE EDITORS and the newspapers, there hasn't been any interference in radio?

MR PRESSLIN: In programming or such?

COMMISSIONER: Yes.

MR PRESSLIN: Not as far as I am concerned, in terms of my shows, no.

COMMISSIONER: So your major concern is with television news?

MR PRESSLIN: Television news, yes. Because it seems in relation to radio there's a new era at the

SABC, where there is a change, and the cloud that was hanging over us for that period since 2016 has now been removed, MR MOTSOENENG is no longer there, and it seems there's a change within how the SABC views the newsroom. 5

COMMISSIONER: Now let's first start with the contract with TV. You brought in BEMAWU to come and assist you with it. What joy did they have in resolving that issue?

MR PRESSLIN: Sorry, sir I didn't hear the first part of it. 10

COMMISSIONER: I said you brought BEMAWU into ...

MR PRESSLIN: Into the conversation, yes.

COMMISSIONER: What progress did they have?

MR PRESSLIN: Nothing as such. There was one letter that was written to the acting CEO and that was 15
about it. I also realised afterwards that BEMAWU would probably struggle for the advancement of the permanent employees rather than the freelancers, although they did tell us in that meeting just before the strike that 20
the freelancers don't have to worry they will support them and so on. But I think that is one of the problems that freelancers are facing at the SABC - and not just at the SABC

but all over - that there is no body that can look after their interest when they have a problem. Because if you want to take this further you probably need to go to the - you can't even go to the CCMA because you are a 5
freelancer.

COMMISSIONER: But you can go to Court.

MR PRESSLIN: You can go to Court, which means you need to fork out money to do that, and lawyers, especially labour lawyers, are very expensive. 10

COMMISSIONER: We have lawyers in the house, so tread very carefully. So you have a contract which hasn't been adhered to, you couldn't get the trade union to follow it up, and you couldn't go to the CCMA. 15

MR PRESSLIN: I have to go to Labour Court as things stands. But, firstly, I don't have the time and I don't even have the finances to run through that. It's also this issue - and I think this is perhaps in relation to what MS MASEKO also 20
said, that they know the inhibitors that inhibit freelancers, and they're taking advantage of that fact, that you have nowhere to turn.

COMMISSIONER: What we're looking at is interference in the editorial decision-making. We are trying to get your views on what that struggle of the contract did to your performance.

MR PRESSLIN: The struggle with the contract, and of course 5
my subsequent removal from the roster, was part and parcel of a strategy by management. They didn't know what to do because the contract is up until August. It ends now, in August 2018. I don't think they know how to 10
handle it, and maybe there was a plan to remove me already, because for two years constantly, on a monthly basis, I would send an email to say: Ms Maseko, I'm still not happy, I still haven't had a hearing, I don't 15
know where this is going. Even when I had that meeting with her in August, when she said we could have the meeting five month's later, it was a five-minute meeting, and in that meeting she made it very clear again that: 20
You can't come and talk to me, you need to talk to your executive Producer. I said: But you know the executive producer referred me to you, because he said he can't do anything

about it, so why is it that you send me back to the bottom line again? When I discussed it with the executive producer he said once again: Look, there's nothing I can do, it is out of his hands, it is the head of news that you need to deal with. That's why I went to HR, and HR said there was nothing they could do because this contract needs to run its course before it can change. I said: Mannie, if you look at this contract, there's your signature and there it is scratched out; this is not even a new contract, what you basically did is you scratched out with a pen and wrote in seven hours instead of the three hours, and the rate is exactly the same. So you guys knew about this contract.

COMMISSIONER: The one you sent through is in fact typed in as a seven hour shift with three hours. It's not cancelled out, it's typed in. Is that the one you're referring to?

MR PRESSLIN: That's the one I'm referring t, - I don't have it, I didn't bring it with me. Maybe I did, I just want to check, because on the front page it is typed in. On the back page, page

21 - no it's not this one, it's the one just before. I thought I had printed it out. The front page, number two is the typed piece, but at the back of the contract it shows the change that was made.

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COMMISSIONER: There's a request for an independent contract. That's not what you're referring to?

MR PRESSLIN: No, no, no, it's part and parcel of the contract. It's page 21. I think you have it there just before that.

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COMMISSIONER: This one. Oh, that's the request for ...

MR PRESSLIN: And it also changed from bulletin to per shift.

COMMISSIONER: Oh that's the request for an independent contract. Who scratched this out.

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MR PRESSLIN: This was them. It's either EBEN or MANNIE, or one of these signatures that you see here.

PANEL MEMBER: So you did not sign this document?

MR PRESSLIN: No, I had to sign the original document and that is the leeway that they utilise, to say: But if you don't sign this now, you're not going to get paid at the end of the month. So you sign the entire contract hoping that you will have the discussion with the head of news

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afterwards to resolve the issue of the contract. For me it seemed at that point in time that MS MASEKO used the opportunity to really contract us for a two-year period, without getting any increases over that period, although she committed to having that meeting with us at the beginning. 5

PANEL MEMBER: Does the argument talk about an increase?

MR PRESSLIN: It does not, and that was my problem, because I raised this and said: This does not talk about an increase, which means we're going to stay with that for the two-year period without an increase. And that was from the beginning. I raised that from the very day that we had that meeting. And of course, as you can see according to my emails, on a monthly basis I wrote emails, to say: Can we discuss this? 10 15

COMMISSIONER: My question still remains. This was your quarrel with TV news. What impact did this fight have on your radio work? 20

MR PRESSLIN: No, no, it didn't have anything to do with radio, because they are two separate management positions, or in fact management teams on radio and television.

COMMISSIONER: But what I'm trying to say is, your unhappiness with TV might lead to unhappiness with the SABC as a whole, and might affect the quality of your work because you're unhappy.

MR PRESSLIN: No, not at all, sir. There was no impact as such on radio or with the SABC in general or with my programme. I truly enjoy what I do with television and it didn't impact it, it was just that there was not a voice. I couldn't physically express myself to anybody, and there was no meeting called with any of the management to address the issues. You saw what I wrote to MAKATEES. There was not even a response to that, to acknowledge that he received it.

PANEL MEMBER: According to your view was there any motive regarding your struggle in terms of your agreement with the SABC - a motive from top management.

MR PRESSLIN: I don't think there was motive there was probably a sense of: We need to curb the expenses of the SABC, because remember the SABC was in financial trouble. As far as management could go they tried to ensure that

the expenditure was reduced. Also remember there were a number of people that were let go at the SABC. Some would say that it was medical fraud, and some of the cases that I've heard and seen, where people were implicated were really - it wasn't such a big deal in relation to what they did, because it would be the wife who would go to a chemist and receive some medication that was not on the list, and that would be part and parcel of that person's crime for utilising the medical aid out of bounds. The point was that they needed to find ways in order to get rid of some of the people. That motive that you're talking about, for me, at the point of signing the contract there was no motive. But afterwards I think it became part and parcel of: What can we utilise to make sure that we curb our expenses?

COMMISSIONER: The next question that comes to me is: Was it interference in the decision making in the newsroom?

MR PRESSLIN: The interference in the newsroom, as I indicated earlier, for some strange reason in

the television newsroom we had a freedom to express ourselves. It was only during the period of MR MOTSOENENG that there was a sense of anxiety within radio in relation to how you express yourself, but other than that we were given the leeway, especially with television. Thinking back now, maybe also because it was me and EBEN JANSEN, the executive Producer who was also the presenter on the show, and that perhaps gave us the freedom we could utilise to express certain opinions which were not in line with MR MOTSOENENG's good-news stories. We covered all stories. It was only at the time when we were curbed by the usage of violent footage that there was a retraction to say: Stop a little bit, don't do too much; hear what management is saying because your job might be on the line.

COMMISSIONER: When we get to the MOTSOENENG pressures, was it political interference in the newsroom or was it much more than that? Was it ego, was it ...

MR PRESSLIN: I think it's a combination of all those things that you mentioned. Ego was just one of them

but political interference was key as well. I think there was also a time, Mr Thloloe, that you would find that people were not very free to express themselves because of the fear and intimidation by what was currently 5 happening at the SABC and the management style of the former COO.

COMMISSIONER: Let's not look at the personality. When you talk about political interference, in what way was it political? Was it a political party 10 that dictated what MOTSOENENG would do, or was he acting because he thought this is how the politicians would like to see it?

MR PRESSLIN: I think to a certain degree - and I can't confirm this - there was a sense in the 15 newsroom that there was political alignment and that we needed to ensure that certain political parties were not being heard and others were given more airtime.

COMMISSIONER: Was it because of his own political 20 allegiances that dictated this, or was he getting instructions on what to do?

MR PRESSLIN: I would be speculating. I wouldn't be able to confirm that but I would speculate and suggest

that that could have been the situation.

COMMISSIONER: Getting to your programmes specifically, were you ever told: Don't use this story, use that story; don't take this angle, take that angle.

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MR PRESSLIN: For television there was a time when we were instructed not to use certain angles.

COMMISSIONER: The specifics?

MR PRESSLIN: Specifics in this regard, if we look back at the violence within the townships at the point in time when we were told to produce good-news stories, certain stories were said to be edited. So you could not say that the violence was continuing and that people were unhappy about the situation. You were instructed to tell the story in relation to what the police were doing to curb the violence. And some residents who would be captured on camera in relation to their feelings about what was happening in relation to service delivery, those were taken out, so as to indicate that not everyone was unhappy about the situation and that it was just violence, that people were burning down

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infrastructure, and it is just that they were unhappy about housing and not what was currently happening on the ground.

COMMISSIONER: As a presenter you get packages. Do you know at what point certain bits were cut off from those packages and did you get a memo about this. 5

MR PRESSLIN: There was no memo, but at one stage - and I just can't remember any exact incident. But there was a package that came through earlier that showed the violence. When our show came up, because our show was between 9:00 and 12:00, that package was cut because people were given instructions to take out that violence immediately and only show what the story was all about, that there was some unrest in a particular area. 10 15

COMMISSIONER: But who cut it and on whose instructions?

MR PRESSLIN: Once again I cannot confirm exactly who, because when we received the package I saw that this was not what I had seen earlier, and it had now completely changed. I asked and there was nobody that could tell me. But it was obviously editors within the newsroom that 20

were given instruction, but I can't give you specifics in relation to that.

COMMISSIONER: And was there anything that you were supposed to say on air that was changed?

MR PRESSLIN: Fortunately not. That's why I said earlier, 5
myself and EBEN JANSEN had a little bit of
leeway, also because he was the executive
producer of the show. So perhaps there was a
little bit of, shall we call it, cover that we
could use in that particular show, because we 10
were very outspoken on a number of issues.
But I might add that if I was alone it
wouldn't have gone down too well.

COMMISSIONER: When last did you see the Editorial Policies
and were likely to go through them? 15

MR PRESSLIN: The latest Editorial Policy - remember there
was a change to the Editorial Policies that
was drafted, which is still being finalised.
I had seen the draft, probably in April.

COMMISSIONER: Are you talking about the current review? 20

MR PRESSLIN: The current review, yes.

COMMISSIONER: Did you see the 2016 review?

MR PRESSLIN: I saw part of it. Unfortunately I didn't go
through the entire policy but is there

anything specific that you wanted to highlight there?

COMMISSIONER: Is there a discussion of the policies within the newsroom, within the production teams?

MR PRESSLIN: I haven't been part of some of the discussions 5
as yet because I'm only doing weekends now, so I don't get to the SABC during the week. But there were discussions with the news teams around the policy.

COMMISSIONER: But I thought your contract obliges you to 10
know what is in the Editorial Policies.

MR PRESSLIN: That's why I said I saw the draft, but I haven't been part and parcel of the discussions at the SABC.

COMMISSIONER: Besides the current review, the policies that 15
are in place at the moment, have you ever had discussions about these?

MR PRESSLIN: At the time before the review, there were a number of discussions in 2017 about the role of journalists within the newsroom and how the 20
policy affects them as it currently stands. These issues were highlighted in terms of what is the role of journalists and management, and how there should be independence within the

newsroom instead of interference within that. And there were a number of those discussions, which I think also led to the new policy review in terms of what was put forward.

COMMISSIONER: Where were these discussions? Was it at a staff meeting? 5

MR PRESSLIN: These are at our staff meetings because every morning, two hours before the show, we have discussions about the show, and also things that will effect the newsroom. And the Editorial Policy was one of them. 10

COMMISSIONER: So in your opinion the policies are well discussed, people know about them and they use them in their day-to-day debates?

MR PRESSLIN: I wouldn't say it's well discussed. I think it's in pockets and, once again, I could be wrong because I haven't spent much time this year, in the last six months at the SABC because I'm only there during the weekends. I only come in on Friday and then sort of prepare for the weekend. In relation to our particular team there were a lot of discussion about the policy. I don't know about other teams, and I cannot vouch for that, if they 15 20

were discussed in depth or if people are even implementing what the policies suggest.

COMMISSIONER: My next question was going to be: What do you think should change in the policies to protect people like you? 5

MR PRESSLIN: I think this is a very important question. I think within the SABC - and I'm only going to talk about the SABC, although we need to look at freelancers on a wider scale - but for the SABC, I think there should be either an 10 ombudsman, and it could be structured differently: maybe it's an ombudsman or maybe it's an independent body that looks at the entire working conditions: the labour relation conditions of freelancers, and their 15 concerns. Because currently, as things stand, there is nobody who can deal specifically with the issue of freelancers. As I indicated in my submission, some of the unions are suggesting that 60% of the employees at the 20 SABC are freelancers. And if there is 60% why is there not an HR Department specifically designed in order to look at the issues and the challenges that freelancers are facing?

ELVIS PRESSLIN

Because we are not treated like permanent staff, just because we are freelancers, and people take advantage of that fact. They would also abuse you to a certain degree, because if you have a co-presenter with you on the show, and that co-presenter is gone for three months - remember there are two salaries to be paid. You are not going to be paid the rate of the other person that's not there. You have to stand in. If a sports presenter is not there, you have to fill in with no additional income, because your contract states that that is what you're getting.

There are a number of issues that I raised regarding the conditions that freelancers are under because you would find that because you are a freelancer you do not have the added advantage of having a medical aid, having a pension - and perhaps that is also another issue that could be looked at. I know it's a very difficult and a very uneasy discussion, because they would indicate that if you are a freelancer you are being paid more than what the permanent staff would be paid. But

remember that you are paid per shift, and if you're not there for that particular shift you don't get paid. But what is it that the freelancers can fall back on at a later stage? Nothing, so to speak. That is another 5 discussion which should be held at another time. I don't think it's part and parcel of this Commission.

PANEL MEMBER: When a freelancer signs an agreement, are you not supposed to raise certain things regarding 10 the agreement, or are you getting a solid agreement from the SABC saying: Freelancer, take this agreement and sign it. Are you not supposed to negotiate some terms and conditions thereof? 15

MR PRESSLIN: You are allowed to negotiate beforehand, before the contract is drawn up. But once that contract is up - and this is the ploy that has been used for the last two years or so, where you are given this document and they 20 say: Sign. If you don't sign, it's fine, we'll get somebody else.

PANEL MEMBER: So they're not affording you an opportunity to go and ...

- MR PRESSLIN: No nothing. I would normally go through my contract and look at the issues. And that's what I picked up, and thought: I need to discuss it and make sure. But then, of course, as MS MASEKO has done, they say to you: It is Monday today, Friday is the end of the month, if you don't sign that contract, remember you can't get paid; you need to wait for another month in order for you to get paid that salary from the previous month. In essence what I'm trying to say is, in the last two years there has been no open window to discuss any contract, especially with SABC TV news. 5 10
- PANEL MEMBER: Because they have treated you guys as being desperate? 15
- MR PRESSLIN: Desperate and as fillers, as MS MASEKO mentioned. You are mere fillers. Even if you have a contract, you are mere fillers. It's almost like saying: We can do with you as we please. 20
- PANEL MEMBER: Have you considered maybe taking the SABC to court and challenging them in regard to the terms and conditions?

MR PRESSLIN: After I failed considerably through this entire process I considered taking them to court, but of course I had to go directly to the Labour Court. I just thought: At this point in time my financial position is a bit 5
tenuous and I don't know how long that process is going to take, so let me see if I can still resolve it internally, which up until this weekend is null and void. Up until this time I still don't know where I am, even after I 10
presented over the weekend.

COMMISSIONER: Were you presenting on TV this weekend, or ...

MR PRESSLIN: TV.

COMMISSIONER: On TV?

MR PRESSLIN: Because, remember, I was off TV from December 15
2017, up until this past weekend.

COMMISSIONER: But radio has continued?

MR PRESSLIN: It has continued. As I said, there's no coherence between television and radio. They are separate from each other and management 20
teams are completely different. I don't know what is happening in television, I can't tell you, but it seemed as if the entire management team was either brainwashed by certain people

or they didn't know how to handle the situation when freelancers had issues to deal with. I don't even think there was even a sense of ensuring that freelancers are happy. It was just: You are here, you are earning a salary, accept it as is. 5

COMMISSIONER: Can you blame it on sheer incompetence?

MR PRESSLIN: I wouldn't say so, sir. I think it is arrogance to a certain degree. Arrogance as well as a disregard for the plight of the freelancer. 10

PANEL MEMBER: I remember there was a case of another news presenter who was removed from his roster. He was presenting MORNING LIVE. He ended up going to the Labour Court, and I think he was successful. 15

MR PRESSLIN: He was successful, yes.

PANEL MEMBER: He was successful, so how did that case affect the situation of regarding the freelancers within the SABC? 20

MR PRESSLIN: People realised that it was a victory for freelancers, but they also realised that there are some predicaments, because the predicament is the financial position. You must be in a

financial position to go to the Labour Court and you need to have a labour lawyer to represent you, I would imagine. The case is those are the predicaments that even face me, because I'm thinking if I do go to the Labour Court, do I have the time and the finances really to fight this fight, up until I get to a point where the contract, which ends now in August? And is it really worth it to fight that fight, to go back and make sure that you are victorious in your fight against injustice. Because the point is, the way I feel right now, I mean my contract is up. It's going to be fruitless for me to spend perhaps R50 000 or R60 000 in the Labour Court in order to win a case going back a year.

PANEL MEMBER: In the spirit of consistency, should you not have raised the very similar case that happened within the SABC? Should you not have raised that, to say: You know what, this guy has been successful in this regard, why don't you just treat us freelancers the same?

MR PRESSLIN: I was told - and I can't vouch for this, but I was told that this was raised by the union -

CWU - with management in relation to how they treat freelancers, but I don't know. I was just told by one of the employees that that was said. I don't know if many freelancers have the appetite to fight such a fight. At this point in time, even I don't have that appetite. I can tell you that now. 5

PANEL MEMBER: So what do you expect this enquiry to recommend or to provide at the end of the day?

MR PRESSLIN: It's a very important question. It's one of the crucial things, as I said earlier. I think it's perhaps the solution to this moving forward, for freelancers. There must be a person appointed, an ombudsman, or even a Commission that sits within the Board of the SABC that protects - well, not really protects but looks after the interest of freelancers. That person or body is crucial in order to manage what is currently happening at the SABC in relation to its permanent employers and its freelancers, in order for there to be an outlet for them to state their cases, and where there can be an arbitration process. Whereas right now you don't have an 10 15 20

arbitration process, you don't have anything. You need to go to your executive producer and the executive producer goes to the head of news. Besides that you have nowhere to go.

PANEL MEMBER: What about the union BEMAWU? 5

MR PRESSLIN: BEMAWU, yes?

PANEL MEMBER: Did they try to intervene in this situation to protect the rights of freelancers? Have they tried that?

MR PRESSLIN: Well, they've been very local about it but I 10
don't think so. They create a lot of hot air
and hot noise but there's nothing tangible
that comes out of the actions that they have
put forward, even for myself. As I said, for
myself there was one letter that was written 15
to the COO, and it was not just about me it
was about other freelancers as well. However,
they mentioned my case specifically in
relation to Channel 404, THE NEWSROOM. But
that was it, and there was no response from 20
the COO. As I said MS MASEKO indicated to me,
when I mentioned that to her: I also wouldn't
have responded. Why would I respond, it's a
labour matter?

- PANEL MEMBER: From where I'm sitting, I think freelancers within the SABC are not united. Because it is my view that if they were united they should have instructed BEMAWU to take the SABC to the Labour Court. 5
- MR PRESSLIN: That's what we all thought, and I actually personally spoke to BEMAWU.
- PANEL MEMBER: Instead of an individual freelancer, you as collective, you understand, and you know the terms and conditions of the agreement you've signed with the SABC. You come collectively and instruct BEMAWU, to say: You know what, this is not on. 10
- COMMISSIONER: The key question is, are you members of BEMAWU? 15
- MR PRESSLIN: I became a member of BEMAWU the week before the strike, but I think there's nothing that they can do, even for freelancers. Because you try and get hold of BEMAWU telephonically, I promise you it takes a week for them to come back to you. I said to HANNES DU BUISSON, who is the leader of BEMAWU: You know, with you guys it doesn't seem as if there's a structure. It seems as if you are the only 20

person running this entire thing, although you claim that you have so many members. But I don't think there's a structure that really controls or utilises the infrastructure you have to talk to the SABC regarding 5
freelancers. He said to me: No, that's not the case. But I suspect that that is the situation, because you cannot tell me that if I try to get hold of you, as HANNES DU BUISSON, the leader of BEMAWU, for an entire 10
month that you only come back to me and tell me that you were busy at the Labour Court or at the CCMA for all this time. It doesn't make sense to me. So there's a problem also with BEMAWU as a union itself relating to 15
freelancers.

PANEL MEMBER: Do you think there's an interference from the top management of BEMAWU to just ignore your concerns?

MR PRESSLIN: I can't confirm that. Why I would say that is 20
because, remember, the SABC EIGHT, and because with most of the SABC EIGHT - well, only VUYO was a freelancer, but all of them were permanent employees of the SABC. They

successfully challenged that, but as a freelancer I don't think they have the freelancer's plight in their sights.

COMMISSIONER: What about the other unions?

MR PRESSLIN: CWU? 5

COMMISSIONER: Yes, and MWASA and the others?

MR PRESSLIN: Mr Thloloe, I don't know. As I said, in the two meetings that I've been in, even with CWU, it seems as if everybody is talking about: We will make sure that we protect your rights as 10
freelancers, but there's nothing that they really do, because they know it's a very expensive exercise to take care of a freelancer when you have to go to the Labour Court as well. There is no outlet for the 15
freelancer; there is nowhere you can turn, unless, of course, you have the money to do so.

PANEL MEMBER: But don't you think the most important tool to uphold and protect your rights as a freelancer 20
is the agreement that you signed with the SABC? To say: My rights have been protected by this piece of paper, and before you can sign it - as you have mentioned you were not

afforded an opportunity. Before you can sign it, I need all my rights to be protected by this document. Don't you think that's the way to go?

MR PRESSLIN: That's the way to go. That should be the prerogative of the freelancer, to make sure that that contract is correct. But as I indicated, in the last two years, with all the uncertainty that reigned within the SABC that opportunity - if you got a contract you were too eager to sign it, just to make sure that you still had a job. 5 10

PANEL MEMBER: I see.

COMMISSIONER: We're still very early in our process so we might ask you to come back to clarify issues that we raised, so I hope you won't mind us sending you a note saying: Please talk to us again. 15

MR PRESSLIN: No, not a problem.

COMMISSIONER: At the same time if there are issues that you remember as you are going about your daily business, please sent us a note. 20

MR PRESSLIN: Okay, I will definitely do that. I think I've raised most of the issues I had. I think the

interference in the newsroom regarding radio was the latest one, and I thought that must be highlighted because if I don't do that it will be an injustice to this particular Commission, because it's important that we highlight it. 5
Although that cloud has been removed, we still need to mention it in order to move forward.

COMMISSIONER: Okay, thanks.

MR PRESSLIN: Thank you gentlemen. So how many people are you interviewing today. 10

COMMISSIONER: Four or five.

MR PRESSLIN: I heard some of the colleagues saying that they came and they put their submissions. I said wonderful. They couldn't get hold of me for some strange reason, because I left two 15
email addresses, seeing that I'm not at the SABC most of the time. But I only found it on Thursday and I thought: Let me immediately confirm that I'm here, and let my voice be heard. Gentleman thank you very much. 20

COMMISSIONER: Thank you.

MR PRESSLIN: It's good to see you.

COMMISSIONER: It's good to see you, too.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

COMMISSIONER: MR MASAKE what language do you prefer using?

MR MASAKE: PETRUS MASAKE - (MOTHER TONGUE - TSWANA)

(Duration of audio file 56' 33")

Unable to transcribe - file needs to be sent 5
by the SABC to a transcriber who can
transcribe TSWANA

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

- COMMISSIONER: Is this part of your delegation?
- MR MABE: Yes, there are three of us.
- COMMISSIONER: Ladies and gentlemen, comrades, welcome to this panel. I'm Chairing the panel and my name is JOE THLOLOE. I will ask my colleague here to introduce himself, and then I will ask you to introduce yourself and your delegation. 5
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA, a director of MMM ATTORNEYS. 10
- COMMISSIONER: If you would introduce yourselves.
- MR KODWA: My name is ZIZI KODWA, I'm a member of the national executive committee of the ANC, a member of the national working committee. I'm with the current spokesperson of the ANC, who will introduce himself and the delegation. 15
- MR MABE: Thanks. My name is PULE MABE, I'm a member of the ANC, national executive committee and assigned the responsibility as national spokesperson and head of communications with the other part of the delegation. It's AMATIE, who is in charge of the digital media at the ANC, LERATO is responsible for media liaison at the ANC and REFILWE is responsible 20

for photographic services in the AFRICAN NATIONAL CONGRESS, in a unit called DIP, which is the Department of Information and Publicity. I brought them in so that whatever COMRADE ZIZI places on record on behalf of the organisation can be archived for our own internal use, to ensure that we never get to be misunderstood on what the position of the ANC is on the matter. Thank you very much. 5

COMMISSIONER: Thank you. 10

PANEL MEMBER: Do you have any objection in taking an oath because whatever you are going to say will be used.

MR MABE: I have no objection.

MR ZIZI KODWA (duly sworn, states:) 15

COMMISSIONER: We are supposed to be enquiring into any form of interference in the editorial rooms of the SABC, looking at their independence, their impartiality and then report back to the Group Chief Executive. You are aware that this enquiry in fact follows the work of the *ad hoc* Committee of the SABC, where there were very serious allegations of extraneous influences in the editorial decision making. We have 20

been tasked with trying to delve into those allegations and we are delighted that you have in fact offered to come and give some insight from your perspective. We received the initial input from the ANC, and if you want to 5 briefly summarise that or add to it we would be ready to receive your input and thereafter we will be asking questions.

MR KODWA:

Firstly, thank you very much for the opportunity provided to us, the AFRICAN 10 NATIONAL CONGRESS, and thank you very much for the work that you have taken on, on behalf of the national public broadcaster. We view this Commission and this work quite important because we regard the Public Broadcaster as 15 very important. And we make reference, just by way of framework, to why we think the national public broadcaster is important. One, is that it's our belief as the AFRICAN NATIONAL CONGRESS, in terms of the role of the 20 national public broadcaster, not because of the role it has played in the past, being a State mouthpiece, controlled in terms of its editorial, but also in terms of its vastness and it's influence. The number of people that 25

have done a lot of work just to unpack the genesis of the ANC's Policy, for example, one of which is JANE DUNCAN and RUTH TOMASELLI. One of the things that RUTH TOMASELLI says about the SOUTH AFRICAN broadcaster - and I 5 quote from her work:

"The South African Broadcasting Corporation is the country's major information provider with a larger audience than the rest of all the media." 10

We start making that point, because if you make reference to the ANC's evolution of media policy and its genesis, which can be found in the document called, "READY TO GOVERN", which we adopted as far back as 1992, which was a 15 policy guideline of a democratic SOUTH AFRICA, which we envisaged at the time, we say, for example, under media:

"At the core of a democracy lies the recognition of the right of all citizens 20 to take part in the society's decision-making process. This requires that individuals are armed with the necessary information and have access to the contesting options they require to make 25

informed choices.”

And the last line is very important to us in relation to the work that you are doing. Although we are aware that you are not dealing broadly with the mandate, that last line is important because it speaks to the mandate of the public broadcaster. That last line says,

“An ignorant society cannot be democratic.”

And without that line, it speaks among others to the kind of national public broadcaster as far back as 1992, that the AFRICAN NATIONAL CONGRESS envisaged.

We make that reference but also that reference in terms of how the AFRICAN NATIONAL CONGRESS, in the evolution of that policy, has, over a period of time, sought to protect, among others, the independence and impartiality of the public broadcaster, as well as to defend and protect media freedom and freedom of expression. I will refer you in terms of the policy expressions we have made over a period of time. In 2002 for example at our conference in STELLENBOSCH, in the resolutions of the conference, we said:

"The Public Broadcaster, the SABC, plays a critical role in shaping options and building societal values including the moral fibre of our society, socio-economic transformation and the building of a united, patriotic nation." 5

It's a further explanation, as RUTH suggests in her work, the important role that the SABC plays. We also continue to say, for example, in 2007 in one of the resolutions we took that the State must substantially and urgently increase its funding of the public broadcaster. The reason we took that resolution is, among others, to protect the editorial independence of SABC from commercial interests. That's why we emphasise the role of the State. Because there was a view that the SABC, if it were to rely in terms of the resources on the commercial advertisers' interests, and therefore what influence they would have. I must hasten to make the point that you made, Commissioner, that our view is that the influence of SABC and editorial must not only be perceived as though it will only come from outside. And I think we will talk 10 15 20 25

to that issue when we make recommendations. Largely our submission, as I say, deals with one specific issue and that issue has to do with balanced reporting. There are many interpretations, both ideological and liberal, 5 of what balanced reporting would mean. But in our context, if we were to define our constitutional democracy, it is that sometimes what we find in terms of the broadcaster is that it conflates what we call the State and 10 a party. If time permitted, we would give a lot of examples where, given our majoritarian in Parliament in terms of the public institutions, and as a party, in terms of an institution like the public broadcaster how it 15 carries and reports, it conflates. For example, if a Minister of State is speaking and that is conflated with other political parties, that means they are not speaking on behalf of the party, they are speaking on 20 behalf of Government, on behalf of State. And sometimes the party is omitted in carrying out the story as though the Minister was, by virtue of being a member of the party - and I know that it may be a difficulty in terms of 25

editorial decision making, what that would mean, because I'm addressing a principle. But in editorial decision making, people may consider issues of airtime, how much news and so on. But the principle is we're making a clear separation as a party between a State and a party. I think sometimes that conflation does compromise an opportunity as the party in Government. We're addressing ourselves now as a Governing party. It does not give us an opportunity to respond to issues that are in the public interest. That is one issue. 5 10

The second issue in relation to that, is in regard to the AFRICAN NATIONAL CONGRESS - what should be covered in detail, without repeating what is there, as a majority party - the concept of equity does not mean equal. I know it's a debate, but in terms of editorial decision the fact that even in Parliament in terms of speaking, in terms of the programme of Parliament, it's based on the fact that our constitutional democracy recognises the majority, and I think that is a fundamental basis and a departure point. Not all parties 15 20 25

have equal speaking time in Parliament. The AFRICAN NATIONAL CONGRESS in most instances has the largest or biggest time slot in terms of speaking: twenty minutes, five minutes and so on. And it's deliberate. It recognises the fact that we're not equal. Therefore, there are times where, as the largest political party, we think that regardless of the respective levels of influence, how people have spoken in terms of the outcomes electorally, that the SABC as a broadcaster tries to give all political parties equal time on issues of public interest. As the largest political party, politically speaking, we find that quite unfair to the AFRICAN NATIONAL CONGRESS. Because the electorate in this country have spoken to - since 1994, have not given the AFRICAN NATIONAL CONGRESS anything national and provincial - have not given anything less than 62%. The reflection of that obviously cannot be undermined in the reflections of the editorial in terms of both the news, and particularly the public broadcaster. Therefore, we think that it disadvantages not only the AFRICAN NATIONAL

CONGRESS but also it undermines the editorial view which would have been expressed by the majority of this country, because we cannot be equal under the pretext of equity. Equity does not mean equal. There are a number of 5 acknowledgements we make in relation to that, where, for example, there has always been an attempt whenever the ANC would have spoken on a specific issue: But let's try and get other political parties to speak. Yes, it's 10 correct, but not equal time, because it's not a true reflection of the outcomes in terms of our constitutional democracy.

We therefore make fundamental recommendations. We say fundamental because they are not just 15 important, they are fundamental. The first recommendation we make, which I think is also fundamental, is that the SABC should try very hard in the case of the AFRICAN NATIONAL CONGRESS to separate between the party and the 20 State. We say that selfishly to the ANC, but also we'll defend in areas where we are not the majority party, in the case of WESTERN CAPE. We will not argue the same, that the AFRICAN NATIONAL CONGRESS must be given the 25

biggest slice in terms of the media above the DEMOCRATIC ALLIANCE, because the DEMOCRATIC ALLIANCE is the biggest party in the WESTERN CAPE. So we will expect the same principle, we'll argue nationally, or where the AFRICAN NATIONAL CONGRESS is dominant, we will argue the same principle as the DEMOCRATIC ALLIANCE, or, as we go to elections now, that that principle must apply. And we think that is important, not because the AFRICAN NATIONAL CONGRESS - so independent impartiality, and in terms of editorial balanced reporting, must be based on electorally expressed views. The second recommendation we make is that I think the SABC, on a continuous basis, must strive to consider the objective tool of content analysis. In other words, the SABC in terms of how it provides disbalanced (sic) reporting. Sometimes you can't just rely on individuals. There has to be a tool that guides even those individuals editorially - those who report, those who write - from a newsroom point of view. Because individuals on their own, including those on the Board, those in the newsroom, those in management

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have their own views, and there has to be a way - which is the third point we make - in which we protect this ethical journalism. That no individual, because of his or her position within the national public broadcaster, could influence the Editorial Policy. That's why there need to be guidelines that guide the editorial independence. I would think that editorial independence of the public broadcaster is very important.

The last point we would like to make - and I would have wanted to make this point earlier. To the extent that we appreciate the work of this enquiry, we had concerns and expressed those concerns in public about some of the unfortunate incidents at the public broadcaster, which in the main sought to undermine its public image. I'm raising this point because in some instances, as the largest political party, as the biggest majority party in Parliament, people easily accuse the AFRICAN NATIONAL CONGRESS on issues that have nothing to do with the ANC. Some of those issues had to do with the serious

breaches, issues of managerial and executive decisions that were taken in the recent past, which had nothing to do with the AFRICAN NATIONAL CONGRESS. We will refer you to some of the statements we made in the past, including the statements by the then Secretary General of the ANC, Comrade GWEDE MANTASHE, in relation to the incidents that had happened in the past, where we even distanced ourselves as the AFRICAN NATIONAL CONGRESS, for example, in a statement of 11 July 2016, where we say:

“The series of crises at the public broadcaster that reflect a lack of leadership, lack of accountability and poor management.”

We are noting those issues because they are not a source that emanated from the AFRICAN NATIONAL CONGRESS. They are issues that have to do with the management, with accountability at the public broadcaster. But all that we sought to do with some of those issues, Commissioner, we referred those issues to the shareholder rep, the shareholder rep, being the Minister of Communication, because they don't rest with the AFRICAN NATIONAL CONGRESS.

But we continue to express our views in public as a political party, as I say, because we enjoy the public support of the people of SOUTH AFRICA. It's very easy for any party, for any individual, or for any association to attribute those allegations to the AFRICAN NATIONAL CONGRESS. 5

As a concluding point, the AFRICAN NATIONAL CONGRESS does not want a public broadcaster that is a mouthpiece of the AFRICAN NATIONAL CONGRESS. We want a public broadcaster that is independent, that is impartial and that gives balanced reporting, having applied all the principles above of what in our view is balanced reporting, which balanced reporting is considered to be a very important principle of ethical journalism. But in our case of constitutional democracy, where a majority cannot be equal to any other party, we had an opportunity, post 2014 in the national and provincial elections to meet with some people in the management of the broadcaster. If you had learnt that just after the 2014 elections, where the ANC attained about 62%, the kind of reporting which worried us, not only in terms 10 15 20 25

of the broadcaster, but a number of other media houses, you would be excused for thinking that the 6% party was a majority party because everything at that time, in 2014, was about 6%. Little was said about - 5 the majority of the people of this country had spoken, 62% of them had said: ANC, yes. Notwithstanding the issues politically that both subjectively and objectively we defaced the AFRICAN NATIONAL CONGRESS. I'm talking 10 about that kind of reporting, where it balances the fact that 62% of the people of this country, and therefore the AFRICAN NATIONAL CONGRESS, we observe that balanced reporting with keen interest because it must 15 reflect the views of the 62% of the people of this country. Naturally it may appear in public that it carries the views of the AFRICAN NATIONAL CONGRESS, but in reality they are carrying the views of the 62%, it's not 20 the views of the AFRICAN NATIONAL CONGRESS. It's the views of the 62% of the people who have spoken. In a similar way in the WESTERN CAPE, if you report about the work of the WESTERN CAPE for example, you report about the 25

views of the majority of the people of the WESTERN CAPE. It's not about the views of the DEMOCRATIC ALLIANCE, but the DEMOCRATIC ALLIANCE is the choice of the people of the WESTERN CAPE. So that link is quite important 5
in terms of how we separate the party and the State. I think for us that summarises our submission to this enquiry.

COMMISSIONER: Thank you. Can I take you to the beginning of your written submission? 10

MR KODWA: Yes.

COMMISSIONER: The second paragraph.

"Against the background of this consultative process, the Commission of Enquiry into editorial independence comes 15
as a riposte because it would create the impression of political interference by the Board and/or senior management and/or staff in the news department."

Do you want to elaborate on this riposte that 20
you mention here, and then contrast that with the next sentence that says:

"If the intention ..."

I am sure you have that with you.

MR KODWA: Correct. You read that paragraph with 25

paragraph 3, the shorter paragraph. Paragraph 3 reads:

"The ANC has been monitoring the ratification process."

COMMISSIONER: Yes. 5

MR KODWA: And I think that paragraph 3 for us is equally important, mindful of the introductory remark and the preamble we had made, that we view this as part of a ratification process of what we regard as the damaged public image of the broadcaster. Because some of the incidences that had happened that the statement of the ANC of 11 July of 2016 refers to, although they may have nothing to do with the editorial and independence thereof, they may have suggested that some of the managerial decisions taken were either politically or somehow influenced. That's what paragraph 2 that you have just read, Commissioner, refers to. There has always been this perception that there are certain decisions of the Board and of the senior management that themselves are influenced. And that riposte is as a form of correction, as a reply to this perception. We therefore view this work which in terms of 25

paragraph 3, as important because it's part of that ratification. Our view is that this broad public consultative does reflect and give effect to the notion and the concept that you are truly becoming an independent and impartial national public broadcaster. Because the perception and impression which we ourselves have had in the past was that there were certain decisions in terms of the editorial that were influenced by the Executive, that were influenced by the Management, as well as certain prominent individuals within the public broadcaster.

COMMISSIONER: So in fact you support this Commission as it were?

MR KODWA: Unequivocally you enjoy our support. We would not have been here, that's why unfortunately we could not be here on the first few days, but it's important that the AFRICAN NATIONAL CONGRESS makes our intention very clear. The ratification process of the SABC, particularly on content, particularly on editorial, is very important. I know it may not be your mandate to deal with some of the issues we've raised that have to do with the issue crises of

accountability, leadership and management, but those issues have created an impression that the AFRICAN NATIONAL CONGRESS for two reasons, as a governing party and as the largest political party is in itself involved in what we regard as serious crises. We want to distance ourselves for the record. We had and we have, as we speak today, nothing to do with those decisions. 5

COMMISSIONER: Do you have a copy of 11 July that you can spare? 10

MR KODWA: I will provide you with that statement, Commissioner. Let me just see. That statement is available. I'll ask my colleagues. 15

COMMISSIONER: Before we get into the specifics of your submission, when you issued the statement in July 2016, were you already aware of the perception out there that there are either political, commercial or other extraneous influences on decision making at the SABC? 20

MR KODWA: That is contained in the statement Commissioner, but I think it's expressed by various leaders of the ANC at the time including the Deputy Secretary General, JESSIE 25

DUARTE, when speaking at another occasion, expressed the view that I think the SABC managerial decision at the time, firstly, were against the public mandate of the SABC. Secondly, they were undermining the independence of the Corporation. Thirdly, the issues that I raised, that they were damaging the public image and the standing of the SABC, given that I said it is the biggest information provider in the country.

But there were also issues that we thought managerially - the reason that we emphasise the issues of managerial first is that as a governing party one way or another every commentary made in public was attributed to the AFRICAN NATIONAL CONGRESS as the governing party. And we are very clear about the distinction between and the role, not just a prism but a big gap between the party, the AFRICAN NATIONAL CONGRESS. That's why in the recommendations we make, among others, there is this distinction between the party and the State or Government. And we felt in the past that the management at the time were really moving away from the complete mandate and

undermining its independence. Yes, we were aware of the perception, there were a number of commentaries, there were marches, there were demonstrations and people expressed their unhappiness. We expressed our unhappiness about the state of SABC. About the state of good governance, about a state of decisions that were taken, and we restated the ANC Media Charter - and I think the issue that I raised, which is the genesis of the mandate of the public broadcaster among others, without that there was almost a shift, where we thought we should remind everybody, including those who were in management at the time, that this is the genesis and the public mandate of the Corporation.

COMMISSIONER: Did you at the time consider the possibility that some individuals within the SABC might be under the impression that: This is what the ANC wants us to do, without you having said so to them?

MR KODWA: Interestingly, Commissioner, not only did we make public statements, we made attempts to meet one or two people on official meetings. We can make reference to the meeting we had

with the COO at the time, to express this concern. So nobody would have done anything claiming to act on behalf of the AFRICAN NATIONAL CONGRESS, because when we met with the COO, we said: Some of the issues that are happening under your leadership and everybody else, undermine the very same public mandate of the SABC, including decisions, that in our view sought to undermine the Editorial Policy of the SABC. Including some of the summary that we made on the recommendations. The issues about conflating the State and the party.

PANEL MEMBER: Can I ask this question? Is the ANC aware of the policies that regulate the operation of the SABC?

MR KODWA: No, the point we make is that we don't manage the SABC, so we wouldn't know even the HR - we know broadly what the ...

PANEL MEMBER: I'm talking about the policy, the policy that regulates. You have the Editorial Policy, you have your Style Policy. Is the ANC aware of such a policy? Because, Mr Kodwa, you've mentioned certain recommendations that you would like the SABC to do balanced reporting.

So I don't understand, if you're mentioning balanced reporting, is the ANC aware of the policy that regulates the operation of the SABC? For instance, before the SABC can cover a story, they need to look at the values encapsulated in the Editorial Policy. Whether the news or the story is of public interest or whether it contributes towards the economic impact of the country. Is the ANC aware of that?

MR KODWA: We're aware of that.

PANEL MEMBER: If the ANC is aware of that, if you recommend or you would like the SABC to cover a story or do balanced reporting, or maybe just cover the story in accordance with the threshold of the political parties, what happens if a minority party comes with an issue of public interest and maybe the ANC comes up with another story that is not of public interest, maybe just regarding the politics, etc, what happens in that regard? What does happen?

MR KODWA: We're not raising an issue about sequencing of stories, what comes first and so on. That is practical in a plural society that a minute voice doesn't need to be suppressed. That

minute voice in the context of: What are the values of that - you could have the ANC for example. Let me make an example of the ANC Conference that gets disrupted; where there's in-fighting at the ANC conference. It's not in the public interest, it's an issue for the ANC. There could be a disaster at the same time and on the same day as the ANC Conference. We are not arguing practically that the SABC, by virtue of the ANC being the largest, being the governing party, naturally a story in terms of the values of the Editorial Policy of the SABC therefore that - let me give you a practical example, when it comes to elections. It cannot be argued that I'm giving elections importance because we're going to elections. It cannot be argued that we must give all political parties equal time. I'm giving elections just as an example. But if you were to talk about the Editorial Policy on a daily basis, there are so many events that happen in the ANC today, which are more ANC internal issues, which have nothing to do with public interest. There could be something else that happens in MPUMALANGA,

which in the view of SABC is in the public interest. The sequencing of a story is something else, but I think the principle of establishing that the AFRICAN NATIONAL CONGRESS, in terms of equity and whether we agree that the AFRICAN NATIONAL CONGRESS cannot have equal time to other small parties. It does not mean sequencing. I once had this discussion when I was in the YOUTH LEAGUE whether the ANC on all platforms of SABC in terms of sequencing of news must be number 1.

PANEL MEMBER:

Is the ANC suggesting that the SABC should not confine itself to the Editorial Policy? Because the Editorial Policy does not talk about the threshold of political parties. It does not. So is the ANC suggesting that the SABC should not confine itself to the policy?

MR KODWA:

The SABC must use the policy as a guide. But in using that policy as a guide, it must not undermine the reflections and the views of the majority of the people in this country in a manner that they would have done since 1994. The policy may not necessarily say today, for example: The ANC is a majority party. What happens in a coalition practically? Does that

mean you give half-a-second and half-a-second because you want to balance? I'm not trying to vulgarise the question but I'm saying in implementing that policy of being independent and being impartial, balanced reporting must not reduce the majoritarian view to the smallest. And I'm using that in the context of elections. Where we find, most of the time, that the views of the majority are almost equated to the views of all political parties. I'm giving the 2014 example of a 6% and a 62%, where you found that. In fact you hear very little about it because the interest of everybody else was in the 6%. 5 10

PANEL MEMBER: Are you not of the opinion that if the Editorial Policy is only a guideline, don't you think it will open up the floodgates for the SABC top management not following the Editorial Policy? 15

MR KODWA: I think, therefore, there must be a guide. That's why we're talking about in order to implement that policy there has to be the do's and don'ts. Because if you had to take and implement the Editorial Policy, rigidly as it is, in itself you may not be informed by what 20 25

happens on a daily basis, given its values. There are realities on the ground. What I think we must avoid is the ability where individuals, which we have seen in the recent past, take decisions and influence the Editorial Policy. I think that is what we must avoid in the implementation of the Editorial Policy of the SABC. For example, the issue about censorship. Clearly that issue was never even about the Executive or Managerial decision, it was a policy taken by an individual ascribed to be the SABC, which was totally against the public mandate of the SABC, totally against what the National Broadcaster seeks to do, that is transformative.

PANEL MEMBER: Subject to that, Mr Kodwa, there is an outcry regarding the instruction that the SABC should not cover the story about violent protests. What is your opinion regarding that?

MR KODWA: Part of what we addressed in the 11 July statement in 2016, we addressed exactly that because I refer you to the "READY TO GOVERN" document, where we say"

"An ignorant and uninformed society is not

a democratic society.”

And it's important to do so because, for example we say:

“At the core of a democratic alliance is a recognition of the right of all citizens to take part in the society's decision process.” 5

There's nothing we must hide from society except those that are very clear in the Editorial Policy, both of SABC and many other legislation - pornography and so on. But on issues that will form society to be part of a decision-making process, it will help them to make their own decisions. There's nothing wrong when people are protesting because protest is enshrined in terms of the right Bill of Rights. It's part of a protest and therefore it could be the way of people participating in taking decisions in terms of informing those that are in power or ourselves as the governing party. So within that any decision that seeks to censor people - because protest is a form of expression, it can't be censored. 10 15 20

PANEL MEMBER: So what would your advice be if the editor-in- 25

chief, at the SABC, or maybe the CEO or the COO is confronted by, for example, the aspect of covering a story that is of public interest, and then he uses that aspect to cover that story of violent protest. Now the very same top management is receiving instruction from above - I don't know from where, but he or she receives an instruction to say: Do not cover that story of violent protest. That particular top management is confronted with an aspect of, you know what, this is of public interest. Now somebody comes, or the instruction comes to say: Don't do it. What would be your view? What would be your advice to that particular person?

MR KODWA:

Part of what this process must help is, firstly, to truly create an independent and impartial SABC. Secondly, the Editorial Policy - those who are not involved have no responsibility, and we must protect those that work within the space of taking decisions of what is in the public interest and what is not. Let me give you an example. I know sometimes it is difficult to balance what is in the public interest and what morally may be

wrong to some of us. Formerly the SABC showed a decapitated body - I think there was some attack somewhere, not in SOUTH AFRICA. There was an outcry. Now you must understand that outcry comes from many things, not only from a moral point of view, religious and so on. The public broadcaster can't show this on TV. But on one hand it was a story in the public interest. What we must protect and what we must guide against is certain individuals, because of their position, because of their location, or because in society from, let's say, the AFRICAN NATIONAL CONGRESS, we shouldn't allow a body such as the AFRICAN NATIONAL CONGRESS to influence the Editorial Policy of the SABC. There shouldn't be anybody who, because of his or her position, at the end of the day gives directives, to quote you directly. Nobody must use the word "directive" to the Editorial Policy of what is in the public interest. Those that are involved, having gone through the stories, I am sure they cover many news items a day but what guides them is the Editorial Policy. At the end of the day it is their decision that

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must go on air.

PANEL MEMBER: So do you agree with me if I personally say that in fact the top management at the SABC were interfered with?

MR KODWA: They were interfering? 5

PANEL MEMBER: I'm not talking about the top management, I'm talking about the incident. Top management had taken a decision to cover the violent protest but then there was an instruction, would you agree with me if I say somebody 10 tried to interfere with the SABC?

MR KODWA: That's why the outcry did not only come from the public, it came from the AFRICAN NATIONAL CONGRESS itself, through various offices. We condemned that in public. That's why even 15 subsequently it was followed by numerous meetings with whoever was involved, including the management and executives that it can't be. We raised those issues with the Board, that: It can't be, you must protect the 20 independence of the Editorial Policy and impartiality, but also you must protect the public mandate of the public broadcaster.

PANEL MEMBER: On that note, Mr Kodwa, what happened in this instance - because a senior manager came and 25

outlined that there was an instruction from the then COO, to him or her, saying they must rush and cover the story about ACE MAGASHULE somewhere in the FREE STATE.

MR KODWA: Let me tell you how we work in the AFRICAN NATIONAL CONGRESS. 5

PANEL MEMBER: No, I just want an answer. In your view what would you expect that senior manager to do, if he or she was confronted by that?

MR KODWA: I would imagine in a situation of an employer and an employee relationship there is the possibility that tomorrow they may not be employed, and I would imagine that somebody would simply comply. That compliance doesn't mean it's right. It's wrong. Let me tell you how we work in the AFRICAN NATIONAL CONGRESS. Earlier today we were told that we were confronted with the media, because there was a media alert about us coming here. That's how we work. Wherever we come we don't call an individual in that media house and say: Come and cover us. There's a media alert. However, in the context where we would notice that there is a media house that is missing, we would call a journalist, not a COO or 10 15 20 25

somebody who may not be involved in the editorial in the first instance, who is not a reporter. We have nothing to do with news, whereas it has everything to do with management. It was wrong for whoever called a journalist to say: Come and cover somebody in the FREE STATE. It was wrong. I'm emphasising this point because when it is said like that, it's as though somebody was acting on the instructions of the AFRICAN NATIONAL CONGRESS, given the two things I've raised. ANC is the governing party, the AFRICAN NATIONAL CONGRESS as the majority party it's a nationalist party.

COMMISSIONER: Let me start with the easier one. When you talk about content analysis as an objective tool, what do you have in mind? Can you give us an example of what that would entail?

MR KODWA: The first issue we make, Commissioner, is that if you had to understand the efficacy and the independence of the Editorial Policy, it's that on a continuous basis you have to have a tool that analyses. In other words, you can't have this piece of paper and therefore live with it. Because stories are not the same,

they come in different ways. You even have to have the tool to analyse the decision making - how they arrive at that decision at a particular time. So when you say content analysis you mean among others, have tools 5 that on a continuous basis - and it could be on a daily basis - you can say: How did we arrive at the decision we took last night. If you look at the stories for the whole of yesterday, whether from broadcasting, the 10 radio, given the fact that we have different platforms. And we're suggesting that there has to be some way, where sometimes you may not just rely on digital but you may rely on warm bodies. In the ANC we have what is 15 called "wurm(?)". We don't use it literally, but we say there's a group of about four or five people who will sit and analyse and sometimes will say: That decision is not right, or that decision is right. I'm talking 20 about that. In other institutions you can refer to it as a think tank, and say: What are the KPIs that you use in order to understand the efficacy of your decision, the correctness thereof? Because if you don't 25

make that assessment on a continuous basis, or you don't have the tool to assess them, you may implement something that does not work, but you rely on policy. So what you do on a continuous basis, on a continuous assessment, 5
may inform you that perhaps there are things you need to do to effect certain changes in your policy.

COMMISSIONER: Now if the SABC says to us: Every morning we have a teleconference, or a line conference 10
where you have the various actors in the news office participating - the executive producers, the assignment editors, the actual editors of radio, television or whatever. They all come together every morning, and the 15
first thing they do is review what happened the day before. They then plan for what is going to happen that day. And you would regard this as probably the most senior editorial conference of the day and this is 20
where decisions are taken and reviewed. Would you accept that as your "wurm"?

MR KODWA: I would accept that with one condition, which is that you must assure them of the independence of their decision. You need to 25

assure them because otherwise they will see no value or they will not see that as a variable, why they must come. If after that important meeting of a teleconference, somebody else was not part of it, but can just give the call 5
you're talking about: Come and cover somebody. Because that "come and cover somebody" was not part of that. Because when you make an assessment of yesterday and analyse and get today's event, you're not 10
effecting something where someone may just interrupt you. You may create a 2% of that, that there's a possibility that a man can eat a dog somewhere. A very strange story but create a possibility of that. But you can't 15
create a 10% that may undermine even the decisions taken in the earlier meeting of assignment editors, editors and everybody else. The first thing you need to do in light of what happened - it's history now at the 20
broadcasting corporation - assure them of their decision, about the independence of that decision and their impartiality from any influence, be it political or commercial.

COMMISSIONER: Again going back to content analysis, are we 25

going to look at 62% of the stories reflecting what the ANC holds to be true and 6% of the stories reflecting what the 6 percenters hold to be true? Is that the yardstick you would use there?

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MR KODWA: Let's say there is a protest south of JOHANNESBURG, and that protest among others - let me take you to the point you're making around conflating the party and the state.

COMMISSIONER: I had reserved that for later. 10

MR KODWA: I think it is important to make reference to it because it clarifies the issues. We shouldn't always expect that everything must be on the news. Among others it must be about what the 62% of the ANC says. Our view is 15 that if there's a story of people protesting south of JOHANNESBURG, there's a 6% of it which is about public interest, the failure of Government for example. That 6% is about failure of Government not delivering its 20 services. That story is an important story, that's why sometimes the point I was making is about the guidelines, the values what is in the public interest. You may have a situation, for example, where people are 25

protesting. The ANC comes and sjamboks people that are protesting. On the basis of the ANC being the majority, say the ANC story is in the public interest because it's sjambokking people who are protesting for their service. 5

That's why sometimes the delicacy or the difficulty of the Editorial Policy is important not to be left to individuals who may sit somewhere, already being biased towards certain views of the story. You're 10

right, Commissioner, not everything in society would always be the ANC. Because if you remember, the AFRICAN NATIONAL CONGRESS only represents or governs on behalf of the people. 15

So not everything that happens in SOUTH AFRICA is branded Black and (indistinct) or we acclaim to ourselves. We represent the majority of people of SOUTH AFRICA, so we act on behalf of the people. So when people 20

protest, in political terms, we must act on their behalf and we must help them to help themselves. I think it's important from an editorial point of view so that you don't think ANC and think 6%, but appreciate the fact that when there's any decision to be 25

taken, particularly with regard to the views of political parties, we can't talk about equal opportunity in terms of airtime as a broadcaster.

COMMISSIONER: Now taking an example that you've given here, 5
the land question particularly, you gave an example of a land summit workshop and you contrast that with a full hour's coverage of a Cinderella party, on the same issue.

MR KODWA: With the Editorial Policy of the SABC, I would 10
imagine some of the decisions the management takes must consider what is lawful and unlawful, because in itself it exists within a law-based society. Land invasions are unlawful. So if correctly, which you 15
appreciated, the very emotive issue of a land debate currently, which was carried live for a very long time, which had different stakeholders by the SABC. Alongside that the SABC carries - there may be nothing wrong with 20
their decision to carry another party which also carries this debate, but when that political party agitates for violence, or that political party agitates for occupation of land, land invasions, both of them are 25

unlawful. These are the difficulties in the editorial management room that considers what is in the public interest, considers what the policy says, and what the laws of the country say. That's why sometimes when people utter vulgarity in public you're mute them at SABC, and there's a reason for that. It could be issues of morality, issues of beliefs, it could be the fact that it's against the law. We give that example because it's a difficult choice, but at the end of the day what does the law of the country say? For example, and I say this with respect, if there is a party that says - I don't want to mention any other party but in this instance I have to. If the PAC says: Drive White people into the sea, and it carries that call over a period of time, embedded in that is intolerance, violence and so on. What kind of society - both in terms of our Constitution? Is that call consistent with the Constitution of the REPUBLIC? Should SABC repeat that call? These are some of the editorial decisions, independent as they are, but what is in line with the laws of SOUTH AFRICA? That's why we

give an example of a situation where a Cinderella party, a small party, makes a call on issues that are unlawful and which undermine the Constitution.

COMMISSIONER: You raise very subtle ethical questions. If 5
I go to the ANC's land workshop, it's very cerebral, it's very controlled, it's very rational, and I go into an EFF meeting where it's all emotion, very little thinking behind it, just beating the drums. The effects of 10
the drum beating on society might be bigger than the effects of the intellectual input from the workshop. The editor who says: Those are breaking the law and therefore we don't give them the hour, might be robbing his 15
viewers of getting a perspective that might have a bearing on their future. Are you with me?

MR KODWA: I'm following you.

COMMISSIONER: So it's not the rationality that you follow, 20
it's the impact of whatever might be happening. Of what significance is this? Of what significance is the word of the 1% in our society? And, remember, changes in society normally come from the outliers, not from 25

people who follow the conventions.

MR KODWA:

I know that we, in terms of allowing polarity of using our society these are some of the difficult choices we have to make. For example, let me give you a little bit of the 5
difficulties where we come from, as a country. As a liberation movement with all our historical, political songs, had: "Kill the Boer, kill the farmer". It was a very big debate in the country. In the context of 10
building non-racialism, harmonising racial and so on, avoiding all that could be interpreted as what the song says. We had that debate because it was important for what is within the law and what is unlawful in SOUTH AFRICA. 15
That's why there's an Equality Court, for example. I'm not saying from a point of view - firstly, it was wrong for SABC to cover the land summit of another party. But what get's said there is something else. They may be 20
issues of rationality and issue of ethics. When somebody says there: Let's get out of here and kill White people, and the public mandate of the SABC is to inform and educate, what does that message say? So there are 25

things where, in my view, there has to be a delicate balance between being independent and being impartial, but at the same time what do the laws and the Constitution of the country say.

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COMMISSIONER:

Can I move us to another point? Have you ever gone to the Electoral Court and complained about the equitable distribution of coverage? Remember it's always part of the electoral laws. Have you ever complained about that?

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MR KODWA:

Not to my knowledge, Commissioner, unless the spokesperson remembers. It's not to my knowledge that the AFRICAN NATIONAL CONGRESS would have gone to that extent. Frankly, what we sought to do was - because we know that the public broadcaster has always been a contested terrain, sometimes even to the extent that we ourselves would talk to the issues that we're unhappy about at the public broadcaster. We would even avoid a situation where - it was one of the most rare moments on 11 July when we went public about our unhappiness about the public broadcaster. Because our view has always been, as you will have seen in the resolutions that I read in our preamble, to

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protect this important information provider as an important platform of our country. Not for the purposes of the AFRICAN NATIONAL CONGRESS, but for the purposes of the people in SOUTH AFRICA. Every step that we are unhappy about 5
- there are things that we will swallow and live with, and sometimes if there are issues that we're unhappy about, many of the reporters of the broadcaster they know the current spokesperson, and they know me. I 10
will raise that with that person directly, to say: Look, the way you reported yesterday about us, we need a right of reply. We will always do that courteously. The frustration that got us hot under the collar were some of 15
the managerial interferences in the Editorial Policy of SABC in 2016/2017, where we had to speak in public, where even the public outcry was to an extent that the AFRICAN NATIONAL CONGRESS, as the majority party, as the 20
largest party, cannot keep quiet.

COMMISSIONER: Here's another scenario. A Minister in the Cabinet makes a public statement about the NHI or whatever it might be. If I'm to follow your logic here, he is speaking as a Cabinet 25

Minister, as part of Government, he is not speaking for the ANC.

MR KODWA: Correct.

COMMISSIONER: If I then leave that press conference, go to the opposition parties and then include the ANC as another party that comments on what the Minister said, am I not giving the ANC two bites of the cherry? 5

MR KODWA: No. The principle is a principle of separation between a party and a State. It must always guide - and I think it is this conflation sometimes where it omits the comments, particularly of the AFRICAN NATIONAL CONGRESS, on very important issues that are in the public interest. There were opportunities in the past where the ANC was given an opportunity, and contradicted the Minister. At times it does not follow that everything said by a Minister of State are the views of the ANC. When I was a spokesperson, given an opportunity, I contradicted Ministers on some of the issues - speaking for the ANC, because they speak on behalf of whatever. In this instance there are Cabinet Ministers and Ministers of State. 10 15 20 25

- MR MABE: Actually just to take a bite at that one, when we were coming this way I had a very interesting discussion with the former spokesperson. It had to do with the increase in petrol price, where you find, as he likes reminding me, that when commentary is made we must always be on the side of the people, which might not always be to the satisfaction of the Ministers or State departments, in this instance - the issue that you know of, the increase of the petrol price. But obviously the position of the ANC as a party will be different because there are people who ...
- COMMISSIONER: So the Minister is carrying out your mandate.
- MR KODWA: The Ministers don't speak on behalf of the ANC.
- MR MABE: They speak on behalf of the entire populace.
- MR KODWA: They speak on behalf of Government and they speak on behalf of State. That's why in the AFRICAN NATIONAL CONGRESS you would have a spokesperson of the ANC. You wouldn't be having the Secretary General of the ANC whose the chief spokesperson, if the understanding was so conflated to the point that those deployed, whatever they say, they speak on our

behalf. They don't. They don't speak on behalf of the party. Of course they're elected on the basis of the manifesto of the party, but as to whether when they get to Government what they say is the ANC's view, 5
no.

PANEL MEMBER: But how do you manage that? You're being appointed by the party, being deployed at the national level, so how do you manage the two mandates - the mandate of the party and the 10
mandate of the people?

MR KODWA: The first point on which we must agree is the principle of separation. There's a party and there's a State. Those who are deployed are deployed to serve the people in Government, in 15
the State. So whatever they do, and whatever they say, they don't speak on behalf of the ANC. If you were to say you want an ANC official comment, you don't go to a Minister, you go to LUTHULI HOUSE and look for a 20
spokesperson of the ANC. You speak to the Secretary-General or whoever is designated to do so.

PANEL MEMBER: But maybe on a practical level, as you're an office bearer of the ANC, how would you 25

personally manage the situation? You are the ANC, there's a mandate of the ANC, you've been elected as a national office bearer in Government. How would you manage that situation?

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MR KODWA:

It's very easy for us, because it's not like at the end we must make an editorial decision about it. We refer to them as deployees of the ANC, who are expected not just at every turn to do what the ANC says they must do, as a party. They must do what is in the interest of the public. That is why they are called public representatives, and not ANC representatives. As and when the AFRICAN NATIONAL CONGRESS wants to express - for example, if the Minister of Health introduces and announces in public NHI, which is a resolution of the AFRICAN NATIONAL CONGRESS and the issues about ESIDIMENI, the issues about the collapse generally of health in the country. When he speaks, he speaks as a Minister, and it may be important to get the views of the ANC, given the fact that there's now been a plethora of criticism about the health system in the country. The Minister

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does not speak on behalf of the ANC. He's a Minister. That is why when the Minister or whoever is not performing the call is not for him to step down. The call is ANC - or first is that you must step down. If you're not stepping down the ANC must recall you. It may be a difficulty if you conflate the State and the party from an editorial point of view. But I can tell you what makes that difficult at times is what I referred to earlier, is 5
airtime. But if we were to act, Pule, on this we don't have enough time because we had already given a Minister time. If you conflate, what happens is that Ministers are elevated more than the party. That's why the 10
Minister will speak first, political parties will follow, and the ANC is not there. But it's regarded that that the Minister was speaking on behalf of the ANC. 15

COMMISSIONER: At the core of your submission is the idea 20
that the SABC needs to be protected and it needs to be independent and impartial. Given what has been happening in the past few months, how do we protect the editorial integrity of the SABC? The scenario that 25

comes to mind is here is somebody who was assumed to be an agent of the ANC doing the things that you condemn here. And everybody is scared of questioning him, because as far as they are concerned he is representing the powers that be. How do we break that perception, where the editorial executives of the SABC will feel that they are confident they can take decisions independently, and nobody can come in and say: I was told to do this? That's the key question that we are supposed to be looking at. 5 10

MR KODWA:

I can understand the difficulty of that question, especially when, firstly, the AFRICAN NATIONAL CONGRESS does not deploy - I'm saying deploy people in the management at SABC. We don't sit and decide that the Executive or the Board take PULE, no. That's why we argued that the SABC must employ people qualified for the jobs. We emphasised qualified people because our sense is that qualified people would not do the things that you suggest Commissioner: interference - because less-qualified people are braggarts and they are name droppers, and they don't 15 20 25

understand these concepts about independence and impartiality, and they therefore create this ANC which somebody would call a goggo. A goggo ANC that must be feared by people behind the curtains who were involved or were listening to people as they speak. That's why when you asked the earlier question about the telecomms in the morning, getting everybody, the first thing you need to do is to assure all those involved about the independence of their decision, and ensure that they must protect it against any form of interference. Practically what it would mean is that the Board must do its work, management must do what is expected of it, and it must be evaluated on the basis of the performance of the management. There must be a valuation of whether you are doing what is expected of the management. There mustn't be a possibility of an individual who is so powerful that at the drop of a pen people can't even think of disagreeing with him or her. Our sense is that the Corporation comes from a period where because of this notion that somebody reports at LUTHULI HOUSE, nobody questioned anything,

and therefore wrong things went on underneath. There mustn't be that fear at SABC. That's why you need to assure the independence of and the guarantee of those that are doing their job. They are qualified to be there, they are 5 doing what is expected of them, guided by the Editorial Policy, which is independent and impartial. Assure them of their decisions. Of course, as an interested party, if there 10 are issues that we're not happy about they are challenged at SABC. We will follow those challenges. The ANC should not be treated as a special cousin. That's why we say we're not expecting the SABC to be the mouthpiece as happened with the previous regime, before 15 1994.

PANEL MEMBER: So it's wrong - I take it that it's wrong for the Minister of Communications, who governs the SABC, to instruct the CEO or the COO to cover certain stories? 20

MR KODWA: I thought you wanted to ask something. It's completely absurd, completely absurd. Nobody - when we say protect the independence and impartiality of the SABC from all forms of influence, we say commercial, we say 25

political, we say the President doesn't have the right to pick up a call and say: Come and follow me.

COMMISSIONER: Our task is to try and make recommendations that will create that guaranteed space, that protected space and that's where we are going to need your help, much more than you have given us today. 5

MR KODWA: You have our full support. I will give any support needed because we think that institution must be protected, again not in the interests of the ANC, but in the interest of this country. 10

COMMISSIONER: So we would appreciate it if you have any other thoughts while we are still sitting, we would be happy to get a note from you with any suggestions on how we can bolster that independence and impartiality. I for one am happy. 15

MR KODWA: Thank you very much. 20

PANEL MEMBER: Your cooperation will be appreciated.

MR KODWA: Thank you very much.

COMMISSIONER: Just one more question. Have you made any inputs into the review of the Editorial Policies of the SABC? 25

MR KODWA: No. This is our first submission.

COMMISSIONER: You haven't?

MR KADWA: No, we haven't.

COMMISSIONER: Oh, okay.

MR MABE: Were we expected to? 5

COMMISSIONER: I thought they were in the process. I think you mention it in your submission that there is this review.

MR KODWA: We would in the process. I can assure you, Commissioner, to the extent that we have been 10 concerned about the issues I raised earlier. That's why sometimes there will be allegations of a Minister being involved. Our view, first and foremost, is we need to improve the image of the SABC. Its image at the moment is an 15 image that is aligned - and I'm using the word respectfully, it's an image that "disses" the ANC, and some of the wrong decisions that have been taken are linked to LUTHULI HOUSE, whereas we have nothing to do with it. The 20 Minister, as a shareholder rep, will try everything to steer the ship but it must act establishing its own. I think part of this rectification process you are doing now is to establish itself so that it can stand among 25

others, and it must restore its independent credibility. At the end of the day it must go back to its glory days, being a truly national public broadcaster. We will participate in everything that seeks to restore the image, integrity and credibility, including the reviewal of the Editorial Policy of the SABC.

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COMMISSIONER: Thank you.

MR KODWA: Thanks very much. Do you want to say something here?

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MR MABE: No, I just want to emphasise what Comrade ZIZI has said, that we are available to cooperate fully in this process, because we believe the only way we can protect press freedom in this country is to also have an independent public broadcaster that would be able to disseminate information without any form of influence. So we want them to stick to an independent Editorial Policy, because, when that happens, it also serves to protect the very liberty that many fought hard for in this country.

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MR KODWA: Thank you very much, Commissioner.

COMMISSIONER: Thank you.

THE ENQUIRY ADJOURNS

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THE ENQUIRY RESUMES

- COMMISSIONER: Are you well, sir?
- MR KGAPHOLA: I'm okay.
- COMMISSIONER: This is the panel that's looking into interference in the editorial decision making 5
at the SABC, whether it's political,
commercial or any other interference with that
decision making. My name is JOE THLOLOE, I'm
the Chairperson of this panel. I'll ask
my colleague to introduce himself and then we 10
will ask you to introduce yourself.
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA, I'm a
Director at MMM ATTORNEYS.
- MR KGAPHOLA: I'm LUCAS KGAPHOLA, former SABC news anchor
and producer. 15
- PANEL MEMBER: Do you have any objection in taking an oath?
- MR KGAPHOLA: No.
- MR LUCAS KGAPHOLA (duly sworn, states:)**
- COMMISSIONER: We have received your written submission, but
we would like you to briefly summarise it and 20
then add anything new that you might
want to add to it, and then we will ask the
questions.
- MR KGAPHOLA: I'm not sure if my issue - because my issue
was more that I was victimised. Let me put it 25

that way because now it's more as if you are looking at the Editorial - I'm not sure if I'm the relevant subject, so to speak.

COMMISSIONER: In your submission there's a point where you say you were dismissed because you had proved them ... 5

MR KGAPHOLA: Yes, those are some of the elements in my submission.

COMMISSIONER: Some of that might become useful to what we're trying to do here. 10

MR KGAPHOLA: I joined SABC in 2003 as a presenter only at the time, but because of my hard work and passion about what I was doing they ended up making me a producer in 2005. So from 2005 to 2015, when they terminated my contract, I was 15 presenter/producer for SEPEDI NEWS. I was the anchor for SEPEDI on SABC 2. In the same year 2015, I joined THOBELA FM as presenter, I was doing the graveyard slot from midnight, 00h00 to 03h00 in the morning, 20 Monday to Friday.

COMMISSIONER: And when did you leave the SABC?

MR KGAPHOLA: 2015, I think around September/October.

COMMISSIONER: As I said, if you can give us a summary of your submission and any additional material 25

that you have.

MR KGAPHOLA:

When I joined SABC, not knowing what was going on inside, I remember the first day I arrived there early, when I was a producer not a presenter. When you are a presenter you can arrive two hours before the actual news, and that's fine. But when I was a producer I arrived around 12h00, midday. Then I waited. No-one, except my Manager was there. So when others came around 15h00, they asked why I was so early. I questioned what time we should start working. They said: No, no, relax; here you don't have to come at that time. So it has been the norm for us as producers or writers on the desk to come at 15h00 or 16h00 on weekends. All of us - both permanent and contractors, for years. For years. It's not a secret, they know. But I was puzzled in 2015 when they started to investigate me and me alone, out of the team, to say: You've claimed hours that you did not work. Of course I must admit that the contract says I must work eight hours, but no-one at our desk worked eight hours. I'm talking about the SEPEDI, SESOTHO, SETSWANA news desk, because

that is where I was stationed.

COMMISSIONER: And you were based in JOHANNESBURG?

MR KGAPHOLA: Yes, based in JOHANNESBURG. All of us would arrive at the same time and go home at the same time - throughout: holidays, weekends, 5 during the day. But when I was singled out - and I was singled out weeks after joining THOBELA FM in 2015. I even asked them: Why are you investigating me now, after joining THOBELA FM? Why not in February, March or 10 April? They could not provide me with an accurate answer. They investigated me, using the access card, but during the investigation process you could see that they were targeting me. Maybe the investigation was just part of, 15 saying: We investigated him, and we found 1, 2 and 3. And I have proof anyway. You could see that it was something else, it was not just investigations. I challenged them, to say: Why only me out of the whole team? 20 Because I could see that they were not - I'm not sure if I can use the word, they were afraid of the permanent staff. They did not investigate the permanent staff. After I challenged them they investigated two other 25

freelancers or contractors, because we were the only three at the time, two girls and me. They found the same thing that they found in me when they investigated them: not working or claiming eight hours, because as I said it has been the norm on our desk. They found them guilty and they also terminated their contracts. But I think they stayed at home for two or three months and then after that they were back at work. The reason is that one of them is the girlfriend of the news editor or financial manager, and that issue was just a brush. Because if we were found guilty on the same offence, and, as I'm speaking to you, they're back at work and I'm still out. One of them has even been given a permanent contract. I've lost touch now, so I'm not sure if the other one is still a freelancer or if she's also a permanent, but I can confirm the one is permanent. I'm still here, and it was on the same offences. A lot has happened, so if you would just direct me by ...

PANEL MEMBER: Why are you not challenging the practice? Because I think you have good grounds to

challenge the SABC management decision to take the other colleagues back?

MR KGAPHOLA: I tried by sending them emails to say the others are back at work. I even wrote to MATHATHA TSEDU, who at the time was the on the Interim Board - I think the deputy chair. I have the email here to back that up, but I had no reply, nothing. 5

PANEL MEMBER: Have you taken it to court?

MR KGAPHOLA: Yes, I did take it to the CCMA, but at the CCMA the case could not sit, so to speak. They said the SABC argued that I'm not their employee I'm a contractor. 10

PANEL MEMBER: Indeed, so going to Court - because I think the Commissioner or the person who was assisting was supposed to give you the relevant channel to follow to go to the Labour Court. Because we do have the Labour Court as well. 15

MR KGAPHOLA: Unfortunately no knowing these things, with the CCMA saying no, in short the case could not sit. So I left it there. 20

COMMISSIONER: But internally was there a disciplinary hearing?

MR KGAPHOLA: No, nothing, no written warning. They just 25

said to me: Motivate or write a letter as to why we should not fire you. That was the only thing. It was funny.

PANEL MEMBER: But why did the CCMA say you were not an employee? Because you had signed a contract with the SABC. Right? 5

MR KGAPHOLA: Yes.

PANEL MEMBER: And then you were once an employee, in fact you were a contractor to the SABC.

MR KGAPHOLA: Let me just add to what you are saying. On the news desk it's different. I was like permanent staff. I was on the monthly roster throughout, I had my emails, I had my work station. For me it was that our contracts were renewed yearly. It was a yearly twelve-month contract. For more than thirteen years yearly we had renewal contracts. 10 15

PANEL MEMBER: I want to understand this. Why did the SABC argue the fact that you were not an employee, whereas you had a contract with them? 20

MR KGAPHOLA: Yes, that's an important element I nearly forgot. My line manager, PHUTI MOTAUNG, wrote a affidavit, but it wasn't correct. I saw it somewhere. I tried to check on my emails but 25

I could not see it. There were things that he said in the email to say why they said I'm not their employee. No work station - that's what he said. I had no emails or, you know an extension, something like that.

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PANEL MEMBER: So why didn't you produce a contract to say: Here is my contract with the SABC?

MR KGAPHOLA: You know, being a contractor, or a freelancer if you check the things that they write on the freelance, they don't - I'm not sure if it's SOUTH AFRICAN law, but they don't value us as freelancers from an SABC perspective. It's like you're just at their mercy or something like that. They can get rid of you at any time they want.

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PANEL MEMBER: I understand that, and there was somebody who came with that concern. But your weapon is the contract. You have signed a contract with the SABC, which you can enforce, and I trust the SOUTH AFRICAN legal system would serve you justice. And I'm wondering why you are not enforcing the very same contract. No-one is challenging that.

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MR KGAPHOLA: Yes. Because, again, when you want to take the legal route, because I didn't know that -

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that despite the CCMA I could take it to the Labour Court. I was thinking of the costs, but it was at the time I was not working, and there was no income. I spent one-and-a-half years without an income, and being a family man it was not an easy thing. I went through a lot because of that. I even lost my car. Fortunately the house is still there. My mother was depressed because she had sugar diabetes, and she ended up passing on. A lot has happened. I just thank God that I'm still here, I'm standing and strong, but it took a toll. 5 10

PANEL MEMBER: Was there any person at the SABC who was behind this thing? Was there any interference or influence? 15

MR KGAPHOLA: I think so. As I said, my being programme director at JULIUS MALEMA's wedding, some said: No, no, since then the SABC has not liked you. And as a result they victimised me. I've got that article here from SUNDAY WORLD. They even mentioned at the end - whoever gave them the story, he even mentioned there: He was a programme director at JULIUS MALEMA, and he knows that they did not like 20 25

him, etc.

COMMISSIONER: Did anybody confront you while you were at work and ask you why you were programme director?

MR KGAPHOLA: No. No, because I think they did not have had 5
the grounds anyway. Because it's what I do over the weekends, and when I'm not working, so it doesn't interfere with my work.

COMMISSIONER: Besides the article that you read, what else is there that makes you believe that you were 10
victimized because you were a director?

MR KGAPHOLA: The way the whole thing started. As I said, even the investigations. They were contracted even themselves and at one stage they said I came to SABC for twenty-seven minutes and I 15
left. And I said: No, no, that's impossible that on my shift I go and spend twenty-seven minutes, go home and still claim eight hours. So for me it was a clear indication that there was someone somewhere - I don't know - who was 20
enforcing this thing, to say: We don't want the guy. Because our managers at the time of HLAUDI's tenure, our managers were just managers just for the sake, because they feared that man like nobody's business. So if 25

my manager could not stand up to say: But I know LUCAS, LUCAS cannot do this, he was also...

PANEL MEMBER: But at that time if your line manager was not alleging whether you spent three hours or two at the station, who came with those allegations, to say: You are lying, Mr Kgaphola, you did not spend this much time. 5

MR KGAPHOLA: There's a forensic - what do you call it - at the SABC. 10

PANEL MEMBER: So they investigated you?

MR KGAPHOLA: Yes, they said they had received an anonymous call saying I'm claiming hours that I don't work for, and it started there. So they started to investigate me. But I'm still saying even the investigations were not - you could see if a person is after - it was not done properly. As I said, I have the proof here. At one stage they would contradict themselves. Then the money that they said, the money in question - because I asked them: Why don't you then take the money if you feel I've done something wrong? Why don't you take the money for that month? It was only the month of May, and then they took the 15 20 25

money.

COMMISSIONER: So it was a month that you were investigated for?

MR KGAPHOLA: Only, and it was the month that I started to work at THOBELA FM. You could see it was just more than investigations. 5

PANEL MEMBER: So when you were relieved from your duties at SABC TV, were you relieved from THOBELA FM as well?

MR KGAPHOLA: I would drive here, because our bulletin starts at 19h30 in the evening and ends at 20h00. Normally we used to have something called - Mr Thloloe, I'm sure you will now - what we call the briefing after the news, how the news, when and all that stuff. But it has been going on without having the debrief. So immediately after the news, I would say: Guys, see you tomorrow and I would hit the road with make-up on. At 20h00 I would hit the road and by 23h00 I would be in POLOKWANE, because it's a three-hour drive, it's at night, and there's no traffic. Even if you drive at 120km, it's basically three hours. So when I arrived in POLOKWANE at 23h00 I would have an hour to prepare a show. At 10 15 20 25

00h00 is my show until 03h00. I had accommodation in POLOKWANE, so after the show I would go and sleep. Around 08h00 I would shower and then hit the road, if I was working the following day.

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PANEL MEMBER: So when you were terminated this side, at SABC TV, were you also terminated there?

MR KGAPHOLA: Yes, and that's another issue to say why because there I did nothing wrong. Maybe he took advantage to say: Because he's under the umbrella of the SABC. But there there was nothing at all, and it's a different management. It's radio, and here is TV.

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COMMISSIONER: I'm still keen to know what evidence you have that it was a clear conspiracy against you. You have the newspaper article. Can I have a look at it? Besides that what else do you have?

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MR KGAPHOLA: No, despite that I'm alright, otherwise it would be rumours or what do you call it?

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COMMISSIONER: It says here you apologised and undertook to repay the money. Is that correct?

MR KGAPHOLA: Yes, that's correct. I thought it was the only way to resolve it. Because for thirteen

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years I've never had any issues with SABC, never a warning, nothing, only this. And like I said I was not given any warning or written notice. It was just like that.

COMMISSIONER: The difficulty I have with MR MALEMA, were you 5
close to MALEMA?

MR KGAPHOLA: No, in fact I was a programme director, I was
hired by the wife's family, the MATLALA's.

COMMISSIONER: Oh.

MR KGAPHOLA: I'm not close to MALEMA but people 10
though at the end of the day it was MALEMA's
wedding, and they thought I was close to him.
No, no, I'm not close to MALEMA at a personal
level.

COMMISSIONER: And MALEMA was not mentioned in any of he 15
discussions you had with the SABC?

MR KGAPHOLA: No. Maybe behind my back obviously. I
remember the editor, NYANA MOLETE - at one
stage a lady that I'm working with, was
wearing a red jersey, like a jacket, and she 20
was warned about that, to say: Don't ever
wear something like that here at the SABC.
And I was like but this is a jacket. So you
could see from the NYANA's when they heard
that I was the MC, that's when they - yes, we 25

may not have evidence of course, but you could see where it was coming from. They did not want the guy anyway, because even when I was still there some of the stories they would say: No, no, take out the up sound of MALEMA, we don't want it. It has been a norm at the SABC since the EFF started, so it was not something that - they didn't like the guy. Or should I say they were so afraid of the guy, which suggests that even if a colleague is wearing a red jersey, maybe they are the EFF, I don't know, according to their own ...

COMMISSIONER: Is there another person who can support your story?

MR KGAPHOLA: Which angle in particular, or the whole ...

COMMISSIONER: The whole story.

MR KGAPHOLA: I'm not sure, since I'm outside now. Even if they can, and I might have some names, they may be afraid to come and speak out. As I said earlier at the SABC it's everyone is for himself now: As long as I'm okay, the next person - so it might be difficult for them to come. But they know my story, especially people on the desk. They know my story very well, because they know me. I never had any

issues with anyone. All these thirteen years until this thing started.

COMMISSIONER: You see, the difficulty we have is that it's just this one.

MR KGAPHOLA: It's an article. 5

COMMISSIONER: And even the person who made this remark is not mentioned. We don't even know who it was. So it's going to be very difficult to sustain an argument that you were victimised because you support MALEMA. 10

MR KGAPHOLA: Yes.

COMMISSIONER: And if the investigation had been against you only, that again there would be a possibility. But the fact that three of you were terminated at the same time. 15

MR KGAPHOLA: It was me first, and after I challenged them, they terminated the others.

COMMISSIONER: So that it wasn't as if they were picking on you alone. And we don't know the circumstances under which these others went back. If you are saying it's because she was the girlfriend of one of the managers, again it's ... 20

MR KGAPHOLA: There's an email here written by one of the guys who was working with me on the desk. He 25

wrote an email, thinking that they would not trace him. I think he was in ZEERUST, so I don't know but they used whatever and they saw him, they asked the cameras from ZEERUST. They saw him coming out of the internet café in ZEERUST, so I think he was about to be fired, so the guy resigned. As I'm speaking to you the guy is outside. So he articulated all these issues as to why these other two were fired and came back, because he knew the whole story. It's unfortunate because it's more like maybe the other commission, the sexual harassment - their case is more on that. Even when I was still there I knew that this was a girlfriend to whoever. So it was not a secret, everyone knew on our desk. But as I said, no-one would want to come up now to say: Yes, Lucas, is correct, because it's everyone for himself or herself.

COMMISSIONER: Can you see any possibilities here? You see, the only reason that we thought we could talk to you was specifically on this MALEMA thing, that in fact you were victimised because of MALEMA. But without anything to substantiate it, I don't think we will be able to proceed

with it.

MR KGAPHOLA:

Okay.

PANEL MEMBER:

But is there anything that you can mention to this enquiry? During your tenure at SABC was there any interference regarding the change of stories? 5

MR KGAPHOLA:

That one it was a norm. I was a writer. When I was not presenting news on the day I would go voice and do the story. So yes while you were at the edit suite, the message would come: Hey don't use those visuals. 10

COMMISSIONER:

Where would the message come from?

MR KGAPHOLA:

Obviously from the line manager, to say: Don't use that angle or those visuals.

COMMISSIONER:

That's your immediate editor? 15

MR KGAPHOLA:

Yes.

PANEL MEMBER:

Even although during the conference you agreed.

MR KGAPHOLA:

Even though during the briefing of the stories, yes. But it was not him necessarily, it was coming from somewhere. 20

COMMISSIONER:

That is the point we want to know. Where did it come from?

MR KGAPHOLA:

It comes from NYANA's office obviously, THANDO MASEKO. Because you could see during the 25

English bulletin - our bulletin not much, but yes, there were some days where they would come and say: No, no, MALEMA's up sound out. But for English news ten or fifteen minutes before going on air they would change stories and they would run around like nobody's business. It's been the norm at the SABC, running around changing angles, changing the up sound, taking the up sounds out. 5

COMMISSIONER: Now when that happened you say it would come from NYANA or ... 10

KGAPHOLA: His office, yes. Because every time we would say: No, no, we got a call from NYANA's office, Lucas on your story please don't use Malema's up sound. 15

COMMISSIONER: And then would they say where NYANA got the instructions from?

KGAPHOLA: No, they would not. Maybe they would say at the time when JIMI was still there: No, Jimi said so. So you're saying JIMI got a new instruction from somewhere, maybe LUTHULI HOUSE, obviously. Something like that. 20

COMMISSIONER: Now that is what we are trying to trace, how does it get to LUTHULI HOUSE? And we're not getting any evidence of that. 25

- MR KGAPHOLA: Yes, that's the thing, but it has been a practice at the SABC to say: If you don't tow the line, you'll - but the instruction was coming from somewhere obviously, not within but from outside. 5
- COMMISSIONER: Besides the SABC EIGHT, were there other people fired because of the stories they ran because of the politics of the place?
- MR KGAPHOLA: Not that I know of, no, except for the SABC EIGHT. But as I said, you could see that my issue whereas we may not have substantial evidence, I'm convinced, yes, that with me too, there were instructions from somewhere that came to say: We don't want that guy. You could see the way they carried out the investigations. As I said, I've got proof here. You can see the way they conducted themselves. 10 15
- PANEL MEMBER: Who was he line manager who canvassed your termination? 20
- MR KGAPHOLA: PHUTI MOTAUNG. And I tried to plead, but my plea was useless. Just to show you, I know it may not be relevant but let me just show you some of the things I said, which might help. Because this is one of the stories and the 25

issues. They said on the 11th I did not enter the SABC premises, to which I agreed. I said we swopped. That was for presenting, it was not for writing on the desk. Then still on that, here is the investigation. On the same 5
date, the 11th when I didn't even enter the SABC building, according to the records, on 11 May, these are the hours I worked, six hours. That is how they did their investigation. Then I claimed six hours - okay, I claimed 10
three hours. So this is the money that they deducted that came to R850 that day. In fact they said they would take it without me first asking them to take it back or to deduct it. This is the letter that was emphasising the 15
whole thing. So there were contradictions. According to their records I did not enter the SABC premises, yet I claimed, but on the other side it shows I worked three hours on the same 20
day, so you could see that there was something wrong.

PANEL MEMBER: So why didn't you take it up?

MR KGAPHOLA: Finances, I don't know. I tried with the chairperson, I wrote them letters to say: I've got an issue here. This is the 25

termination letter. Is that one radio or TV?
I'm not sure.

PANEL MEMBER: So they just terminated you without a hearing?

MR KGAPHOLA: Without a hearing, no warning, no written
warning, nothing. 5

PANEL MEMBERS: In fact the letter says all the independent
contractors.

MR KGAPHOLA: Yes.

PANEL MEMBER: So they terminated you and others.

MR KGAPHOLA: And others, yes. 10

COMMISSIONER: Who were the others?

MR KGAPHOLA: Others, I don't know, but on the desk I had
two. (Inaudible.)

PANEL MEMBER: Is it not possible to call the others in order
to substantiate - the other contractors - or 15
is it outside the mandate?

COMMISSIONER: As I say it falls outside our mandate.

MR KGAPHOLA: And this is a long letter that he wrote after
resigning, because he was about to be fired
after that. 20

COMMISSIONER: Oh, there's ...

MR KGAPHOLA: Because he was acting anonymous until they
investigators saw him coming out of the
ZEERUST internet café. So all these stories
are there. You can have that. 25

PANEL MEMBER: But it talks about HLAUDI MOTSOENENG.

MR KGAPHOLA: Yes, interference and all those things. Even this one ...

PANEL MEMBER: There's an element of interference.

MR KGAPHOLA: He is the one who can help because he's 5
outside, he's got nothing to lose.

COMMISSIONER: What's his name?

MR KGAPHOLA: JERRY MOKGATLA. He has nothing to lose.

COMMISSIONER: So was he the one who was aware of this
interference? 10

MR KGAPHOLA: Yes, he knows everything and he's the one who
- because we were together. When I was there
he was still there. When they terminated my
contract he was still there. And I even met
HLAUDI before he left, to tell him about my 15
issue and that I was not satisfied. Can you
resolve it, and he was just ducking and
diving, giving me the PA. You could see that
he was not willing to help, because the guy
would just say: No, no, go back to your desk 20
I'll phone your manager. The power that he
had. But with my issue you could see that
maybe NYANA had something.

COMMISSIONER: Do you have a contact number for JERRY?

MR KGAPHOLA: I'm not sure if they're working. I will just 25

give you the number.

PANEL MEMBER: Thank you.

MR KGAPHOLA: I have so many numbers here, maybe I can give them all to you and you can just check which one it is.

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PANEL MEMBER: Why do you have so many numbers?

MR KGAPHOLA: Some of them have been changed. I don't know which one, so whenever he added a number I just added it, not knowing if the other one would work again. He's the one who wrote this long email. But they said so, because by the time he wrote this I was already out of the SABC. The person who afforded me this is a person at SABC. What I'm trying to say is he may not agree that he's ...

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COMMISSIONER: He's the one who ...

MR KGAPHOLA: Just be careful. Unless he comes with that, from him, saying that. I just wish there could be another enquiry that would look at the people who were victimised just because of general victimisation, not politically. I wish. I so wish. Maybe you can make that recommendation to say: During our time when we were interrogating people this is what came up, and what we picked up. I'm just

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suggesting that because there were a lot of people who were victimised, not necessary politically but they were victimised.

COMMISSIONER: Is this RAMATHANGA(?) still here.

MR KGAPHOLA: Yes, but now he's just forwarded the email to me. 5

COMMISSIONER: But he still works here?

MR KGAPHOLA: Yes, he does.

COMMISSIONER: Then who wrote the letter?

MR KGAPHOLA: It's JERRY, the one who I gave you the numbers for. 10

COMMISSIONER: Okay. Can we keep a copy of this?

MR KGAPHOLA: Yes, you can keep that one. It's fine. I got that by email so I can always print it out. 15

COMMISSIONER: Thank you. This also gives us something.

MR KGAPHOLA: Because the guy was so furious, he was angry because of the things that happened. As I said the very two same ladies 0 the other one who is permanent, not the one that terminated our contracts, the other one is a friend of this one, who is now back at work and is also here on a permanent basis. The girl is a girlfriend of NYANA. So when the guy wrote that email, he knew. He was so angry, to say 20 25

these girls found us here with all the experience but now they even - because the girl was even acting as an editor at the time the guy wrote the letter, to say: I have been here for years, and they just overlooked us and here are girls who have just joined the SABC and they have already - some of those, yes. So there are a lot of things, despite the political angle, so to speak. 5

COMMISSIONER: Some of this might be useful next door. 10

MR KGAPHOLA: Yes.

COMMISSIONER: Are there any more questions? We are happy. If you think of anything please send us a note and then we might call you again later. 15

MR KGAPHOLA: Alright. Because other than that, it was just casual talk on the phone where a person would reply, to say like THANDO who was fired for being MC at JULIUS MALEMA's wedding. I understand that that is incorrect because MALEMA is also coming to my house. Those I have got - I'm not sure if I still have them, because I was saving them on the screen shots. There was that communication all the time. 20 25

COMMISSIONER: As I said, whatever help you can give us we would appreciate it. Because somehow we have to get the SABC right.

MR KGAPHOLA: Yes.

COMMISSIONER: Thank you, sir. 5

MR KGAPHOLA: Thank you. I really appreciate your time.

COMMISSIONER: Do you want the article here? Just look at the date on it. 13 September.

MR KGAPHOLA: Just before that it appeared in the magazine, so there were a lot of shots. 10

COMMISSIONER: That's where you were showing off.

MR KGAPHOLA: Yes, they said I was showing off, but I was not showing off I was motivating, that that's where we were coming from, GIYANI, to say: Yes, we can also make it. Some of the others 15 were about showing off. But that was the article driving this thing. Somehow it also...

COMMISSIONER: Is it possible that after reading this somebody would have said: Can we do a 20 lifestyle audit?

MR KGAPHOLA: Yes, it's possible. It is possible, especially in my case. I'm one person who does not want to, if I can - it's not to say I like a lavish lifestyle, but if I can I like 25

beautiful things. I was driving a 7-Series BMW, which was much nicer even than my manager's. So it's those things. It was a 2004 model but with those things some will say somewhere, somehow - because at one stage one of the editors on the desk said: Lucas has money; have you seen the car he's driving? The other guy told me he said: Hey, they say you've got money. Somewhere, somehow that is how we get victimised in the workplace. It's not only the SABC, it's anywhere. I think it can be a general norm, to say: Where do you get the money from on your salary? I'm sure someone is calculating your salary, and some of us work hard. Over the weekends I do a lot of MC work. I'm a working MC in LIMPOPO. Almost every weekend I'm booked, so you're pushing, working hard. I was with THOBELA FM, I was sleeping a few hours, doing the news, doing the show that side, but someone was not happy, so. It's one of those things.

COMMISSIONER: Thank you.

MR KGAPHOLA: Yes, thank you.

THE ENQUIRY ADJOURNS

JNT002 – EVIDENCE 4

VOLUME IV

SOUTH AFRICAN BROADCASTING CORPORATION**COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING****PROCESS IN THE NEWSROOM**

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PANEL MEMBERS:	MR JOE THLOLOE	- Commissioner
	MR STEPHEN TAWANA	- Panel Member

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4 July 2018**THE ENQUIRY RESUMES****INTERVIEW WITH KRIVANI PILLAY**

COMMISSIONER: I don't need to introduce myself, but I'm chairing this panel that is looking at the interference in the editorial decision-making at the SABC. I am the Chairperson of the panel and I will ask my colleague here to introduce himself and then you can introduce yourself.

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PANEL MEMBER: My name is STEPHEN TAWANA. I'm a Director at MMM ATTORNEYS.

COMMISSIONER: And you are?

MS PILLAY: I'm KRIVANI PILLAY. I am the executive producer of SAfm current affairs, which used

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to look after programmes that you would know as AM LIVE, MIDDAY LIVE, PM LIVE and then weekend shows.

PANEL MEMBER: Krivani, do you have any objection to taking an oath? 5

MS PILLAY: I will affirm.

MS KRIVANI PILLAY (duly affirmed, states:)

COMMISSIONER: We have read through your submission. If you could summarise it in a few words and then add any additional information that you would like, and then we will ask questions. 10

MS PILLAY: I have to admit that my submission to you was rather brief because I was trying to make the deadline of the enquiry, and still trying to collate all my evidence. So what you received is a very précis'd version of what transpired from June last year to March this year. The interference that I will be referring to is mostly commercial interference, but I can't be naive and say there's no political interference. I can only elaborate on what I perceive to be political interference at the end. If you don't mind, I would like to go through what I've prepared and then with the corresponding documents that I will hand over 15 20 25

KRIVANI PILLAY

to you. As I mentioned, my name is KRIVANI PILLAY. I, together with my co-executive producer, AUBREY SETJIE, look after current affairs on SAfm. Which means we work within the news division of the SABC and SAfm, the station, is our client. Since 1994, SAfm has had six hours of current affairs a day. It is a very unusual platform because it's the only full-spectrum platform that the SABC has. So I refer you to the ICASA mandate which explains what full-spectrum is. It's the only station in the entire country and within the SABC that has to have sport, news, business, children's programming, adult programming, entertainment, talk, music, so that's what we refer to as full-spectrum. ICASA gives minimum prescriptions. They do not give the maximum. So since 1994, and because of the kind of transition from apartheid to democracy, the decision-makers then did AM LIVE, MIDDAY LIVE, PM LIVE which was six hours a day, Monday to Friday. In these programmes the mandate is to provide on a National perspective, news happening regionally, Nationally, on the continent and overseas.

That is the mandate. We provide further analysis on stories. We are supposed to provide a full range of views. Even views that I, as a journalist and human being, may not agree with, but those views have to be aired because we are not a homogenous society we're a group of people who have different opinions, thoughts, views, and as the news division we have to provide all sides of the story so that the South African public can make up their own minds about what's happening in their own society and around the world. Fast forward to June last year, when we were called into a meeting with gentlemen by the name of CARLITO SHEIK, NATANO BRACHE, JOHAN VAN ROOYEN. They met with us in the news office and told us that unfortunately SAfm was not commercially viable. It was not making money, and basically pointed all the fingers at current affairs. I have to hasten to you, to please investigate that every single audience shows spikes in the time slots of news and current affairs. So we brought this to their attention and said: The spikes are in the news times, so on what grounds are you

saying that we are not commercially viable?
Keeping in mind that all our programmes are
fully sold out. We have approximately four ad
breaks in an hour, about two minutes per ad
break. And all ad breaks are sold out. News 5
has nothing to do with that, that's a
marketing and sales initiative. That's what
really brings the money in. We then were
presented at that meeting with this document,
which is Document A, which I will circulate. 10
And I quickly want to tell you that this
document was a copy cut and paste of the GOOD
HOPE Radio strategy, where all of a sudden
they want to reclaim so-called lost audiences,
and by the way, I do not argue that we didn't 15
lose audiences. We did lose audiences. SAfm
has taken a major credibility knock because of
our recent past, and because of the fact that
the former COO, HLAUDI MOTSOENENG, reduced
current affairs hours, he took programmes out, 20
even though those programmes have now been
brought back, like the editors. We did take
a severe knock. So these guys have now come
in and said there has to be a new way of doing
business on SAfm. 25

COMMISSIONER: Is GOOD HOPE part of the SABC?

MS PILLAY: Yes, GOOD HOPE is part of the SABC, but it's a commercial channel. And remember that SAfm belongs to the public service bouquet. It does not belong to the commercial bouquet. In the past, and I stand to be corrected, the commercials like METRO, FIVE and GOOD HOPE, bring in the money. Our mandate was never ever, and even as a journalist I have never been given the mandate of bringing in money. My mandate has always been content. So now we've been told that we need to become a profitable radio station. They did a Swot Analysis, which you will see, I'm not going to go through it, and we asked: So where is the empirical evidence? This Swot Analysis is a very subjective thing. Where is the empirical evidence? There was a lack of market intelligence, they said, and we asked them: Why didn't you then bring in market intelligence? They said: No, we have to put a tender out; the process is going to take too long, and we need to move with this and by the next financial year start with a new sounding SAfm. They said that SAfm didn't

have a unique selling proposition, didn't have brand identity, and the structure of SAfm was the big elephant in the room. Basically the station felt that news controlled too much of the platform and they wanted their platform back. At first they said they want to bring music. It was now going to be a music station. Remember ICASA has already given us minimum prescripts. They want to bring music, they want to have entertainment, they want to reduce current affairs, and so we were willing to listen. At the end of this presentation, Document A, which I will give to you, you will see very little empirical evidence, very old evidence that that are using. I implore you to get the most recent market intelligence and audience figures that will corroborate what I'm saying, that current affairs brought in the most amount, and then programming lost listeners. So we said that this meeting was not sufficient enough, we said we need more time, as the news division, to think about this, to basically brainstorm. Then a month later a further presentation was made to us. This time further emphasis on music.

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KRIVANI PILLAY

NATANO and CARLITO admitted that they were engaging with a consultant. I later found out that the consultant they were engaging is now the current afternoon drive host, by the name of ERNEST PILLAY, which I feel that in itself is a conflict of interest. You cannot be a consultant for SAfm and then find yourself pride of place in a pm drive show. If you have the skills and know-how to do it and already bring in the audiences, I'm very happy to have you there, but if you're going to be consultant and then make a nest for yourself in the afternoon, that in itself is problematic. We further, as a news team - and when I refer to myself as a news team, it's myself and AUBREY who have been championing this process, together with ANGIE KAPELIANIS, who is our National Current Affairs Editor and our GM of Radio, who is SEBOLELO DITLHAKANYANE. I have to tell you that SEBOLELO - I am a former SABC 8 candidate where, when I went to Parliament, I named her as one of the HLAUDI enforcers, so her skill-set when it comes to news and management is much to be desired. And I've said it publicly

and she is well aware of where I stand on the I issue. The fact that she could not steer this process in the right direction, together with the GE of News, shows the poor leadership that we are currently facing at news. Then 5
fast forward to August. We are then summoned to a meeting with the Acting COO, BESSIE TUGWANA. No agenda was provided to the news team at this meeting. We felt ambushed. This meeting was led by the Acting Executive of 10
Radio LEUBA RAMAKGOLO. NATANA was there CARLITO was there, strategist JOHAN VAN ROOYEN was there. They presented a full turn-around strategy, which is now this big document called Document B. In this strategy it was a 15
music-driven strategy. It is here we learnt that they relegated us from six hours a day to sixty minutes a day. They even found a name for our show. They called it YOUR WORLD IN SIXTY MINUTES. In terms of the quota, they 20
said that 50% of the station would now be information and entertainment; 30% would be music, and news and current affairs fell in the 20% of "other" category. So they then moved us, they moved a mandate into an "other" 25

category of 20% and pushed us with news, current affairs and IKB, which is referred to in the industry as information knowledge building - IKB. So whenever I refer to that it will be things like, HIV PSA's, the SASSA, 5 where you can get your grants, things that you need to know about Listeriosis. So it's information knowledge building, when we refer to IKB. So this we had not seen until we were summoned to the Acting COO's office. The 10 Acting COO and LEUBA then said that the following timeline would be that by September 2017 a strat would be finalised. We're already sitting in August, remember. By 15 November/December it would be presented to the Board. By February 2018 the concept would be lightly tested on air. By March 2018 there would be a campaign on air and on TV, and it would then be launched in April 2018. All of us from news voiced our concern about the lack 20 of consultation in this new strategy, given that the role that current affairs had played in the almost last three decades, and there was no evidence and no reasoning why current affairs and news was relegated from six hours 25

a day to one hour a day. BESSIE TUGWANA then conceded that this process was improper and she encouraged the news team to go back to the office and brainstorm alternatives for news and current affairs. So our news team gathered immediately, it was the last week of August. We met to discuss the way forward, we really did a thorough job. It was very subjective, we had to face some very hard truths. We have some very strong anchors and we have some very weak anchors. We listen to programmes, we listen to international programmes. We basically looked at where we are and we were like: Let's be honest with ourselves. This is an old BBC model that needs to be reworked. So we had a meeting with the news team on 29 August, that same day. We met later with LEUBA. So it was two meetings in one day. And at this meeting, LEUBA tells us that six hours of current affairs is bad for business, it's not commercially viable. He is unable to sell the news and current affair shows. Remember news and current affairs, whether or not you can sell, is an academic argument on its own.

News and current affairs is a very prescriptive niche production. It's journalism prescripts. He said he didn't like the forum, and I want to bring you to this, that everything we're hearing is all subjective. It's not that audiences didn't want the forum. It's not that the forum was losing audiences. He said he didn't like the forum, he wanted us to introduce the forum at 8 and tackle two topics in one hour. The forum at 8 for the past three years - I took a break from the SABC and I came back in 2015. When I monitored 2015 to March, the forum at 8 has consistently been the number one trending show, weekday Monday to Friday. We steal audiences. So if you look at KAYA and 702, we are stealing - we gain, they lose on the forum. We even get the President calling in, we've got captains of industry listening. It's a very varied and wide audience. You can have your domestics listening in for the minimum wage debacle, and you'll even have the President or Deputy President listening in about why that kind of minimum wage, or why the business society and unions chose that

amount. So back to the meeting. LEUBA says according to the licence condition, SAfm only had to have one hour of current affairs a day. We then went back to brainstorming. This now was about a week in September. The news team only brainstorm for a week, this is where we listen to everything. We concurred that there has to be changes. We concurred that we have lost audiences as a station. But we also concurred that we are doing things in a very old way. We need to revive our programmes, we need to refresh our programmes, we need to be punchy, we need to meet our competitors, and when I say competitors, I mean other public broadcasters. I do not regard KAYA, POWER and 702 as the competitor. Their mandate and ours is completely different. So we did all of this and we then came up with this document after a week of brainstorming. This document was completed on 20 September. On the 21 September we went back to the 27th Floor and met with the Acting COO, BESSIE TUGWANA. Here my colleague, AUBREY SETJIE started the presentation. Before we got to the new look and feel of the shows, BESSIE TUGWANA

interrupted AUBREY. She commended us for being honest and laying bare the facts. She said that SAfm needs news and current affairs, despite the assertion that over-delivery is killing the station. So what I want to do is to go through this very quickly. We went back to basics. We went back to what our mandate was as an organisation and then as a news division. We then broke it down to current affairs. We did our own Swot Analysis because we do not have the budget to bring in an outside consultant. So we said fine - and remember a Swot Analysis is now also very subjective. The same way we criticised - we are also being quite subjective because we are also now limited, we can't bring in a professional to help us. Our strengths - we found that we had good resources. SAfm has a National reach and we have a reputation for balance, but our weaknesses far outweighed our strengths. We were boring, our content was politics heavy, was business heavy, too much focus on these two topics. We were playing catch-up to breaking stories. EWN was breaking the stories, we were following them.

There was no follow-through on stories. AM LIVE would have a story. MIDDAY LIVE would not take it further but PM LIVE would take it further. We did not own our stories. We have broken so many stories, but the South African public don't know that it came from us. When EWN picks up on what we've broken, it's like they own the story. There are not enough human interest stories. We don't know about the guys who are collecting the refuse and the recycling things, and are always on the roads, causing traffic jams. We don't know about child-headed households. We know they exist, we're not listening to the children on the airwaves. There is a hierarchical treatment of stories. If it bleeds, it leads. Politics is first. UNION BUILDING stories come first, Presidential things come first. It mustn't be like that. It needs to be things like bringing women's issues to the fore, bringing mining issues to the fore. The weaknesses, as you will see, is four pages: Rigid format, lack of flexibility. We really did introspection. Poor weak production skills. Sometimes lazy producers will not interrogate

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a story and therefore not ask the basic
journalistic questions. We were working in
silos, we were not communicating to other
beats. If we found a story, we never handed
it over to economics or sports, we just kept 5
it with us. The presenters were boring. They
lacked energy. They were talking down to
listeners. They were behaving as if they were
the be-all and end-all of information. We
were sounding too laid back. We were using 10
highfaluting difficult words that the common
man on the street was not going to understand.
We never broke down economic terms. So we
really did introspection. And then we found
that there were lots of opportunities for 15
growth. Because we are very skilled in digital
media. So we have a very highly skilled team
which we could use to our advantage. We could
devise an App, we could start doing better
podcasting, we could start to be more trendy, 20
use the technology to our advantage, be more
innovative with our content, be more flexible.
There's physical division between current
affairs and the station. We see that
division, we want to close the gap. We found 25

that as a threat. There was reputational damage. SABC 8 versus HLAUDI MOTSOENENG. And because I was part of the SAfm team, I did find reputational damage, because people were writing to me and saying, they support me and my team at SAfm, but because HLAUDI is still there they refuse to tune in. They will only continue to tune in when he leaves. And that is very evident. Once he left we were starting to get our listeners back. There was internal and external interference. The editorial interference and insistence on 90% local, that included - he wanted local stories. So what was happening the input team was giving us a whole lot of happy day stories and then we weren't getting the ones we were used to. There was also a lot of self-censorship based on fear. So even if an instruction never came, some people would automatically self-censor themselves because they have bills to pay and they have school fees to pay, and they didn't want to be on the wrong side of the track. The other threats were the outside competition. The other treats were that our format and structure

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hadn't changed since 1994. And we did find that there was a lack of training. We have presenters that have been there from the time I'd been at university. I'm now there as the EP and they are still there. So we did an action plan. Implement a forward planning, market intelligence research, talk to marketing and sales. "News You Can Use". This is an initiative we found all over the world, including radio stations in GHANA. I listen to a radio station in GHANA and NAIROBI and what they did was, for example, "News You Can Use" is five things you need to know about Listeriosis; five things you need to know about the drought that's about to come to your area; five things you need to know about the cold front. So that's the news, and how it affects you. So we called it "News You Can Use". Then there was the retraining of staff, looking at scripting, packaging, digital media, providing data and Wi-Fi. Talent recruitment, identify talent with gravitas, authority, credibility and institutional memory. And then the hard one: change the format and structure. The big thing around

the world is that more listener interaction, but not in a talk radio format, more listener interaction as in: Guys my - okay, this is very simplified - but my rubbish hasn't been collected for three weeks. We would then go and investigate why, and more often than not show some kind of service delivery problem in the municipality, which then becomes - that's the kind of listener interaction I'm talking about for news. And listener interaction helps us a lot, because sometimes ROB BURN won't know about an accident, but the listeners will phone us and say: Hang on, right here in DELMAS, this is what's happening. ROB then, in the next traffic, updates them. This is the kind of interaction we're talking about, where it becomes my SAfm, right? So the new format and structure that we suggested was AM LIVE stick to 06h00 to 08h00, and then we drop the forum, because they had a big problem with the forum. But then we give them ten minute current affairs segments every two hours. We will break stories throughout the day when the need arises. PM LIVE then takes over from 17h00 to

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18h00. These are the concessions we've now made, remember, they've told us that we are not good for the station, so we have now dropped ourselves from six hours a day to three-and-a-half hours a day. We gave them a treatment of how we want to do every single show, and I ask you to look at Document D. Then we go to an email that we all received soon after this meeting with BESSIE. In this email the SAfm talks about quick fixes and low-hanging fruits. It's an email from DENNIS O'DONNEL, the former station manager of SAfm. Here he talks about efforts to maintain audience, he looks at the response to the public and one of the low-hanging fruits was to bring back the editors. That's what the public was very unhappy about. Bring back the newspaper headlines. So we agreed that we were going to do that. And we did it. A lack of social media engagement, that didn't really apply to us, we were already on social media, we were already engaging the listeners. A lot of the stuff of low-hanging fruit, we had already implemented as a unit. He talked about programme interventions, which was

mainly for station programming and not so much current affairs. For current affairs he said we need to loosen the rigid format, The News You Can Use, the things that I told you about that we presented to BESSIE. So that was the so-called low-hanging fruits. 5

COMMISSIONER: So essentially he agreed with what you had presented?

MS PILLAY: Precisely. So this document was devised and then given to us 24 hours after our meeting with BESSIE, and he is the former station manager. The rumour mill is that he resigned because of this process, but he was close to retirement, so I don't have any evidence that suggests he resigned because of this process. 10 15

Okay, we've done the emails, Document D. So remember, BESSIE interrupted AUBREY's presentation, she said that she didn't basically like what we presented and we must go back to the drawing board. The words she used to us were that she wanted to see more collaboration, she didn't want to see this silo mentality of current affairs and programming. So after the meeting with BESSIE we went back to the drawing board. We sat 20 25

again as a news division. I was then tasked with putting this collaboration together, based on the brainstorming discussions we did. On 27 September I completed the next phase of the programme. And this is Document E. Here 5
the idea that I came up with, which was agreed with my news colleagues, which was ANGIE and AUBREY, was we collaborate with programme. So we do a drive-time that is both infotainment and news heavy. Current affairs and 10
infotainment speckled in three hours. A collaboration between programming and news, Monday to Friday from 17h00 to 20h00. Continue with the ten minute segments from 15
22h30, 24h30, 02h30. No news headlines during those ten minute segments. We go into the 15
afternoon drive from 15h00 to 18h00, a collaboration with current affairs and programming. And then weekend will remain 20
07h00 to 08h00 Saturday and Sunday. We looked at the segment, we then reworked the clocks. 20
We took out segments that don't work, according to listeners, and we put in segments based on listener interaction with us. So you
will see that we brought in things like the 25

top first and second top story News of the Day. It doesn't just stop at 05h00, it continues at 06h00 with a different angle and continues after 07h00 with a different angle. We have a Get up and Go song, because they were so desperate for music. Let's have a Get up and Go song at about 05h20, that's when people are starting to have their breakfast and start to get out the house. Then we bring in sports, but it becomes a very short sports one. The only long sports update becomes a Monday morning, coming out from the weekend.

COMMISSIONER: The results.

MS PILLAY: Exactly. So this was a very thorough - each hour has its own clock, as you will see. We also did a treatment for the ten minutes and we did a treatment for the afternoon show. And then obviously your all-included appointment listening, which is your sport, weather, traffic, business. We said that business was not going to be highfolluted language, it was going to be broken down, it was all about News You Can Use. Bitcoin, stokvels, the fuel increase. How does it work for the person who is filling up right to the

Captain of Industry, from a fuel point of view. So we tell this big story, but in a very simplified style. We presented the strategy on 28 November to BESSIE, the Acting COO. She loved it. If she could she would have done a cartwheel in that office on the 27th Floor. She applauded us, she immediately signed off on it, but she said there were four things lacking: A marketing strategy, a music strategy, a talent strategy and a production strategy. She said that once we met all four strategies we must include it in this document that we presented to her and then it would be ready for Ops and the Board. We discussed the importance of rebranding. We also talked about a neutral venue. Remember, news has its own studio in the TV building. SAfm programming comes out of the radio building. We need to meet halfway, because if we come to the news then the programming people are going to be irate. If we take the news people to programming, they are going to think that programming owns the programmes. So we appealed to them, because of this kind of mentality we needed a neutral venue. There is

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space available, we could have moved. Just taken out equipment and relocated it. They also told us it wouldn't be a train smash. It wouldn't be something that would cost the Corporation millions, it was doable. We then left the meeting all on a high, we now know where we're going forward. Am I being too descriptive? 5

COMMISSIONER: No, no, not at all.

MS PILLAY: Remember I told you that DENNIS O'DONNELL resigned. So on 3 November we are introduced to the Acting Station Manager, PETER MASHAMBA. We took this presentation, Document E, to PETER. Myself and ANGIE KAPELIANIS. I talked to PETER through the entire strategy. He then also emphasised the quick-fix strategy that DENNIS had planned, and then he dabbled with it. His dabbling is F.1, so quick-fix of PETER is Document F.1. He then sends me an email to say what are the quick-fixes that I at current affairs can implement? AUBREY, myself and ANGIE get together. We add it with Document F.2, which you can read. Then all of a sudden we find, without any consultation, the business plan has been signed off. It's 20 25

been signed off by - I refer to Document I. It's signed off by PETER MASHAMBA, MBUSO SOKHELA, from Finance, LEUBA RAMAKGOLO, who is the GM of Radio, he used to be the Acting Group Executive of Radio, because by now NADA has been employed as the Group Executive of Radio, and signed off by BESSIE. No consultation with us before this happened. So we had no idea. We were just told: Business plan is signed off. Implement immediately.

COMMISSIONER:

Does the business plan tally with ...

MS PILLAY:

Some of it tallies, some of it makes absolutely no sense, so I would like to bring to your attention - it says from AM LIVE - we agreed to play a song an hour. Then AM LIVE must play - we must do five to ten minute interviews. We must play a song per hour, we have to do shorter headlines. Now remember, we are a National radio station, they want us to do a one minute weather. How do you cover all the temperatures in one minute? And keeping in mind, if we read them like Lotto numbers, our listeners get really upset. If we read them fast they're going to miss the temperatures in their area, they get upset

with us. They want sport to be in two minutes. Can you imagine doing results on a Monday morning for two minutes? Then they want the forum to do four topics. How do you then discuss four topics...

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COMMISSIONER: Now is the forum back in the...

MS PILLAY: The forum then becomes a current affairs show. It doesn't become a forum when you interrogate one item of National importance. The other thing is they left MIDDAY LIVE alone and said we had to have one show. The same with PM LIVE, they wanted a song and they wanted - and we never signed off on all of those short segments, because we know implementing was going to be very difficult. So anyway, it was signed off, but I went ahead and told the team to stick to our normal, because I knew the backlash we were going to get. As a broadcaster there is no way I can fit in weather in one minute, sport in two minutes, National traffic update in a minute. These are people who it seems haven't been broadcasters. You cannot do traffic in a minute. So I actually told the team it's business as usual, we will continue, and we

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never got any feedback. The whole of the festive season, going into January, no feedback whatsoever.

COMMISSIONER: So it was back to normal. Which normal? Is it the normal you had suggested or the old normal? 5

MS PILLAY: The normal we suggested. So the things that I couldn't do was to shorten my appointment listening segments. What I could do, was bring in a song an hour, but even with that we had such backlash from our listeners. Because they started getting confused, they thought: Why are you playing a song? Are you short of content? That's how they were responding to us. They were like: The song has nothing to do with - can you imagine a Mango Groove song following the death of a kid who fell in a pit latrine? And we have absolutely no decision-making in the selection of songs. I have to go with the song that's already in there. I've now talked about a child who died in a pit latrine, and there goes Mango Groove afterwards. We've given people no time to digest this really horrible news. I would have rather we go to an ad break, let them 10 15 20 25

digest it. Come back, let's talk about why we still have pit latrines, twenty-three years later. Why do we have schools with pit latrines? Open up the lines. That's the conversation that needs to be had. That's the problem I had. You cannot water down news and current affairs with music. You can bring music in, if somebody from Mango Groove died and then at five-to six I can say: Unfortunately this music legend has passed on, let's listen to one of their biggest hits. When those jazz artists die, we give fifteen minutes, we do an obituary of the jazz artist, we then do a collage of their music. We do it in a very nice news format. People commend us for it, because other stations don't do it like that. That's how we can incorporate music. You do not dictate to a news division how to incorporate music. Then, we haven't met for about two months because it's the festive season, and the quick-fix was supposed to be implemented in the festive season. This was only for the festive season. We then get an email to meet on 23 February. At this meeting - there's an error here, this meeting

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on 23 February is without ANGIE, I beg your
pardon. I remember, because ANGIE was on
leave and we then had to inform her what
happened, but she was definitely there at the
next meeting. So we were told that the news 5
collaboration model that we talked about, you
know the colab in the morning and the
afternoon, it would still be implemented, the
clocks that we discussed, that BESSIE loved,
would still remain, but there would be a few 10
additions. There's going to be 17h00 to 18h00
without collaboration. It will be pure
current affairs. We had no problem with that
because remember, SABC news produces an
average of forty-nine stories a day. That's 15
a perfect advent opportunity for us, not with
the top stories but for those other stories
from the obscure parts of SOUTH AFRICA. We
could put those stories there. We can put the
stories of the drinking in NABABIEP, in the 20
NORTHERN CAPE, that wouldn't have normally
found its way as a top story in the current
affairs show. So we would do, 05h00 to 06h00,
pure current affairs, 06h00 to 09h00,
collaboration, 12h00 to 13h00, pure current 25

affairs, 15h00 to 18h00, collaboration. This is what LEUBA presented to us: Both thumbs up. Then we met again on the 26th, because we told LEUBA that we needed to bring SEBOLELO and ANGIE into the discussion now, because we're now moving closer to 1 April. LEUBA emphasised: No diversion from the plan. We are still collaborating. He said that the programming has already started engaging anchors, but they refused to reveal names. He repeated that current affairs was not commercially viable. We agreed. He said by the second week of March, PR and promos had to begin. He then told us something: Nobody is taking EUSEBIUS MCKAISER head on on 702, and his strategy on SAfm is, blow-by-blow, to take all the best anchors in the country and meet them head-on. So he was looking for these strong people with gravitas to come on the line-up. And we got excited because we also want to match that, we want to go and find the DAN MOYANE's and all the people with gravitas, we want to bring them to us now. We want to start talking money and bring the best of the best that we have. Who is currently in the

slot of 09h00 to 12h00? They are supposedly taking EUSEBIUS MCKAISER head-on. - BONGI GWALA, one of the softest anchors that we have. And you tell me now you want to take 702 head-on? How do you do that? So we meet with them. They tell us they're going to get the best for SAfm. On 28 February, they're still withholding names. We don't know who is coming onto the station. We then emphasise that the station was not meeting news with good faith. Station management eventually said - and they conceded to tell us that AYANDA-ALLIE PAINE would anchor the AM show and ERNEST PILLAY, our dear consultant, is going to anchor the PM show. They asked us to find a male news anchor to collaborate with AYANDA, who would be the programming anchor, and a female news anchor who will collaborate with ERNEST, who would be the programme anchor. Given the big task, it's already 28 Feb, we asked for time to 5 March. We were prepared to put in the hours to get the big guns. We asked for final briefs on the show. We asked the station to tell us: When you were engaging with AYANDA and ERNEST, how did you

negotiate with them? Not money, content. And what the three hours is going to entail. Because we need to be on the same page with this male and female that we are bringing on board. We requested this information on 28 February. I am still to this date waiting for that information. They were never forthcoming with that. We now move to March. Between February and March there was a lot of back-biting and fighting, people accusing people of not attending meetings, agendas, it made for a very difficult work environment. On the 13 March, the meeting showed a complete breakdown in communication between the news team and the programming team. Station management was not being honest with us. LEUBA stepped in and said we need to work together as we are one SABC. There was a lot of uncertainty, given rumours that the station was bringing STEPHEN GROOTES. I want to hasten to add STEPHEN GROOTES was on the news plan of anchors. We identified him, as the news division. We mentioned his name to programming last year, like we mentioned a whole lot of other names we wanted. We had

STEPHEN GROOTES on the SABC News wish list. Suddenly in the corridors we hear that STEPHEN GROOTES is now being brought on board for programming, and that he didn't want to co-host. Station says that there's still 5 collaboration, but they didn't want STEPHEN to collaborate with SAKINA KAMWENDO as the host. PETER tried to defend his actions by blaming the news team, saying we never came to meetings. On 16 March, they now present a new 10 line-up to us. They tell us we have current affairs between 05h00 and 06h00 but there's no longer a collaboration between 06h00 and 09h00, because they now have STEPHEN GROOTES and AYANDA-ALLIE PAINE. We've got 12h00 to 15 13h00, I was going to only be a temporary stand-in because I'm an EP and it would be very taxing for me to be an EP and a presenter. Now the job has been filled in the name of GILLIAN DE GOUVEIA. But by 16 March 20 she had not accepted the job. So I was going to be the stand-in, and I agreed to be the stand-in for a maximum of a month. I did not want to go further than a month because I knew that I would be fatigued by then. Then they 25

told us we must bring SAKINA in, with ERNEST PILLAY, for the afternoon. They wanted to keep our staff. So now we're sitting with a surplus of news production staff. They wanted our staff to be under our payroll, but to be used in programming. We said that doesn't work, because in the collaboration AUBREY and I were going to be the editorial responsible person for the collaboration. Who becomes the editorial responsible person? You take our staff and you pepper them between 09h00 and 12h00, 12h00 and 15h00, out of our current affairs hours. Who takes editorial responsibility for that? You don't want us to be involved, but you want us to take editorial responsibility. Keeping in mind that programming people are not journalists. They may be radio broadcasters, but they are not journalists, and I will prove this to you because the moment ERNEST PILLAY took the stage in April, every story was referred to as a breaking story. Even if the story broke at 09h00 in the morning. For him at 15h00 it was still a breaking story. It was not a breaking story, it was a top story that may have

developed by 15h00, but it certainly did not break at 15h00. So we are already sitting with a person who doesn't even know the difference between the vocab that's used. Doesn't know the difference between a breaking news story, a developing story and news just in. When you're saying news to hand, the person doesn't know what the term means, and you're supposed to be a radio broadcast and doing news programming. So we had a meeting with the station and said: We have no problem sharing staff, you taking staff, but if you take staff you take them under your payroll. We cannot be responsible for staff in programmes that we are not involved in. We will be responsible for our programmes. They got very upset, so they didn't want any of our staff afterwards. We presented names, they said no, they didn't like our plan. So we were then forced to keep our staff. We're now sitting with a surplus staff, which I will explain to you. By this time the staff already found out, through the corridors, what was going on, very upset, very concerned about job security. By this time STEPHEN GROOTES had

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already signed a contract, he was coming on board, AYANDA-ALLIE PAINE declined being on the station. We were left with a mess. We spoke to our GE of news and we said communication has broken down, there's no way we can work like this. So we then pulled out of the 15h00 to 18h00 collaboration. They took us out of the 06h00 to 09h00 collaboration and we pulled out of the 15h00 to 18h00 collaboration, because they were not forthcoming with any of the information we needed. I want to bring to your attention the following: Communication had broken down between the two. This became a very subjective thing. The people who lost out and continued to lose out every day are the South African public. They are getting current affairs at the most obscure time of the day, 05h00 to 06h00. Tell me how are you supposed to find out what is happening in your world at 05h00 to 06h00, at a time where a lot of people are still asleep, at a time when you know the broadcast spectrum, that's not when your day starts for listening. You now pushed us to a time, you tell us that you don't want

current affairs, because it's bringing your commercial viability down, but what have you now done? You've brought in STEPHEN GROOTES, who is playing news packages, who is doing Q&A's with news journalists, who has then adopted the exact same format that we presented as a collaboration, as his own three hours. You have now brought ERNEST PILLAY to run a current affairs show. You tell us it's going to be talk radio, but you are using all the news prescripts. You open the lines, you do a topic for half an hour, an hour sometimes. We had PATRICIA DE LILLE lined up at 17h55 to speak to my anchor TSHEPISO MAKWETLA. At 17h50, when we phone her, we are told by her, or her team: I've been told by the morning team not to speak to your show, because I have an interview with STEPHEN GROOTES at 07h00. So what do we now do? You've now pushed us to 05h00 to 06h00 your production team is now encroaching on news prescripts, you then tell us that the forum must have four topics because you don't want one topic stretched for an hour, but here is STEPHEN GROOTES talking about CAPE TOWN for

forty-five minutes. So what you've presented to the news team as reasons for commercial viability has not played out in your new line-up. You want to take 702 blow-for-blow, but you put BONGI GWALA from 09h00 to 12h00. I 5
I want to say that this is nothing personal, but I just want you to compare apples with apples. BONGI GWALA and EUSEBIAS McKAISER. You then relegate a stunning anchor in the name of SAKINA KAMWENDO to a one hour lunch time show, 10
and she's doing her damndest to make it successful and I've very proud of that. But this is what's happened. We are one year away from an election year, our mandate closer to the election time is to do debates, it's to do 15
election profiling, it's to do political party mandates, it's to do policies. How do I do that in two hours a day? Are you going to tell me your talk-show hosts are now going to be hosting town hall debates in news 20
prescripts? You're going to be using all news staff who are out in the field, but the news staff in the building can't produce it? So I believe that there is a commercial interference at SAfm. I believe no due 25

diligence was done for the changes at SAfm. And I appeal to you, because I have to be honest with you, I do not see myself staying at the station much longer. I used to look after six hours a day as two EP's. I am now 5 two EP's looking after two hours a day, and I want to place on the record, I find work for myself to do. And as somebody who believes in the Public Broadcaster I am wasting taxpayers money. I have a high salary, well, it's not 10 high, I have a good salary, but I feel wasted at the Public Broadcaster. I have one undergrad and four post-grad qualifications, I am not used in any strategic level whatsoever. I am sitting in my office packaging stories 15 because I want to fill up my day, so that when I go to sleep at night I can actually say I didn't surf the net or watch Youtube for the whole day. I do not have the will to stay there any more, but I appeal to you, please 20 bring back the hours of current affairs for the South African public. You cannot have news relegated to such a small window, have talk take up the whole day. Remember ICASA makes minimum prescripts. Why have you chosen 25

then to listen to it for current affairs, but not on talk? Why have you chosen to obey the prescripts for music, but not on talk? What informed you to have talk for twelve hours a day? Why can't you divide the day and give news and current affairs, even if it were three hours, cut us to three hours. We could still be able to do far more for the South African public than leaving us a 05h00 to 06h00 slot, trying to push - if I show you my line-up, I have to cut stories by two minutes just so I can shove as many stories in an hour. I only have forty minutes of production to inform the whole of SOUTH AFRICA about what is happening across the country. My appeal is please bring back current affairs times even if it's not for me to have work to do, it is for the South African public. There is no other station like SAfm. There isn't. We can't be measuring ourselves with KAYA and POWER and 702. We have a different mandate, we are the only English National station available. Please, you have within your rights to recommend this, and I appeal that you do. I really do. And that in a nutshell

is my submission.

COMMISSIONER: You alluded very briefly to fear and political interference. Do you want to elaborate on that?

MS PILLAY: I believe that there's political interference, 5
because why would you bring current affairs
down from six hours to two hours a year before
an election? Knowing that part of public
broadcasting means you have to have extra 10
broadcasts in an election year. A month or
two before the election date is announced we
already start travelling and traversing the
country. SAfm goes to every single province,
we go to the most obscure. We actually ignore
some of your high profile cities and we go to 15
the places where voices aren't necessarily
heard. How are you going to do that with two
hours a day and 05h00 to 06h00 in the morning
and 12h00 to 13h00 at lunch time? Why? What
is their thinking? Because current affairs 20
has political analysis. What are you so
afraid will come out in political analysis?
Why wouldn't you want your electorate to have
all the facts at their disposal before they go
and make the cross? And, as a news division, 25

it is our responsibility to provide all those facts. I cannot provide those facts in one hour. There is no way I'm going to do a broadcast at 05h00 to 06h00 in the morning, take my entire team across the country, every single province, and have no one listen to them. Then the only time I have left is 12h00 to 13h00 in the day. And I have to put in all these election issues, political issues, socioeconomic issues, a pit latrine, education, health, all in an hour. In previous years we have expanded current affairs in an election year. Why in an election year are we now contracting it? It doesn't make sense. I doesn't make sense in a democracy where your role and mandate is to inform and educate.

COMMISSIONER: It's your interpretation of it.

MS PILLAY: That is my interpretation. I have no proof of political interference. I can't say it came from the UNION BUILDINGS or LUTHULI HOUSE. Unfortunately I don't have that proof.

COMMISSIONER: And then the fear?

MS PILLAY: Well, the fear part is, people don't want to stand up because of fear of losing jobs. We

have a very paranoid working situation at the SABC. Because a lot of the enforcers remain at the SABC, these are HLAUDI appointees, who more often than not don't even have the academic know-how to do the job. People know that if they speak up - remember it was not a very glamorous time for the SABC 8. It was a time where our own colleagues shunned us, and they know what we went through. People don't want to go through that. People don't want to speak out. They have bills to pay. They've said as much, that they have bills to pay and school fees to pay. Nobody is going to stand up. Nobody is going to stand up to save SAfm, I'm really sorry to tell you that, because we are all very selfish, we have our own selfish needs back home. And people are also fearful of the consequences. And, quite frankly, before I made the submission to you, I am well aware that your recommendations may name me and that once again I may be in the public profile, and I may be shunned again by the likes of CARLITO and NATANO and your ERNEST PILLAY's, etc, and I'm going to go through all my cyber bullying again, but I

believe in my heart of hearts that this station has to be saved. The news and current affairs - I'm not saying give us the six hours back. I do concede that it can't be business as usual. It is the old BBC model that SAfm 5 was using. Let's change it, let's make it more trendy, let's revive it, refresh it, revitalise it, but give us back a substantial amount that South Africans can actually take it in, decide for themselves, and then shape 10 an opinion.

COMMISSIONER: If you go back to your meetings with BESSIE, this was where everybody was pulling in the same direction and everybody was excited. That's what we call editorial independence, 15 where the editorial team agrees: This is the way we are going.

MS PILLAY: That was the cartwheel day. That was a day to toast.

COMMISSIONER: When the breakdown happened, was there no way 20 of going back to say: But we had agreed on this?

MS PILLAY: We did, we brought it to their attention. LEUBA, for some reason was putting his foot down, he didn't want to hear about the 25

arrangement. He was saying that the past is the past and this is the way forward. Remember, we had three different changes. First they wanted it to be a music station, then they wanted it to be a talk station. Then we collaborated. It's now a talk station. It's a very schizophrenic decision that was made without any empirical evidence.

COMMISSIONER:

Was it one person or a faction within the SABC?

MS PILLAY:

It sounds like it was a faction, and the faction would then be LEUBA, BESSIE - I think that she needs to answer for where it went wrong - NADA, who then became the Group Executive of Radio, and I also believe that CARLITO, NATANO and ERNEST PILLAY - I want to know what ERNEST PILLAY's role was within SAfm's strategy. And why then was he brought as an anchor? I want to know why CARLITO and NATANO were so hell-bent on making SAfm a so-called WCI - White, Coloured, Indian - station. What empirical evidence do you have to dare suggest that it's a White, Coloured, Indian station? As a woman of Indian descent, I don't even speak my hereditary language. I

don't listen to anything - I don't listen to RMB, I don't listen to rock, why on earth would you group me in the White, Coloured, Indian category, to say this is what I listen to?

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COMMISSIONER: If your current policies can't protect you, what do you think should be done with the editorial policy document?

MS PILLAY: The policy is sound. It is a beautiful policy on paper. We do not have people with clout, with ethics and principles, leading the SABC, and that in itself is the problem. It's all about where can I - and listen, I know for a fact someone like CARLITO SHEIK has been at FIVE, was then suspended, went to GOOD HOPE. NATANO went to GOOD HOPE. I want you to investigate why these gentlemen went to different stations, were suspended, brought back to the SABC. I want to know the changes they made at RADIO 2000, which was supposed to be a service station, was then turned into a *bona fide* radio station. They want to turn SAfm into another 2000. So where does the servicing of the mandate come in? If we are all sounding like RADIO 2000, what choice do

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our listeners have? They just have the same content on a different frequency.

COMMISSIONER: The difficulty you seem to create for us is, we will come with recommendations saying strengthen this, strengthen that and everybody will be excited for ten minutes. How do we ensure that it becomes part of the culture? 5

MS PILLAY: I think there needs to be a new way of business at the SABC. As far as I'm concerned there are three types of people currently at the SABC. There are people there who are former SAE car, so your apartheid staff who then came into the transitioned SABC, who are just there under the radar so that they can get that retirement pension. Then there are those who don't have a backbone or a spine to speak up when it's wrong, they just go with the flow because they know that somebody is going to have their back. It's about their back and about what's good for them. It's not about what's good for the country. This is not SOUTH AFRICA INC. This is a national entity, it's a public entity. So you treat it as such, you treat it with some respect. 10 15 20

COMMISSIONER: As a public asset. 25

- MS PILLAY: Yes. You don't treat it as your personal bank account. Those who are treating commercials as their personal bank account - I don't know when all of a sudden SAfm was supposed to be viable. It was never commercially viable. 5
Information is always boring. That's why the role is for me to make the information creative and exciting. That's my job. And then the last category is the category like me and my colleagues who are speaking up, which 10
is a very small amount of people. And quite frankly, the burden has now become too heavy.
- COMMISSIONER: So we are talking to the ether essentially when we write our recommendations?
- MS PILLAY: I feel so, because if the Parliament Portfolio 15
Committee can write recommendations, and nobody has bothered to implement them, I wonder where your recommendations are going to go. The difference between them and us right now in this enquiry is, this is a confidential 20
process. Now nobody is going to see the light of day. At least with Parliament, the public knew what Parliament was saying. And it really frightens me because - listen, I'm going to remove myself from this equation. I 25

need to sleep at night. I'm not sleeping at night, I'll tell you that much. I'm bored at work during the day. I'm trying to encourage staff to be creative, to think out of the box during the day. They are so frustrated, they don't want to be at work. So what am I there for? I get to work, the show finishes at 06h00. What do I do after 06h00, the next show is at 12h00. I've got another EP coming in at 10h00, he's going to look after the 12h00 show. What am I doing? I'm reading newspapers. I don't feel like...

COMMISSIONER: You are well informed.

MS PILLAY: Well, I can tell you I can rattle off the news, at least. But I do not feel well within myself that I draw a salary and I don't have anything to show for it since 9 April. I sit with my team every morning, because I've listened to the show, I point out rights, and wrongs and where we could have improved. I credit them where credit is due, that's it, and then we produce for the next day. I'm not a hands-on producer, but now I'm actually giving myself work to do. I produced a package the other day because I would rather

do that then surf the net. Essentially this is what the SABC has done. I had twenty-eight staff producing thirty-five hours a week. I now have twenty-six staff producing twelve hours a week. There will be a day when a producer produces a single story for the day. 5

COMMISSIONER: Is the problem that the commercial interests are being destroyed by the...

MS PILLAY: Absolutely. Absolutely. Do you know that money can be made from news? Do you know how money can be made from news? We can go on an outside broadcast to the KRUGER NATIONAL PARK, that SANParks can pay for. They will have no editorial control over my content, but in the time that I'm on air, I will talk about poaching, I will talk about raising funds for game rangers, I will talk about raising funds for helicopters, the use of aerial surveillance. We can talk about news issues and SANParks won't have one editorial influence in that OB. I can do an OB with the Department of Health. I can sit outside CHARLOTTE MAXEKE and have a whole lot of patients come and talk to us. What can we do? The Department of Health can sponsor in and 25

out. How do we do that? We talk about the lack of scanning machines, we talk about the lack of whatever they need. Private partnership can come in and help. Not only are you getting your programme funded, but you're now drawing in other people to come and help your department. You can do news financially, viably, in a way that doesn't have to go against news prescripts. You do not sell your soul for the money. But if the finance people at least came to news, to say: This is what we have to do, it would have been a completely different ball game. But here they didn't even tell us how we could become commercially viable. All they've done is brought different people, they've taken our slots away from us, brought in different people to do the same damn job we were doing. But then criticising us for doing that job and saying because it was us, nobody was buying ad space. Meanwhile current affairs had the highest listenership, current affairs was fully sold. So I still don't understand.

COMMISSIONER: The logic is very strange.

MS PILLAY: Something is not kosher between the

introduction of the Acting Station Manager, who comes from a marketing and sales background to 23 March. Something at SAfm went horribly wrong and somebody has got to take the rap for that.

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PANEL MEMBER: When you joined SAfm, was SAfm a news station?

MS PILLAY: It was a news and information leader. Let's forget six in the evening to six in the morning. Let's concentrate on six to six during the day. 06h00 to 09h00 was current affairs. 09h00 to 12h00 was programming talk show. 12h00 to 13h00 current affairs. 13h00 to 16h00 programming talk show. 16h00 to 18h00 current affairs. And the rest of the evening programming, right until 06h00 the following morning. So it was six out of twenty-four hours that was current affairs.

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PANEL MEMBER: Do you have a document that informed whatever the operations were that you've outlined now?

MS PILLAY: You mean that six hours a day? 20

PANEL MEMBER: Yes.

MS PILLAY: That decision was made - and correct me if I'm wrong - I think it was during the days of PROFESSOR GOVIN REDDY.

COMMISSIONER: That was in 1994/'95. 25

- MS PILLAY: Yes. I think you were at the SABC at that time. And it was a great decision to be made because remember, this was the only platform nationally where you could inform the country of what was happening at any given time. 5
- PANEL MEMBER: So was the decision documented in black and white?
- MS PILLAY: I don't know. I was still a student at that time and would probably have to go into the archives. 10
- PANEL MEMBER: Because what I want to establish, Chairperson, I want to understand what the procedure is of diverting or changing the image of the station into whatever they want the station to be.
- COMMISSIONER: I think what we have been confined to is just 15 the editorial side. The programming side will not be ours. Krivani, you frustrate me right from the beginning.
- MS PILLAY: I can't even tell you how frustrated I am, I can actually feel my whole face heating up. 20
- COMMISSIONER: Because, as I say, you have the Editorial Policies and what we are trying to find are ways in which we can strengthen that document and ways in which we can ensure that editorial decisions are taken by the editorial 25

collective rather than by the business managers.

MS PILLAY: Well, business managers have cut the editorial output. So commercial viability trumped current affairs. And for me this is the 5 evidence of commercial interference.

COMMISSIONER: You didn't want to give us any information about the SABC 8, etc?

MS PILLAY: The SABC 8?

COMMISSIONER: Yes. 10

MS PILLAY: Like what?

COMMISSIONER: What happened there, etc. The political influences.

MS PILLAY: It's actually the two year anniversary of the SABC 8, and what happened was - we actually 15 never gave ourselves that name, it was the public that gave us that name. We were eight individuals who weren't friends but were thrust together. Of the eight, I had the most editorial interference. My programmes were 20 taken off air, THE EDITORS. That was removed on Sundays between 08h00 and 09h00. My evening shows were taken off, Saturday and Sunday night had no current affairs. Then I was told if I continued to do analysis against 25

JACOB ZUMA I must start looking for another job.

COMMISSIONER: Who told you that?

MS PILLAY: HLAUDI MOTSOENENG.

COMMISSIONER: Personally?

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MS PILLAY: Yes, it was in his meeting, it was in my Parliamentary submission, that I can choose the window or the door. He knows a whole lot of other people who would do my job better and who are willing to take my space immediately. 10
He's not going to tolerate the newspaper headlines because we are helping sell newspapers. Which made no sense to me, given that the newspaper headlines - newspapers are a dying medium. We give those headlines 15
because we have not necessarily covered that story, or we give those headlines to show how other people have covered a story in a way we as the SABC may have missed out. And we don't sell newspapers. The newspapers have declined 20
in sales. So his reasoning was just - and based on those it didn't sit well with me. I mentioned to THANDEKA how unhappy I was. She introduced me to BUSI. I had known about BUSI before, we talked, she suggested I write a 25

letter to HLAUDI because he wasn't talking to me. He never allowed me to speak my mind at the meetings. And then she said she would support me and put her name on the letter as well. While we were drafting the letter 5 another colleague wanted to give me some support, because people could see it was getting a bit heavy. We wrote that letter and we sent it to twelve people. The executives, HLAUDI, and a few Board members. Then we were 10 accused of leaking the letter to the media. When twelve people had that letter, you're accusing me of sending it to the media. So show me the proof, show me my phone, my emails, my conversations. Show me the proof 15 of how I leaked that letter. When that letter was leaked, he accused us of showing him up, and that's when he suspended us. We were given less than twenty-four to appear before a DC. By this time I was already being cyber 20 bullied, I was already being threatened on Twitter and Facebook. I was very scared I only found consolation in the other seven people. We were not friends, we aren't friends, we are colleagues. People think we 25

hang out as a bunch and drink together, but
the SABC 8 is eight individuals thrust
together. Trust me, we've had our share of
arguments when we were putting our case
together for the ConCourt and the Labour 5
Court. We differed in many ways. But we stood
together because we found consolation in one
another. At first I didn't believe SUNA's
claims that she was being followed and
attacked, I thought that she was over- 10
exaggerating the fact, and the afternoon of her
death was when things - I try not to think
about it because - SUNA and I weren't friends.
Sometimes I challenged her on some of these 15
bizarre claims she used to make, but when she
died I realised how naive I was and how I
wasn't willing to give her the benefit of the
doubt. I think the stress eventually killed
her. I don't like to think about the SABC 8.
I actually don't even like being referred to 20
as someone who belongs to the SABC 8, because
it was a very scary time. I worried about my
parents safety, because they live alone on a
farm, so I thought if people were tapping my
phone, could they know my parents are alone? 25

I worried about my husband. I never left my home. The thing I love about radio is people don't recognise you. But then in the two to three weeks we were the newspapers' front page almost every day. People in the supermarket used to come up to me, and I was very uncomfortable, I didn't know who to trust, who not to trust, who was on our side or wasn't on our side. It's something that I haven't fully dealt with and I just want it to go away. 5 10

COMMISSIONER: In fact I raised it because you omitted it completely from your submission.

MS PILLAY: My psychologist says I suffer from post-traumatic stress disorder and I seem to - I don't like being called a hero. I hate that word and then they say: You should be so proud of yourself. And I know that what we did was a good thing and we exposed something big, but leave it at that. I don't want to talk about it anymore. Even when we were arriving in Parliament, we got a text message: You must turn around, don't you dare go into Parliament and speak. We were thinking: Who are these people? How serious are their threats? That's why, when I see the enforcers 15 20 25

at the SABC just going on, driving these massive sedans, drinking very expensive champagne, and going around the world - we spent R5 million on a trip to CUBA. We don't have a single story produced. The only stories produced from the trip to CUBA were from SHERWIN BRYCE-PEASE, who was already based in the UK. What was the need for a big team of people to go to CUBA? And then I have to see on FACEBOOK, that they're sitting in these fancy Cuban vehicles, taking pictures, and then you wonder: Well, SHERWIN was the only person that filed for radio, where are the TV packages? How is it that all these people just live every day in their well-dressed suits. Some of them don't even finish a full eight-hour day. How is it that they get to walk around, no indictment? I put my name and my family name on the line, I mention names in Parliament, and then a week after I mentioned my boss' name in Parliament she phones me and shouts at me and says I've embarrassed her, I've embarrassed her family, I lied to Parliament, I was grand-standing. There were a whole lot of accusations. As

much as I like it, even the wellness that the SABC offered - I lied in my therapy sessions because I didn't know if HLAUDI was going to read the files. So I would say: No, I have no issues with him. But I just didn't trust the process, because I was so paranoid I thought that he would ask the psychologist for the files because they wanted to show the public that we were getting help and we were being reintegrated. I think there's a lot of things I have to deal with. I'm really sorry about all of this.

COMMISSIONER:

We do understand.

MS PILLAY:

But I'm very proud that the editors came back. I am. But at 06h30 to 07h00 on a Sunday, it's such an obscure time, even the editors can't wake up to participate in it. I think my biggest regret is that so many things happened under my watch. I was employed as the EP of current affairs in 2015, and by 2016 the editors was taken away. By 2018 current affairs has been relegated from six hours to two hours, so I feel quite useless, and I feel that that will be my legacy and I didn't fight hard enough. And it wasn't only just for me,

I didn't fight hard enough for the South African public. Especially the public that don't have access to information. I do feel very guilty that in the three years that I've been there I've actually caused more trouble than success in anything. 5

COMMISSIONER: Success is a strange thing. You take three steps forward, one back and forget one time you took three forward, and just beat yourself up because of the one step you took backwards. 10

MS PILLAY: Because the public don't understand that it's a team of people that make these decisions. I've had some really horrible things said to me. People have called me the New HLAUDI for reducing current affairs from six hours to two hours. They don't understand it was a collective decision, they don't know the background story, they blamed me for SAKINA losing out the morning show. You have to have a thick skin when you are at the forefront of a big station, and sadly they don't understand how things happen. I've been criticised so many times that if somebody uses profanities on me now it doesn't actually affect me that much, I'm quite used to it. I'm so exhausted. 25

COMMISSIONER: And you should be having a team around you.

MS PILLAY: I don't have a support system. My only support system is my co-EP, AUBREY. He keeps me grounded, he shares in my workload, he shares in my concerns. He's always supporting me. The only reason he didn't stand up around the HLAUDI time is because he's busy studying. He was doing his Honours and he was on study leave for a whole month. So I was left to deal with HLAUDI, and I'm sure if he was there, we would have been in it together. The only reason he was not there and not in Parliament is because he was on study leave, he had no evidence. And then he has always joked: I leave for a month and I come back, and what's happened here?

COMMISSIONER: You messed up big time.

MS PILLAY: Exactly. And even for this submission, we worked yesterday to make sure we had all the evidence for you. He helped me. As much as I do respect my National editor of current affairs, I did not receive any support from her. It really killed me, because I thought forget about being someone of principle, but as a woman you should have supported another

woman, and I never received that. All I was told was that: You're not the only one that's ever stood up for the SABC. We've all done it in our own ways. We just didn't do it as publicly as you. And those are the kind of statements I find so hard, because we never called this public to us. We never put ourselves - in fact you will see in the public records, I never stood as a spokesperson for the eight of us. I never made statements, I never did anything. And my own producers called me to be interviewed on SAfm, I declined, based on principle, because I was the EP of that station.

COMMISSIONER: You had a conflict of interest. 15

MS PILLAY: Absolutely. But people don't see that. They think it's well within their rights to use the news division however they feel like. You're talking about policy. The news division has to go back to basics. People are not even calling colleagues out for poor news writing. Copy, cut and paste is a daily thing in the news division. I remember when I got zero for an essay at RHODES because I never fully referenced my essay in politics and

international studies. It was my very first
essay and I went to PROFESSOR IVOR SARAKEYSKY
and I said: What is this? My parents are
going to kill me, they are going to take me
out this place. And he said: I cannot mark 5
this, this is not your original work, this is
work from a whole lot of political theorists.
And I said: I know that. He said: No, you
don't. You never referenced them. And that's
how I learnt my lesson of referencing and 10
plagiarism. And to this day we have people
copy, cutting and pasting from NEWS24, not
even from their own SABC journalists, they are
copying from NEWS24 and they make it their own
work. Where are the SOP's? Where are the 15
disciplinary measures for that? Where's the
pride of work? That's what we should be doing
in the news division, not cutting the hours of
news and current affairs. And we had very
little support from KENNETH MAKATEES. He was 20
the Acting GE of news. He didn't fight hard
enough to keep the programmes. He was at the
decision-making level. He could have done
something. I'm sick and tired of walking into
a room and like: Here comes the trouble- 25

maker. No, I'm not a trouble-maker. I'm not getting extra bucks in my pocket for speaking out. This is my job. I'm actually just doing my job here, so just cut me some slack.

COMMISSIONER: Thank you for sharing all this with us. 5

MS PILLAY: Sorry about the last couple of minutes. I just totally become a different person when I think about that.

COMMISSIONER: There's no way we can blame you for that. Thank you for coming through and talking to us. 10

MS PILLAY: Thank you.

COMMISSIONER: We know there is always a presentation you prepare, there is a presentation that you actually give, and then there's a presentation that you start kicking yourself - this is what I should have said. 15

MS PILLAY: I know. I'm probably going to go back and kick myself for leaving out things.

COMMISSIONER: If you get to that point, please note those things down and send them back to us. 20

MS PILLAY: I will.

COMMISSIONER: And then we might again ask you to come back, depending on how this thing develops. So if you would make yourself available. 25

MS PILLAY: I'm very happy to do that, yes. Thank you for your time. I appreciate it. I also wanted to tell you that I brought all of this to the attention of one Board member, JOHN MATTISON, and I was hoping he would do something about it, but nothing was done. I think that was another disappointment. The reason I reached out to him was because he was a former news man and I thought that based on that I could appeal to his senses, but I phoned him, I explained, and I even emailed him the collaboration and the documents, and I never heard from him after that. 5 10

COMMISSIONER: Isn't there a fear that they might be seen to be interfering in the newsroom? 15

MS PILLAY: I needed that kind of interference, not from an editorial point of view, but from the point of view where the commercial viability was affecting editorial output. Not from an operations point of view. 20

COMMISSIONER: And I think the table is extremely convenient. It's going to be easy to cross-reference.

MS PILLAY: Thank you.

THE INTERVIEW ADJOURNS

INTERVIEW WITH MR KGAOGELO MAGOLEGO

- COMMISSIONER: Good morning, My name is JOE THLOLOE, I'm the Chairperson of this panel that is looking into interference in the editorial decision-making at the SABC. I will let my colleague introduce himself and thereafter you can introduce yourself. 5
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA. I'm a Director at MMM ATTORNEYS.
- MR MAGOLEGO: I am KGAOGELO MAGOLEGO, a former employee of the SABC. I was employed as a journalist until February 2016. 10
- COMMISSIONER: And then when did you leave?
- MR MAGOLEGO: I was dismissed, I believe it was, on 19 February 2016. 15
- COMMISSIONER: I thought you were employed in 2016.
- MR MAGOLEGO: Oh no, I was employed there in 2006.
- COMMISSIONER: 2006?
- MR MAGOLEGO: Yes.
- COMMISSIONER: So you worked for ten years? 20
- MR MAGOLEGO: Yes.
- PANEL MEMBER: Do you have any objection to taking an oath?
- MR MAGOLEGO: A religious oath?
- PANEL MEMBER: A commission of oath.
- MR MAGOLEGO: No, I do not have a problem. 25

MR KGAOGELO MAGOLEGO (duly sworn, states:)

COMMISSIONER: Mr Magolego, we received your submission and we have read through it, but it's pretty obvious in the submission that you are holding back. This is now your chance to tell us the full story. We are holding this discussion in private to make sure that you are as free as possible. 5

MR MAGOLEGO: Thank you. Firstly I would like to point out that in the returned submission that you have received you are correct in that I was reluctant to provide details in there. I have been waiting for this opportunity and now I will proceed, and I also point out that it may occur as I give this oral evidence that you find some of my inputs to not fall within the terms of reference of this Commission of Enquiry, please bear with me if that happens and I will take the cue from your good self. 10

Firstly, I want to indicate that my experience of political interference in the SABC, which was part of my normal life during the ten or so years that I spent there in various capacities, I was initially employed as a producer on a current affairs programme called 15 20 25

the (indistinct) that airs on THOBELA FM. That was in 2006. The contract expired, then I left briefly and came back to do a twelve month internship that saw me working as a field journalist for both radio and television over a period of twelve months. That ended, I left again briefly to work in the print media and returned in June 2008 on a permanent basis as a reporter in the television news section based in POLOKWANE. In all these three capacities I have been exposed to this and that form of interference. However, the experience for me when you are in there - the interference is not typically political, and even in cases where it is political there are rare occasions where you would have a politician actually getting themselves involved in what are supposed to be editorial matters. What happens is that across the SABC, particularly in management, there are enforcers doing the bidding of various interest groups, powerful individuals outside. And I will try to give you examples of cases that I have experienced, like situations where you would go into a diary meeting and a

colleague tables a story suggestion, as would be the case in other newsroom, and looking at the stories from a purely professional point of view, you strongly feel but this is not news, it should not be on the diary, it should not be done, and you put that view across in the meeting, and in line with how it is conducted every day, and you find that your view succeeds and that story doesn't get into the diary. And later on that day or on any other day to your surprise you get confronted by an outsider, whether it's a politician or a business person, and this person says to you: But why did you crush my story? I heard that in the meeting you said this and that. And you ask that person: But where did you hear that? Because this is our daily meeting and it is supposed to be confidential. I do not even expect you to have known that we hold such meetings. The rule there is if a news-maker contacts me and gives me what they think is a story, and I promise to look into it, I therefore present it and it gets rejected in the correct platform, such as in a diary meeting. The SABC's attitude is that the

company does not owe a news-maker an explanation as to why their story was diarised. And most of the time as a journalist, when somebody makes contact with you and requests that you come and cover their story, maybe it's an invitation to an event, ordinarily what we would do, in my situation as a reporter, is that I'll politely say: No, we are not going to come, the story will not be done, and I will structure it in such a way that the person does not require further explanation. In the event that they do, I would always tell them: Look, there are so many news stories, they compete, they get tabled in correct structures, every day. Some make it, others don't. I would not want to get into the details, and generally the public news-makers and interest groups, in the form of political parties, NGO's, communities, who start engaging in protests or an other newsworthy events, they accept that kind of explanation and move on. It's problematic if you then get singled out, where you feel that outsiders have a detailed account of the things that you say in company meetings, that

are supposed to be operational. That is the norm, that is what happens. I have tried on occasions to find out who is informing these people about details of our diary meetings, and so on. So far there is nothing that I can say that I'm quite certain that so-and-so is the one that is feeding outsiders the information as to how our meetings are conducted, and who says what in those meetings. But generally what I can say is that it is people in management who are giving information to politicians, senior people in the ANC, mostly in Government, and Government spokespersons. And I will explain this connection between SABC news personnel and Government communicators. Generally, if you placed SABC reporters in an environment where they are comfortable that they can speak openly about their aspirations, most of them aspire to be Government communicators at a certain point in their lives. For that reason they wilfully and voluntarily do the bidding of politicians and Government communicators that they perceive to be influential. A person assumes and actually proceeds to work

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on this basis that, if I consistently publish the activities of Notata Joe's department's activities, one day when they need a spokesperson I can reach out to him and he can consider me for that position. It's being done. It's not only managers who are doing it, even junior people. Unfortunately now I do not have access to my emails. I travelled from MBOMBELA and I was relying on a mobile phone and it has gone off, but I will make an arrangement whereby I will give you screen shots of individual journalists working in the SABC. We have never been charged with anything. They regularly go onto public platforms, in particular social media, and make quite strong opinions on politics, in clear contradiction of the SABC editorial policy. That just goes to show how people are willing to secure their livelihood. For example, I'm in the SABC at this scale, I'm not happy financially, but if I promote this particular cause consistently I can be considered in future for a better position. It's mostly Government institutions that benefit from this. Whether the spokespersons

actively influence those individuals to do so is something that I'm not in a position to prove at this stage. I think before I leave the topic maybe I should refer to an experience where I can name people and try and give dates. There was a period a few years ago where I was approached by a gentleman with whom I am quite familiar in social circles. His name is VICTOR MUFAMADI. He's a communications practitioner, previously with XHOSA 2, or one of the affiliates. At the time he was a spokesperson of the LIMPOPO Safety and Security Department which oversees, among others, the police in the Province. I believe the name of the department has now changed at the Provincial level, but it's a department responsible for safety. Now, this gentleman says to me: It appears you like HANGWANI MULAUDZI. HANGWANI MULAUDZI, THE HAWKS spokesperson, was at the time the LIMPOPO Police spokesperson. I said: Yes, he's a nice chap. I don't see anything wrong with him. Why are asking this question? He said: No, HANGWANI MULAUDZI is always on TV and he's a police spokesperson, he's not the

spokesperson of the MEC. The MEC is hardly ever on TV, you are ignoring the MEC. I pointed out to him that I did not feel comfortable having that conversation with him at that specific place - we were at an hotel where I was attending a social event. I was not even on duty. I also pointed out to him that I'm a junior, it's not within my competence to justify editorial decisions. He kind of understood, but brought it up again at a later event, but this time with much more vigour, where he was saying: Look, before you decide you are going to interview HANGWANI, run it by me first so that I can tell you whether it's his place or the Department's place to speak on this particular story. These are mostly crime stories. I then went to my editor at the time, the late ALF MODIBA. I think he passed on in December 2017. I told him that I had been approached by this person...

COMMISSIONER: I wasn't aware that ALFRED passed on.

MR MAGOLEGO: Yes, he had been in a coma for a few months following a car crash. He was buried in December. So I explained to him that I had

been approached by this gentleman whom I'm quite familiar with, but now he's approaching me as an SABC journalist. I pointed out to him that I'm not comfortable with this conversation but he is persisting. Then ALF 5
said he would deal with it, but he did not do so. One day we got an invitation from the police, they were having an event - I can't recall the details as to what the event was all about. While at this event and liaising 10
with this HANGWANI MULAUDZI, that I'm not supposed to interview, according to the department, but it was their event, VICTOR MUFAMADI then approached me and the camera person and said to us: Look, today we are not 15
going to allow you to come here and interview some low-ranking police spokesperson, when the MEC is here. At the time there was also an ongoing story of a serial killer in MODIMOLLE. So apart from covering that event we were 20
going to do an interview with HANGWANI in respect of an update on the MODIMOLLE serial killer story, and we were spotted doing that, and that gentleman assumed that we had already decided that we were not going to interview 25

his boss, who is an MEC. At the time I had phoned the office to say: I know you've given me this kind of brief, I'm being put under pressure here by Government people and they are even threatening to report me to you. I said that to my boss ALF MODIBA. He said: Look, if they are that hostile towards you, interview the police and interview the MEC, just come here and we will decide when you get here as to what we will use. Now, the MEC had her own issues. She speaks with a lisp for one, she's illiterate to the extent - it's my perception if a person cannot articulate things in English, as well as not being able to do it in their mother tongue, one could be forgiven for assuming that this person is illiterate. So what then happened when we got there, once I played the sound clip of what she was saying, ALF immediately became dismissive and said - most of the time the stories that get aired on the SABC TV would be around a little over a minute, including pictures and two or three sound clips from news-makers. Then he said: No, we are going to be required to do a five minute story. If

you are going to include the MEC's comment when her speech is so incoherent, nothing makes sense. We are going to have to do a lot of cutting and pasting and later on we may find ourselves having to explain why we quoted her out of context, and so on, so leave it out. I left it out. In the evening when the story aired, the gentleman phoned me and said: So you interviewed the MC, but you still don't use it. Then I told him that I was not authorised to have conversations with him, at night on the phone about operational issues. I understand that you are perhaps aggrieved. You should try and organise some kind of media networking session, or any other similar platform where I would with provided authority to reason with you, to tell you, as her spokesperson, that we would refer it if you sent us a shorter statement as compared to three pages. Then we can discuss those kind of things in a proper forum. Now I worry that you could be recording this conversation and later on you start quoting things that I would have said and say the SABC says so-and-so when I'm not authorised to speak for the SABC.

Then he started bypassing me and bypassing ALF and going to our senior, the Regional Editor in LIMPOPO, ESTHER MOLOTO, who is now in retirement. I think she went into retirement sometime last year. I do not know what the nature of the conversations was when VICTOR MUFAMADI and ESTHER MOLOTO were talking. He was also supported by a lady by the name of MUSHUPOLOA(?), who is a former presenter of THOBELA FM, but at the time was employed as a spokesperson for the MEC in that very department. MUFAMADI was a spokesperson for the department when MUSHUPOLOA was a spokesperson in the political office. Then one day over a weekend we bumped into each other at the mall and he said to me: I've spoken to your bosses and they are going to deal with you. At the time I was not aware of who he was referring to when he said: I have spoken to your bosses.

COMMISSIONER: Who, VICTOR?

MR MAGOLEGO: Yes. And they're going to deal with you. A week or so later, as I walked away after a diary meeting, ESTHER MOLOTO then said to me: MAGOLEGO, we have a problem. I'm having a lot

of people complaining about you. You are ignoring Government, you sabotage their stories. She said a number of things, and as I tried to ask for more clarity and detail she said to me: You're going to be late for a story, you're going far, I will deal with you later, just go. I went. Days go by, perhaps a week, and then she repeated those kind of remarks again, in passing. Then there was another incident where police told us they had made an arrest somewhere. We rushed to the scene and there we found not even HANGWANI MULAUDZI, but like a station-level spokesperson. Because they have those. This person takes us through the scene and so on. Those early morning stories where you do it and everyone is at the scene. The only time you leave is when you go to the family of a victim and you talk to the family. Later on that day ESTHER then says to me: But why did you interview this police spokesperson? Couldn't you have interviewed somebody senior? Then I told her that we got the story from - I can't remember whether I had got it - because there were several of them, even at a

Provincial level, but we got it from the Provincial communicators, saying: Once you are in that area you can phone this person and he will give you a comment, he's got details, he's a police spokesperson. I explained that to her. She says: No, this is unacceptable. I will deal with you, I'm mad. Now at that stage nothing has made sense for me. She has not given any detail as to exactly what I had done to offend her, as my manager, or the SABC. Time passes, and then one day I walked into a newsroom and I'm told by a colleague: I think you are in trouble. I walked into the manager's office and I found people there and they are talking about you. She said we should call you the minute you come in. I had been working on a story, there was pressure from a deadline, but she wouldn't allow me, she claimed at the time that her guests were in a hurry. I walked in there ...

PANEL MEMBER: When was it? Sorry to interject.

MR MAGOLEGO: Was it 2012 or 2013? It should be 2013. I walked in there. There was VICTOR MUFAMADI and MUSHOPOLOA. I've forgotten MUSHO's new surname, because she got married along the way

and changed her surname. Then she said: These people are here for you, you have been consistently disregarding and disrespecting them. Now they have escalated the matter. I said to her: Okay. Then it went quiet. She said: Answer for yourself. I said: I feel I'm not in a position to respond at this stage because you have not provided detail. You are saying I've offended people. Have I offended them at a football match? It doesn't make sense. And I know them, that much I can admit, I know both of them on a personal level and on a professional level. She said: No, they have told me and I've been compiling reports about this, that you are refusing to interview the MEC. Everything that involves the MEC, you always dismiss it as not being newsworthy. Now this is something that clicks pretty fast in my mind, because even at this stage I don't have a recollection where I have said to a news-maker that: No, that is not newsworthy. I find it offensive. and I have never been an editor. Perhaps if I was an editor. The only time I ever say this is not newsworthy, is in a diary meeting with

colleagues. Then she said: There have been many incidences and they are well recorded. Evidence is mounting against you. Now we're going to give you an opportunity to verbally apologise to the MEC's communications team, 5 and sign this written apology. Which I declined to do. I just felt as if I was going to entrap myself in something that was completely unnecessary. Particularly considering that the apology - I don't know 10 who typed it, and where, and I'm not sure why she came to the conclusion that I needed to apologise to anyone. And at that point I concluded that she was doing their bidding and I started realising that - although she did 15 not know MUFAMADI that well, she was at a personal level close to MUSHOPOLOA, and would have probably wanted to assist her in whatever way. At that point we were now having a stand-off because I'm not signing the thing, 20 I'm saying I'm not apologising. I even said to her that I feel pressured if I'm having this conversation with her in front of people who are not SABC personnel, are not 25 journalists, they're from Government. I'm

quite cautious of saying anything further than this. I feel we could rearrange the platform and engage further so that I can understand the frustration. I don't have a problem apologising where I believe I'm wrong. I said 5
that to her. Then she started shouting at me: You are refusing. I will deal with you. Then she wrote emails and so on. Unfortunately I can't produce them because they were sent to my work address. She threatened charges, she 10
would occasionally tell me she was going to HR and was arranging for my DC, but nothing ever came of it. So I assumed that HR would have told her that there was no offence in this regard. That is on the political side. I 15
think at the time she was relatively new in her position. She occupied the position of regional editor at quite a late age, because I think she was in that position for about five years before going into retirement. But 20
during her brief stint in that position she upped the tempo in terms of saying - because a regional editor is not necessarily required to sit in a regular diary meeting. Her role was more of a coordinator. What then happens 25

is that you would be in a diary meeting
chaired by ALF, or another television news
editor, and certain stories are diarised and
are being done and the following day that
editor who had convened the previous day's 5
diary meeting was not there. Now it's a
ESTHER MOLOTO, because in the absence of an
editor we report directly to the manager.
That's when she would saying: But the MEC of
what-what is doing this and that, why are you 10
not covering that? And I would give a brief
response to say: Well, it was discussed in
the diary and it was decided that it was not
going to be covered. And she would force you
to go and do that particular story when the 15
diary is already in AUCKLAND PARK. All the
news bulletins know what stories they are
expecting. I do not know what she was doing
in between to convince them that the other
story was not being done, we were now doing 20
this. But these are mainly Government events.
And then there's also another thing that
people in management do there. The majority
of people in the SABC are Christians. So at
the senior level you would have people - there 25

was an editor called, JOE MURONGA, he was an editor of RADIO NEWS. He did all he could every December to ensure that his church - they would have this annual conference which is big - get's covered. The justification, 5 you would be told if you tried to resist such a news item, that it's December, there's not much happening. Government departments are closed, so go and do this story. So almost everyone at management have an arrangement 10 with their churches that they can secure radio and television coverage for events at the church, and that gets done. There's this Catholic or Anglican Church that also has a boarding school in LIMPOPO, just outside 15 POLOKWANE. They also have their annual event where - the SABC spokesperson, KAISER KGANYAGO, is an alumni there, or something of that sort. He went to that high school. It has boarding and it's of Christian 20 orientation. He's also one of the people that consistently does the bidding of his church. During the decade or so that I spent there I do not recall a single year that we did not cover that church during the festive season 25

and during Easter when the religious Christian groups are having major events. And I do recall trying to resist, to say but I have this memory of myself in the past few years being at that church on this day every year. 5

I believe if it's that routine to me it will be routine. That's me in a diary meeting. It would be that routine to a viewer and therefore uninteresting. At that point then ESTHER MOLOTO, we referred to her as MA 10 MOLOTO, would say: No, this is KAISER's story, we are going to do it. You are used to disrespecting us here and now you think you can disrespect KAISER. I didn't have a choice, the story was diarised. I did it. 15

The only time I did the story, and I managed to salvage some kind of a national news angle that was interesting, was when they had a guest there who was at the time the Secretary General of the South African Council of 20 Churches, the REVEREND - I'm not sure whether he was a reverend or a bishop, I always struggle with his name - NONKULUNKULU. I will recall the name. But he was the South African Council of Churches, President or Secretary 25

General. Now this is me thinking on my feet when he gives a sermon there, covering socioeconomical/political issues at the time, things that were happening in the country, decrying corruption, a loss of morality in society, and so on. At that point between myself, the cameraman and the radio journalist that we were with, we agreed that there was a news angle that could actually fall within normal news, if not politics. And we did that, but I can tell you that was the only time. It was the first time. All the other occasions that we go to churches we just take what they tell us, and that's not how journalists should work. We should give people what is news. But then with churches we were just giving them what the churches were saying. Even with the ZCC, ESTHER MOLOTO said to me: But the way you - I had been sent to MORIA to do a story there - use the word "say" so much that there is nothing that the church has said to you that you are treating as fact. Then I said to her that - and at the time I was under pressure, I wanted the story to get approved so that I could edit and

knock-off. She said: I'm unable to proceed with your story like this. You can write a better story. The Church has 7 million members. It's a fact. She put it to me. I said to her: From where I'm sitting it's not a fact, but in the story I'm not casting doubt on this claim by the church. I'm saying the church says it has recorded so many people as attending the event, and I'm using a wide shot which I had specifically asked the camera man to say - I'm always reluctant whenever I'm dealing with mass events to try and - I'm not good with figures - to try and estimate attendance on my own. I believe the camera gives a better count of attendance. So now I'm forced to say that it was indeed 7 million people, and the church has it's own system of counting people. They count you whenever you come in. Nobody counts you when you leave. I'm a smoker, for example. I'll go to that church and during the four hours that I'm there, maybe go out through the gate two or three times to go and have a smoke outside the church premises. I told ESTHER MOLOTO that. She said: No, the church actually has

13 million members, 7 million were in attendance, write that in your story. From that point I started trying to pick another story before they subject me to a ZCC story, because that's what I felt like at the end of every story. Even when I was watching it on TV myself I would not be proud of it, I felt like I was peddling figures that were unverified. 5

COMMISSIONER: Was she a member of the church? 10

MR MAGOLEGO: No, but she holds the church, in particular the people who are serving in the council - she knows several of them at a personal level and she holds them in high regard. And in fact, just to add on to that response, I do not even think that the church would have said to her that: We need you to brush this up and make it look much bigger than it is. I don't think anybody in the church had made such a request. I think that is something that she did voluntarily on her own. And she would not have been the only one in the SABC to do that. Then comes the MODJADJI Royal Kraal there. You see, I am not a religious person, neither do I have a preoccupation with culture, and so 15 20 25

on. I am a person who is SEPEDI-speaking, although I speak a few other South African languages, but my cultural thinking is borderless. Which will explain why in most of these instances where I feel there's interference, ESTHER MOLOTO would have been the face behind the pushing and I would be seen as the face behind the resistance. Because many years ago she had singled me out as a non-believer. There are several churches, several SABC employees that own churches. 5 10

COMMISSIONER: Who own churches?

MR MAGOLEGO: Yes, like the charismatic churches. You go and register a church, then you book a hall somewhere, you start issuing invites and people come. As I know it, even by the time I left the SABC in POLOKWANE, there was a church that is owned by a person who at the time was a current affairs producer, who is now a news bulletin editor, MURENDENI MOHADI. I was also a colleague of hers in the COMMUNICATION WORKERS UNION. She owned the church. There are a few other people, even with the vernacular radio stations there are 15 20 25

a few individuals that own churches. So there would be a lot of these stokvel activities that are happening. There's contributions whenever somebody loses a loved one, and so on. There was a point where I felt that these 5 stokvels, where someone has lost an uncle, we have to contribute money - so I was in trouble at the time because the Secretary, MA MALOTO's personal assistant, had complained that I seem to have a pattern of contributing below R50 10 for a death, and there are many other things. I was involved with the union and the sports committee. And I realised that this was becoming a real expense. I found myself having to pay up to R700 whenever there was a 15 death of a relative of somebody, and where I have had two or three deaths in my family ever since I worked for the firm, there is no record any of them ever contributing money to assist me. Simply because I do not have a 20 friend who is passionate about this, who would go to everyone and say: Contribute. No, not R30, not R50. So at that point I said: No, but I would really not want to do this. I do not personally believe in a stokvel as a form 25

of investment. I do not go to church, like a lot of things. I do not believe in expensive funerals. That was me trying to explain myself when everyone was attacking me for isolating myself and not taking part in these things. There were a few other colleagues who didn't take part, but in their case it was accepted and they would not even be questioned, just because they are white and I am black. So I was expected to subscribe to certain cultural and religious practices that I did not know. Based on that perception, whenever I asked a question on a story that had to do with culture or religion, ESTHER would immediately assume that I was doing that probably because, as she perceived me, I was anti-Christ and therefore would not allow any story that has to do with God and Christ. And that is not how I perceive religion. News is news. I have respect for religion. I'm not a blasphemous person. I have never, even in a diary meeting - even when I believe something is not a story, I do not make my remarks in such a manner that ridicules the person tabling the idea, or the news-makers

KGAOGELO MAGOLEGO

themselves. The MODJADJI family has this thing that you would know for an unreligious and non-cultural person, and I am not BaLobedu. There are BaLobedu based in LIMPOPO. She is referred to as the rain-making queen. So it would seem it's mandatory that you have to cover the rain-making ceremony. Now here comes KGAOGELO MAGOLEGO, who believes in fact and science, now I have to guide the cameraman to film a rain-making process, and I will quickly refer to the details of what happened. The family members would be having a meeting in some room, there will be a cow there that has a human-like name that gets paraded. It will be fed traditional beer, drums would be beaten, and there would be celebrations; people would have traditional beer and share it with the cow, which clearly resists. You can see that this cow is not used to drinking beer. They have to hold it and literally feed it. Having covered that so many times, I feel embarrassed each time I come back, and I would even get calls from maybe classmates, people who know me and have seen the report say: But it seems

you believe in miracles now, you are selling miracles, that story that you were just making now, you don't show us how they make the rain. And I would try to say: No, but watch TV and understand. What do you want to see? And these are people that I am comfortable with when I know that we know each other on a personal level, it will not get to the SABC, I'm not speaking on behalf of the SABC. But those are questions that I had until one year in a diary meeting when I said, I have done basic research and there's a pattern that we are being invited to this rain-making ceremony when the weatherman has predicted it's going to rain. This can't be done, can't we - they said: No, no, you can't alter the Royal family's diary, if they have this event on that day forget the weather service. The weather service says what it says, those people make it rain. At the time there was this gentleman, PIET RAMPEDI, who was also a reporter there. He had also done a lot of work because he's from Bolobedu.

COMMISSIONER: Did PIET work for the SABC?

MR MAGOLEGO: Yes. In fact, the first time I did a rain-

making ceremony I was scheduled with him. I was an intern at the time. He was passionate. He would do it without questioning. In fact, PIET did that kind of favour for both the Royal Kraal in BOLOBEDU, the Kingdom, as well as the ZCC Church, because he's a member of the ZCC Church. And then there would be this pattern, that whenever such is done the cameraman would be one friend, PHOSHOKO, may his soul rest in peace, he also passed on last December.

COMMISSIONER:

Who was that?

MR MAGOLEGO:

PHOSHOKO, he was a camera person. He was also a ZCC member and a traditionalist. Those were the individuals that ensured that the story gets to the diary. Nothing big would happen in the ZCC without them knowing, because they're members. And I should also state that even in their case I don't think the church had us, their members, to say: Do our bidding in the newsroom. This was proven, particularly during one year, I forgot when it was, but they somehow got there and violated the rules, the two of them, by interviewing individual church members. And they were

chased by the ZCC police service and had to get to POLOKWANE under a lot of pressure. Ever since that time the SABC was banned from MORIA. Up until recently. The only people that were allowed there was THOBELA FM just putting in a microphone, feeding any other station with sound whenever there was a big event, like the Easter one, where the Bishop speaks. I think 2017 was the first time where I saw an SABC camera in ZCC. And then there are private companies that also influence the SABC's decision-making processes. There's this gentleman called SIMON TEBELE. And we had quite an acrimonious relationship, he and I. I think the kind of relationship I had with him also contributed in the deterioration of relations between myself and ESTHER MOLOTO, because they were close. He's a former boss of ESTHER. A long time before I joined the SABC, SIMON TEBELE was the SABC's LIMPOPO regional news editor, and he was also the regional general manager. At the moment those positions exist alongside each other. They have always existed alongside each other. I don't know how it occurred during this time

that he occupied both big offices. People would joke about it and say he was the SABC himself, from your mid-nineties and so on. When I joined the SABC, SIMON had just left and had become a spokesperson at ANGLO PLATINUM working alongside two ladies who were also senior communicators, MARY-JANE MORIFI and THABISILE PHUMO. This MARY-JANE and THABISELE would send invites to ANGLO PLATINUM and send to journalists, including myself, and it would happen that the story was not approved in the diary, and we don't cover it, because it was not perceived to be newsworthy. At times there would be a protest in a mining area, where the mine is also a target of the protestors. Most of the time over issues of the mining companies' social responsibilities, wherein communities would say the social responsibility is part of their licence and they are not adhering to it. We want a school, we want a road, and so on. And we accordingly we would inform ANGLO PLATINUM saying that: We are in this area, doing a story about this and that. We are talking to community members. We would like to have a

comment. There are days where they would
arrange a senior person on site at the mine to
give us a comment, but half the time the
comment would come in an e-mail from MARY-JANE
in JOHANNESBURG. They do events where they 5
can even give you a CEO. I remember one time
I was referred to a person called MAGWARA, I
think he's the current CEO. He was a senior
engineer at the time. So whenever we were
doing stories that were too technical, for 10
example a story about contamination of water
resources and so on, the company would prefer
that he speaks. I forgot his name. Then came
a time when ESTHER started saying - and this
is now long before she became a - she was a 15
radio news editor at the time. She had no
business trying to influence which story I
should do or not, because she had her
counterparts in the form of TUMELO MAKUA and
ALF MODIBA being responsible for assigning me. 20
But then she said that someone was complaining
about me and I was not familiar with SIMON at
the time. You have been ignoring the ANGLO
PLATINUM press alerts and so on. I said: No,
no, no, I have not done that. I get a lot of 25

invitations, I get a lot of stories, suggestions, every day and there is not a single day that I consciously and wilfully decide this one is not going to reach the editor. I have never done that. I don't 5
decide what gets covered. So it is not true. ESTHER would often say "they say". She didn't refer to SIMON that much, and I didn't know him well, so I did not know that he was the person complaining that I was ignoring ANGLO 10
PLATINUM. But I was covering them fairly critically in the coverage because the point of provocation would be community unrest most of the time, where communities say: But our graves were destroyed in areas like MOTLOTLO 15
outside MOKOPANE and your BAKENBERG area outside MOKOPANE, LIMPOPO, your TUBATSE area, that's where most of the stories happened. But in-between there existed a fairly professional relationship between myself and 20
the company through MARY-JANE MORIFI and THABISILE, mostly THABISILE, because I think she was the most junior member we ever dealt with. SIMON I had seen on a few occasions where he would fly in and out on a job. I may 25

have interviewed him once on an ANGLO PLATINUM story. And those people were never hostile to me and never said: But that question is wrong. They never did that. One day I got a phone call from THABISILE saying: I'm 5 starting with you because I realise you do a lot of mining stories. Please try and SMS me phone numbers and email addresses of your colleagues, even outside the SABC. We would like to reach out and come and have a day with 10 media there. We have a new CEO from AUSTRALIA, we want you to understand his vision. We know that you are in between us and the community and the new CEO believes that media is a vehicle to bridge the gaps 15 between us and the community. I said: Okay, I will assist you with those things, it's fine, it's not a problem. I sent her the details. Indeed a week or so later I get an invitation to a media invite. We even 20 discussed it at work. It was not supposed to be a news story, it was just a meet and greet with company executives, so that we understand what they're doing and they also understand what we expect from private companies. But on 25

the day the editors decided that there were issues that needed to be raised with ANGLO, and I was to do a story there. At the time, in the lead-up to that they still kept repeating this thing that I was letting ANGLO 5
down, I was neglecting them, I was offending ANGLO, without providing any detail, even as to who the source of that frustration was. When we got to that event, in a social, largely casual conversation, I said to 10
THABISILE: You know, I was clumsy there when you were introducing me to your CEO. I get intimidated around your boss, MARY-JANE, because at work one of my bosses says she's been receiving consistent complaints from 15
ANGLO about me. What have I done, what is it? She said: No, no, we are very professional. We understand what you guys do. In fact we never even discuss journalists in our meetings. And then she jokingly said: SIMON 20
gets excited sometimes. Perhaps he thinks he owns the SABC. He's from there. I said: Yes, he used to work there, so it probably is him. But that is hearsay, she doesn't know it, she has not heard him say anything. And 25

I ignored it. Then there was pressure, pressure, pressure, but I managed to resist it because no one from ANGLO ever approached me to say I was doing something wrong, and I never even got to a disciplinary hearing for not doing an ANGLO PLATINUM story properly. 5

COMMISSIONER: So why are you mentioning it?

MR MAGOLEGO: I'm mentioning it because I'm going somewhere. I'll fast-forward. SIMON leaves ANGLO PLATINUM. I do not know for what reason. 10
Suddenly I'm expected to be, the whole newsroom actually, against ANGLO, to say - you know, there's this thing we like to say in television, that there's a thin line between being on time to cover a protest action and 15
actually being there to instigate one. If you are in SOWETO and they say you are going to have a service delivery protest and I get there and there's a cameraman, a journalist, and I find there's peace, everyone is in their 20
home, there are no people protesting, I can't start filming in the street saying I'm filming a protest, because the mere presence of a camera is going to incite a protest. So what happened after SIMON left ANGLO PLATINUM, he 25

disappeared for a while and then resurfaced in the SABC as a general manager for special projects and at times acting political editor. At this point he would phone, and he would even phone at a time when the diary for the day had been finalised, the stories that we were doing - and he never phoned anybody except ESTHER MOLOTO - and would say: I'm told there's protest in TUBATSE. ANGLO has done this, these guys are bad, they are messing up, send a crew there. And we would immediately be made to abandon a story, even if you had already driven in the opposite direction to cover a story. He would say: Go to this place. Most of the time the experience would be that we would get there and find that there's relative peace in that community. And you would find that he would have forwarded contact numbers of people he says are the organisers of the protest. Once I'm there I start phoning them. This one tells me: No, I'm at work, I don't know about the protest. Now, if there's a community protest and it is said to be organised by this gentleman because he's a community leader, and

I phone him and he doesn't know about it, I phone his colleague in the committee, they also don't know about it, to the extent that...

COMMISSIONER: But would ESTHER say the information comes from SIMON? 5

MR MAGOLEGO: Yes. And at times some of the calls would take place in our presence. And it would reach a point where SIMON now started phoning people on the ground. Now we are here talking to you face-to-face, saying: Look, we came here because we were told you organised a protest. They'd say: No, there's no protest today. And he would be phoning those individuals and saying: The camera is there. Do something. And then he would quickly phone ESTHER and ESTHER would come back to us and say: No, SIMON says this thing is happening. Then I would say: But SIMON is in JOHANNESBURG and I'm in LIMPOPO. I'm here and I'm saying it's not happening. One day when it reached boiling point, to the extent that I went to ESTHER and recorded a formal complaint: This is instigation, we are being used, this is unacceptable, and I won't do it 10 15 20 25

again. It's when we arrived there at a community being just outside STEELPOORT, GaMAMPURU, being so peaceful, and he kept insisting there was a protest. I then asked this community leader: This person who seems to be attacking you on the phone, phoning you so many times, this is SIMON TEBELE. I'm getting a sense. He says: Yes, it's SIMON TEBELE. But is he forcing you to organise a protest? He says: No, it's not like he is forcing me, but we told him we were organising one. I said: But how does he get involved? He says: No, SIMON has got these issues with ANGLO PLATINUM, but please don't say this to anyone. I never had this conversation with you. Then we were trying to leave the place because the protest was not happening. Shortly after leaving the village then ESTHER phones and says: SIMON says that trucks are burning there. Go back. We drive around, we drive around, there are no trucks burning, people are going to school, others to work. There are small groups of guys, I could see them, they were trying to mobilise people under pressure and start something, but it

wasn't really happening. So the trucks that we were told were burning had actually burnt forty-five minutes later. And I said to my colleagues that this is now bordering on criminality. We are actively engaging ourselves in the sabotage of a company. Because ANGLO PLATINUM and other mining companies have got problems with these communities. They are over-promising, under-delivering. Sometimes communities over-expect, sometimes there are criminal elements, but these are people who meet and talk regularly. There are only protests once they set their clock and you will realise when you get there that's there's a protest and they will let you in as a journalist, having arranged it. So at that time I felt as if our mere presence there and our persistent requests to the managers, that we wanted to leave because there was no protest here, we actually instigated for it. There were two trucks that were burnt, and they were not even ANGLO PLATINUM trucks. There are a lot of mining trucks passing there. They were just passing. They were burnt to satisfy us that

there was indeed a protest when there was no protest. That was in 2015. And I lodged a complaint against SIMON, because he had done it many times. And I realised that we were going to end up in Court over these issues. 5
It was the wrong thing to do. Then ESTHER said: No, it's fine, you know SIMON. I said: No, I do not know him. I'll talk to him. He has to take it easy. I said: I'm laying an official complaint to say the SABC platform is 10
being abused to achieve certain things that I do not know, by a person whose relationship with this mining company has collapsed, and that is not fair, I'm not going to be part of it. I request that I not be forced to do a 15
story of a protest that does not exist. I don't want to start a protest. And she didn't do anything about it.

COMMISSIONER: So you laid a grievance, and what happened to that grievance? 20

MR MAGOLEGO: Nothing was done. And I would question and go to her and say: But I need action on this grievance. It didn't happen. That was in 2015. At the time then there was now this growing hostility towards me. ESTHER has 25

always been hostile, but whenever her and one TUMELO MOTLAU(?), who was an assignment editor for television, charged me with things, but those things wouldn't stick whenever we went to a hearing. At times HR would just dismiss them because I would have done nothing wrong. Indeed it went quiet, the pressure from SIMON TEBELE went down. Then came this incident of traditional leaders in VENDA giving HLAUDI MOTSOENENG a wife. On that day I said to KAIZER GANYAGO - this is me and a camera person by the name of LLEWELLYN CARSTENS. We said to KAIZER GANYAGO it's not our role to figure out PR things for the SABC, but we are worried that if we do this story in the manner that parades this girl in the way she is dressed, almost naked, it sends a message of soft porn, abuse of women, and so on. We are worried that we will find ourselves explaining, and this idea of a person being given a wife, perhaps let's leave it out of the story. Now there was clear interference. And then KAIZER said to us: HLAUDI wants the story done like that and this is how it's going to be done. It's beyond my control. We

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reached out to JIMI MATTHEWS, and we were not protesting in fact, our attitude was that of advising that this will backfire. You can give somebody a wife, but not show it on TV. There were cattle and other things that he was given that they could show on TV. HLAUDI personally walked up to me and said: Chief, one day you will ... 5

COMMISSIONER: At the ceremony?

MR MAGOLEGO: Yes. One day you too will be in power and get given these things, don't be jealous, I want this story done, and done the way I want it. I must appear next to my wife in this story. I did the story, I wrote the script, I voiced it over, sent it like that. It was embarrassing. I was uncomfortable with it, even the mere display of the young girls like that. It is not a story that I was comfortable with. And once that day passed - we did it on a Friday, I think - I felt a sense of relief that it had gone through and I could move on to other things. Until the Sunday when now there's this TSONGA gender group that started speaking out, and eventually there's another NGO there and another NGO, and it became a 10 15 20 25

National crisis. Now it was a PR nightmare. This is now on a Sunday afternoon at around 16h00. I get a phone call from ESTHER saying: You see what you have done now? You have messed up now, you have brought the SABC into disrepute. I want you to go to VENDA now and sort out this mess that you have caused. And I told her that I had no idea what she was talking about. She said: No, you have sent HLAUDI... 5 10

COMMISSIONER: Can I ask you to speed up.

MR MAGOLEGO: Faster?

COMMISSIONER: Yes, faster.

MR MAGOLEGO: She said: You said HLAUDI was given a wife, now the whole country is up in arms against him. This is what we are going to do. The family, along with an organisation called MOTSOELI(?), are being transported from VENDA to JOHANNESBURG, to this very hotel we are in now. They are going to have a press conference there. You must rush to the family and get a comment that is going to collaborate their version of events, which is going to say this was a cultural joke. I said to her: But I'm off duty today. Can I be paid for an 15 20 25

emergency? Because that's the principle, that if you ask a journalist to work when they are off duty you pay them for the Sunday work. She said: No, I'll give you a lift there. Then it became an argument. I said: No, I already have too many leave days and I have even forfeited some. I would only do it for money and I'm not even comfortable with it. It sounds like PR, I have to manufacture something. She refuses. I would like to enter this. This is MOTSOELI, the organisation that has coordinated the wife issue. This is the invitation to a press conference held here:

"I would request that you provide me with an email address."

I will forward you an email that would show that this invitation was actually written at the SABC on an SABC computer and sent out to media. Now this is SABC communications taking over communications of a private entity in the form of this NGO. I eventually refused to go to VENDA, I said the circumstances were not favourable. I would be lying by saying it's a joke, I'm unable to go, and I'm off duty.

I even lied to her and said I'm actually more than three hundred kilometres away from POLOKWANE, although I was in POLOKWANE. It passed and I received all sorts of threats to say I'm going to be taken to a DC. Then came a day on June 16 2015 - I remember this one because it Youth Day - the EFF, please bear with me I have to go back. Before I refer to this EFF thing I should refer to JULIUS MALEMA's times as a Youth League President and as a Youth Legal Provincial Secretary. In the lead-up to the ANC National Congress in MANGAUNG, that was the period between 2011 and 2012, at the height of the internal party campaigns. Occasionally there would be this pressure by the political desk in JOHANNESBURG, in particular the then acting political editor, SOPHIE MOKOENA, to say: Go and cover JULIUS. MALEMA was in the forefront of this campaign to have KGALEMA MOTLANTHE replace JACOB ZUMA at the conference as the President of the ANC. So I was now given an impression that it had to be covered at all costs. He and everyone else associated with that campaign. There was pressure to do so.

You would also get the same amount of pressure from certain elements in the AUCKLAND PARK office, who believed in the JACOB ZUMA campaign. And I'm sorry to now refer to MR MZWANDILE MBEJE as I had just met him outside. He was one of the faces of the ZUMA campaign in the SABC. So we were navigating that situation to the extent that one day ALF MODIBA phones me and says: SOPHIE sent in an instruction for you to go and cover a story as JULIUS is registering his child at school. His name is RATANANG, he's going to school for the first time. I said: But this sounds like a joke. You are not seriously asking me to go and do that? He insisted, and said: I don't like it, it sounds ridiculous, we are not TOP BILLING, but it comes from SOPHIE and she says it must be done at all costs. Heads will roll. Hardly ten minutes later I get a call from SOPHIE MOKOENA, now with much harsher threats if I don't do it. I didn't want to do it, but I was left with no option. I then phoned JULIUS MALEMA and informed him. His reaction was to laugh at me, he laughed so much, saying: I had some respect for you as

a journalist, you can't tell me you want to cover me taking my child to school. I'm a politician. My child has got nothing to do with politics. I don't think your viewers would even want that. You would be seen as pathetic, I'm not interested, it's a private matter. I then conveyed this message to ALF and he said he will tell SOPHIE. He tells SOPHIE. Then SOPHIE phones me, again wanting to verify why I didn't cover JULIUS. I explained that he refused and wants to keep his family life private. She said: No, I will talk to him and come back to me. Then she comes back to me and says no, he's fine with it. I phoned JULIUS again and he says: No, no, no, but I told her that I'm not going to do that. I'm surprised that you people want to do that. Please when you phone, phone about something else, not this, it is not a story. That was 2012. There was pressure that you cover JULIUS MALEMA positively at all costs. Going forward, the conference goes through, KGALEMA loses, LIMPOPO gets disbanded, JULIUS gets expelled. In 2015 he's got EFF. On a Saturday, the 16th, Youth Day,

they sent me to UNIVERSITY OF LIMPOPO, OSCAR MPETHA STADIUM, to cover an EFF rally. Other crews were sent elsewhere where there were Youth Day events. I remember the Premiere had his at THOHOYANDOU at the UNIVERSITY OF VEND. 5
EFF had a massive attendance there, and I'm saying massive not because I counted people in the literal sense, but they packed the stadium and had a serious overflow, a huge marquee for the elderly, and so on. The campus was just 10
red. I usually leave that to the camera to show, I don't write the word in the script saying that an event is well attended. Fine, we do the story, we send it out. Then in the evening when I'm watching the news, then I see 15
that they have used about 12 to 15 seconds of it. As a journalist you are not happy when you do an event and it was that colourful a story and you made an effort and it doesn't get used. But I don't complain to anybody 20
because I do not have that right. I ignore it. Shortly afterwards I get a call from this camera man, saying: Eish, they should not have sent us to that story, they used so little of it. I'm bored. We vented to each 25

other and we left it there. It's done. We don't phone anybody to complain. I even forgot it and proceeded with my life. It was the weekend. Now I get a call from an angry JULIUS MALEMA. He says: But, MAGOLEGO - 5 that's how he always refers to me, he likes to call people by their surname - why are you sabotaging my party? I said: No, I'm not sabotaging your party, I'm not sabotaging any party. He said: No, I've just been told now 10 that you do this consistently whenever you're sent to a rally. He did not see the story at all on TV, so he assumed that it was not used at all. He said: They say whenever you are sent to EFF events you don't send footage to 15 JOHANNESBURG, you don't even write a script. You are fighting against the EFF. You do it openly. Your bosses know it; they told me. I have just been on the phone with your boss NOTHANDO MASEKO. She is the head of television 20 news. I said: No, but NOTHANDO could not have said that to you. He said: No, no, no, once I noticed that my story was not being used, I phoned her, and this is what she said. I spoke to her less than five minutes ago. 25

And I'm not drunk. That's what he said to me. So I felt that I had been thrown under the bus on something that had absolutely nothing to do with me. She could have justified, at her level, why the story was not used, or even explain that it was used, but only to a minimum, but instead she dropped my name. Then I thought I would try and see what the atmosphere would be like the next day. The next day I received another call from another person who is not even a senior person in the EFF, saying: I've heard the leadership saying that you are the person that is sabotaging EFF stories in the SABC. I didn't expect that from you. I used to think you are not biased. I told him: No, I am not biased. I cover even the smallest of parties. I try to do my best. I don't do any party a favour, not even the ANC or the EFF, but equally I don't sabotage anybody. I then realised at that point that this was getting out of hand. If I didn't refute it something would happen. At that stage I then phoned NOTHANDO MASEKE - and with respect, I don't know who is the older of the two of us, but in the past when I met her and

worked with her I believe we could have been the same age, if she's not younger, but because of her position I always approach her with a degree of respect. I said: Ma'am, I received a call from JULIUS MALEMA saying you told him so-and-so. At that stage she hung up. When I later tried to dial again I realised she had blocked my cellphone number. Who does that? Who blocks a cellphone number of their junior? I phoned her on the landline, the minute she heard my voice, she dropped it. Later, I had an interaction with a fellow CW leader, who was a shop steward there, he says: Hey, FAITH MUTHAMBI tells me that you are an EFF mole. She and HLAUDI have uncovered that. So I said: But where do they get that? I'm not a mole of the EFF, I'm not a mole of the ANC. Why would something like that be said? Meanwhile there were many events where FAITH MUTHAMBI literally bullies us and says: Stop interviewing this person, interview this one. She did that constantly. It was accepted, ESTHER MOLOTO, ALF MODIBA and other managers, initially they were uncomfortable with it, they wanted to resist

it. But when HLAUDI started behaving like Father Christmas, dishing out promotions that fast, including the promotion of NOTHANDO MASEKO, people started cheering up to him, saying: He can promote me. So they were doing his bidding and those stories were being done like that. And I was labelled a mole. And I said: No, I'm not a mole. I don't do that. And those reports kept coming. They lied to COLIN, the chief in political circles. The chief says he wants to deal with you because you are doing work for the EFF. Mind you, even a record of my ...

COMMISSIONER: Who is the chief?

MR MAGOLEGO: HLAUDI. 15

COMMISSIONER: HLAUDI is the chief?

MR MAGOLEGO: Yes. I said to that comrade in CW: You can even check my phone records. The last time I had a conversation with JULIUS MALEMA was when he phoned me to complain. I'm not doing anybody's bidding, not even the ANC. I'm surprised that I'm now referred to as an EFF mole. In fact, even when JULIUS was still in the ANC Youth League - I don't even have a record of him asking me to do any kind of

favour for him. He has never done so and I have never interacted with him like that. Our relationship has always been professional. Then came this incident in the LEPHALALE, where I was interviewing Minister MUTHAMBI and she responded to my question, which was one simple question asking her to explain DTT in layman's terms, and once she had finished responding in English, I politely requested - and this is common practice in the SABC - that she repeats the same answer so that I can record it in her mother tongue. She was trying to find her words. It happens with people that they say something in English, but they can't immediately recall it in their mother tongue. At that stage she said: No, no, no, recall I had been talking about this, I think I spoke about this in the EASTERN CAPE. I think you yourself may have interviewed me about DTT before. I don't want to talk about it. I want to talk about something else. This is boring. At that time she grabbed her handbag, people were laughing at me. She took her things and said: I'm not even going to do this interview. I can't

believe you drove all the way from POLOKWANE to just came and ask such a boring question. That's how she abandoned the story. From there I started to get phone calls from everybody that matters in the SABC, saying: You have 5
insulted the Minister, you have - there's no record of me answering her back after she attacked me. I didn't. Neither did the cameraman or the radio journalist. We didn't. Because she was being treated as a super 10
manager in the SABC. There was no one that I could go to and say: The Minister is harassing me. I was bullied, I accepted that I had been defeated. I was not in a position to try and reason with her. I didn't do that. 15
She abandoned the story. But fast forward when it gets there, it's been said that I refused to cover the story. You can even check the record of the disciplinary hearing. There's nowhere where I refused to do 20
anything. They found me guilty, even though there was no evidence.

COMMISSIONER:

There was a disciplinary hearing after that?

MR MAGOLEGO:

Yes, which later led to my dismissal. During the disciplinary ... 25

COMMISSIONER: What were you accused of doing at the disciplinary hearing?

MR MAGOLEGO: I was accused of leaking information to the press because the SUNDAY TIMES ran a story that I was going to be fired because MUTHAMBI 5
wanted me fired. And the story had been written by PIET RAMPEDI. I later found out that he had been leaked the information FRANK PHOSHOKO. He's the late cameraman with whom I was working on the story. I had even asked 10
him to come and testify on my behalf, in my defence. He refused to do so. He was the one that leaked the story. He was friends with PIET. At the time PIET had left the SABC and was at the SUNDAY TIMES. PIET has access to 15
me, as a journalist he can get hold of me. He even wrote in the story that I couldn't be reached for comment, which is entirely untrue. He never made any effort to get hold of me. I realised later that this story was defaming 20
me, it's projecting me as unruly. And a similar story was carried by one, AUBREY MTHOMBENI in SUNDAY WORLD, the following week. I then said to PIET RAMPEDI: You wrote this
damning story. Now that I have been suspended 25

I feel like I need to put my view across, because what you have written is not entirely true. And he said: No, no, no, my forces say I should hold on. I asked: Who are your forces? To this day he has never told me who his forces are, the people who had influenced him to write that story. I still do not know who they are. 5

COMMISSIONER: So the charge was leaking information, and?

MR MAGOLEGO: And then refusing to carry out a reasonable instruction by a manager. 10

COMMISSIONER: What instruction was that?

MR MAGOLEGO: They said that I refused to cover an imbizo by Minister FAITH MUTHAMBI. I was now being blamed for her abandoning the story. The radio journalist could not continue with the story either. He was not charged. The camera person also brought up the little that we had covered. He was not charged. The video editor could not send anything to JOHANNESBURG because we simply did not have enough material. None of those people were charged. The radio journalist even came to testify at the hearing to say that the Minister actually kicked us off. She mistreated us, she told us 15 20 25

she wanted to have nothing further to do with us.

COMMISSIONER: Did you speak to the English version?

MR MAGOLEGO: No, ALF and ESTHER MOLOTO decided that they were not even going to feed that, because the English version, although it explains DTT it also has a record of the Minister saying: I don't even want you to air this. A simple GOOGLE search would reveal that. That record is still there. It's still on the SUNDAY TIMES website, where she says: I don't even want you to air this. On that basis they decided that they were not going to air it. It was not my call in any case. But what was interesting about that debacle is that suddenly they went and found people that I had had negative encounters with. In particular, SIMON TEBELE, as a Chairman of the hearing. 5 10 15

COMMISSIONER: SIMON chaired the hearing?

MR MAGOLEGO: Yes. And I objected to this the minute I received the charge sheet. It said that I'd made quite serious allegations against this person and I keep requesting that they be attended to. They have not been attended to. And he knows that I've made those allegations. 20 25

He can't now decide my future. Then the decision to decide whether he was going to be objective or not was left to him, and he decided in the hearing that the fact that I had complained against him had no bearing. He did not have a relationship with the Province and knew nothing about this story. He was going to be objective. It's like going to a World Cup in RUSSIA, saying: I'm the host, I'll be the referee, I will also lend you some players. That's how it happened.

COMMISSIONER: So he found you guilty?

MR MAGOLEGO: Yes, and dismissed me immediately. There's no record of me having been found guilty of anything in the SABC. Not even late-coming, not even absenteeism, or any of the smallest of infringements that a person could ever be accused of. I tried taking it forward, but Parliament then said the space was clogged when they had the hearing there.

COMMISSIONER: No, I'm talking about the CCMA. Did you take it to them?

MR MAGOLEGO: Yes, it went to the CCMA. I just do not have resources to deal with the CCMA outcome. The outcome of the CCMA said I was not supposed to

be dismissed, and therefore recommended that the SABC gives me two months salary as compensation. And at that point I had already run out of money to take it forward. I wanted to take it on review at the Labour Court. And I did it through the union, the COMMUNICATION WORKERS UNION. I realised that contact was lapsing between me and their paralegal representative, and later on I learnt that in fact he never even submitted anything. I don't know who decided this, because their relationship with HLAUDI was good at that time and they decided they were not going to pursue it. I was also in a dire situation and was not in a position to take anyone to the Labour Court. I didn't have money, legal resources, etc. That's how it ended. And I genuinely believe that because my colleagues, who had been the so-called SABC 8, I was in regular contact with them. They presented my case adequately in Parliament during that enquiry. However, when Parliament issued their report I was not singled out there. My name was not mentioned, and I strongly believe that this is an omission. I tried to make follow-ups with

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the SABC. The thing is now that the HR that had protected me before has now bought this idea that I have to be - there's a record in fact, even at the CCMA, where the Commissioner asked the two of them, ESTHER MOLOTO and ALF MODIBA. The only reason the Commissioner did not reinstate me is because they said it would cause an upset. 5

COMMISSIONER: Because?

MR MAGOLEGO: It will cause an upset. Things will no longer be the same if I'm fired like that and somehow I find my way back. 10

PANEL MEMBER: Do you have a copy of the arbitration award?

MR MAGOLEGO: Yes, I can bring it to you here physically tomorrow. 15

PANEL MEMBER: And the records of the DC?

MR MAGOLEGO: Yes. I can even forward them via email.

PANEL MEMBER: Okay.

MR MAGOLEGO: Another unfortunate part is that key people in this thing, two of them have died. ALF MODIBA and FRANK. Because ALF MODIBA, there's record of him in the initial hearing at the SABC, where he admitted that when I asked him certain things, like this allegation, because it's in a lot of email exchanges between the 20 25

managers, that I disrespected them, undermined them, embarrassed the Minister. I said: But there's this specific phrasing that you are using. Where does it come from? It was a crucial piece of evidence. Because under cross-examination he admitted that he had got that from one, MESHACK, I've forgotten his surname, who was the Ministers's spokesperson at the time. So he admitted that on the day of the incident he was phoned by a spokesperson of the Minister whom it can be safely assumed was conveying this decision to say: Dismiss this person. So I would humbly request that in your findings you try to consider my plight. I'm not obsessed with being in the SABC, but the manner in which I was removed is unacceptable, it's victimisation of the highest order. I'm even willing to engage them if they don't want me in TV anymore, and I have been extending this to them even during the hearing, that we could negotiate, I could go to another region if it had become personal, but no one was willing to talk.

COMMISSIONER: Can I give you my email address, and then you

can send us whatever other material you have that you think we should be looking at. Also, if there are any omissions in your presentation and you want to add on to it, please do that. But I must tell you, for a TV or a radio journalist you are very long-winded. 5

MR MAGOLEGO: I'm very long-winded.

COMMISSIONER: You don't get to the point very quickly.

MR MAGOLEGO: I'm very sorry, it's nervousness. I have been defeated too many times, so I'm not at my best, being here. 10

COMMISSIONER: If there is any additional material you have for us, please sent it to my email if there are things that you want to add. 15

MR MAGOLEGO: In respect of things that collaborate my claim that although this is a THOHOYANDOU-based NGO, their affairs were being run from the communications section of the SABC here. You will see how many times that on the day of this press conference, the SABC would have paid for a venue at this hotel. And the same would have happened on days where HLAUDI was appearing in Court, that the SABC would have paid for hotels in various provinces. I will 20 25

forward that email. Thank you very much.

COMMISSIONER: Where do you live now?

MR MAGOLEGO: I operate between MBOMBELA and here, just trying to freelance, but for the duration of this I will be in JOHANNESBURG, until I know how it ends. 5

COMMISSIONER: My colleague says we might need to call you back, so we will send you a message, but in the meantime you will send us the rest of the documents. 10

MR MAGOLEGO: Yes, I will do that. Thank you very much.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES**INTERVIEW WITH MZWANDILE MBEJE**

- COMMISSIONER: This is a panel enquiry into alleged interference in the editorial decision-making at the SABC. We have read your written submission, but before we get there let me introduce myself. I am JOE THLOLOE. I'm the Chairperson of this panel, and my colleague here will introduce himself and then you will introduce yourself. 5
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- PANEL MEMBER: My name is STEPHEN TAWANA. I'm from MMM ATTORNEYS.
- COMMISSIONER: And you are?
- MR MBEJE: My name is MZWANDILE MBEJI, a reporter at the SABC. 15
- COMMISSIONER: Political or just a general reporter?
- MR MBEJE: Political reporter.
- PANEL MEMBER: Do you have any objection to taking an oath, Mr Mbeje?
- MR MBEJE: No. 20
- MR MZWANDILE MBEJI (duly sworn, states:)**
- COMMISSIONER: We have read through the written submission you made, so at this stage we will ask you to summarise what is in the written submission, and any additional information that you think 25

we need, and we will then ask questions.

MR MBEJE:

Okay. Thank you very much for this opportunity to speak to this forum on this platform which has been provided to the public broadcaster to deal with a number of issues affecting the staff, the general public and the company itself. Upon hearing that there would be a Commission of Enquiry into the political interference at the SABC, I saw fit to also perhaps have a word with the Commission as someone who regards himself as a fairly experienced reporter at the SABC, who probably could give some insight to this Commission. Also, as I have said, I am a political reporter, but have been involved in a number of senior positions, albeit in acting capacities, which means some of the happenings at the SABC time and again will also affect me. As you have indicated that you have read my submission, I welcome this because it will give me an opportunity to also assist the Commission. It's not so much about me, it's about my company, it's about South Africans. Unfortunately in the execution of our duties as individuals we end up also

either getting entangled in some issues, rightly or wrongly, and then certain perceptions get created. Unfortunately some of the perceptions do take root and certain decisions get made because people think they know who you are, what you do, because a certain perception has been repeated so often that in the eyes of many it becomes viewed as the truth. So by the time you try and explain, it's already too late, whatever people have believed about you, is what they believe to be the reality. Let me indicate why I have also decided to make this submission. Some time last year, I think on 13 March, I was in SWAZILAND covering the SADC Summit. You may perhaps know that my recent assignment has been largely to cover the activities relating to the Head of State. I received a call from the then head of news, SIMON TEBELE, to say he would want me to act in the position of the political editor, as that position is currently vacant. Time and again they appoint senior people to act in those positions. So I acted for a number of days, and then when I returned I sensed that

there may have been great unhappiness about why I was appointed to act in that position, because I held a position of being a Presidential correspondent and then people raised certain issues. But more in the corridors, you know that kind of talk which you can't pin to one individual to say: Why are you having an issue with me? And then, because I had been appointed on March 13, on 18 May 2017 a press statement from a political party, the ECONOMIC FREEDOM FIGHTERS, was issued and that press statement basically questioned why I had been made to act as a political editor, because of my proximity to the then Head of State, basically saying I needed to be removed. And then they indicated who their preferred candidate would be. Obviously this concerned me a great deal and I tried to find out from my seniors, saying: Guys, have you seen what's happening? The political party has issued a statement for a mere journalist who happens to be acting. What do we do about it? And the organisation, the SABC, did absolutely nothing about it. That was May 18. I can actually help you with

that press statement, if you don't have it, so you know what I am talking about.

PANEL MEMBER: Mr Mbeji, you have mentioned that you tried to raise it with the SABC.

MR MBEJE: Yes. 5

PANEL MEMBER: Did you specifically raise it with somebody?

MR MBEJE: Yes, with the news management. Because we were busy preparing for the ANC policy conference, which was to be held at the end of June/beginning of July, the policy conference 10 ahead of the national conference, so while we pushed ahead with the work and interestingly we got it done and there was not a single complaint. But immediately towards the end of July, something which I found a bit strange, 15 I got a call from the Acting COO then, who was BESSIE TUGWANA, and she was checking where I was. And I said I was in the office and she said she wanted to see me. Then I went straight to her on the 27th Floor. It was the 20 two of us and she said: Oh, thank you very much for a job well done at the policy conference. Everyone was happy because you were able to balance things, because remember the stakes are high, and there was that issue 25

of NDZCR 17, where everyone wanted to know how the SABC was doing it, and you did it so well. But I would like to inform you that I've called you here to say thank you, you may revert to your position. I said: But my acting mandate ends on 30 September, so why the abrupt ending? She said: No, no, no, we felt the President then has so many issues, we just want someone to focus on that because the President has so many issues, so we don't want to drop the ball. I said: Oh, really? Okay, but why am I being informed by you as the COO? Because I would assume that my immediate seniors, your head of news and head of radio would be the ones, if not them then the GE of news, so why am I informed by someone right at the top? She said: No, don't worry about it. I said: Do they know? She said: No. I said: Okay.

COMMISSIONER: They don't know? 20

MR MBEJE: They don't know. I obviously went back and when I went back at the time, I think it was NOTHANDO, the GE and then NYANA was acting head of news and SIBULELO was head of radio. Well, she still is. So I went to them and I 25

said: Guys, I've just been called to the 27th Floor and I was told that I am no longer going to be acting political editor, so what is the matter? Everyone was surprised: Why? So I said: The COO called me to inform me. In 5 terms of the reporting line I'm not even close to her. So because I had heard, obviously I don't want to talk too much about hearsay, but the kind of pressure that the EFF was putting, because not only that statement, even in their 10 public statements they would continue to say: Why don't you put in so-and-so? We don't want this one. They do seem to have been able to lobby someone, unfortunately, at the very top to be able to effect whatever they were able 15 to do. Then I was removed like that. But then I said: Well anyway, that was not my permanent position, I was acting there. My issue is the manner in which I was removed and even the people involved. It smacks of 20 something. I don't know what it is, but you can see there's a hand from very high up. SABC did not even issue a statement rebutting what the EFF was saying, yet their employee is being attacked. They issue a statement, they 25

say these things and no one says anything. Then I raised a concern. I even called people like KAIZER to say I'm actually surprised that as a small fish, a political party can just make a statement and then the company just keeps quiet. But I felt: Okay, it's fine, I'll go back to my normal responsibility which is to be part of the press corp. Then came the opportunity to apply for the position of political editor, which had been vacant for a very long time, and I was one of the people who applied for that position, and I know there were others. So we went for through the due process of the interviews and everything was concluded, because I think someone was supposed to have started on 1 January, this year. So the interviews were completed and I may have been recommended, but whoever was acting at the time decided against it. I think that was KENNETH MAKATEES, who was acting at the time, decided against it, obviously for reasons unbeknown to me, and they then decided to broaden the search, saying maybe the number of applicants was small, perhaps they can still do more. So

they did that and then there were new applicants and I questioned whether I should apply again, and they said no, mine is fine, it's part of the ongoing process. That process of the second round was concluded and the same outcome happened, and then there was still reluctance to appoint me. And as the Commission I don't know whether you have the powers, you are within your rights to check if what I am saying is correct, just to gather the outcome of the first interviews for the political editor, and the second ones. Just check that outcome and check it against what I'm saying now. Even to this day I was not appointed, despite the fact that I may have done better than all of those people. But as I'm saying, you can verify that for yourself, you can just ask for the outcome of the political interviews, they will probably be able to tell you what's happening. I strongly believe that I was recommended on both occasions, but because there is this issue that I do not understand, which may have emanated from my abrupt removal, so I assume that issue is still very much in play.

didn't help, Chairperson, that amid that
tarnishing of some of us, even some of our own
colleagues started issuing certain statements
about some of us. I'm happy that the
Chairperson here is our veteran in terms of 5
journalism, so he understands some of these
things. Normally the heads of state are
assigned to what we call the press corp,
presidential correspondents, essentially
because there are issues of safety, issues of 10
familiarity, issues of threats to the heads of
state. That happens in the US, the UK, in
ZIMBABWE, in KENYA, it happens everywhere.
Unfortunately in SOUTH AFRICA it appears that
if your company assigns you to cover the Head 15
of State, people necessarily stop thinking
that you have been assigned by your company,
they then decide that you are part of that
individual. So then there is a campaign to
say I'm actually part of the ZUMA 20
administration. And then I say, okay, each
and every assignment and every trip I have
taken, none have been paid for from my own
pocket. The SABC is the one that signs off
everything. If they then felt that I'm now 25

compromised by covering the Head of State, why did the SABC continue to assign me and when did they ask me to come and explain some of the things that they may have been uncomfortable with? None of that happened. 5

Unbeknown to me there is a petition drafted by my own colleagues, which basically says: This presidential correspondent must be immediately removed because he is politically compromised. So, what is that? What is being politically 10 compromised? It's it to cover the Head of State. Because if you are assigned to cover the President most of the time you will be there. I understand from ordinary people out there they will probably think: So do you 15 work for so-and-so? For ordinary people it's understandable, because they wouldn't be able to see the difference, but for your own colleagues, where they at once - as I'm saying, I can never have money to fly to 20 AMERICA or RUSSIA. Anyway, how do I assign myself? Because even the story that I do here at MILPARK, I can't even walk here. My editor must sanction that. So somehow all those things that at once perhaps have got together 25

and created this perception that has effectively stopped my career, so to speak. That's what it has effectively done. So no one is talking about my qualifications, my experience. No one is talking about that. 5
Everyone is like: No, this guy has been covering ZUMA. ZUMA has been bad news, so he's part of it. That is the situation I currently find myself in. That is why I feel I'm being victimised at the SABC, not 10
necessarily because I want the position. If someone gets it on merit it's okay, I will support that particular individual. And whilst we're dealing with the issue of the non- 15
appointment of the political editor, out of the blue you just get told that: We are now removing the titles of you guys in press corp. Okay, why? The explanation I got was: You know, we want to allow other people to have the experience of covering the President as 20
well. That's fine, I'm not the only one who wants to cover the President, but the timing - because they did it as soon as ZUMA was removed, and then about a week later they called us to say: Guys, you are also no 25

longer president correspondents. We asked why, because in terms of the term, we have been seconded. So as much as the President is PRESIDENT RAMAPHOSA now, he's concluding ZUMA's term. That is why he is eligible for the two terms that are coming. So, if you want to make changes, that's fine, but don't you think it will create the wrong perception, that you are doing it when ZUMA is removed this week and then you're doing it next week, so what are we doing? Are we in the political space as well? Are we not journalists? Look at people who have been covering OBAMA. Look at OBAMA and TRUMP, they are two different individuals, but it's the same crew that still covers them. It's the same thing in the UK. The same in ZIMBABWE. The same thing everywhere. So what is the problem here in SOUTH AFRICA? If there's something wrong that we are doing, it's possible that we're doing something wrong, so who is calling us to account? Because we are the employees of the SABC. So if there is something wrong, I would not say there is nothing wrong that I have done, it is possible, I may have been

committing so many wrong things, but the company is there, so if I do something wrong today and then next week they assign me to NIGERIA, I come back, I do something wrong again, they assign me to CAPE TOWN. So what is happening? That is why I feel in the SABC there are certain elements, others not so visible, but others clearly visible, that are basically operating there. And unfortunately there are interests at play, right from the top to the bottom, because sometimes even some of those people who have come to help us clean up, get entangled in these things without even asking questions. I don't know whether as part of your receipt of the submissions you received - there was something called a SABC news staff petition, where some of our colleagues, which I personally think may have to do with professional jealousy, wrote a petition essentially saying we are politically compromised. I think it's number 4, I can just give that to you now. That is the petition that was written by some of our colleagues. If indeed that is the case, that we are politically compromised, I would really like

examples to be cited and I'm actually ready, even if you were to summon me back, preferably those who are making those allegations, I would like to face them so that they can put it straight to me and I will know exactly what's happening. Those are some of the things that are happening. Also, there has been a trend since the issue of the SABC 8, which in the broader context was a noble issue, because as a journalist you could never accept what was happening there. But unfortunately, like all things in life, some things tended to take the turn that was never meant. You look at the land debate right now, initially a very good issue that needs to be attended to, because everyone needs to benefit. Just look at what is happening now. It's literally turning the country upside down. No one anticipated that those kinds of outcomes or reactions would follow. But in this instance let's go to the SABC 8. We were all pained when we heard that our colleagues had been summarily dismissed. We can never accept that, because if you were to allow that to happen to a colleague, you must know that

tomorrow it can easily happen to you. So we were all in support of them to say: No, this can't be done. But what we discovered in the process was that as much as they got the public support, unfortunately some of them started turning on their colleagues within, which for me was nothing else but professional jealousy. They started accusing some of their own of engineering certain things without any facts. I once had a confrontation with one of them based on absolutely nothing. She just wrote to the Board, questioning whatever I was doing at the time. I was still acting political editor. She made all sorts of accusations and copied the Board. But I said: Okay, it's fine, because you copied the Board I will do the same and I will respond to each and everything you're saying. Upon my response she cries, she goes to the manager saying she has been disturbed by one of the SABC members, I think it was the white lady who died, she says she was emotionally disturbed because one of her colleagues had died, which is why she ended up some of those wild allegations. I brought that exchange just

to illustrate some of the issues. Some of it took a turn that was never meant to happen. If you look down, I think my colleague there had written certain things questioning some of the decisions I had made. She had no facts, 5 she was just writing, I didn't know what that was, and then I responded to her. And I can tell you after I gave this response she went to the head of news, then NOTHANDO, crying, saying whatever she wrote was because she may 10 have been affected by the death of one of her comrades in arms then. Which basically then drove the point home for me to say, yes, whatever was done to them was wrong and we didn't agree with it, but in the process they 15 then ended up dragging in all sorts of people who were irrelevant to their cause. For what reason I have no idea. As a result all of these things have created a situation where I'm effectively - no one even checks how 20 qualified I am, or how bad I am, or how good I am, but because someone has consistently created that kind of perception you are politically compromised. You do this and that, you are ZUMA's person. All those sorts of 25

things. Effectively I have basically ceased to be a professional. No one remembers that I went to university to study these things. Everyone has forgotten that because of some individual. That is why I decided to write this submission to effectively say I currently feel very victimised at the SABC because there is a lot of interference in what is happening there. Unfortunately most of it is based on incorrect perception. Because most of these things can't be backed by facts. They can't. People will probably come and say this and this does A, B, C or D, and they can't back it up with facts. I am suggesting to this panel here, I am ready if there's anyone who has specific issues about me, I am ready to be called back, he or she can sit here and give their reasons for saying this. I am ready to be cross-examined, or to cross-examine that particular individual. Then you can make your decision. Because what has happened to some of us is so unfortunate. It is so, so unfortunate. I know I was trying to summarise, but there were a few issues that I needed to ventilate.

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- PANEL MEMBER: Mr Mbeje, when you were removed in your acting position of political editor, do you think EFF's press statement influenced the decision for you to be removed?
- MR MBEJE: No doubt about it. No doubt. It definitely 5
did. Because prior to my removal there had been murmurs in the corridors that in the highest corridors of power there had been some questions as to why I was appointed to act, because I covered the President. But at the 10
time those who were my line managers said: Since the man took over we've been having stability and have enjoyed the most peaceful time. That is why, when they were attacked, heads of radio and TV, and the group executive 15
of news, I got a call from BESSIE and I told her - it's unfortunate that she's not at the SABC anymore - but I told her. I even told her what I thought at the time, who was removing me. 20
- PANEL MEMBER: What if they were thinking that: Okay, since MR MOTSOENENG was involved, with so many things happening under his appointment, during his tenure, his appointments were mingled with or interfered with and they tried to bring the 25

integrity of the SABC back?

MR MBEJE: I have never been appointed by MR MOTSOENENG. Never. The only relationship I had with him is that we both happened to be colleagues at the SABC. But I've never had a direct relationship with him. 5

PANEL MEMBER: But you mentioned that you were called in by SIMON TEBELE.

MR MBEJE: Yes.

PANEL MEMBER: Who confirmed the acting position to you. 10

MR MBEJE: Yes, yes, it was SIMON TEBELE.

PANEL MEMBER: So now, when you were in your acting position as a political editor, who was forefront in making the decisions? Was it you individually or did you have a collective group whom you could consult and discuss? 15

MR MBEJE: To cover the events?

PANEL MEMBER: To cover the events.

MR MBEJE: I primarily took those decisions, because if you are the political editor, basically it becomes your main responsibility. But how we normally we do these things, every Monday we have a political meeting to discuss the diary, to discuss the story ideas and all those things. But in the final analysis, as the 20 25

political editor, you should be the one who would take the last decisions. But it's based on those meetings. Today is Wednesday, for instance Monday, two days ago, the acting political editor was out of the country so I had been asked to assist. So I held that meeting. 5

PANEL MEMBER: So you held the meeting and you chaired the meeting at the same time? The meeting is held, with you are the chairperson. 10

MR MBEJE: Yes.

PANEL MEMBER: So the final word during that meeting will be yours?

MR MBEJE: In the newsroom it's more a function of debate and robust engagements. The only time, really, where there has to be a final word is when there is a very serious, contentious issue, where for perhaps let's say I myself am not sure and then I'll do the referral and check with people above me. But I haven't been in that situation. Basically, whatever we decide there will be a function of robust engagement. I may have gone to that meeting thinking I would treat this story in a particular way, and then the members of the 15 20 25

team will say: No, no, no, you are out of order, this is the best way to treat it. That's how we would operate. It's not really like we go right ahead and nobody says anything.

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PANEL MEMBER: Let's go to the function of a political head, a political editor. When you are a political editor are you supposed to only cover a specific political party or a specific person, like for instance you've been referring us to covering the President. Are you specifically covering the President or do you have to look at the political landscape in SOUTH AFRICA?

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MR MBEJE: If you are the political editor?

PANEL MEMBER: Yes.

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MR MBEJE: If you are the political editor, everything political is your responsibility, be it the issues relating to EFF, the DA, the IFP, the ANC, those are your responsibilities. So the reason I kept on referring to the President, maybe I should have clarified before I got there. What you do within the politics department, you then second certain people to the Presidential unit. Because the Presidency in itself is a lot of work. So that you don't

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lose stories, you know what is happening, because the President is always engaged, so you then assign certain individuals to look specifically at the President of the country, the Head of State. But it's also part of the bigger political issue. If you're the political editor you are responsible for all, so I was referring to myself because in my current position I had been seconded to primarily cover the activities of the President. It's called the press corp. Even in the US, the WHITE HOUSE, they call it the WHITE HOUSE press corp. In the UK they call it, I think the 10 DOWNING STREET something, in RUSSIA, the KREMLIN correspondents, everywhere. So you have a team that gets seconded to cover the President. NTATA THLOLOE would know about this. At some point the Presidency wanted to create a press corp for all news outlets, but for various reasons many wouldn't. It ended up not happening. But the SABC as the public broadcaster decided to go ahead and second its people. For example, THABO MBEKI, there was a lady called MIRANDA STRYDOM who had been seconded to cover

THABO MBEKI, and for ZUMA I had been seconded. Right now no one is effectively seconded. It's just...

PANEL MEMBER: Who normally makes the secondment?

MR MBEJE: It would be the head of news. 5

PANEL MEMBER: And at the time who was the head of news?

MR MBEJE: In my case, it was PHIL MOLEFE.

PANEL MEMBER: Have you ever in your acting position as a political head editor, covered the story of, let me say a DA event or conference? Have you ever done that? 10

MR MBEJE: As a political editor, yes, that becomes my responsibility.

PANEL MEMBER: Personally, in your acting position as political editor, have you ever done that? 15

MR MBEJE: Yes, yes. Though, if I'm the editor - remember, if I'm the editor I normally have staff, so in the main then I assign. The only time I would probably go when let's say there is a shortage or perhaps an issue is a bit more complex and needs certain seniority. So I've done that a number of times. 20

PANEL MEMBER: What is your comment - I believe you've seen in the media that the ANC is demanding that it be covered, it be afforded more time than the 25

other political parties. What would your view be on that?

MR MBEJE:

I think as journalists - the ANC as a political party would always feel that whatever they get is not enough. Go to the DA today, they'll tell you the same story. Go to the EFF, they will tell you the same story. So basically political parties are always fighting for space. It's not necessarily so much about what they say, but myself as a journalist, I must do what is right. Simply because JESSIE DUARTE is driving past and she's the DSG of the ANC, I can't cover it. There must be something newsworthy. I actually think the ANC is just playing - it's just being a political party. Whoever lives in SOUTH AFRICA knows the kind of news coverage they get, not because of perhaps the 62%, but because in most cases they generate news, positive or negative. The sense I got was that they would want to be portrayed more positively. It's none of our responsibility, quite honestly. We must reflect what's happening. So I actually don't agree with them. Because why should that be the editor's

role? Then there must be no editors if they then come here and say: We get 62%. So what's the role of the editor?

PANEL MEMBER: You are mentioning that journalists must do what is right. 5

MR MBEJE: Yes.

PANEL MEMBER: What do you mean by that? What is right? Looking at the editorial policy and the meetings that the editors and the journalists have each and every day before they can cover a story. 10

MR MBEJE: As journalists it's very simple. We must reflect to South Africans what is happening in the country. If the ANC is fighting amongst itself, we can't keep quiet because we think we'll be accused of being negative. We must reflect that. That's the right thing to do. If the ANC is delivering beautiful roads in the rural areas and everyone is happy, we must reflect that, because that's the right thing to do. If the EFF takes the issue of land and puts it on centre stage, we must say they may be a small party, but they have forced this issue. We must reflect that. If the DA holds the Government to account either by going to 15 20 25

court or to an ombudsman, we must say that's what the DA is doing. It's not so much about what the political parties want, it must be about what the country deserves. That's how I would put it. As journalists we must be able to reflect the aspirations, we must be able to cover the events, we must be able to cover the seen and unseen events. Quite honestly, we may not necessarily play in their space, because they are a political party and that space is contested. All they want is to be the only ones in the space and then they will be the happiest. It's none of our business, we must reflect on what South Africans want to see. That's all we have to do. We must do what is right.

PANEL MEMBER: What was your experience during HLAUDI MOTSOENENG's tenure?

MR MBEJE: I think it was the experience of all South Africans, because when he came on television, you either laughed, or you cringed, or you wondered what he was going to say. Because I think that's the kind of person he was. As for the SABC, as I said, I never reported to him, so he would deal with whoever he was

dealing with. But quite honestly, there are statements that he would normally make and you would just cringe. I have never understood why he said we must - what was it - we must not show the burning of things, because I'm a trained journalist so why would I as a journalist then not want to show what is happening in the country? Some of those things I didn't agree with. As I said earlier, when he summarily dismissed the SABC 8, I didn't agree with it. Some of us at some point, there was a campaign where we had to wear black to show solidarity, and he was still there, and you can even go to your archives, some of us wore black on the day when that issue was put out there, because some of the things he was doing were not right. Even the 90% thing. As much as it would be good to have South African products dominating, you can't just suddenly do it, because if you do it, it's like me deciding that I want to go to the hospital now. The right way is to get out of the door and to go that way and go to the hospital. If I just decide to break this place because it is closer to get there, there

will be damage along the way. Either I will do damage myself or I will damage this thing. That's not how you do things. So the 90/10, for example - I'm just using that as an example - I honestly didn't understand it. I love SOUTH AFRICA, I love South African products, but you can't just do willy-nilly. Some of those things I honestly didn't agree with. I would watch at a distance, because it's not something that perhaps was discussed with me, because I had no role there. They were high up there. Where we would probably have felt it was when there was that directive of not showing the burning of property. That's where I would feel it as a journalist, but because of the current job I am doing I would hardly go to where they are burning things. So I would not personally have had to engage with that matter. But in principle I didn't agree with it.

COMMISSIONER: How long have you been with the SABC?

MR MBEJE: Since 1999.

COMMISSIONER: Since then up to now, have you had direct experience of political, commercial or other influences on the SABC? Besides what you've

given us here.

MR MBEJE:

If you are the political editor, obviously you would get calls from all parties wanting to be on air for one reason or another. I don't know whether I should always categorise that as 5
pressure. I would assume people are trying to fight for their space. Because their wish is to be on air. So if you are the person responsible for that, time and again they would call you. In terms of political - from 10
that point of view it did happen, but as I'm saying, I'm not sure whether I should categorise that as political interference. If MPHO ZINDLOSI(?) for example, would call and say: Hey, Chief, we're having a press 15
conference tomorrow, I hope you will take it live, I don't know. Because at the same time MABENA will say: Hey, my leader is in SOWETO, please, Chief, if you have live facilities, I would appreciate it. The same 20
thing with the ANC: Eish, the President is going to visit so-and-so, I want those things seen. So those things do happen, but as I say, in the bigger scheme of things I guess perhaps it's their work. That's what they 25

have to do. Because I have not been in the position of authority for long, that's why I may not have experienced it. The only time I felt I was really being pressured was when people issued a statement about me. Not only that, remember the EFF once marched to the SABC, I don't know whether you remember, they were outside the SABC, making the same statements about me. That's when I felt that was now political pressure. Other than that, quite honestly, with the DA I've had a beautiful working relationship. In fact all parties, even the small parties. It's just that my issue is that I think people at the SABC tend to be exposed to the climate and make it theirs. If they feel you are probably at your weakest they will go for you, for nothing else but for their own interest. So unfortunately at that place everyone is fighting for their own interest. They can all come and say beautiful things, just look deeper, everyone is fighting for their interest. I guess the fairest of us were right when they said...

PANEL MEMBER: It appears the majority of the people there

are not considering the policy. The editorial policy is not being taken into consideration.

MR MBEJE:

I don't think people check the policy. Well, there are those who check the policy but I think others will, as long as it will advance their interest. If you fall then I rise. That's okay. I think that's what people would rather do. That's why you would have someone mount a spirited campaign to get me out of the press corp, either because he or she thinks they would be the next in line. That's why someone will try and block your rise to the position of political editor, because he or she thinks they would be eligible for that. That's why people will create certain perceptions, so that you'll end up being viewed in a particular way.

COMMISSIONER:

What you are saying to me is that in all the years that you've been with the SABC you have never experienced untoward political or commercial pressure on the contents of the SABC?

MR MBEJE:

I would say that, and perhaps qualify it by saying it's maybe because of my level. Because I'm sure - I don't think any big guy

would come to a normal journalist and try and push their commercial interest, because he or she would probably know that there are people above him who make those decisions. So I wouldn't really know about it, quite honestly. 5

COMMISSIONER: The HLAUDI era has been described as a time when there was political pressure on the SABC. How you to characterise it?

MR MBEJE: I would say it's possible. It's possible because it's during that time when you had all sorts of parties say all sorts of things. They would either say HLAUDI this, HLAUDI that, HLAUDI this, HLAUDI that. Because, quite honestly, the statements he used to make were quite reckless and they created a very bad impression. Why would you say a certain political party, like JIMI was saying, should be covered partially? I don't think you can deny that, quite honestly, given the events and the context. 10 15 20

COMMISSIONER: You are saying to me you haven't seen any political pressure, but you are saying JIMI would say a political party should be partially covered. Isn't that some form of political pressure? 25

- MR MBEJE: I'm not saying there was no political pressure around, I'm saying there was some form of political pressure. That's why I mentioned some of the statements that HLAUDI, and possibly JIMI, were making as well. Some of my own experiences, when the EFF would issue a statement and then things would tend to happen the way they said it. So I would characterise that as political pressure. 5
- COMMISSIONER: The reason I'm asking particularly is because of your experience of the political landscape from 1999 up to now. So you are at an advantage. You are at an advantage because you have the ears of all the political parties, you know what they're saying, what they're thinking, and they will tell you: No, we have your boss under our control. They will give you all the insights that they wouldn't give to other people. 10 15
- MR MBEJE: Yes. 20
- COMMISSIONER: And then you get to a point where you are right next to ZUMA all the time, and ZUMA is supposed to have been the puppet master. So if anything was happening at that level you are the person who should know, and you are 25

saying to us there wasn't any political pressure, it was just, if I may say so, the awkwardness of the COO at the time.

MR MBEJE:

I think you've put it better than I could do. Despite everything that was said about ZUMA 5
and HLAUDI in terms of their proximity, I have never been in the same space where they have been together. I have never got a call - I have my phones here if there has to be a reason to go through my records - where HLAUDI 10
would say I need to do this about ZUMA. But I knew, like all South African, that the man was doing things in the name of ZUMA. Because that's what he used to do. But he didn't hide it in any way, because he would even tell his 15
senior management that: If you don't do this I will do this, I will call PRETORIA. I think I remember PHIL saying that in his Parliamentary enquiry. But me personally being part of that, no, never. Never. As I'm 20
saying, and this is the absolute truth, I have never been in a situation where I'm told - I hardly had dealings with HLAUDI, actually. The only time he would - I think for the short stint during the 2014 elections - but I have 25

never had dealings with him.

COMMISSIONER: At the time that you were part of the press corp, how many people from the SABC were part of the press corp?

MR MBEJE: Including camera persons, there were about six 5
of us. It's myself, TSHEPO, NDEBO, SEPHUME,
THABISO, THULO. They're the corp. I think
there about six. We used to be two of us, but
unfortunately my colleague, KGOMOTSO SEBETSO,
died. Because it was the two of us. And then 10
when he died he was never replaced. So what
happened was that there would be people who
would come in from time to time, because you
can't do it all by yourself. From time to time
people like THAMI DICKSON would come in, like 15
TSHOLOFELO MATHIBEDI, like LEHANA TSOTETSI -
all those senior people would come in, but
essentially for television it was myself and
for radio it was TSHEPO IKANENG and THABO
MOKHOBO, and then we had three camera persons. 20
Essentially that was the press corp.

COMMISSIONER: Have any of the other people, be it radio or television, been accused of being too close to ZUMA, except yourself?

MR MBEJE: That's the question. Interestingly, for them 25

it's more collateral damage. When accusations are made they would primarily be targeted at me but, of course, as I'm saying, there would be collateral damage. But I think I understand why, because of the visual nature of the work I do, people would see me. Even when we would do an interview. Because for television, I'm the TV person, so people would see me. Never mind that there are radio guys who are just around. So generally people would tend to direct things towards me. Even if TV has less impact in terms of the reach, but because of the visual nature of television, I would probably be more at the receiving end. I think it's because of that. I could be wrong, but I think that's part of the reason.

COMMISSIONER: Now the content itself. What was in the content that you put out that made some people believe that you are a ZUMA man? It can't have been because you are always with him. It must have been something in the content.

MR MBEJE: That's where I have the biggest challenge. Fortunately I've been at the SABC long enough to see the same charge being labelled against

MIRANDA STRYDOM, where in fact some people were unfortunately going as far as saying...

COMMISSIONER: She goes to bed with the President.

MR MBEJE: Yes. Fortunately time and again people like that would say: You know what, these things do happen, don't worry about them. Once people see you with the President they somehow think you are his person. Let's take a very simple example. If I'm always with you it would either be perceived that we had a certain relationship or there would be easier access because there may be a level of trust which, by the way, the press corp is intended to portray, because if you are next to the President you would know you are always a potential suspect. So it doesn't matter who you are. That's why if the President were to come in here there would be a scanner here. Never mind that they have known BRA JOE for the longest time. When he comes here they would always put a scanner, because if you're next to the President, the rule - apparently it's a secret rule - you are always a potential suspect. But then it lessens that kind of threat. If I know that I deal with

BRA JOE all the time, so I already know his mannerism, his movements, I would be able to know if he behaves in a certain way there may be a problem. But I'm just saying that apparently is the secret way of looking at it. 5

So in terms of the content I honestly don't remember a situation where I would not deal with issues that I was supposed to deal with. Whether it was that we were somewhere abroad and an issue happens here, and they would call 10

to say: This is what has happened, please ask the President, I would do it. Of course, there would be events where you want to ask something and then they say no, the person will not answer that because he has not been 15

briefed on it. Let me perhaps make the most recent example. In December, just before the ANC National Conference, we tried to do all the Top Six at the SABC, we did an hour long interview for all of them. And then I did the 20

interview with PRESIDENT ZUMA, and I can tell you after that interview even the opposition media, your eNCA, your 702, were like: Wow, what a great interview. We got to see the other side of the President. Because I was 25

very clear - in fact one of the questions even ended up going viral. The questions I asked was: In the event the new leadership decides you go, what would you do? You could see he was uncomfortable, but I had to ask that question. And then I went on and I said: There are these charges again, what if they are reinstated? He said: You know what, I've been in jail before, I've been arrested for things I didn't know, even if they arrest me I don't mind because it has happened before. That interview was liked by many people. Fair enough. Fast forward two months later than December, he goes to Parliament to deliver the State of the Nation and the events just don't allow the situation. And the ANC meets and then they take a decision that he must be recalled. Then that becomes the biggest story, not of SOUTH AFRICA but of the world. The ANC one evening take a decision and then they travel to him to inform him what the ANC has decided, and then no one knows what he's thinking. We tried to find out what was happening. Then every media is we are gathered in PRETORIA, everyone wants to know if ZUMA is

going to resign, because there is this motion of confidence, the ANC has taken a decision, so what is he thinking? Remember I'm the person who is assigned to cover the President. Your BBC, everyone is coming to me asking what is happening. And I said: You know what, it's difficult. And as a journalist obviously you operate in your own way. I start texting some of the people, saying: Guys, even if it's two minutes, I just want to find out what is the President's thinking. We have heard what the ANC are saying, and everyone, not only South Africans, the world wants to know what is his thinking. We tried. They said no, the media has been hostile. They started throwing all those things to say: No, no, no, the media can't - no, we can't allow you guys - and then I persuaded them. And remember, this is the biggest story of SOUTH AFRICA, and the world is waiting to see. Is RAMAPHOSA really in charge? What if ZUMA defies, what will happen? Obviously using my contacts, I struck some sort of a deal. I can't say that to people, but I struck a deal. And then they said: Okay, because you insist that you want

the President to speak, that's fine. We will also have our own demands. Because remember, here is the man who the Parliament is going to pronounce on tomorrow. So I asked them: What do you want? They say it's fine, the President will speak, but the President feels he wants to correct so many things that have been said about him. I said: No, that's fine, in fact we want his side of the story. We do want his side of the story. But I said to them that South Africans are essentially interested in two or three things. They asked what. Point 1 was: Is he going to resign? Point 2 was: Will he defy the ANC? Point 3: What is he going to do next? I said: Whatever agreement there are key questions that I will have to ask because when South Africans see him on TV those are the questions they want answered. Here is ZUMA. Is he resigning? What is he saying? They said: Okay, that's fine. Then I go without even telling my seniors - fortunately there is now a facility called DM&G 20. It's small, so we can cross live now, sitting here. So I just took it, because I was in PRETORIA, we had our

vans there. I took it to MAHLAMBA NDLOPFU. I hadn't told anyone. All I did was to say to SOPHIE, who was acting: SOPHIE, listen, I'm dashing to MAHLAMBA NDLOPFU. BONGANI, the spokesperson, might give us something. I said we just want something because we want to know what's the thinking of the President. Then I went there. I already knew that I'd secured him, but I didn't let anyone know, because they have said - there are those who don't want this thing to be badly treated, so to speak. So I said: Okay, it's fine. I didn't tell them that I had a DM&G. So we went there. I knew I would find him. And then, as we set up I said to my camera person: You know, this is the biggest story, can you please put on the DM&G, the facility that takes it live directly. He put it on. Then we were sitting. And then the Presidential staff comes. Because at the time I had then outlined the (indistinct) at the SABC. I had said: Monitor DM&G. That is it, monitor it. So if they monitor it, they see the pictures of ZUMA. Like, okay, are they all pictures? And then as the camera is busy

setting up they see me and then the guys say:
It looks like Mzwai is with the President. As
we were doing the interview, the Presidential
staff, when we started, came and sat down and
we were seeing the pictures on 404, and then 5
we said: Yes, it's live. And the President
is here and they don't know what to do because
I had not said it was going to be live. But
he was there and I said it's live and its
fine, he doesn't say anything. They can't 10
tell us to stop it because they've already
seen it on 404. Then we kicked off with the
interview. In that interview - the reason I
am mentioning it is because things that people
may not have known about is the kind of effort 15
I put in to ensure that we get this man to
talk, and I was right, because as soon as that
interview appeared on 404, eNCA, ANN7 then,
SKY, BBC, CNN, AL JAZEERA, CHINA TV, everyone
just plugged in. Not even checking with the 20
SABC if they could. Everyone just plugged in
because everyone wanted to know what he was
going to say. So we did that interview, and
then what I did - because remember, we had
struck some kind of a deal because I wanted 25

this man, and I know the world wanted this man, but I knew my key questions would be asked: Are you resigning? Are you defying the ANC? That's when he told the world: I'll be making a statement this evening. That interview generated so much reaction, both positive and negative. Many felt he was let off the hook but others felt at least we got to understand what kind of man he is. Because you saw him there as himself, but then you had those condemning views. As a journalist we operate in particular ways to get stories, as long as it's not unethical, as long as you do it in ethical and acceptable ways. So I got the global scoop which everyone used, and then we got the key issues that we wanted to know. As a result, everyone converged on the UNION BUILDINGS, based on that interview. But I can tell you that from the very same interview I got smashed by some people saying: We have always said this man is a praise singer, why did he let him go so easily. But others said: Wow, at least you let him speak, we've been wanting to know what his thinking is in all of these things. Those are the kind of things

you sometimes face in this environment. As part of that petition some people even include that to say: He just sat there with the President. They don't understand all of those things. So I'm saying it's unfortunate what is happening at the SABC, that either because there are also the issues of professional jealousy, and unfortunately some would cloud the facts with fiction. 5

COMMISSIONER: Why do you think BONGANI and company agreed to your interviewing the President, and not any other journalist? 10

MR MBEJE: Exactly because I am the press corp. Part of the reason of the press corp has to do with issues related to security and a certain level of trust. That is why, if TRUMP decides to go unannounced to IRAQ, the press corp would be told to say, because of security issues ... 15

COMMISSIONER: And FOX will be told.

MR MBEJE: Absolutely. FOX will be told, but also the press corp. Remember there is also the press corp, even from CNN, those who he fights with, they are always there with him. But if they undertake such a mission, for example, they would say, because security issues will be 20 25

very high in IRAQ, so the only time you announce will be upon landing. Those are some of the things. So if you have access, that is why the press corp is so necessary. I was illustrating those examples as - ordinary 5 people I understand, because they would not be privy to some of these issues, you allow them space. But there are those who know better, but for reasons only known to them, will twist facts. 10

COMMISSIONER: Would you say the EFF has it's own moles inside the SABC who are responsible for the petition, and for other things? Or are these two separate processes?

MR MBEJE: If there's one political party that has really 15 got its tentacles everywhere it's the EFF. Absolutely. Absolutely. I don't know whether I would call them moles, but they definitely have people who they trust. And it appears not only in the lower positions, it can go 20 very high up.

COMMISSIONER: I'm speaking specifically about the petition from staff. Was it influenced by the EFF?

MR MBEJE: The petition may not necessarily have been influenced by EFF. The petition may have been 25

caused by what I have termed issues of professional jealousy and some of the fights we may have had. That is why I gave you that exchange with one of the colleagues there because there has always been that issue where we would fight and then if he or she has a platform to fight her battles, why can't she use them. That's my honest belief. On the petition, yes, the EFF can do a lot of things, but I don't think they have anything to do with the petition. Because theirs has already been achieved. All they wanted was to see me removed, and I got removed, and then I never got bothered by them again.

COMMISSIONER: Who is in the press corp now? 15

MR MBEJE: Currently no one. Basically we all do it now. We rotate.

COMMISSIONER: Once the political desk has met and worked out a diary, does it ever get to a point where the line conference will say no to what the political desk has said? 20

MR MBEJE: What normally happens is, we would meet every Monday at 09h30 and discuss stories and ideas, and then the meetings for TV start at 10h00. For radio I think it's much earlier. So we 25

would go and present the stories. Upon presentation of the stories they would have their views. If they feel we should treat a certain story in a particular way we would engage, because that forum is basically the forum of equals, everyone can put his or her input and then we would just engage. But they would not necessarily say: We don't want this story. If they don't want it they would probably give reasons. That is why I sometimes don't understand why I would in some instances be a convenient accessory to the bashing because - and it's easy, because if there is something that I'm doing that you don't agree with, it's easy. I don't even sign my things. Even to go to DURBAN - actually DURBAN is far. Even if I have to go to WITBANK, someone must sign. So if my work is sub-standard or is compromised, I don't understand why they would even do it. That's why I'm saying this kind of perception is probably the reason.

COMMISSIONER: What would happen if line conference were to have the final say on the contents of the SABC and would be the final arbiter of ...

MR MBEJE: They actually are the ones; they are. The editorial conference is the final decision-making authority on the day. They are the ones. Sometimes, I guess it's human nature, you would walk in there and present the diary and they would be given the opportunity to question certain things. They would be quiet and you would then walk out. Then when you're gone you would sometimes hear murmurs: Why is politics doing this and that? And then you wonder, because you were there, just question me there. 5 10

COMMISSIONER: How does a person like a HLAUDI get to give instructions to the editorial on what their content should or shouldn't be? 15

MR MBEJE: I wouldn't be sure, but I think this is how he would do it. He would probably call whoever is the head to say: I want story A, B or C. And that's it. That's how he would do it. If he wanted to portray a particular message he would probably call the editor, because he certainly won't call me as a journalist. He would probably call the editor to say: I want you to interview so-and-so. I think that's how they would relay their message. 20 25

COMMISSIONER: So that editor would not take it to the line conference to say: This is a suggestion from the top? Like any other story idea that gets debated at that forum.

MR MBEJI: In this instance I'm talking hypothetically 5
because I wouldn't know the relations he or she has with let's say a HLAUDI. Hypothetically I'm sure, as the editor he or she would probably want to appear smart. They would probably not even declare that it was a 10
directive, you would just see the characteristics of the story that: Oh, that's probably a directive. Because I don't think an editor worth his or her salt would then come to the conference and say: HLAUDI says 15
this and that. Because some of those people will ask him or her: And what did you say to him? Because this doesn't make sense. I think those operating in that space, unfortunately, as I'm saying, in my case it's 20
more hypothetical - he or she would want to appear smart. It's like: Let's do A, B, C or D. Because can you imagine coming as an editor and declaring that so-and-so has ordered you to do 1, 2, 3. We can easily say: 25

But that doesn't make sense. Go and tell him it doesn't make sense. How does he go back?

COMMISSIONER: What has the response of the politics desk been to the statement from the EFF, as well as to the petition? 5

MR MBEJE: The politics desk?

COMMISSIONER: Yes, the guys around you.

MR MBEJE: They were quite shocked, because at the time we had a beautiful working relationship. Perhaps more shocking was the lack of response 10 from the SABC. I don't think they could do much beyond that.

COMMISSIONER: So they were just shocked, but did absolutely nothing about it?

MR MBEJE: They did nothing about it, other than you 15 start conjecturing about things, who could have done it, who is likely to have done it - those sort of things. But really, it was like: Wow, if people can do this - but what was more shocking was when I informed them 20 that I was supposed to end the acting role on 30 September, but I'd just been told now. Because BESSIE just called me to say: Thank you, Boetie. Done. Just like that.

COMMISSIONER: NYANA and - was it not NOTHANDO? 25

MR MBEJI: NYANA was acting TV, NOTHANDO was acting GE, SIBULELO was radio. I came back from the 27th Floor, and said: Guys, I was with BESSIE, she told me that I am no longer acting. So they were told by me. Then they said: So what's 5
happening? I think it was at the time when the SABC was in the grip of absolute confusion. No one was sure what was happening. I would assume perhaps they were also fearful. Because no one even followed it 10
up. I remember when they were struggling to get someone to act, because when I was appointed to act I had to replace SOPHIE, because when you act apparently if you act in 15
a position for too long, they say they create expectations that you might get it, so they will then remove you to allow other persons, so that they don't create unnecessary expectations. So when they found someone to 20
act after me, who was not very well versed with what was happening, then I remember NOTHANDO and them saying: Will you help us with the conference for the ANC? I said: Guys, but you are unfair. I have been removed 25
whilst my eyes were fixed on preparing for the

ANC Conference, so how do I go back when I've been removed by powers higher than you, and you have not bothered to go and find out? And then they said: Sorry. They just left it at that. And then at the time KENNETH MAKATEES then took over, he was then acting, and then he expedited the process of appointing the political editor, which unfortunately came with the results he did not want, and then he blocked it, and they extended it; the same results came, they blocked it, and that's where we are now. You can ask for those results, you will see. That's why I'm saying they are probably doing this based on all these things, but no one has ever said anything. Not a single boss of mine has ever called me to say: Okay, you know what, we think you are lacking here, please just up this aspect. Not a single person. Instead, if I meet with them, whoever, it's like: Sjoe, we are (mother tongue). You know, all those things. That's why I am honestly not sure what is happening. I am honestly, honestly not sure what is happening. It's one of those things. I know we are not born the

same, some people will be lucky, some will not be lucky.

COMMISSIONER: Several things. One, when you walk out of here you'll remember something that you should have told us and you will start kicking 5 yourself. If you do remember such things, please drop us a note. Two, we might call you back, so don't be surprised. It's not because we have discovered something, it's part of trying to get to the bottom of this. So 10 anything you remember, please know that we are open. We need to get as much information as we can. Thank you for coming to share with us.

MR MBEJI: I really appreciate that and, as I'm saying, 15 I welcome this opportunity and I think it will be able, not necessarily to get me appointed to a particular position, I'm actually happier on the field than being in charge of people, because I've discovered that being in charge 20 of people is much more difficult. If this process would help lift some of the unnecessary perceptions, unnecessary friction that has been created around some of us, not only me, if this process is able to do that I 25

MZWANDILE MBEJE

would be really happy. Whatever happens after that I'm a willing employee of the SABC and I love my organisation, and I hope we will be able to get this organisation right, because at the end of the day we have to get it right at whatever level we are given to do that. 5

COMMISSIONER:

Thank you.

THE ENQUIRY ADJOURNS

JNT002 – EVIDENCE 5

VOLUME V

SOUTH AFRICAN BROADCASTING CORPORATION**COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING****PROCESS IN THE NEWSROOM**

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PANEL MEMBERS: MR JOE THLOLOE - Commissioner
 MR STEPHEN TAWANA - Panel Member

05 July 2018

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THE ENQUIRY RESUMES

COMMISSIONER: My name is JOE THLOLOE, I'm the Chairperson of this panel. I will ask my colleague to introduce himself and then we will ask you to introduce yourself.

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PANEL MEMBER: My name is STEPHEN TAWANA I'm a Director at MMM ATTORNEYS.

MS HERD: I'm FRANCIS HERD and I work at the SABC. I'm a presenter and a producer at the moment, I'm on a weird contract. I mainly present news.

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PANEL MEMBER: Do you have any objection to taking an oath?

MS HERD: No.

MS FRANCIS HERD (duly sworn, states:)

COMMISSIONER: How long have you been with the SABC?

MS HERD: Good question. I think four years, I can

25

check.

COMMISSIONER: As I say, more or less.

MS HERD: Four.

COMMISSIONER: And before the SABC where were you?

MS HERD: I was at eNCA. 5

COMMISSIONER: And how long were you there?

MS HERD: Approximately five years. Maybe even more.
I can't remember.

COMMISSIONER: This panel here is supposed to be
investigating allegations of interference in 10
the editorial decision-making at the SABC. If
you could summarise what you want to submit
and we can then ask questions.

MS HERD: I don't have hard facts on interference, but
I have noticed some things over the years and 15
I spoke to a senior manager before I thought
of coming here. There's one person whose
presence I am concerned about, because I think
they were involved in some manipulation and
that person is still there. So I asked this 20
manager would this woman be in a senior role,
or a role again where she could do this, and
they can't give me an assurance that no. So
I thought maybe it would just help if I gave
my perspective. I think I said in my written 25

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submission, I was actually more free than people thought. But I was brought on to do a business show. That business show was initially at 20h00 in the evening. I was hired by JIMI MATTHEWS. There was basically no interference at all. He allowed me to do my job, but what I noticed is that there was a lot more stress around the main bulletin that goes live on SABC 3 and 404. So suddenly that was the one that had the bigger audience, which I think at that stage was 18h00, but I'm not too sure. While I was doing business news there was an incident with BRIAN MOLEFE, that I've written about, for the daily - I don't know if you know about that, but he was upset by questions I asked and I actually felt that my bosses were very supportive, THANDEKA GQUBULE was then the Economics Editor. She fought back, when BRIAN MOLEFE basically wanted me fired and he went to the Chair, so there was a meeting between THANDEKA and me. I then had to go on air, he went to the Chair of the Board.

COMMISSIONER: Who was the Chair at the time?

MS HERD: I can't remember her name. I never interacted

with her directly, but I think her role has come out in the Parliamentary enquiry. I just knew that she wanted me fired. Apparently JIMI was under pressure to get rid of me. Apparently according to THANDEKA she was also told to get rid of me or her job would be in danger. So there was that going on, but then the Chair left and at that time nothing happened. I didn't want to apologise to BRIAN MOLEFE, I didn't have to and I felt like my boss, THANDEKA, was very strong. It was an incident internally. I've written about that before. What I wrote down for you was that there did start to be more stress around business news, especially when PRAVIN GORDHAN was reintroduced as the Finance Minister. But again I wasn't told directly, do this, do that. At one point I was told to cancel interviews with opposition finance people.

COMMISSIONER: Who told you that? 20

MS HERD: It was the run up to budget and we were speaking to the EFF and the DA. We had called them both in to give us their expectations. SOPHIE MOKOENA walked past - the details are fuzzy in my mind, but I know she got wind of 25

it and about half an hour later I got a call from NYANA MOLETE who said I needed to cancel those interviews and he didn't give me a reason why. I knew why and I said: What on earth must I tell these people? Because they were already on their way to the SABC. He didn't tell me to lie or anything, he just said: I'm sorry. I don't want to say what I suspect - can I just tell you - or I can if you want me to.

COMMISSIONER: Will you please tell us what you suspect.

MS HERD: It was because SOPHIE MOKOENA had heard, and I think she didn't want those interviews. I think HLAUDI was still there at the time. I don't know, but I know that NYANA was reluctantly telling me to cancel those. I suspect that he had been told to tell me to cancel them. Again there could be - let me move on, because then I started doing Prime News which then was different because it was the one that was being seriously watched, the 18h00. I can't remember, because it's moved, but it's the one that's broadcast on SABC 3 as well as DSTV 404. Right now it's at 21h00. I said in my submission I noticed that SOPHIE

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MOKOENA was putting pressure on the EP of that Prime News to do certain things which I believe were wrong. One of them was to push up stories about BLACK FIRST LAND FIRST. I think at one point we were giving them an inordinate amount of coverage. Again she was Political Editor, so she was entitled to say what she thought. This is just my perception, that I don't believe there was an editorial basis for the kind of coverage we were giving them specifically. I'm trying to pick out things that I can really - and I spoke to her about it and she had a good response, because what had happened is there had been an internal push by the SABC 8, including my boss THANDEKA GQUBULE, and one of the concerns was that we weren't covering - I think it all started when we weren't covering "The right to know" campaign that was marching outside the SABC offices. I wasn't involved in that, but what SOPHIE MOKOENA said, which maybe has some validity in her mind, is that that ruling - I think it went quite far. I don't think it went to the Constitutional Court but there was some ruling which said that we were obliged to

cover it, even though it was a small gathering, and I was saying to her, why are we following these people around when there are about five of them and they're in every news bulletin. And she said well, the Court said we are obliged to do that, just because there's a small group, we can't not cover them. What I said in my submission is what I really think the SABC should consider and I think it is, under PHATHISWA now, is that the executive producers should take responsibility for their sections. Otherwise it becomes a matter of whoever can bully the most, and the political editor can say, no, you must be running my stories, they must be here, and the economics editor can say you must run my stories, they must be here. You can't have a whole lot of editors all saying they have authority over a bulletin, if that makes sense. I think you need to decide that the EP and the Head of News makes decisions but what was happening is there was a very weak EP, who would do what she was told. My concern, and I have many suspicions, is that I think SOPHIE MOKOENA was working with HLAUDI, but I have no

proof. And what I wrote there, what's very obvious is that we didn't hold the President certainly to account when she was Political Editor. And I think that is easy to check on. One of the things I suggest or I ask you to look at, is a series of interviews we did last year, just before the change. PETER NDORO and I were doing Prime News. The Top Five were asked to come in and give their perspectives as they were the outgoing of the Top Six. We were going to do all of them. Of the ANC. I spoke to JESSIE DUARTE, and there was no control over that. PETER spoke to some of them. The President didn't come into studio, and that was par for the course, that only MZWAI MBETHE would interview the President, and I looked at that interview and I am concerned, and I think this is what the SABC is trying to move away from. The President was not asked anything about state capture. I don't think the GUPTAS were even mentioned, unless they were spontaneously mentioned by him, but certainly from the SABC's side, we didn't ask anything that I think was very pertinent to ask at the time. Does that make

sense?

COMMISSIONER: Yes, it does. Are you through with your presentation?

MS HERD: As I say, there is not a tangible, specific - I'm doing this because I'm concerned about SOPHIE MOKOENA, whom I have no personal - our relationship is okay, it's hard for me to come and speak about someone I technically get along with in the corridors, but I do think there's a problem if people like that remain in management. 5 10

COMMISSIONER: Let's get back to basics. We've been given the impression that the various desks meet to discuss their input into the National diary.

MS HERD: Yes. 15

COMMISSIONER: And then the line conference, where all the editors come together and debate issues and decide what goes where.

MS HERD: Yes, yes.

COMMISSIONER: I would imagine that this is the forum where you would cancel out the influences from outside. 20

MS HERD: Oh, I see. Yes, I can only give you a limited perspective because I come in later to work, so that line talk is already happening. I was 25

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just noticing what was happening in the evenings, so when I say I think we were giving the BLACK FIRST LAND FIRST too much coverage, and I believe that was for political reasons, I don't know if that got through the line 5 talk. Maybe it did. But I noticed that it was being pushed up in the bulletin. I was being told by the team that they were being told to play those stories. Because I was querying why on earth are we doing this all 10 the time? I'm tired. And again it was only second-hand. We were told to play that, we were told to push it up. So, yes, it may have been approved at line talk. Every day. It may have been. And maybe I'm wrong, because 15 you can go back and look at coverage over certain instances. That simulcast bulletin would be the most important to look at. You could see how we were covering things. I felt it was wrong. 20

COMMISSIONER: And when you raised your concerns, who did you raise them with and what was the response to the concerns?

MS HERD: With SOPHIE MOKOENA directly, once she was there after - we would have a debriefing after 25

the show and like I say, she said: Oh well, be careful because the Courts have said we have to cover small gatherings. So she had an editorial response. She didn't say shut-up, she debated it. And she had something that I don't buy, but it was an editorial response. 5

PANEL MEMBER: When you were assigned to interview the ANC Top Six, did the National conference or the line conference decide on the list of people?

MS HERD: The ANC Top Six, is the ANC Top Six. So they were going to come in. 10

PANEL MEMBER: So who decided on that, the line conference?

MS HERD: Remember the line conference meets every day and they look at the stories on the diary. Then every show can add additional guests. I don't think those guests are clarified at line talk, not at all, because for prime now, we have a meeting at 15h00, and now I work with BONGANI and we are asking, are we doing this guest, what guests have you got? Those guests are set up throughout the day. I don't know if that went through line talk, but it was fair enough, we were going to speak to all the outgoing Top Six over a week before they technically left their positions. I don't 15 20 25

know who was involved, but I think SOPHIE MOKOENA has a lot of political contacts. I don't know if she was still Acting Political Editor, because she's not now, but she would have set it up with the ANC. We set it up with them, that they would come in over a series of days. 5

COMMISSIONER: So you expected to interview PRESIDENT ZUMA the next day?

MS HERD: No. I knew that we would not be interviewing PRESIDENT ZUMA. 10

COMMISSIONER: Who told you that, or you just knew?

MS HERD: I just knew. I had spoken to SOPHIE before and I'd asked why we never interview the President and she said no, that's politics' job. It was always understood that only the Presidential correspondent, who was MZWAI MBETHE, would interview the President. I questioned that but I was told that's the way things are. 15 20

COMMISSIONER: So between the press...

MS HERD: You see, it's not completely unusual, because a lot of stations around the world have a Presidential correspondent, or a WHITE HOUSE correspondent who would go and do that. So 25

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that was the SABC's understanding. I didn't like it because I think we weren't asking the right questions of the President, ever, but that was out of my control. So I knew PETER and I would speak to the other five. It was a bit strange because I spoke to JESSIE DUARTE, and by the way, I've never been told: You will ask this or not ask this. I think JIMI knew not to do that with me, based on the way I was brought in. There hasn't been that kind of control. So JESSIE DUARTE, I must have had direction here and there, but I've always felt I can ask what I would like to, and I do. Even if I feel like I don't. JESSIE DUARTE and I had quite an interesting interview and it was actually reported on by some other media the next day because she revealed that BRIAN MOLEFE had been requested - that PRESIDENT ZUMA did want BRIAN MOLEFE as Finance Minister. There had been speculation, but it had never been confirmed before. Then the next day I was meant to interview BALEKA MBETE, I think, and suddenly I was told that she's not coming into studio, she couldn't. So rather politics send someone out to

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interview her. So I don't know, maybe she couldn't come into studio, but there could also have been a response that actually she didn't want to speak to FRANCIS. Then the politics thing would go out and it would be an easier - but I don't know. I did raise concerns, and this is a hard one for me to raise, but I did put it in the written submission. I couldn't interview BALEKA MBETE then. PETER did two other interviews, I think, and he did CYRIL RAMAPHOSA, who was then the Deputy President and obviously Deputy President of the ANC. There was a lot of prearranging around that interview, and I think we have to be very careful around that. It's a hard one, because I think CYRIL RAMAPHOSA'S request had been that he does not have to talk about - I think his team said he didn't want to talk about his domestic situation, and remember there had been claims about women. And I could understand that because this was on the eve of the ANC elections. I think it was that: We will do this but if you create scandal the day before - I don't like those things, but there's

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almost a point where, okay, it's fair enough, because he didn't have to do the interview and he was in a very precarious situation. I think we could have agreed to that, but I don't think we should have agreed to another request, which was that he didn't want to speak about PRESIDENT JACOB ZUMA. To me that was something he had to talk about as Deputy President of the ANC, given the political situation. The two for me are different and it's just a judgment call. I felt we bent over backwards. There was a meeting and I heard that we had agreed and then at the end he wanted to talk about - I don't know. I wasn't in the meeting with his team but I was told what had been agreed and I wasn't doing the interview, I was witnessing, because PETER NDORO was doing the interview. And I still felt that PETER NDORO did very well. He asked him a lot of hard questions, sticking to the agreement, because he had to.

COMMISSIONER: When the series was planned did you have an aim in mind? Did you say: This is our objective, this is how we're going to do it, so that the six people come in and ...

MS HERD: That's a good thing. I think management had discussed what was going to - there's not always good communication, but I think we did discuss and we were told, that the idea was talk about them as outgoing members of the ANC, so it was looking back. But obviously I believe as a presenter I have a discretion and it didn't always land up like that. Often I know I will take a direction in an interview and SOPHIE MOKOENA will be upset. Sometimes she doesn't come and chat to me, but she would say: Oh, the agreement was we are going to look back, why are you looking forward? PETER and I still - in the moment you do what you think you should do. I think that was the vague idea, that we look back on their tenures, because they were outgoing ANC Top Six members. 5 10 15

COMMISSIONER: I'm getting the impression, do you think that there is direct interference in what the SABC does, or is the SABC so overawed by Government and politicians that they do what they think they expect of them? 20

MS HERD: There's no direct interference. If there was - what I believe and what I'm telling you - so 25

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this is what I would like to impart. I believe that SOPHIE MOKOENA was using her position to sway the news in a certain way, but she wasn't saying: We're going to cover PRESIDENT ZUMA like this. But she was using her position to sway the news in his favour and trying to minimise the critiques, where she could. She didn't have full control. I don't know who was behind that. I don't know. I think the ANC often did call managers and pressure them, and I think in some instances they pushed back. Let me try and answer your question. There was a degree of self-censorship. It is hard, because after the BRIAN MOLEFE thing, it was such an outrageous incident, and afterwards my bosses laughed and came to me, I think I was speaking to him a few months later, and they said: Please just try not to cause chaos. You realise: Do I want this sort of fall out again? Because the problem was, he felt he could walk into the SABC. I don't know if I'm helping at all?

COMMISSIONER: You are.

MS HERD: It wasn't direct. I believe that SOPHIE MOKOENA used her position and her personality

and I do believe at that time she was pro-JACOB ZUMA. We all have politics things, but I believe there was a pointed effort. And often what she did was within her rights as Political Editor. I think we need to define how far the Political Editor can sway the bulletin. I think the Group Head of News should actually be a - so how I think the structure should be, and I think this is the way it is going to be, is that you have a show on 24 hour News. It works, so you have shows which are basically blocks of time. How it works at eNCA and I think the global standard is that an executive producer is in charge of that show. They play the stories that have been agreed to at line talk, when they feel it's necessary. They have that input coming in. They also set up interviews with their team and in conjunction with the interview, we use viewers, they decide how that block of time will go. I think they should be accountable for what happens in that block, they should have input from the Political Editor and other editors but they should not be able to be told by a political editor that:

You will run this story second in the bulletin. They should only be accountable to the Group Head of News. Otherwise you can have a political editor, or even an economics or sports editor that can interfere all the time and say: Play that story, give it more prominence, give it less prominence. 5

PANEL MEMBER: In your opinion you want the News Head to be the person who is making the final decision at the end of the day? 10

MS HERD: Yes. I think there was a situation where the political editor could tell the EP's what to do. Maybe that wasn't written in stone but that was the way it was, which I don't think is best practice. 15

PANEL MEMBER: What about the Presidential correspondent? Do they have to report to the Political Editor or the News Head or the Executive Producers?

MS HERD: It's so complicated.

PANEL MEMBER: It appears as if the Presidential correspondents are working on their own. 20

MS HERD: They were quite separate, yes.

PANEL MEMBER: That's my view.

MS HERD: He was working completely on his own.

PANEL MEMBER: So he doesn't even report to... 25

MS HERD: But he reported to SOPHIE MOKOENA, as Political Editor. And this is normal. She would come in and say we have an interview with the President. I'm sure all the managers above her would agree, we play that as soon as possible, and you make it prominent. She would set those things up MZWANDILE MBEJE would do them or send through a report, and then she would say here it is, or she would tell line talk: Today we are going to do a report on the President. My concern is the fact that we were not holding the President accountable.

COMMISSIONER: Now to go back to the Top Six. When MBETHE went to interview the President, was it part of the planning for the Top Six?

MS HERD: I wasn't part of the planning. I was just told we're going to do this, and obviously I would be doing some of the interviews. But I think that was always part of the plan, yes, that the final one would be done by MZWANDILE MBEJE, the Presidential correspondent. PETER and I knew from the beginning we wouldn't get the President in the studio.

COMMISSIONER: What I'm trying to say is, was he also part of

the planning so that he would know what sort of questions to ask, etc?

MS HERD: What I suspect is SOPHIE MOKOENA and other managers would have discussed what the plan is, and she would have passed that onto MZWANDILE. I don't know how it worked, but that's what I imagine, because they all discussed without us and then told us they were going to do the interviews. I imagine MZWAI was told as well.

COMMISSIONER: The disjuncture I find is that you were planning a series of interviews, so you would expect all the people who are going to be doing those interviews would come into a room and say: Okay, this is the plan, you will be talking to BALEKA, you will be talking to whoever, but this is the overall plan.

MS HERD: Yes, the overall plan. It should be like that but because the day is staggered, PETER comes in very late. He's a contractor, he comes in at 16h00. I come in a bit earlier, but maybe that meeting was held in the morning and then they will just pass it on to us. So we weren't all in the same room all at the same time. I don't know, I just vaguely remember

that we were told the idea is to look back on their tenure. But certainly with the first one I was given a large scope to do what I wanted, but then I noticed that it got a bit tricky after that.

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PANEL MEMBER: So no one explained the reason why the meeting between the EFF and the DA was cancelled? No one tried to explain why?

MS HERD: No.

PANEL MEMBER: You didn't follow up to get clarity or reasons? 10

MS HERD: No, because I knew why. This is my thing, I guess I thought as soon as I'm being told to ask this question and ask this question, I was going to resign. I was almost waiting for it. 15
People were saying that's how it worked. And I knew that some presenters were being worked on a bit: You know if you ask him that, it's going to cause trouble. But nobody did that to me. So this was the worst it got, when I 20
had to cancel interviews. I was like - I knew why. I knew why. I knew they didn't want to give a platform to the opposition parties, I think it was the day before, or two days before the budget. There was already a lot of 25

stress about PRAVIN GORDHAN being there. I knew why NYANA MOLETE, to his credit, didn't lie. We both knew. I knew why, and I said to him: What on earth do you want me to tell these people? And he said: I don't know. 5

COMMISSIONER: What did he tell the people?

MS HERD: I phoned the EFF guy and he said: Oh, this happens. I said: Listen, I'm so sorry, we're going to cancel this interview. He said this has happened so many times, and he just put 10
down the phone. At that point the EFF was getting cancelled by a lot of shows. The DA guy, it was DAVID MAYNIER, he said to me: May I ask why? And I said: You can ask why, and I thought I'm not going to lie and I thought 15
he can go on Twitter. I said: I can give you no reason. And he said: Alright, I understand, you're in a tough position. I said: I can give you no reason, I've been told to cancel this interview. He said: 20
Alright, I understand.

PANEL MEMBER: So NYANA at that time was the correct person to give instruction to Council.

MS HERD: Yes. I have several bosses, so I report to the Economics Editor, but above her would be 25

NYANA MOLETE, NOTHANDO MASEKO. I don't in any way report to SOPHIE MOKOENA, which is why she would work through...

PANEL MEMBER: So you have two bosses?

MS HERD: Yes. And now PHATHISWA, so my boss is lower 5
than NYANA and NOTHANDO, and obviously the
Head of News. I can draw the structure for
you, if you want.

PANEL MEMBER: Between the three, haven't you experienced 10
maybe the contradiction, the interference of
all of them? For example, NYANA tells you
like this and then the other two say: Why?
Proceed.

MS HERD: I understand. I think my boss, the Economics 15
Editor, has had her own fights, but as I
understand it, I'm required to take
instructions from her. But if she's not
there, and I think that day she wasn't there,
and if NYANA gives me a call, he's above her
and I'm obliged to - but there was no fight 20
about it, there was just a call that day.
THANDEKA was often not there in the
afternoons. I know that she was concerned
about some of the budgetary coverage. There
was real stress, I think it was that year. I 25

can't remember because there was stress when PRAVIN GORDHAN was Finance Minister and he was clearly at odds with the President. And those budgets became very stressful. But I landed up having PRAVIN GORDHAN in front of me. I took more time. I knew behind the scenes they were fighting over how much time. Some of the managers thought I should interview him for three minutes, THANDEKA thought I should have him for long, and I landed up going over time and we had a great interview. I don't know, it just worked out like that. But before one of the budgets there was a meeting and we were called in as an Economics team and the way people were speaking then, it was like there have been instructions from above. Which I presumed was HLAUDI, saying this is how we'll cover the budget. Basically at that point there was an understanding that we - I can't remember, so I don't want to speak out of turn. I can't remember what the instructions were, but it was clear that that budget had been - I think then the COO had been involved in deciding how we would cover the budget. Even as recently as the last one, I was told

we mustn't put PRAVIN GORDHAN's face all over our - I can't explain, we don't make the graphics but I'm still a producer on the business slots and that's now within the Prime slot, and one of the managers said: No, don't put PRAVIN GORDHAN's face all over there, it's not just about him. So there's an editorial reasoning behind that. We mustn't just glorify the Finance Minister. But it had never been before that you can't put a picture of the Finance Minister. I knew they were trying to - there did seem to be an attempt to down-play PRAVIN GORDHAN's role. But THANDEKA GQUBULE could explain more. She was closer to that.

COMMISSIONER: Are you still on time? 15

MS HERD: I can take a few questions. I don't know if I'm helping, I just thought I would give you my perspective.

COMMISSIONER: I mean I'm getting a feel of what it was like.

MS HERD: What's it's like, it's nuance, it's hard when you're there. There were no direct instructions. Can you see? 20

COMMISSIONER: Yes, yes.

MS HERD: It was - looking at it, what I would tell you is the main way - if there was editorial 25

interference, if there was someone in the ANC saying: Please try and do this, this and this, it would have come through SOPHIE MOKOENA, based on her behaviour. And that's why I'm here, because I'm concerned that she could land up in that position again. By the way, I think maybe her allegiances have changed, things seem to be different now, but that doesn't matter, I'm looking at the past. 5

COMMISSIONER: I'm quite happy that at least you are giving us a feel of what it was like in the SABC at that time. I'm happy with that. 10

MS HERD: When I came in, I'll be honest with you, I was concerned about the political interference. I came from an independent place, and JIMI MATTHEWS alleviated my concerns. He's a clever man and he said to me at the time, there was concern that the SABC was black-listing JULIUS MALEMA basically, and it had been reported on that he had told people: Don't cover JULIUS MALEMA. And in the interviews he said to me: I've been misquoted. What I said to the team is that: You must cover things properly, don't just give him a platform, interrogate what he's saying. So I 15 20 25

came in on the basis that I would be free, and I was given absolute freedom in that business bulletin. It was only when I moved to Prime Time that I noticed there was a lot of stress around that half-hour bulletin that was being presented, not only on 404, on DSTV, but across the country, and I noticed that SOPHIE MOKOENA was all over the people putting that bulletin together, which was partly her right, but that's what I'm concerned about. 5 10

PANEL MEMBER: The black-listing of JULIUS MALEMA, who took the decision?

MS HERD: What I was saying is, JIMI MATTHEWS told me that there was no black-listing of JULIUS MALEMA. He had, if I recall correctly, because I knew people that worked at the SABC at the time, in a line talk or in one of these meetings, he had been quoted as saying: We're not going to cover JULIUS MALEMA all the time. He then explained to me that what he was trying to say was just stop giving him a platform every day. 15 20

COMMISSIONER: Don't just put a mic in front of him.

MS HERD: Yes, don't just put a mic in front of him, but interrogate what he's saying. Question what 25

he is saying, cover him in a more journalistic way. What he said to me in the interview were things designed to alleviate my concern about political control. I'm trying to think, because it's all mushed up. But there was a period when the EFF wasn't getting that much coverage, and I know once we ran a whole ...

COMMISSIONER: Were there stories?

MS HERD: We ran a whole speech about JULIUS MALEMA in business, because I knew SOPHIE MOKOENA couldn't tell us what to do. We felt quite naughty doing that, but I felt it was justified on the day. It's like after the fact, no one could do anything. It wasn't that: We're going to do this - only in that budget, so maybe somebody else could tell you, who was closer. Was it okay. This is it, we're not going to glorify the Finance Minister.

COMMISSIONER: After you fell out with BRIAN MOLEFE, during your interview with him, who informed you about him not wanting you in the SABC?

MS HERD: I think THANDEKA GQUBULE because I couldn't go to the meeting, there was a meeting first with her, me, BRIAN MOLEFE and his whole team.

SOPHIE wasn't there, she was also meant to come. There was an emergency meeting. Then she was called up, he had basically set up a meeting with the Chair and THANDEKA was summoned to go there. I had a show to do, so I couldn't go. And she told me that in that meeting she was told: You will get rid of this woman - who was me. 5

COMMISSIONER: Do you remember when that meeting was?

MS HERD: I wrote about it for the DAILY MAVERICK so I went back and looked at the actual interview then. It was a long time ago, around 2014. Can you remember the names of the Chairs of the SABC? 10

COMMISSIONER: Was it ELLEN TSHABALALA at the time? 15

MS HERD: Yes, ELLEN TSHABALALA. It was under her tenure. Then JIMI MATTHEWS alluded to me that at one point his position had been linked to me. They had kind of said: If you want to get promoted, get rid of - but he laughed it off. He just said there were pressures and saying he was protecting me. Which I think to a large degree, he was. He was saying: Let her do her thing on that business show. Everyone calm down. 20 25

COMMISSIONER: As I say after you leave here you'll be kicking yourself saying: I should have said this.

MS HERD: I know.

COMMISSIONER: Can I suggest that if you do get to that point, please drop us a note. 5

MS HERD: Yes, sure and I'm happy to take other questions.

COMMISSIONER: As I said we might have to ask you come back again, if you would. 10

MS HERD: That's fine. How are you going to use this? Is this full transcript - I understand you're going to use it to collate your final report.

COMMISSIONER: Yes.

MS HERD: Okay. Because I don't mind saying what needs to be said. It is hard because I am still going to work with these people, including SOPHIE MOKOENA, but I thought it may just help you with the background, if that makes sense. 15

COMMISSIONER: Yes, it has been very useful. 20

MS HERD: Good, thank you.

COMMISSIONER: Thank you very much. I hope you're still on time.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

- COMMISSIONER: My name is JOE THLOLOE, I am the Chair of this panel. We are trying to investigate the allegations that there is some interference in the editorial decision-making at the SABC. We have received your written submission. Let's start by me introducing myself. My colleague will introduce himself and then you will introduce yourself. 5
- PANEL MEMBER: My name is STEPHEN TAWANA. I'm a Director from MMM ATTORNEYS. 10
- MR PHIRI: Thank you.
- COMMISSIONER: And you are?
- MR PHIRI: I'm MWABA PHIRI, I'm the Executive Producer for QUESTION TIME, SABC News 24 Channel. 15
- COMMISSIONER: That's 404?
- MR PHIRI: Yes, that's Channel 404.
- COMMISSIONER: QUESTION TIME. Do you any objections to taking an oath?
- MR PHIRI: I have no objections. Is the swearing to be done religiously? Because I'm not a Christian. 20
- PANEL MEMBER: No, you can just affirm.
- MR PHIRI: Okay. 25

MR MWABA PHIRI (duly affirms:)

COMMISSIONER: Mr Phiri, as I said, we have looked at your written submission, so what you could do for us is summarise it orally, add whatever things you might have left out in the written submission, and thereafter we will then ask questions. 5

MR PHIRI: Alright. I wouldn't say I've left out anything that I would like to say now. I think I pointed to the fact that editorial decisions at the SABC are no longer being done through the required process. The instructions that are there - I will give the example of a current affairs weekly editorial meeting. It doesn't take place. If that doesn't take place it means we have nowhere else to receive or promulgate policies regarding our operations. We haven't done that for the last three years, which I have pointed out. 10 15

PANEL MEMBER: Do you mean editorial meetings? 20

MR PHIRI: Editorial meetings for the current affairs section. QUESTION TIME falls under current affairs. I think the news guys still have editorial meetings, but that aside I was trying to bring out how the destruction of 25

that structure makes it easy for anyone to start controlling the newsroom, because they would meet you in the corridor and tell you: From now onwards you must not do political stories. That happened to me during the election year, where I was just told I shouldn't do that. 5

COMMISSIONER: Who told you? Do you know the exact time and who the person was, etc?

MR PHIRI: The exact time, no, I remember NOTHANDO MASEKO came to tell me that I must not. 10

COMMISSIONER: Said you shouldn't do political stories?

MR PHIRI: Yes, I should only do political stories if SOPHIE MOKOENA, who is supposed to be the Political Editor, approves them. Now, there is no policy like that at SABC. Especially on a programme like mine. My programme, what it does, is whatever makes news for the day we look for the news sources and bring them on the platform and try and interrogate them more. Now, if somebody says political stories should not be tackled, it means they are saying: Look, either we don't trust you in your job as an Executive Producer of this programme, or when we are scared of somebody 15 20 25

outside of the SABC who has given us an agenda that we should do this and this and this and this.

COMMISSIONER: So she was saying if you want to do a political story, you must run it by SOPHIE MOKOENA? 5

MR PHIRI: Yes.

COMMISSIONER: Did you ever try to do that?

MR PHIRI: Yes, I did.

COMMISSIONER: What was the outcome? 10

MR PHIRI: I had plenty of situations where, for example, I would look for SOPHIE and she wasn't there but I still felt the story needed to be done. So we did the story without SOPHIE.

COMMISSIONER: Okay. 15

MR PHIRI: Then as I was on air my team would receive calls saying: Stop that programme.

COMMISSIONER: From?

MR PHIRI: From different people. I've cited in my written report about three or so occasions. 20
The one occasion was about - who stopped it first of all? MR NYANA MOLETE came into the studio and told me: The COO wants to speak to you. This was when we were discussing the issue of the VENDA king being challenged by 25

the princess. The VENDA king, I don't know but the Chair I believe must know this. The VENDA king and the COO, HLAUDI, were good friends. So when the lady appeared on the screen, challenging the king, TONI MPHEPHU 5
RAMABULANA, this unsettled HLAUDI, who then called my line manager, who was NYANA MOLETE, who came to the studio to call me out and say: Come and speak to the COO on the phone. When I reached his office he told me there are 10
three people in that office, there is MR MOTSOENENG, NOTHANDO MASEKO, who later came and said that she wasn't there, but I was told that she was there, and there was MR TEBELE, who was Acting GE News. MR TEBELE is the one 15
who spoke to me on the phone and said: Why do you have that person in the studio? Can you stop that programme immediately. I said I couldn't stop that programme, because if I did I would put the SABC in more problems. It 20
would be very good fodder for sensation in the media because they will say: Here is a programme that's on air, and suddenly it disappears from air. I'm actually doing you a favour, that's what I told him, by not 25

removing it. In the heat of the moment, because I wanted to go back to the studio, I left it hanging like that. I left NYANA talking to them and I ran back to the studio, telling him: Look, I need to supervise the discussion. When I went back to the studio he phoned again, he phoned the studio now and said: You must stop the programme. I said I wouldn't stop it. I was expecting the next day some kind of suspension or so, but I was puzzled by the fact that I wasn't suspended. That's one of the ...

COMMISSIONER: One of the calls.

MR PHIRI: Yes. Another one was - sorry, this one I think I explained it in great detail there. The GE News had come to me and told me - in the second instance I'm citing, it exposes the lack of the structural process in editorial decision-making in the SABC itself. And at the same time shows the whimsical nature of - I suspect people are wanting to obey instructions from outside of the SABC. Because what happened in this instance was that we would sit down and agree that we are going to have this discussion. The discussion

was going to be between ZWELINZIMA VAVI, who was not for HLAUDI, and we also invited the People's Poet, because he's for HLAUDI.

COMMISSIONER: That was the 90/10 debate, or around that time? 5

MR PHIRI: Yes, yes. That was the time. Before we could go on air the Acting GE News, MR TEBELE, started discussing with my team, without my involvement, and tells them: Guys, you must not do this programme. He had his own reasons. Then the team came to me and said: He didn't speak to - we notice he spoke to us, without you. I said: Alright, let me go and find out from him what the reason is for him wanting to can the show. So I went to his office, then he explained, which was something which I understood. He said VAVI had come one week earlier and he had threatened that next time he comes into the SABC he would not leave, he would go on a hunger strike. Knowing these guys I thought that could be true, VAVI may have threatened those things. Then I thought we didn't want to bring VAVI in for the effect of just having him creating a sensation. No. If we have to bring him in it 10 15 20 25

has to be because we are discussing issues that the audience is interested in. So I said let's cancel it, I agreed with him: Let's cancel this topic because of your argument, MR TEBELE. So I went back to my team and said: Guys, sorry, let's discuss something else. We then looked for another topic, I think we went for OSCAR PISTORIUS, yes, and started discussing that issue. Sorry, I have to narrate the events as they happened in the studio because they were quite dramatic. I'm in the studio supervising my team, suddenly who turns up? It's the People's Poet. I said: But I thought we had communicated with you earlier, saying you shouldn't come here because we have cancelled that topic. He tells me: No, no, no, no, I was invited by NOTHANDO. That's what he said. I've come for this particular programme today.

COMMISSIONER: Who had invited him? 20

MR PHIRI: NOTHANDO MASEKO.

COMMISSIONER: Oh, NOTHANDO.

MR PHIRI: That's what he claimed, yes. A few minutes later NYANA MOLETE also came in. MOLETE is the News Editor. He told me I should put 25

MBULI on my programme. I was wondering, here is where as a journalist you would be very puzzled. How would I put somebody on a programme which I have already planned for and then somebody just turns up and he wants to be part of that discussion. I was really puzzled over that. Then I told NYANA? No, I think this can't happen. NYANA left and then MS MASEKO now came in and she said MBULI must go on air. She also gave me the same instruction. I said I don't think that can happen because first of all the instruction is quite illegal. If I am the manager of this programme I should be left to do my programme. Nobody should come and start throwing me in this and that. She left. After she left MR TEBELE now came in. MR TEBELE pulled me out of the studio into the corridor and pleaded with me. He said: Please put him on. I told him: Look, the programme is discussing OSCAR PISTORIUS, how do we bring in someone who has a different topic altogether? Remember we are a one subject programme. We do not move from one subject to another, we just discuss one issue for the day. He seemed to hear my reasoning

and he left. I thought he had gone, he didn't go, he came back again. This time he came back with MS MASEKO. I think they had had a meeting and they decided because I was being stubborn they needed to drop down something heavier than what they had been telling me. They said: It's not about what you want to be on the programme, you must follow instructions. These are the instructions, just obey them. I said I don't think that's the way the SABC works. Any instruction that I am given should come from the Editorial meeting. When MR TEBELE realised we were having too much of a ruction there, he decided, let's go outside. He pulled me out into an edit suite where he pleaded with me. Here is where I again became very puzzled. He is much older than me, and he said it. I'm older than you, I am in a higher position than you, but I'm going on my knees. And he went on his knees. He was literally shedding tears. Please, please, please put MBULI on the set. That to me shows that he is either trying to please certain people within the organisation, or he has been told: You must

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have this person on set. He must be part of your programme. I did actually act a little craftily, because after having had that discussion with him for a long time I realised the time for our programme had elapsed, so I told him if he wanted he can take over the programme, I don't want to be the one who makes that decision. So we went back into the studio and he wanted to take over. He realised he was late, so he asked the studio to remain behind and prerecord MBULI for a later programme. I think he put him on what we in those days called, YOUR WORLD. And he also featured on MORNING LIVE the next day. There was another incident involving the Commander-in-Chief of THE HAWKS. There is a lot of documentation about that incident, and I think I sent it to you because I was given - I wouldn't say it's a disciplinary, I was just asked to explain why I had invited him. The General had been invited into the studio because - what was happening, let's see. Oh, he wanted to arrest PRAVIN GORDHAN, and we thought: Okay, that's the right man to speak to at the moment because that's very big news.

The broadcast was on air, my producer DIBUSENG MOLOI, calls me because I was outside of the studio. He says: I've just received a call from NOTHANDO MASEKO, saying we should stop that broadcast immediately. I was wondering why, but I realised that it was because he was talking about attacking PRAVIN GORDHAN and PRAVIN GORDHAN, being in the establishment of the ANC, she was probably being told not to have such a programme on air. So I went back to the studio and, as usual, this is quite usual, I told the studio crew: Please, nobody stops the programme except me. I am the Executive Producer. They said: Okay, we know that. The director said he knows that and we continued with the programme. But then later that day I received the letter which said:

"Dear Mwaba

This Question Time had one studio guest.

How did you arrive at this? Who gave approval on today's topic and guest?"

Obviously it was me who gave the approval. Now I didn't know what he was asking there.

"We have repeatedly asked that stories of a political nature be discussed with a

political editor or myself.”

I had actually done that.

“Was this done? I also do not understand why Question Time uses newspaper headlines as part of the story.”

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If you recall at that particular time the COO of the SABC was having a very big quarrel with the newspapers. He had told one of our programmes, MEDIA MONITOR, not to feature newspaper headlines. So they were now sort of extrapolating this directive to me, saying I shouldn't use newspaper headlines on my programme. It's a ridiculous instruction. I don't know how you can tell a journalist what he must do or not do. Most of the time we know what we are not supposed to do. We have studied defamation law and stuff like that and even despite us doing that, if I'm in doubt we have lawyers in the SABC who I can contact and ask: Can I carry this in this way? And then they would advise me. It's never done in this way. I responded and after my response - I don't think I need to go through the response, because it's already in my presentation there, but I was expecting another disciplinary

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hearing. But it didn't happen. I was always, you might say, lucky. Because I was supposed to have been suspended with the SABC 8, but I got lost on the way to the rendezvous that we had to protest what was happening at the SABC. 5
So they did their preparations alone without me and they appeared in the paper the next day. They were suspended, I wasn't suspended. Some people say I was lucky, some say I was unlucky. I think with incidents, unless you 10
want me to explain any other particular ones that you are not clear about?

COMMISSIONER: I'm comfortable. Let me understand your show against the rest of the editorial structure. You don't form part of the line conference in 15
the mornings?

MR PHIRI: We are not directly part of that, but I do send a representative in case there is a good breaking story, a good story that we may want the regions especially to help us with. So 20
there is a representative of QUESTION TIME in that line meeting.

COMMISSIONER: Isn't that the primary decision-making body in the editorial of the SABC?

MR PHIRI: That line meeting? 25

COMMISSIONER: Yes.

MR PHIRI: No, it is for news.

COMMISSIONER: For news?

MR PHIRI: Yes.

COMMISSIONER: Current affairs is separate? 5

MR PHIRI: Current affairs is separate.

COMMISSIONER: Now, besides your programme, what other current affairs programmes are there? SPECIAL ASSIGNMENT, what ...

MR PHIRI: Yes, on the directory of channels, there is 10
SPECIAL ASSIGNMENT, MAGULAYAGO(?) TV, FOCUS,
YILUNGELO LAKHO - what's the other one now?
There's another ...

COMMISSIONER: The one, MTETA, what is ...

MR PHIRI: Oh, DUMILE? 15

COMMISSIONER: Yes.

MR PHIRI: No, DUMILE is on the satellite. On the satellite unit, that's where I belong. That's where you'll find QUESTION TIME, RIGHTS AND RECOURSE and TRENDS, MEDIA MONITOR. 20

COMMISSIONER: Okay. How do they fit into the larger decision-making of the SABC?

MR PHIRI: What is supposed to happen is that these current affairs programmes, their executive producers meet once a week. 25

- COMMISSIONER: Is that the meeting that you say has been canned for three years?
- MR PHIRI: Yes, that's the one that's been canned for three years. In that meeting is where we agree or disagree on certain stories, or our diary ideas are presented there. 5
- COMMISSIONER: Do you know why this meeting was stopped?
- MR PHIRI: I do not know. What happened was this. We had a Head of Current Affairs, MR SEFAKO ...
- COMMISSIONER: ... NYAKA?. 10
- MR PHIRI: ... NYAKA, yes. When he left ...
- COMMISSIONER: Remember I'm an SABC man too.
- MR PHIRI: Yes, I remember. When he retired there was nobody who was appointed to take over, although we did organise ourselves in such a way that we still met without a head. We would appoint one of ourselves as Chairperson. The person who was chairing was MHLUNGISE(?), who is the Executive Producer from CUTTING EDGE. He was chairing for a few weeks, and then at one meeting he came in and told us that he had told by NOTHANDO to stop this meeting. That's what he came and told us. And that's how the meeting ended. 15 20
- COMMISSIONER: And when she said these meetings should stop 25

what did she put in place of that meeting?

MR PHIRI: I think I left out something. He had said she would take over the chairing of the meeting. But she never came to chair it.

COMMISSIONER: In the absence of that meeting each EP ran his own category? 5

MR PHIRI: Yes, which actually manifests chaos, but that's what's happening. The chaos couldn't happen because the EP's are well trained people so they know what to do. We knew where our responsibilities lay and the SABC Editorial Code sort of became our guideline. 10

COMMISSIONER: To what extent is your team familiar with the code?

MR PHIRI: I often have to remind them to read the Editorial Code. 15

PANEL MEMBER: But do they read it?

MR PHIRI: I don't know if they do. It's a big document and what I've noticed is that the reading culture is not very good. But most of the time the code talks about journalistic tenets, so it is something they already know from college. So they won't stray. Now, what did I want to say about the code? You see, if you look at the code, I'm sure you're familiar 20 25

with it, it's a very positive thing, so positive that if you are a dictator in the newsroom you don't want to refer to it. I noticed that the COO never wanted to refer to it.

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COMMISSIONER: Except when he made himself the Editor-in-Chief.

MR PHIRI: Yes, when he made himself the Editor-in-Chief, I don't know whether he cited the Editorial Code. I think MS MUTHAMBI, I don't know what she did, she was sort of using the Broadcasting Act. She used the Companies Act and then made changes. The Broadcasting Acting Chair and made him our Editor-in-Chief.

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COMMISSIONER: What stops, let's say on QUESTION TIME you decide you are going to do this particular story, and CUTTING EDGE do exactly the same story, how do you avoid the duplication?

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MR PHIRI: At the moment it's difficult to avoid that duplication, but as I said earlier, that particular meeting I was referring to used to streamline things for us and say: Guys, don't do what this person has done, or if this team is doing this topic, you tackle it from a different angle. Nowadays there is no such

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meeting, as I said.

COMMISSIONER: QUESTION TIME was stopped. What replaced it?

MR PHIRI: Nothing has replaced QUESTION TIME. We have
been made to speculate that - because we died
at the same time as FRANKLY SPEAKING was 5
starting. By the way, when I go to the
electronic programme guide for FRANKLY
SPEAKING, when I press the "I" button there,
it gives me a synopsis of FRANKLY SPEAKING
that's exactly QUESTION TIME. So I can 10
conclude that they wanted FRANKLY SPEAKING to
be a replacement. FRANKLY SPEAKING was
introduced with - like I said, there's no
editorial meeting. Normally when a new
programme starts, the editorial meeting sits 15
and discusses the new programme. In this case
FRANKLY SPEAKING was just brought in.

COMMISSIONER: Who produces FRANKLY SPEAKING? Is it internal
or is it commissioned?

MR PHIRI: It's actually internal. I thought it was 20
commissioned, because there was so much
sophistication in its introduction. In a
meeting two weeks ago the current GE News,
PHATHISWA, confirmed that it's done
internally, only that its Executive Producer 25

is somebody who is acting in that position.
Who did she mention? Oh, sorry, she said it's
NYANA MOLETE.

COMMISSIONER: Are they using any of the team that was in
QUESTION TIME? 5

MR PHIRI: No, the QUESTION TIME staff are now being used
on promotions. Those end of the hour fillers
you see on air. That's where all my staff
have been taken.

COMMISSIONER: And where are you now? 10

MR PHIRI: I'm nowhere. From March I've been doing
nothing. I would say I have been fired.

COMMISSIONER: Your presenter used to be MPHO TSEDU?

MR PHIRI: Yes.

COMMISSIONER: Has he also left? 15

MR PHIRI: No, he has been given an evening slot on a new
programme called THE GLOBE. But what is
vexing about it for me, is that no one wants
to explain why QUESTION TIME was stopped. If
there are good reasons behind it, why hide 20
them?

COMMISSIONER: What were your ratings like?

MR PHIRI: Our ratings - with an internal comparison we
were the best. Internal. In a meeting I held
with MR MAROLENG, he claimed that we were not 25

doing well. When I challenged that he said:
No, I need to show you what I mean, because
I'm comparing your slot with slots outside, on
other channels. I said: Okay, I'm ready for
that. Unfortunately that meeting between me 5
and him has never taken place. I also
suspect it is him who cancelled the programme.
My programme, if you had ever watched it, my
presenter has a style which most people don't
seem to like, but I keep saying it's 10
journalism. You don't expect everybody to
have the same style. My presenter would ask
some questions that are very uncomfortable for
guests. I recall the Minister of Police,
then, the one who was the Minister - he was 15
giving crime statistics on - we invited him to
the studio and then MPHO asked him about how
he had allowed some Zimbabweans to go back to
ZIMBABWE where they were killed. The State
wanted them to go to ZIMBABWE on an 20
extradition of some kind, but then SOUTH
AFRICA doesn't extradite people to countries
where there is a death sentence or something
of this sort. But in this instance they took
these Zimbabweans to the MUGABI regime and 25

they died. So he asked the Minister on set
over that. I had actually given him
permission to ask that question. The Minister
got very angry and he protested to the SABC.
I was asked to explain why I had to ask the 5
Minister such questions. You must not ambush
the Minister, I was told. I said: Well,
there are instances when ambush journalism is
very justified. With a politician, when he
comes on set he needs to be prepared. I 10
suspect things like that irk LUTHULI HOUSE,
and LUTHULI HOUSE, when it has a
representative within the SABC, gives
instructions. In this case we all knew that
the representative of LUTHULI HOUSE is HLAUDI. 15

COMMISSIONER: How did you know that?

MR PHIRI: Well, he was too pro-ANC for a journalist.

COMMISSIONER: He could have been pro-ANC personally, without
being a representative of LUTHULI HOUSE. I'm
trying to find out what links you have. 20

MR PHIRI: MS MUTHAMBI seemed to be doing things meant to
make HLAUDI very comfortable at the SABC.
Because of certain changes she made in the
SABC, she turned HLAUDI into a dictator. So
that connection between MS MUTHAMBI and HLAUDI 25

leads to the obvious connection with LUTHULI HOUSE.

COMMISSIONER: I'm sure you should know that you don't just assume that there is that link.

MR PHIRI: I agree. 5

COMMISSIONER: Is there any correspondence, anything that he said that indicated he was getting his instructions from LUTHULI HOUSE?

MR PHIRI: No, I must admit he didn't say that. He may have said it when I wasn't around. 10

COMMISSIONER: When they scrapped QUESTION TIME, were you given notice, were you told you have been fired, what were you told?

MR PHIRI: I was told that in a month's time - that was at the beginning of February - that the programme would be over and that my staff would have to look for positions within the SABC somewhere else. They are freelance employees. I'm sure you're familiar with what freelance is. In a normal situation they can be fired with one day's notice, according to their contracts, but I do recall that NOTHANDO said they can hang around and look for jobs elsewhere within SABC. That's what they did. 15 20

COMMISSIONER: And then you? 25

- MR PHIRI: I'm a permanent employee. First of all they can't fire me with one day's notice, and what they wanted to do was to take me to HR and then HR was supposed to send me to some other position, that is what I was made to understand. But, like I said, I appealed that thing. Since I made the appeal there has been no official response, up to today. 5
- COMMISSIONER: So you are just sitting in your office, there is no work that you're doing and you're not... 10
- MR PHIRI: No, there's no work that I'm doing. In the last seven days there has been a development. Am I supposed to present it as fact? There has been a development in that they called me and said can I act in that position SEFAKO was in. And I agreed that I could act, but I haven't ... 15
- COMMISSIONER: So you have been kicked upstairs.
- MR PHIRI: So to say.
- COMMISSIONER: You are going to be, what's the title - Current Affairs - Head of Current Affairs? 20
- MR PHIRI: Head of Current Affairs.
- PANEL MEMBER: Are you acting at the moment?
- MR PHIRI: No, no, no, I haven't yet been formally appointed. 25

PANEL MEMBER: So you were recommended?

MR PHIRI: Yes.

PANEL MEMBER: You've mentioned that you've appealed the decision for you to be deployed within the SABC. 5

MR PHIRI: That was originally.

PANEL MEMBER: So how did you appeal?

MR PHIRI: No, what I appealed was the cancelling of QUESTION TIME. I said it should not be cancelled, can we continue with it. 10

PANEL MEMBER: Okay.

MR PHIRI: That's the one. Because if we continue with it that means I continue as being Executive Producer. Now that's what I've been waiting for a response to. 15

PANEL MEMBER: So you're waiting for the appeal?

MR PHIRI: Yes.

PANEL MEMBER: The response to the appeal?

MR PHIRI: Yes.

COMMISSIONER: And instead you're being offered this new position? 20

MR PHIRI: Yes. I suspect it's PHATHISWA who decided. She has seen that I'm loafing and she wants me to be active.

COMMISSIONER: Before you did QUESTION TIME, what were you 25

doing at the SABC?

MR PHIRI: The SABC recruited me from LUSAKA, I'm originally from ZAMBIA, to CHANNEL AFRICA radio station, in 1996. While I was at radio they started a new channel, SABC AFRICA, which was the first twenty-four hour news channel in SOUTH AFRICA. It was a broader thing than what we have now, because it was broadcasting to the whole continent. I have been at SABC AFRICA from 1998, when it started, up to now. I wouldn't say now, because it's folded up. It folded up, but as it folded up we would start a new channel and then I would adjust to the new channel. I moved from SABC AFRICA to SABC NEWS INTERNATIONAL. SABC NEWS INTERNATIONAL then folded up and we started this channel now, SABC NEWS. So I've been there for twenty-two years.

COMMISSIONER: Twenty-two years?

MR PHIRI: Yes, sir.

COMMISSIONER: Are you related to SAM PHIRI?

MR PHIRI: You know, the PHIRI's are the biggest clan in AFRICA, because they are in MOZAMBIQUE, they're in ZAMBIA, they're in MALAWI, they're in TANZANIA, they're in BOTSWANA, LESOTHO - so

a PHIRI is most unlikely to know the other PHIRI.

COMMISSIONER: Yes, but I thought because you're on the media and he's also in the media, you might know him. 5

MR PHIRI: I think I know about three PHIRI's in the media.

COMMISSIONER: Okay.

MR PHIRI: Sorry, sir, I forgot something. I hope I have brought this out clearly. The independent 10
contractors that are employed by the SABC, the so-called freelancers, for me, I'm being used as a weapon to control freedom of expression. In the gagging of QUESTION TIME, the lack of explanation on why the programme has been 15
stopped is a very strong message to the freelancers: If you misbehave, the same thing is going to happen to you. You must toe the line. For the last five years, the SABC has employed - this is quite illegal - freelance, 20
so-called independent contractors, who come every day to work, from Monday to Friday. If you look at the Labour Law, it says a person like that is supposed to be considered a...

COMMISSIONER: Permanent. 25

MR PHIRI: ... permanent employee. But they have given them these freelance contracts. But at the same time demanding that they act like permanent employees. Yet these are people who, if they fall sick, for example, they are not paid. They don't get medical aid. If they go on leave they are not paid, because they are considered as freelancers. Yet they come to work every day. These are people who are so uncomfortable with any literate instruction from anyone. Now these are the ones who have been running this new channel. Unless there have been some developments that I'm not aware of, when it started there were only about nine of us who were permanent employees, the rest are all freelancers. Is this something acceptable?

COMMISSIONER: The question is, are they just being exploited monetarily or is it an attempt to try and control their work essentially, limit their freedom of expression?

MR PHIRI: It's both, because if you look at their salaries, they are very low, and by employing them as freelancers, the SABC has no other monetary obligations. For example pensions,

they don't have that. The SABC is seeing them as a cheap human resource, but at the same time, like I'm pointing out, wanting to use them by turning them into pawns of some kind. They can only do what they are instructed to do. They can't follow regulations because if I told them do this and this, which is something quite illegal, they won't stand up and say: This is not within the SABC's policies or within the South African legal structures. They will do anything you want because they're scared of losing their jobs. 5 10

COMMISSIONER: But are there examples that you know of, where people were given instructions that are not in line with the code, with the policies of the SABC, and designed to carry out a political agenda? 15

MR PHIRI: I think during the previous COO's time that was always there. MEDIA MONITOR is a problem that's supposed to discuss the whole South African media, but it was given instructions: We don't want to see newspapers, you must not show newspapers on our screen. That's an illegal instruction. Where in journalism does it say you can't show a newspaper on a TV 20 25

screen?

COMMISSIONER: But was there a link between MEDIA MONITOR and the independent contractors?

MR PHIRI: MEDIA MONITOR is run by independent contractors. It's one of the programmes on SABC NEWS. I'm saying that's a good example of somebody issuing illegal instructions to people whom he knows won't stand up to this. I think there are five employees there. Four are independent contractors, only the EP - Sorry, it doesn't have an EP.

COMMISSIONER: So the headlines were part of MEDIA MONITORING?

MR PHIRI: Yes.

COMMISSIONER: And then the editors? 15

MR PHIRI: The editors that were invited, do you mean?

COMMISSIONER: Remember there used to be a slot for editors to come in and look at ...

MR PHIRI: Yes. That slot was banned in HLAUDI's time.

COMMISSIONER: Was it also part of MEDIA MONITORING? 20

MR PHIRI: Yes. Yes, it was part of it.

COMMISSIONER: So the two programmes that were canned by HLAUDI were part of MEDIA MONITORING?

MR PHIRI: No, I wouldn't say so. But maybe ask your question. 25

COMMISSIONER: You've got the editors.

MR PHIRI: They are within the programme, MEDIA MONITOR.

COMMISSIONER: Right. And you had the news headlines. Were they also part of ...

MR PHIRI: Within ... 5

COMMISSIONER: MEDIA MONITORING?

MR PHIRI: Yes.

COMMISSIONER: Okay.

MR PHIRI: It's all producers, a thirty minuter with those components you are mentioning. 10

COMMISSIONER: Okay.

MR PHIRI: He didn't exactly remove MEDIA MONITOR from air, he just told them: Don't do this and this and this.

COMMISSIONER: Yes. And they couldn't fight back? 15

MR PHIRI: They couldn't fight back.

COMMISSIONER: Because they're all...

MR PHIRI: Freelancers.

COMMISSIONER: Yes.

PANEL MEMBER: So is it your opinion that freelancers and 20 people who are occupying acting positions are likely to be influenced, or likely to be instructed to do certain things?

MR PHIRI: Very much so. Very much so. MR TEBELE, when he came to plead with me and went on his 25

knees, he was acting as the GE News and he knew that if he pleases MR MOTSOENENG, he will get the post. And he got the post. But he was acting at that particular time. Although again, if you look at the SABC 5 policy, you are not supposed to be confirmed in your position for the mere fact that you've been acting. According to the policy, I think from 1998 or so, if there is any vacancy it must be advertised and everybody must 10 apply. But in MR TEBELE's case - I'm sure you may be familiar with what happened in that position. What happened was that MR MOTSOENENG had appointed NOTHANDO MASEKO as Head of 15 Televison, with a view that she would become GE News later. Now she annoyed him - I can't exactly remember how he got annoyed, but as a result of that he removed her from the position where she was acting as GE News and put MR TEBELE in that position. He acted 20 briefly, he was a retiree, but after a while he was confirmed in that position.

PANEL MEMBER: Was he confirmed without following the procedure?

MR PHIRI: Yes.

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PANEL MEMBER: Advertising the post and ...

MR PHIRI: Yes, the procedure wasn't followed, he was just confirmed.

PANEL MEMBER: So he didn't even apply. Do you have proof that he did not apply for the position? 5

MR PHIRI: How could he have applied when it wasn't advertised?

PANEL MEMBER: Okay.

MR PHIRI: Unless they organised some clandestine advert of some kind. 10

COMMISSIONER: When you walk out of here you will start kicking yourself and saying: I forgot to say this or that.

MR PHIRI: Yes.

COMMISSIONER: If you get to that point, please drop us a note. 15

MR PHIRI: Oh, I see, okay.

COMMISSIONER: Secondly we might call you back, so please don't be surprised if you get a call back from us. Once we start putting all the evidence together we might see a gap somewhere and say: Please come and clarify this for us. 20

MR PHIRI: Alright.

COMMISSIONER: Thanks, Mr Phiri.

JNT002 – EVIDENCE 6

VOLUME VI

SOUTH AFRICAN BROADCASTING CORPORATION**COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**

5

PROCESS IN THE NEWSROOM

PANEL MEMBERS:	MR JOE THLOLOE	- Commissioner	
	MR STEPHEN TAWANA	- Panel Member	10

6 July 2018**THE ENQUIRY RESUMES**

COMMISSIONER:	Apologies for the late start. My name is JOE THLOLOE, I'm the Chairperson of this panel and I will ask my colleague to introduce himself and you can then introduce yourself.	15
MR TAWANA:	My name is STEPHEN TAWANA, I'm a Director at MMM ATTORNEYS.	
COMMISSIONER:	And you are?	20
MS GQUBULE:	My name is THANDEKA GQUBULE and I'm the Economics Editor of the SABC.	
COMMISSIONER:	This is a Commission that's enquiring into interference in the decision-making processes in the newsroom at the SABC. My colleague	25

will swear you in.

MR TAWANA: Do you have any objection to taking an oath?

MS QUBULE: No.

MS THANDEKA QUBULE (duly sworn, states:)

COMMISSIONER: We have read your written submission but can 5
I ask you to briefly summarise it and then
give any additional material that you might
want to give before we ask the questions.

MS QUBULE: Okay. In my submission I tried to be succinct 10
and to excise from my submission the personal
issues and to speak more about patterns of
decision-making, trends, newsroom themes and
issues of newsroom culture. That's what I
tried to do in the submission and I tried to
keep it as succinct as possible. As you can 15
imagine, having been through what I've been
through I have to keep things a little
unemotional so that I don't burden people with
my meandering and so on. That's what I tried
to do in this submission. 20

COMMISSIONER: So essentially I would like you to repeat what
is in the written submission.

MS QUBULE: I would like to be guided by yourselves, if
it's possible, so that I confine myself to
your terms of reference and what exactly you 25

would like to know from me and how I can be helpful.

COMMISSIONER: Okay. Now let me start with some of the stuff that we have had here. I'm mentioning FRANCIS HERD. Can you recall what happened when she interviewed BRIAN MOLEFE? 5

MS GQUBULE: Yes, I can recall. For me the whole event started at - I was at a conference out near the airport. It was a news conference which was held to prepare for the elections and it was being addressed by MR MOTSOENENG and JIMI MATTHEWS and we were all given the opportunity from the floor to make contributions. It was attended by the leadership of the news division. During the break JIMI wanted me to have my lunch with HLAUDI and I couldn't understand why, but anyway I went and I had this bizarre lunch with HLAUDI. It was a sticky conversation. We didn't talk about work. He mainly remained silent or talked about his food. I asked him questions, like where is he going to vote and he said he hadn't decided and then I asked him about his children and then I could see that he was a bit hostile. Because he then said: Who told 10 15 20 25

THANDEKA GQUBULE

you I've got children? Anyway, I decided to curtail this discussion but I could sense that there was something wrong. Then after that I got a call to return urgently to the office. At the office I was told that I need to call 5 BRIAN, because BRIAN is unhappy about an interview with FRANCIS. Then I was briefed by the Bulletin Editor, NKOSI TOM about what happened that day. And I had a chat with BRIAN, and BRIAN and I couldn't decide. He 10 mainly was the one who couldn't decide what time we would then meet and discuss this issue. But I could hear that he too was hostile and that he was extremely aggrieved and I was trying to be as calm as possible. 15 Now, BRIAN's communication assistant was one of my former students at RHODES UNIVERSITY. So I gave SIBONELO SEKONYELA a call to say: Hey, can we chat about this? I can't quite understand what's aggrieving this man. I 20 then, instead of going back to the conference, went home. What I remember is that at home I received calls from family and from a lady friend of mine who works at TRANSNET and Minister MARTINS, was Minister of Transport's 25

THANDEKA QUBULE

brother, had called NEO MOSEBO to say: Where is she? Why can't we get hold of her? Whatever she's done with BRIAN, she had better stop it because she needs to report to the office. It's night time and I need to come to the SABC instantly. When I got to the building there were the security guards who said to me: Thandeka, is that your guest? And I said: Yes, I believe I have a guest here tonight. Then they said: Whew, he was very rude to us. They were like shivering. Then I went upstairs and in the guest room where we receive our guests I found BRIAN there. And he was so aggrieved, he said I must come with him to see SIS ELLEN. I didn't know who SIS ELLEN was, and then he corrected me and said, it's the Chairperson, SANDILE TSHABALALA, which is the name I knew her by. I then invited him to come into a separate room in the newsroom to have a chat, and in that separate room in the newsroom FRANCIS joined us, and a young lady called THABILE NGWATO popped in at some stage, and then SOPHIE MOKOENA imposed herself on the meeting, trying to tell me to apologise to BRIAN.

said I would not, and that I can't see what wrong FRANCIS has done. The questions that she asked him could easily have been anticipated and they were already in the public domain. She was asking him about the Chinese locomotives and the procurement of these by TRANSNET. And he took exception to even being asked these questions. So I said to him and SIBONELO who were there, that they were expecting to get sweetheart answers and questions from the Public Broadcaster and that's not who we are, and that's not who we're supposed to be. He said that FRANCIS was just plagiarising the BUSINESS DAY. I said it's a newspaper of record and it's part of what's out there. FRANCIS was merely doing her job and I saw no plagiarism. I saw absolutely nothing wrong with what she had done. Anyway he accused us of racism, he said is it the shape of his nose, he did all sorts of things.

COMMISSIONER: Who, BRIAN?

MS GQUBULE: BRIAN, yes. He was very aggressive and physically threatening towards FRANCIS. Then I decided to call JIMI MATTHEWS, to tell him,

THANDEKA QUBULE

because BRIAN is here and he's being quite belligerent and he's saying that we must go upstairs to the Chairperson's office. I'm not the sort that would jump a number of ranks ahead of me. I've never been to the Chairman's office, and in my mind I don't know which hat she's wearing. If it's our Chairman and this SIS ELLEN is indeed SANDILE TSHABALALA, then she's on the Board of TRANSNET as well, and is the Chairman of SABC. So BRIAN, myself, SEKONYELA and TSHABALALA would be there. That was my understanding. I was going to have a problem with this because this would be a more a TRANSNET meeting than an SABC meeting. So the governance of it all was just giving me a number of alarm bells. So I phoned JIMI and JIMI said: No, go along. So I told FRANCIS and them that I don't see anything wrong that FRANCIS has done. I'm not going to apologise. That's what I told SOPHIE, who was interfering in this meeting, uninvited. She invited herself to this meeting for some bizarre reason. Security allowed us to go through. We came out of the newsroom, went through the

security at the bottom, they just opened and we all went upstairs. When we got there, ELLEN TSHABALALA was there.

PANEL MEMBER: When you say you went upstairs, which floor was that? 5

MS GQUBULE: The Chairman's office. I don't know whether it's 28 or 27, but it's very high.

PANEL MEMBER: Okay.

MS GQUBULE: When we got there she had already chosen a side. I must deal with FRANCIS, and BRIAN is 10 saying that his reputation is clean, I'm out to besmirch him and I'm out to soil him, and so on. So there's a bit of context to this allegation. Before I came here I investigated HARITH PARTNERS, and there was some link to 15 BRIAN there. HARITH is an entity that was brought rolled out of - I'm a business reporter, business companies, finance, economics reporter. I started doing these kind of investigations from my days at the 20 FINANCIAL MAIL. HARITH was the subject of an affidavit that had been made by a board member of PETRO SA and they had allegedly been double-invoicing PETRO SA. So I took the two invoices to HARITH to ask them what's going 25

on. They decided that they were going to call security on me, and BRIAN was involved in this whole double-invoicing. I can't quite recall the details because I don't have them in front of me now. A guy called ULE(?) was still there with HARITH, decided to escort me out because they were going to call security and so on. And in that meeting the CEO of HARITH said: You think you're a god. You journalists think you're God. And at the meeting with ELLEN that phrase was repeated. So I was just making the link because maybe he legitimately felt that I was out to ruin his reputation, because in that meeting he repeated that he had been at Treasury and he had been at the PIC, he had run assets in the trillions, and journalists think they are gods, and that something must happen to FRANCIS. I said: No, I am not going to do anything to her, I've looked into the matter and I'm not going to gag her, I'm not going to do anything, and I'm not going to apologise either. They will have to do what they have to do. They will have to knock themselves out, but they are welcome to do anything to

me, but they cannot get me to do their bidding in respect of FRANCIS, because FRANCIS is doing her job.

COMMISSIONER: And what was ELLEN's position during that meeting? 5

MS QUBULE: She was a little calmer than BRIAN, because BRIAN had begun to sweat on his armpits. That's what made me feeling under his arms, and so on. That's what made me feel that this was a very emotionally charged meeting. 10

PANEL MEMBER: So everything happened in front of SOPHIE and ELLEN?

MS QUBULE: No, SOPHIE is no longer in the meeting with ELLEN.

PANEL MEMBER: Okay, let me start here. When BRIAN accused FRANCIS of being racist, and commenting about a nose and whatever ... 15

MS QUBULE: That happened in front of SOPHIE.

PANEL MEMBER: And SOPHIE didn't do anything?

MS QUBULE: She said that she wanted me to apologise, and the reason I must apologise to BRIAN is to make the matter go away. To handle it a different way. She was trying to play mediator, but I can't see the principles - first of all I don't see her standing in the 20 25

matter, upon what basis she was trying to impose herself on this meeting and to mediate it. That is confusing for me. Secondly, this mediation privileges mainly BRIAN. This so-called mediation. Because it involves me 5
apologising for essentially being an editor and supporting the journalist who is doing her job. I'm not going to apologise for journalism.

PANEL MEMBER: That's somebody who is external. 10

MS GQUBULE: It's almost like a betrayal to me that I must sit next to my colleague and I must betray my team, and journalism itself, by apologising to BRIAN, who doesn't want to be asked about corruption. Hell, no. She wasn't going to 15
get it. So I was trying to manage her in addition to managing BRIAN's belligerence. Because he would occasionally get up from his chair and put his fingers in FRANCIS's face - it was hectic. 20

PANEL MEMBER: Were you not protected by the Head of News?

MS GQUBULE: Who was the Head of News? SOPHIE's not the Head of News. SOPHIE had never been the Head of News. SOPHIE is my peer, in fact at the time she was my junior. I'm a 125, I'm the 25

Editor of Economics. At the time she was floating, because JIMI had mothballed her. She was no Head of News at all, JIMI MATTHEWS was the Head of News.

- PANEL MEMBER: At the time? 5
- MS QUBULE: At the time, yes.
- PANEL MEMBER: So SOPHIE was never made the Head of News at any point?
- MS QUBULE: Never.
- PANEL MEMBER: At the time she was not the Head of News? 10
- MS QUBULE: She's never been Head of News.
- PANEL MEMBER: What was her position then?
- MS QUBULE: She was a senior reporter in the newsroom, but she's been pretty much mothballed by the JIMI administration. And the rumour was that she's 15 mothballed because of her henchman role in the SNUKI administration. So in my reading, she's trying to make her way back and to introduce her relevance by mediating the supposed fight between the Economics Editor and the head of 20 TRANSNET, that's happening in the newsroom and it's so loud everybody can hear. And it's at night. So she's imposing herself on a situation in which she has no formal or official standing. 25

COMMISSIONER: When you got back to the newsroom, where was SOPHIE? Was she already at the meeting or did she join you later?

MS QUBULE: She never came upstairs.

COMMISSIONER: No, no, I say when you were in the guest newsroom. 5

MS QUBULE: Oh, yes.

COMMISSIONER: At what point did she come in?

MS QUBULE: She joined us in the newsroom and went with us to the part of the newsroom - it has since 10
been demolished, but there used to be a place where the economics team used to have its meetings. It was a glass room so anybody could see in. I can't remember exactly physically at what point she joined this 15
procession, because I was invited - BRIAN was like: Is this where we are going to meet? Looking at the provisions in this guest place. So I was trying to accommodate him by saying: Let's go to a place that's a little more 20
aesthetically inviting. So we went to this part of the newsroom that's almost like a fish bowl because you can see in. And SOPHIE came and she sat to my left and FRANCIS was seated there, and a crying sort of very frazzled 25

THABILE was there, and BRIAN was there.

COMMISSIONER: Now, what was THABILE's role?

MS GQUBULE: THABILE had just been bullied by BRIAN when she arrived. THABILE was an economics reporter. She's now an anchor. She was 5
involved with the team at the time and her role was just to facilitate the interview, make sure that FRANCIS get's the kind of research she needs and so on. She was just assisting FRANCIS with the TRANSNET story 10
really. Her role in the entire episode was trying to be helpful and to bring about real peace, like hoping that people would calm down. She was very affected by what was going on. 15

COMMISSIONER: Who invited her to that meeting?

MS GQUBULE: THABILE?

COMMISSIONER: Yes.

MS GQUBULE: No one invited her, because THABILE was the one who went down to receive BRIAN and to make 20
sure that he was okay, while I was getting to the office.

COMMISSIONER: From that meeting then you went to ELLEN's office?

MS GQUBULE: Yes. 25

COMMISSIONER: Then what was ELLEN's role throughout the meeting?

MS QQUBULE: Before we go on to ELLEN's office, there was some discussion between BRIAN and SEKONYELA, to the effect that JIMI was running away. And I later heard that from SOPHIE, that JIMI was absolving himself from the situation. And I don't remember exactly when I heard it, but I remember it's something that plagued me for a while. When you play these happenings over in your head. I'm sorry that in terms of evidence it's imprecise. For example, I can't remember the date and the exact times. All I know is that it was at night. 5 10

COMMISSIONER: Then going back to ELLEN. What was her role at that meeting? 15

MS QQUBULE: ELLEN was there supporting BRIAN.

COMMISSIONER: And is it the same ELLEN who is on the TRANSNET Board?

MS QQUBULE: Yes, sir, and it's the same ELLEN who is on the TRANSNET Board, and there are three people in this meeting with ELLEN who are from TRANSNET, and only two of us from the SABC. It's the secretary of the Board of the SABC, and I think they opened a door in ELLEN's 20 25

office, at the Chairman's office, and the lady came in. I don't remember what parts of the conversation she may have been privy to, but she did sit to my right, and I sat facing ELLEN, and BRIAN was to my left and SEKONYELA was on the far right. And this meeting took ages, and it was a very vexing meeting. 5

COMMISSIONER: And what was SEKONYELA's role?

MS QUBULE: He's the spokesperson for TRANSNET. He's the media liaison guy. And as my former student, in that meeting I rebuked him and said: Why didn't you prepare your boss for this kind of journalistic question? Why didn't you do your homework and say: Okay, boss, these kind of things are the ones likely to be asked by a journalist. Legitimately. Because this is in the public domain, this is what's newsworthy right now. He needs to answer questions about the locomotive transaction and the tender. 10 15

COMMISSIONER: And where did this meeting end? 20

MS QUBULE: Whew, late. I don't remember but it was very late.

COMMISSIONER: And the conclusions?

MS QUBULE: The conclusion was that they're going to speak to JIMI, and I stood where I stood with my 25

team. In fact when I left that meeting I was perfectly prepared to be fired.

COMMISSIONER: And did JIMI then come back to you?

MS QUBULE: Yes. He called me into a meeting the following day. In that meeting there was TONI REYNEKE, 5
who was the EP. There was SEFAKO NYAKA. And there was also - I don't recall who else, but in that meeting JIMI was trying to, I can say look after me, because I genuinely believe that that was what he was trying to do. He 10
was trying to compel me to write a letter of apology. And I was resisting. Eventually I just fell silent. JIMI then came downstairs. There was a secretary called THANDO, and he went into her office and basically JIMI said: 15
Listen, this is what you're going to say to this lady. I don't even recall what was said. He asked THANDO to print it out and he said: Sign it, and he took the letter and went to ELLEN. That's what I assume happened. 20

COMMISSIONER: So in fact you were forced to sign that letter against your will?

MS QUBULE: You know, by then, I felt I was endangering FRANCIS, I felt I was putting JIMI on the line because JIMI was literally telling me that: 25

You and are on the line now. And I'm saying I don't mind now if I'm on the line, but I can't bring myself to do anything against FRANCIS. So I think JIMI put in a veiled kind of "we didn't mean any offence" kind of story. 5
But I don't remember what this letter said.

COMMISSIONER: Looking back at that incident, what role do you think - let me try and think through what I'm trying to ask. Was it just direct personal involvement there, or was it a question of 10
somebody wielding power, saying: I've got power over your Board, I have power over the editorial, and therefore I can demand an apology?

MS QUBULE: Yes, it was an egregious abuse of power. And 15
to even phone BEN MARTINS and then his brother, the Minister, to get me to leave home and then come to the SABC at night, that's power, that's politics.

PANEL MEMBER: You've mentioned that ELLEN was protecting 20
BRIAN during the meeting.

MS QUBULE: Yes.

PANEL MEMBER: Are you able to show the panel how she did that?

MS QUBULE: She was saying: You think that you sleep with 25

politicians, and now you can do what you want.

(Mother tongue.) It was offensive.

COMMISSIONER: Was that kind of power play common in the politics of the SABC?

MS QQUBULE: I don't know. I don't know whether my resistance made it flare up, or maybe somebody else would have just taken it lying down and it wouldn't have amounted to anything. Somebody else would have just rolled over to BRIAN MOLEFE and said: Look, FRANCIS, just apologise to this guy and you get to keep your anchoring job and your contract. I don't know. 5 10

COMMISSIONER: But you haven't had any other incident where there was this blatant abuse of power?

MS QQUBULE: Oh, there have been many, sir. And bruising. 15

COMMISSIONER: Can you give me specific examples?

MS QQUBULE: I actually don't know where to start. Maybe I should start with the day that led to my being fired. Oh no, maybe we should start at the conference, because the overhang or the sub-text to what was happening with BRIAN, there was another conflict with HLAUDI going on that I was unaware of at the time of the encounter with BRIAN, but had started at the conference that we were attending at the 20 25

airport.

PANEL MEMBER: Sorry, I just want to get clarity. FRANCIS mentioned that you got instruction to deal with her.

MS GQUBULE: Yes. 5

PANEL MEMBER: Who specifically gave you the instruction?

MS GQUBULE: ELLEN. She was saying I must deal with her.

PANEL MEMBER: And didn't you ask ELLEN how you should deal with her?

MS GQUBULE: I told her. I didn't ask ELLEN how I was going to deal with FRANCIS, I told her what I would and would not do to FRANCIS. Number one, I would not fire her, I would not gag her, I wouldn't censor her. FRANCIS was doing her job, its SEKONYELA and BRIAN who failed to do theirs. 10 15

PANEL MEMBERS: What was her response?

MS GQUBULE: This is when she got frustrated with me and accused me of sleeping with politicians and thinking that that counts here and (mother tongue) you know, that kind of thing. She got pissed off with me, to say the least. 20

PANEL MEMBER: Thank you.

COMMISSIONER: You may proceed, thank you. So we are back at the conference. 25

MS GQUBULE:

So we're back at the conference, and the other context to what was going on was that, at the conference MAHLATSE GALLENES and THAMI DICKSON - I don't quite remember who else, but these two people stood out for me because they were seated together and they were moving the motion from the floor, that there would be a petition signed and this petition would say that as we go towards these elections we are no longer going to take any political instructions. Or so I understood it to be, that was what they were about. So I believed that I was honour bound to support them, so I rose and offered to be part of the group that actually edits the note. Because it was going to be joint effort to write up this motion and the petition, and so on. So when we got back to the newsroom, I think a few days passed and a number of other dramas, like the BRIAN drama happening, for me at least. I then offered to help MAHLATSE with the drafting of this. So we sat down, I think she sent me an email and I started making contributions in writing to this thing and then at the end I appended my signature to this, and so did MAHLATSE. I

understand that those two were the only two signatures on it. There was a deadline for sending it, I believe, I'm not too sure. And so it was sent, and so in a way we were signing on behalf of the newsroom because we were the people mandated to draft and edit it. And any case we were in no doubt as to the sentiments of the newsroom because there had been a meeting where the entire leadership of the newsroom had endorsed or seemed to support this view. Well, what then happened was that HLAUDI received this and he was so unhappy. He came to the newsroom, a meeting was convened, and in this meeting HLAUDI said a lot of things. He said that he was going to deal with us, that he's not afraid of us, that he is going to act. He was with his bodyguards and the news leadership were there.

COMMISSIONER: Who were the bodyguards? Was it the usual SABC bodyguards?

MS QUBULE: I don't know who those guys are, there are many.

COMMISSIONER: They used to move around with HLAUDI?

MS QUBULE: Yes.

PANEL MEMBER: In that petition that you guys had signed, did

you specifically mention HLAUDI's name or was the content just addressing the fact that you were no longer taking any political instruction?

MS QUBULE: We're not concerned very much with individuals. Right? We're concerned with journalistic principles. It's wrong to interfere editorially with an election. It amounts to election manipulation or fraud, so we do not want to be party to rigging. So we were very clear that we were going to adhere strictly to the rules of election coverage set out by the Electoral Court and by the IEC. I don't remember what the exact wording of the petition was, but this was its premise, most definitely, that it's the role of the Public Broadcaster to cover an election in a free and fair way. 5 10 15

PANEL MEMBER: Then the question would be why HLAUDI, if he was not mentioned in the petition, why was he so furious? 20

MS QUBULE: I guess it's a case of: If the cap fits.

COMMISSIONER: Why was it necessary at that point to assert that you would not accept political interference? Had there been examples of that 25

before you wrote that petition?

MS GQUBULE: It was common knowledge that it's rife.

COMMISSIONER: Was it political interference, or was it HLAUDI jumping in and trying to please his bosses?

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MS GQUBULE: I can't tell.

COMMISSIONER: Was there a puppet master behind him?

MS GQUBULE: Sir, I can't tell, but what I do know is that this dispute was HLAUDI found its way to LUTHULI HOUSE. And if it was just HLAUDI acting on his own, then why the need for people to go to LUTHULI HOUSE? Because by then HLAUDI had issued suspension letters for us. That's what we were told. I never saw a suspension letter. And then the placation had to happen at LUTHULI for them to prevail upon HLAUDI, this is what we were made to understand, the affected parties, so that we do not get fired, because HLAUDI had already - remember he had said he was going to act.

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COMMISSIONER: Mmm.

MS GQUBULE: So that night I was in church when I received a call, I think from MAHLATSE, saying that people have been concerned about rumours that there are letters of suspension that have

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already been issued for us. And then SEFAKO, I think it was, said this discussion went to LUTHULI.

COMMISSIONER: So SEFAKO said it went to LUTHULI?

MS GQUBULE: Mmm. This discussion about what happened with us in this newsroom, and this refusal to take the instructions. And the storm in the teacup inside the newsroom over political instructions had found its way to LUTHULI. I don't know who prevailed on who, but in the popular narrative in the newsroom, it was SEFAKO who prevailed on either HLAUDI or higher powers that we not be fired. So we were kind of grateful to him, but at the same time it's problematic that our fate is decided outside of our own institution and on a non-journalistic basis. If our fate is not decided on a managerial or localised institutional or journalistic basis, then it's most certainly being decided politically.

PANEL MEMBER: So did SEFAKO attend LUTHULI HOUSE eventually?

MS GQUBULE: I have absolutely no idea who went to LUTHULI HOUSE. But I'm saying that in the popular belief in the newsroom it is that SEFAKO ensured that those letters of suspension were

withdrawn and that we were not fired. How he did it, or how he allegedly did it, I'm none the wiser.

COMMISSIONER: At that time SEFAKO was head of head of current affairs? 5

MS GQUBULE: He was editor of current affairs. He was my peer.

COMMISSIONER: There's a very confusing situation here. The various desks, political desk, economics desk, sports desk, are they are the same level, or what is the situation? 10

MS GQUBULE: All the editors are at the same level. We are all what you call 125's. It's the editor of current affairs, and we haven't had one since SEFAKO left. Then it is the economics editor, and I'm mentioning them in no order of priority. It's the political editor, the foreign editor, as well as the sports editor. Those are the editors who determine, in collaboration with the newsroom, what each day's stories would be like, and they edit them and oversee the process and they are ultimately accountable for what goes out on air, in their particular portfolio. 15 20

COMMISSIONER: The editors when they have their line 25

conference and decide on things, isn't that supposed to be the final arbiter?

MS GQUBULE: Indeed it is. But I dare say that in the HLAUDI days it definitely wasn't.

COMMISSIONER: How often did he jump into the newsroom? 5

MS GQUBULE: Let me give you the strange example of VBS.

COMMISSIONER: The bank?

MS GQUBULE: Yes. This VBS story in our newsroom started for us in 2016. A gentleman by the name of MWABA PHIRI was the executive producer for 10 MAKOTSI, it was a show called QUESTION TIME. And there was this dispute in the VENDA Kingdom between a woman and a man. The woman's name was MASINDI MPHEPHU and the man is TONI MPHEPHU. They are relatives and they 15 are VENDA Royals. So there was some brouhaha about business interests and a mine and VBS BANK and the investment vehicle of the VENDA Royals being one of the major shareholders in VBS BANK, including PIC and others. So MWABA 20 PHIRI invites the female contender to the throne because the matter was before the Courts. She had initiated litigation to prevent the official coronation of the acting man, TONI, and PRESIDENT JACOB ZUMA was about 25

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to visit TONI and there was about to be a big ceremony where I understand JACOB ZUMA and Minister FAITH MUTHAMBI and people would all be present and presiding. But there was this litigation, which meant that it's a story. So 5
MPHO and MWABA PHIRI decided to invite both sides. MASINDI MPHEPHU and her uncle, who was her supporter to her claim to the throne, decided to come to honour the invitation from QUESTION TIME. TONI MPHEPHU decided that he 10
wasn't coming. So MWABA PHIRI - and he has sworn on this one; there is an affidavit that was in our Constitutional Court matter, it's called the Mwaba Phiri Affidavit, I'm sure you can get hold of it - MWABA then decided to go 15
ahead with the two guests that he had. So on air he puts his anchor, MPHO TSEDU and the uncle and MASINDI. And while on air the calls came in. NYANA MOLETE ran from his office in the newsroom to the studio, to tell him to get 20
this woman out of there: Get her out of there. Now, MWABA is a very argumentative person and he says: No, man, I've made an editorial decision here. I can't do this.

COMMISSIONER:

In the middle of a show?

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MS QUBULE: In the middle of the show. The next time they go to an ad break he must evacuate the studio with all these people. MWABA then decides to follow NYANA back to his office. I don't know who prevailed upon who, and then NYANA gets a call and they open the speaker phone. And in the affidavit he says on the other side of the speaker phone was HLAUDI, I think NTATA TEBELE, and I think NOTHANDO MASEKO. Please confirm that in the affidavit, of who was said to be on the other side of the speaker phone. But I do remember HLAUDI's name. And he starts arguing with them so that the show can go on. He continues arguing, NYANA is complaining to him that he's making his life difficult, and this discussion happens. When he gets back to the studio it's almost time to wrap up the show because the argument has been going on and on and on, and he is then able to stand down from the show and see his guests out, and then go back to really questioning the issue. But for me, that's political interference.

PANEL MEMBER: What did they come and say? Did NYANA, NOTHANDO and SIMON TEBELE come and say: No,

we did not receive an instruction from anyone, we just decided to say it is not good for the story to be covered?

MS QUBULE: Based on what? What journalistic principle would be applied there? 5

PANEL MEMBER: You must remember they are not politicians. The people that you have mentioned are not politicians.

MS QUBULE: Right.

PANEL MEMBER: They are still within the... 10

MS QUBULE: But they are acting at the behest of politicians ostensibly because they are trying to ensure that one party to a coronation, the party that is partial to JACOB ZUMA, is evacuated from the studio. Because what 15
happened subsequently is that a big clash happened between TONI MPHEPHU and MPHONG TSEDU. MPHONG was even reported by TONI, who was his former university classmate, to his church, the ZCC, and he was said to be trying to run 20
a campaign against the king so that he's not coronated. To which MPHONG said on the phone to me and MWABENA PHIRI and BUSI: He is not my king; my king is whoever I pay my rates and taxes to; it could be HERMAN MASHABA for all 25

I care. So this involved politicians. It even went as far as involving leaders of the ZCC Church. Now, that is undue pressure on a journalist, and it's improper. And I dare say it is unlawful. And here are people enforcing it. Those three on the phone. For what reason would they pull a show off air? What journalistic rationale or justification can be offered in terms of the journalistic prescripts and principles? What would cause editorial leaders to act improperly?

COMMISSIONER: Again going back to the structure, the editors meet to decide, and current affairs is included.

MS QUBULE: Yes. 15

COMMISSIONER: When, for example, the VBS programme was being discussed, did it get up to the editors for discussion, or was it ...

MS QUBULE: I don't recall a discussion on it, sir.

COMMISSIONER: It wasn't endorsed by the... 20

MS QUBULE: By line talk?

COMMISSIONER: Yes.

MS QUBULE: I don't recall a discussion on it, sir.

COMMISSIONER: But generally they bring their stuff to...

MS QUBULE: Yes. 25

- COMMISSIONER: Now there's a story that when SEFAKO left there used to be a current affairs diary meeting, and that collapsed.
- MS QUBULE: Yes, I have been told by BUSI NTULI, who is my friend from the SABC 8, obviously, and she's the executive producer of SPECIAL ASSIGNMENT. She says that almost all systems, routines and disciplines for managing current affairs collapsed in the absence of SEFAKO.
- COMMISSIONER: But then how are they represented in the line talk?
- MS QUBULE: Well, a strange thing then happened. The sister-in-law of TONI MPHEPHU was then appointed to run about five of the current affairs shows.
- COMMISSIONER: To do what?
- MS QUBULE: To run them.
- COMMISSIONER: Current affairs?
- MS QUBULE: They all fall under her. LIVHUHANI.
- COMMISSIONER: Is she still there at this point?
- MS QUBULE: To my understanding she is still responsible for about five of these shows, but I'm not too clear as to what her official responsibilities are now. I understand that there have been some slight changes to her overall portfolio

of responsibilities.

COMMISSIONER: What's her full name?

MS QUBULE: LIVHUHANI MANYATSHE, or something like that. I don't know her proper surname, but I know her name. Her first name is LIVHUHANI. And we were told that she was the preferred candidate for the editorship in the North, and she was preferred by FAITH MUTHAMBI. 5

COMMISSIONER: Again FAITH MUTHAMBI assisting in the appointment of editors, etc. 10

MS QUBULE: Right. And there are two things FAITH MUTHAMBI did. She issued a circular. In the circular she said all the institutions reporting into her ministry, the SABC was not expressly excluded, must tell her and give her justifications, and she even gave us the criteria for these justifications in this circular, what would the Government benefit by a trip, who is undertaking this trip, and why. Now, for a Public Broadcaster to report to the Minister every time we decide to send somebody to cross the RAMATLABAMA border into BOTSWANA, with a justification of what the Government would benefit, it's either sheer and gobsmacking ignorance of the role of a Public 15 20 25

Broadcaster, or of her role in relation to the
Broadcaster.

COMMISSIONER: That's probably a much more general circular,
but actually participating in the appointment
of editors. 5

MS GQUBULE: Well, that - I can't see any written
participation formalised in the appointment of
an editor, but there are many journalists or
colleagues who wanted to apply to be editor in
the North when that situation became vacant 10
due to the retirement of SIS ESTHER, who was
then Regional Editor. Colleagues would say to
us as we were eating: No, we don't want to
apply because we understand that this is for
LIVHUHANI, she's preferred by FAITH. And she 15
arrived in the province, travelling with
Minister MUTHAMBI, so they assumed that this
is the preferred person. Myself, BUSI and
MWABA PHIRI phoned ESTHER when she was in her
last days as Regional Editor, and we put her 20
on speaker phone. She spoke mainly to BUSI,
and we were listening in, and we wanted to
know - because someone had called BUSI and us
to say: You guys, there is a lot of trouble
here, our guys are being harassed by the very 25

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rude spokesperson for the VENDA King, TONI
MPHEPHU. So we wanted to know what was going
on in the North. They were saying that they
must cover this conflict in a particular way,
they must cover the VBS in a particular way, 5
they must cover the "pay back the money" in a
particular way, or something like that.
Something to that effect. I remember this
very, very clearly. SIS ESTHER said over the
previous weekend, SEBOLELO DITLHAKANYANE, Head 10
of Radio, and NTATA TEBELE had travelled to
the North to quell what was happening, because
the journalists who claimed that they had been
harassed by representatives of the VENDA
Royals had gone to the police. Then SEBOLELO 15
and TEBELE had to go there to assuage them
from getting any recourse through the police,
so that they could find an alternative
solution to whatever was afflicting the
journalists. They were going to massage it 20
their way. This is what we were told when we
phoned. For us, the very fact that our boss
was given cows and a wife by the VENDA King,
and yet we were being mistreated by the very
same political authorities who are close to 25

his own stated political principles, clearly we are victims of a political gag.

COMMISSIONER: The ANC argues that there are people who like name-dropping and they like to give the impression that they have been deployed by LUTHULI HOUSE when in fact it's their own game they are playing. 5

MS QUBULE: I don't know about that. I really don't know about that.

COMMISSIONER: But the impression remains that they are being manipulated from LUTHULI HOUSE. 10

MS QUBULE: From my own personal experiences with LUTHULI HOUSE, I would say that LUTHULI HOUSE is copping out by saying that HLAUDI and the rest of them were name-dropping. The truth is far more complex. I didn't go there to do a story. I went to see ZWELE MKHIZE because he called me. He wanted to talk about his interactions with the business community. It was sort of a deep back-grounder. I assumed that he called me because I'm Economics Editor. I also assumed that he called me because in our youth we belonged to the same Youth League, a small localised Youth League in PIETERMARITZBURG called DCO MATIWANE. He was 15 20 25

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a trainee doctor. I was a high school student, he knows me, he knows my mom, my family, and so on, so I assumed that when he was thinking about how to go about the mission of talking to the press about his interactions with the business community as the guy who is appointed by the ANC to interact with that particular stakeholder of the ANC... 5

COMMISSIONER: And raise money.

MS QUBULE: And raise money, and talk to the business community. Hear their concerns. So I went there. It was a very pleasant meeting and then at the end of it he said to me: So how are you coping? How are you doing at the SABC? And so on. Then I said to him, almost half-joke, half-plea: (Mother tongue). And he said: Who? And I said: HLAUDI. So he said: (Mother tongue). So I let it go, we laughed it off, I left the building. On the day that HLAUDI fired us, ZWELE phoned me to say: What's going on there? (Mother tongue). Is he mad? Is he as mad as you said he is? So he said: Let me see what I can do. I said: No, no, no, we have plans to fight our own cause. So I think the truth is far more 10 15 20 25

complex than we're detached, you guys there can do your own thing, and anyone who says that they are representing us is lying or just name-dropping, playing power politics.

PANEL MEMBER: Don't you think that maybe HLAUDI was presenting the interests of a certain faction within the ANC? 5

MS QUBULE: Most definitely. That's my personal impression, yes. Based on my experience and my reading of things... 10

PANEL MEMBER: Not the ANC as a whole?

MS QUBULE: Indeed.

COMMISSIONER: What role does his personality play in all of this?

MS QUBULE: Sir, I don't believe that a personality like HLAUDI would rise when you have appropriate controls, institutional mechanisms to deliver the mandate. I think that it's partly environment that permits a personality like that to rise and partly our own weaknesses as an institution, as individuals and as a society of journalists that failed to call it out and to say this cannot pertain, this cannot happen. So it's partly personality, partly our weakness, partly institutional 15 20 25

decay that allows for this to happen. But I don't think it's HLAUDI alone, because in preparation for seeing you, as I said in my submission, I have been reading a lot. I read the SABC's Truth Commission submissions in the late 90's. I read what I could get on the SISULU Commission, the ZWELAKHE Commission and I reread ... 5

COMMISSIONER: That's the guy, BURGER?

MS QUBULE: Yes. And I re-read the subsequent - our own submissions to the *ad hoc* Committee. And I find that, save for our names and the evidence, it's almost identical. And back then, in the early 90's, there was no HLAUDI, there was VAN ZYL. He held sway and he did these things on behalf of the BROEDERBOND. I read in the testimony of a former Board member to the Truth Commission, SAMPIE TERBLANCHE, about whom I want to talk about today, that MRS PW BOTHA would complain about certain offending content to herself. She would phone PIK BOTHA - this is what he testified - and PIK BOTHA would phone the authorities at the SABC, the offensive content would then be terminated or expunged or eliminated, and then 10 15 20 25

the message would be communicated back to the President's wife: Everything is settled now, the offensive thing has gone away. It is so similar, the testimony of BHEKI KHATHIDE, who testified, VAN ZYL himself who testified before the Truth Commission, as well as SAMPIE TERBLANCHE. Professor SAMPIE TERBLANCHE's own testimony before the Truth Commission about the SABC was that you could almost see different generations of people speaking about the same phenomenon. So there's clearly something systemically wrong with how we've constructed our system that lends the system to vulnerability to political interference. There's definitely something wrong.

COMMISSIONER: Now looking at the current situation. The SABC's editorial policies, don't they provide enough strength for the staff to fight back?

MS GQUBULE: Well, the current editorial policies that we've fallen back on after the others were struck down by ICASA, at our behest, don't provide sufficient insulation in key parts. The first part where there's insufficient insulation is in the location of the ultimate holder of the referral upwards. In the

ZWELAKHE SISULU days, in the early days, and I was here in those days, it's almost understandable, since we had adopted much of the British model, where they say the Director-General, and then we replace it with the GCO, the referral editorially would go to him, because he was both manager and journalist. But there is no requirement that our GCEO's be journalists, or even have any exposure to journalistic training, or be able to make editorial calls. You can imagine our current CEO is a classical manager, with impeccable credentials, however how does he make an editorial call? And yet the referral upwards is his. Therein, without dissing any particular person, is a vulnerability. And secondly is a principle vulnerability in our system, where somebody who is responsible for - he sits on the Board, the GCEO sits on the Board and has fiduciary duties, therefore. So it cannot belong in the same head that the fiduciary duties and the editorial independence are guaranteed by the same head. Because somewhere, somehow, those two will come into conflict especially with commercial

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interference. So the one who is responsible for fiduciary duties must be responsible for fiduciary duties and the person responsible for editorial - for holding the final editorial say and protecting the newsroom from any commercial and political interference, should be somebody else. Yes, in print at least, it's a known convention that there must be the Chinese Wall between the people who are responsible for the commercial management of a news house or media house and those who have editorial responsibilities to protect newsrooms. 5 10

COMMISSIONER: But these days that Chinese Wall has collapsed right around. 15

MS QUBULE: And we are collapsing with it.

COMMISSIONER: Even on newspapers or whatever other medium there might be, the divide between the commercial and the editorial has collapsed completely. 20

MS QUBULE: Indeed. It's a sign of the times.

COMMISSIONER: The editor is supposed to be concerned about...

MS QUBULE: Making money.

COMMISSIONER: ... making money. You go to MEDIA 24, you go 25

to TISO BLACKSTAR, and right around, that system has collapsed. Now, how do we reintroduce it where we have this?

MS QUBULE: Sir, I don't believe that you can have public broadcasting without reintroducing that. I think that authentic public broadcasting must return to its traditional roots where that convention and that tradition is upheld. Maybe I'm conservative in this way, maybe I'm old fashioned but I've noticed that...

COMMISSIONER: I thought I'm the old man here.

MS QUBULE: The other weakness in the system that I see rests in the Broadcasting Act. In Section 12 of the Broadcasting Act, if you look at it, it tries to give a very diverse picture of the kind of fitness and probity a person should have to hold office as a Board member of the SABC, as well as the kind of competences and skills, to create a meritocratic board. But we don't need so much a meritocratic board - we do need merit, yes, indeed, and we do need an ethical board, and we need people of integrity, indeed, but we also need a multi-stakeholder board, as in the Southern European and German examples, because a multi-

stakeholder board brings in - let me just speak to the German example because the SABC 8 in frustration wrote to the German Embassy, and when they didn't answer us we went and stood outside the Embassy. And they eventually let us in and they said they would show us what we wanted to see. They then took us to GERMANY and we visited every single public broadcaster there, and we looked at models to insulate them. Because the Germans during Natzification had the same problem of political interference. In BERLIN, in fact, the Nazis actually took over a broadcaster and he made his Mein Kampfs from there. What we saw was a determined effort in the project to depoliticise the airwaves, which is what we need to embark on. What we also saw there was that multi-stakeholder boards are quite successful in depoliticising the airwaves. Because you have on the board, elected by the unions, a Labour representative. You have a representative of the newsroom elected by an electoral college of journalists, a journalist of good standing to sit on the board. You also have the Deaf Society on the board, you

have the Christian Churches on the board, you have the Muslim community on the board, and then you have the cultural communities on the board. Then you have all the different, disaffected and mainstream players who have a vested direct interest in balanced neutral public broadcasting - as mutual as mutual can be - seated on the boards. The boards are huge, but they separate the management board from the overall governance board, so that there's the practical board and then there's the overarching board that gives the institution its stability, its overarching, all embracing character, and those boards last many years. Now we, every time the Minister interferes there's a scandal and then we have to go back to Parliament, the Board is unwound, the Board collapses, they have to appoint another Board, and something is wrong with Section 12 of the Broadcasting Act. That's the conclusion we came to realise most humbly, that there's something wrong there and there's something wrong with the initial conceptualisation of how to insulate public broadcasting. Because the architects of the

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Broadcasting Act never anticipated that after CYRIL RAMAPHOSA's 1993 statement, that we would be sitting where we are sitting now. He said in 1993, and I remember this because I've read it so many times. He said: Never again will the SABC be expected to render such slavish services to the ruling party. The ANC does not need the Public Broadcaster to perform such a function. 5

COMMISSIONER: That was CYRIL? 10

MS GQUBULE: CYRIL RAMAPHOSA, in 1993, on the eve - we were going to go to elections in February 94, he was commenting on the broadcaster and the role that the broadcaster would play. It's a much quoted statement. I was reading an article by JANE DUNCAN and a number of others in preparation for this, and it stated there that that was the position of the ANC, that they want an independent Public Broadcaster. 15

COMMISSIONER: You would be surprised that that's exactly what the ANC quoted when they were sitting here. Words, words, words, we can throw them around but what do they actually mean? 20

MS GQUBULE: Indeed.

COMMISSIONER: Because they were saying that's been their 25

stance all along, they've never deployed anybody to the SABC, they will never ever deploy anybody to the SABC. Those who claim to be deployed by LUTHULI HOUSE are braggarts and name-droppers.

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MS GQUBULE: Right.

COMMISSIONER: The tragedy we have is that we don't have any direct link, whether in writing or in conversations that say that they are in fact the puppet masters.

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MS GQUBULE: Well, I don't know if this is the smoking gun, but I've brought you correspondence between myself and KENNETH MAKATEES, and I want to talk about two incidents in respect of this. There are three incidents that for me indicate that what the ANC is saying is not as stark and as clear as what they are saying. The first is that on the date I mention in the documents, SOPHIE MOKOENA - it was a Monday, the Monday after an NEC meeting - goes to the bulletin editor and the anchor, I don't know in what order, of the NEWS AT ONE, which is primarily economics, and I'm overall responsible for. She tells them not to ask any questions about the recall of JACOB ZUMA.

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And the rationale is, there is no recall.

COMMISSIONER: But if there is no recall you ask the question and then you are told there is no recall.

MS GQUBULE: Exactly. It's the question of the day on every citizen's mind. The Public Broadcaster 5
has a duty to ask that question on behalf of the public. Here is the Acting Political Editor saying: Do not ask about a recall. Journalism is about the question, ask the question of the day, or of the moment. MZWAI 10
MZWANDILE had gone to LUTHULI HOUSE to cover the Press Conference that was to explain what had transpired at the weekend meeting, and they were going to cross live to him, and the anchor has been asked not to ask the 15
journalist to whom we were going to ask any question about a recall, because there is no recall. So the bulletin editor, SHAKIRA HAFJEJEE comes to me, a bit agitated, and she says: Please take this up with line talk. 20
This is what NATASHA was asked to do. It's improper. Now, this is after we've had the ad hoc committee, this is after everything has happened, we're here discussing the recall of JACOB ZUMA. This is recent. Well, I go to 25

THANDEKA QUBULE

NATASHA THORP and I ask her: Natash, what happened? I ask her to come to my office and she explains. She says: I was asked not to ask the question of the recall, but I thought that was going to be my first question to MZWAI, who was out there, and she was said SOPHIE opened the studio, breaking all the protocols, and she said: Don't ask, don't ask. And she said: Look, I'm tired of being bullied in this way, because it makes me feel stupid, it makes me feel like I'm just a pretty face here presenting, I don't have journalistic instincts, I want to be treated as a journalist. I am a journalist. So, I took it to line talk, as I had been requested by the Bulletin Editor, SHAKIRA, and I said to line talk: This is what happened. And then line talk was aghast and they said: No, we can't go back there, please put it in writing, write a letter to the Acting Head of News. I write that letter to KENNETH MAKATEES and he writes back, as you will see, saying he will have a word with SOPHIE. Then I get called by my boss and then he, at the same time, goes into a meeting.

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COMMISSIONER:

Who was it?

MS QUBULE:

I get called by SEBOLELO DITLHAKANYANE, and at the same time as I'm called, and I can't be in the line talk meeting, KENNETH goes and says to line talk that in his assessment of the situation the request not to ask this politically charged question was in no way improper editorial judgment or editorial interference. In other words, my team and I were just barking up the wrong tree, harassing SOPHIE for no reason, and so on. I then went and said to him I frankly disagree, and I told him the reasons for which I disagree. I repeated the reasons in the letter and I said: Look, Kenneth, if you're not ready to protect the newsroom, then clearly we must escalate this. Then we have a huge sort of fight on the phone and he accuses me of abusing the line talk platform. And I said: But what is line talk for, if not to raise issues of this nature? Where must I raise this, which platform must I take it to, or do you mean I must shut up and just let her abuse the people who report to me? Well, that didn't go down well, because SOPHIE then says that she is

going to lay a grievance against me because every time I miss a story, I blame her. I don't know which story has been missed, I don't know what's going on. I don't know how missing a story, even if let's say I'm a 5
derelict and I've missed a story, how does it relate to her actual conduct? And how does it relate to what is read by seniors in the newsroom into her conduct? So she sends me some SMS's. After this, and the letter that 10
the SABC 8 sent to Parliament when we didn't have a Board, we had no arbiter, the newsroom had descended into some kind of morass, there was a lot of fighting, KENNETH had gone to see the Presidency behind our back and decisions 15
were made there. Next thing we are being maligned on radio stations and so on, by NGQULUNGA - well, he's singling me out. BONGANI NGQULUNGA is the spokesperson for JACOB ZUMA. After that there was no peace for 20
me. I became the new SUNA, and I don't know how I get to still be alive and seated here. I was chased around in a car, in a high speed chase. I had to go to Court without the support of the SABC to find out that actually 25

THANDEKA GQUBULE

the person chasing me is an SABC supplier, the
guy who fixes our lifts. I was in an SABC car
with the SABC satellite and SABC employees -
one employee and one intern - when this
happened. We were chased at break-neck speed. 5
We phoned the office, we opened the line,
screaming into the line: We are under attack,
we are under attack. We don't know what to
do, we are under attack. Until the phone fell
because we were driving at such a hectic pace. 10
We had decided not to stop at any robots, we
had decided not to stop at any stop sign,
endangering absolutely everyone in our wake.
It was only when we got into the first SHELL
Garage here in MELVILLE that we thought we 15
should get out of the car to surrender the
equipment of the SABC and surrender the car,
because we thought we were being hijacked.
When I went back to see the Maulana whose
family runs and owns the garage, it's only 20
then that he took a USB that I had given him
and he taped onto it the entire episode. We
were able to find out what the car
registration number was, and we found that we
were not being hijacked at all, we were being 25

THANDEKA GQUBULE

chased by a single white man. He even said to me: Why are you being chased by a white man? What do you do for a living? I said: I'm a journalist. He says: You're one of the 8? - An automatic conclusion after I say I'm a 5
journalist for the SABC. You're one of the 8? I said: Yes. He says: Oh my God. Here is the stuff, the incident, it's taken from the time we entered from that street, I think it's 10
FIRST STREET, into the garage, and our attempt to surrender the car, the equipment, and then this guy charging as he can see that we're trying to surrender. So we get back into the car - well, we close the doors because it's 15
not an option anymore, and we drive on. And VANESSA, who was driving with me says: I'll never stop. I'll never stop. I will rather die, moving on. Eventually when we lost him in the stream of traffic on this road next to the REA VAYA, we headed back towards the SABC. 20
The intern whom I had not signed indemnities for, is crying in the back seat, I'm shaking, the driver is amazingly composed, given that she's just saved our lives. When we get back to the office, KENNETH MAKATEES, who was at 25

the site from which we were chased - KENNETH MAKATEES, who called the cops on me here at the SABC when I was trying to leave the building, the BRIXTON Police, is seated with NYANA, chill as a PIMS, and he says: Ah, 5
well, just go to the cops. Okay, is this where I work? Just: Go to the cops. And I say: Nyana, you need to thank VANESSA and tell her boss to thank her for saving our lives. She was the driver. You need to give 10
her some time off to go and see a psychologist. I'm going to take some time off to see somebody and to go and find out exactly what happened. So that's exactly what I did. We traced the car back to a fleet of cars in 15
EDENVALE, using the number plate that the Maulana, the old Muslim gentleman gave us. At the fleet company I write to them, I phone them, you can have records of the correspondence. They say to me: The car is 20
registered to SCHINDLER.

COMMISSIONER: The lift people?

MS QUBULE: The lift people. The car is registered to SCHINDLER. Okay, can you tell me who was driving? No, we can't tell you who was 25

THANDEKA QOBULE

driving. So I write to SCHINDLER and I say:
Can you give me the GPS - the people at the
leasing company say that all their cars have
GPS's, so the GPS will be able to tell you the
speed at which the person was driving, who the
driver was, etc. So I asked for these details
in writing from SCHINDLER, and I get hold of
a manager there. SCHINDLER has a R14 million
contract with the SABC. The SABC cannot even
help me to ascertain who was responsible. The
BEE partner to SCHINDLER is OROS, the ANC
Youth League's brother, MIKE MAINE, and none
of these guys can help. And yet SCHINDLER has
this lucrative contract with the SABC to fix
the lifts in such a way that they don't fix
them and therefore keep the business and keep
on billing. Because the lifts are notoriously
always broken. Anyway, I then decide that I
must go to the High Court to compel SCHINDLER
to reveal the details. R22 000 later the
Judge cannot believe that I'm alone here
trying to compel SCHINDLER, who is a service
provider to the corporation that I work for;
I'm litigating here, senior counsel, junior
counsel, to find out who tried to either

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hijack an SABC car, or endanger its employees, or take its satellite, whatever it was, I'm here alone dealing with their supplier where, in a normal situation, it would be a call between CEO's. CEO to CEO.

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COMMISSIONER: Mmm.

MS GQUBULE: What on earth - I even make the example as it was made in court. If I have a helper in my house, as I do, we have PRECIOUS at home and PRECIOUS is mistreated and manhandled by the pool guy or the plumber that I've engaged to work for me, best be sure that the normal human response is to pick up the phone to the plumbing company to say: What on earth? There was no such thing. I stood alone in Court, trying to find out who had aggressed SABC, only to find out that it is a gentleman by the name of JAN UNGERER, the actual leader of the technical teams that fix the SABC lifts.

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COMMISSIONER: And what happened after you found out his name?

MS GQUBULE: I went to BRIXTON, this lady, VANESSA, who was driving, went to BRIXTON, and the SABC security laughed me off when I said BRIXTON,

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they said: Oh, we've got a special relationship with BRIXTON. A special relationship with BRIXTON? When you say a special relationship with the police, for me you're saying something improper, it means that they prefer you as the institution over those wronged by the institution. For me it's anathema, you can't have a special relationship with any institutional member of the public if you are a police station. They refused to take the case at BRIXTON. The following weekend after, VANESSA writes to me saying they refused to take the case and she writes the name of the sergeant who refused to take the case. I get hold of IPID, make certain submissions, and then one weekend I decide to go to confront them at BRIXTON. What on earth, how can you even legally refuse to take a case? So the guy there placates me and says: Look, ma'am, it's one of two things, don't assume the worst, just assume that the constable - it was a lady constable who declined - didn't take the case seriously and the constable perhaps thought that this case belongs at SOPHIATOWN. So I went to

SOPHIATOWN with a stamped thing to open the case. By then I was bulldozing them to open the case because they were throwing it back to BRIXTON, and I said: No, no, no, no, it happened, this is the street where it started off at a facility owned by the UNIVERSITY OF JOHANNESBURG. So eventually they decide to open the case. The SABC writes to my lawyers saying that they have no obligations in terms of the Protected Disclosures Act, or the Whistle Blower's Act to protect me or any of their employees. In fact, while they have a whistle blower box, they have no whistle blower protection mechanisms in internal policy, which is the SOP and they do not adhere at all, clearly, to the Protected Disclosures Act. In fact MSIKINYA, their lawyers, who had promised that they were going to look into this, did absolutely nothing. I've never seen such useless lawyers. Anyway, before this the cops had been called, my employment record had been given to the tabloids, all because I said we need to get rid of political interference, all because I said we need an independent Public

Broadcaster, and I did it in public. That's the only crime I can see myself as having committed in their eyes. SUNA is dead by now, the former Head of Legal is dead by now, shot, and I write an impassioned letter to the Board saying I fear for my life because I have death threats on my phone, and that's what I plan to show you, and I discover that UNGERER, who was chasing us, is a leading member of one of the leading populous right-wing groups. He flies Swastika's on his website. May I show you? By now the harassment is so intense I'm seeing a psychologist and I've got a coach. Just to wake up and come to work every day is a challenge. VANESSA is telling her colleagues that she is so traumatised she's never been through anything like this in her entire life. And my colleagues are telling VANESSA and the young girl: You were just travelling with the wrong person. Then I go and see the Head of Security and I get a printout of the number of times UNGERER has entered the building, and I discover that he actually has an SABC pers number, like all of us employees. And MUTHEBULA printed out for me the number of

times.

COMMISSIONER: The pers number?

MS QUBULE: The pers number. Here is his pers number, let me give it to you. His ID number and his pers number. The pers number is the employee number for the SABC. And then I'm told that I'm imagining things, I must believe that this was an entire coincidence and that he had a fit of road rage, and that is why he chased us. His ID number is 93659 - that's what I can see. This is his entire ID, and then this is his website for the armed gangs. This is his Rest In Peace messages, graves and a hacksaw. This is the Swastika. That's his website on Facebook. This is a "Bleed To Death" message. There are several others. I will print them out. 5 10 15

COMMISSIONER: Can you send this to us? Please send them to me, I will share it with my colleague.

MS QUBULE: Right. 20

COMMISSIONER: You do have my number, don't you?

MS QUBULE: Yes. I will get somebody to send it next week. Our assistant, our PA, will make sure that you get it, because I'm not very techno savvy. 25

COMMISSIONER: If you send it on WhatsApp, it should be fine.

MS QUBULE: I'll find a way of sending them to you as they are.

COMMISSIONER: Okay.

MS QUBULE: Then I start getting calls from SARS about 5
what a tax delinquent I am, I owe something,
administrative fees of R6 000. So I make
plans to go and settle it. I get SABC calls,
I get a letter that purports to be from the 10
Auditor General, that there is a conflict of
interest, I failed to declare a certain
company. Now, I know that is the signature
mark of HLAUDI, because that's how they got
rid of JABU MABASO. So I ask for this letter
and it's unsigned by anyone, and when I 15
phoned the Auditor General's office to follow
up, there is no such letter issued by the
Auditor General's office. The person who
phoned came from SULLY MOTSWENI's office and
the entry, instead of having my name as the 20
person who has a conflict, it's got DANISA
BALOYI. So somebody forgot to Tippex DANISA
out and put me in clearly, if they were going
to stitch me up like that. So it's a fake
letter from the Auditor General's office, and 25

who does that? Even to a colleague that you don't want, who does that? So the pattern of harassment gets ever more bizarre.

COMMISSIONER: And how does the Auditor General explain how that letter... 5

MS GQUBULE: That letter was never generated from inside the Auditor General's office. It's like somebody takes a letterhead from the Auditor General's office and then makes unethical use of it. Because there was never such an audit 10 query involving my name. But next to my SABS pers number, 102891, is DANISA BALOYI's name. It was most alarming. So for me it all seems that myself and other journalists were now caught up in this web of this underworld. We 15 were in the crosshairs of something - of a shadow state that we can't really identify. And you can't win because you get blocked at the police, you get blocked inside the SABC, so I decided to litigate. I went to WEBBER 20 WENTZEL, got myself lawyers, senior counsel, and we wrote to the SABC. Eventually NOMSA wrote to SCHINDLER saying that they must not field the same guy again, but that's the sum total of the SABC's response, other than 25

promising to set up a committee to look into it. Because I'm just one individual, I don't have the forensic might of the SABC, which is a public institution. There's a limit to the extent of investigation I can go into. But that's what happens. All because of editorial queries, or fighting for editorial freedom. 5

COMMISSIONER: The letter that NOMSA sent to SINA, what grounds does she quote for stopping him from working for the SABC? 10

MS GQUBULE: NOMSA has said that I'm welcome to see the letter if I would like to. And I said I would very much like to see it, but she has yet to give me the letter.

COMMISSIONER: What is MAKATEES doing in CAPE TOWN now? 15

MS GQUBULE: MAKATEES is Regional Editor.

COMMISSIONER: He originally came from CAPE TOWN?

MS GQUBULE: Yes.

COMMISSIONER: Do you mind if we take a five minute break?

MS GQUBULE: I think the rest is basically stitching me up to be a spy and getting the EFF, SOPHIE's friends basically, to make sure that that whole thing happens. Then I finally found the other things I was looking for. 20

COMMISSIONER: Have you tried to trace this number? 25

- MS QUBULE: The police have tried, worked on it, they say it was done from an un-RICA'd phoned. I've tried to trace the others as well. We've had numerous meetings with the police.
- COMMISSIONER: Can you also send us the letter. At this stage can we release you and NELIA(?) next door will arrange an alternative time. 5
- MS QUBULE: Thank you so much.
- COMMISSIONER: Thank you. It takes a lot of courage to do what you are doing. 10
- MS QUBULE: I don't know about that anymore, but what we can say is that we initially tried to accommodate MR MOTSOENENG and his people, to live under that regime within the confines of what the profession permits and we didn't look for this fight, this fight came to us in the newsroom. All we said one day in a meeting is: No, let's cover the story. And we were fired. We were only reinstated after the Court reinstated us, but we carry those interdicts against further being fired, and that's the only reason why we are still here. 15 20
- COMMISSIONER: Thank you. Thank you for your input.
- MS QUBULE: Thank you so much.

THE ENQUIRY RESUMES

COMMISSIONER: My name is JOE THLOLOE, I'm the Chair of this panel and we are investigating interference in the editorial decision-making at the SABC. I will let my colleague introduce himself and then you can then introduce yourself. 5

MR TAWANA: My name is STEPHEN TAWANA, I'm from MMM ATTORNEYS.

MR KIRKER: I'm STEPHEN KIRKER, I'm a freelancer at the SABC, and the incident I approached you about took place while I was anchor of a weekend current affairs programme in 2016. 10

PANEL MEMBER: Before we proceed, do you have any objection to taking an oath?

MR KIRKER: That's fine, I can do that, sure. 15

MR STEPHEN KIRKER (duly sworn, states:)

MR KIRKER: I will speak the truth as far as I can remember it. But, yes, absolutely, I stand by what I have emailed and what I'll present now. I actually subsequently started trying to get in touch with the people I was working with that night. You know memory is - it particularly stuck in my mind, but the producer of the night, politics wasn't really her big thing, so she didn't really remember 20 25

it, and we need to actually find out - I don't know how far this kind of thing goes, but this is obviously some sort of, I guess, preliminary fact-gathering evidence. In the greater scheme, maybe this wasn't the biggest example, but it happened. Essentially it was a very interesting time in terms of the build-up to the Local Government elections and we did have reporters at the time who were covering - look, this is another thing, how much of what the ANC coverage was being dictated by certain agendas, I don't know, but it was kind of a known thing that we were going to cover it. It was an important thing, we were going to cover what was going on as far as the Local Government elections were concerned, and it was the weekend that THOKO DIDIZA was officially introduced at an event on the Sunday, as the Mayoral candidate for the TSWANE region. There had, of course, been a lot of speculation before that she was going to be named. There was push-back and resistance. That evening, as far as I can remember, we were going to speak to possibly JESSIE DUARTE, at that stage. These are

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things - it's speculation, my memory was that we were going to speak to somebody from the ANC about THOKO DIDIZA being named as the candidate. But at the same time it came to our attention, as we were preparing for the programme, that there was this trouble taking place elsewhere, and initial reports were that it was linked to the service delivery protests, which there had been a lot of. But I think we got the information actually from our reporter on the scene, that this was actually ANC members, very, very unhappy about the naming of THOKO DIDIZA as the candidate for the Mayor, and it suddenly, from just covering what the ANC is up to as far as the Local Government elections later in the programme, it became much more important to us and we moved it to the top of our story. Because it was an indication of the problems which had been evident before of differences within the ANC, and of course, as we know, became quite big. We were going to speak to the ANC, and I think we would going to speak to our reporter. Somebody had actually died, somebody had been shot that day. And he was

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going to be the person who would tell us that these people had been telling me that they're unhappy of THOKO DIDIZA being named and that they were opposed to this. I was actually listening back, as my producer suggested we pull up the archive, and I spoke about it and I introduced it, because we have a break to play ten minutes after 20h00, as it was, we have the news and then I do an introduction and I said: Next we're going to be investigating what's going on in TSHWANE. And we didn't go into it. I was informed that we were not doing it, and I was told that SOPHIE MOKOENA had simply called the studio and said: You're not doing this. We tried to get in touch with the reporter and I think the reporter had also been told: You're not going to speak to them about this. It was our lead story, it was just pulled out from underneath us, and we were naturally unhappy. But, sadly, we almost had the shrug-it attitude at that stage, because there was a lot of this going on, and this was just the first time I was directly affected by it. And that essentially is what it was.

COMMISSIONER: Was SOPHIE Political Editor at the time?

MR KIRKER: Yes, I think so. And, you see, this is where it gets difficult, because I was the presenter on air, it was not me who spoke to her, it was the team. That's why I was hoping to try and find out from the members of the team if they could perhaps remember. Yes, she was the Political Editor at that stage. 5

COMMISSIONER: Who was your producer?

MR KIRKER: My producer was BONTLE MOTSOATSOE. The people who helped us on a weekly basis tended to rotate quite a lot. There was a girl I thought it might have been, and I checked with her yesterday, she doesn't think so. So we could perhaps go to our debriefs and find out who was working on the programme that day. In hindsight, maybe I should have been able to bring that information to you. That was the incident, that's all it was. 10 15

COMMISSIONER: So the chances are that SOPHIE spoke to BONTLE? 20

MR KIRKER: It could have been BONTLE, it could have been the other producer. As I say I spoke to BONTLE yesterday, she has no recollection of it. I listened back to the "on air" and 25

that's exactly what we were doing, we were going to do that. Possibly if she listened back she might remember, I don't know. I'll ask her to listen to that and see if she remembers more about it.

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COMMISSIONER: Or might remember who the producer was.

MR KIRKER: Our debriefs should have who was helping us out that night there.

COMMISSIONER: Have they recorded what ...

MR KIRKER: Our debriefs do have the names of the team on them, yes, so we should be able to get that. We should be able to get that. And we were disappointed more for the fact that it was quite a scoop. It only came out in the rest of the media the following day. It was an important story and it was just...

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COMMISSIONER: I remember PRETORIA burning at the time.

MR KIRKER: Exactly. It was a huge thing, and this is now where we get into the area of speculation. There was obviously a message to say: Don't do this.

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COMMISSIONER: And you were not told why the ban, or what the agenda was?

MR KIRKER: As I say, I was the on-air anchor, I wasn't any part of that. As I was speaking on air

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they were obviously taking the phone call. Because my link is - I don't stay after the break. I don't like saying: In a moment we're going to be going to TSHWANE, where a person has been killed and we're going to find out. After the break I go into the United Nations story. Obviously during that minute of the break they told me it's been canned. So I wasn't any part of that communication. I was told: Listen, SOPHIE has told us we can't do it and we now can't get hold of the reporter. Because we were going to say we still want to speak to the reporter if we can. But I think presumably the reporter, and I can't remember who the reporter was, had also presumably been told the same thing.

COMMISSIONER: Do you have the same editors for radio as well as for TV?

MR KIRKER: It's interesting...

COMMISSIONER: Because if SOPHIE was editor, she would have been editor on the television side.

MR KIRKER: Well, you see, I never quite understood it. In terms of the areas of responsibility and levels of command, ultimately it should have come through our chain of command, yes. But

it didn't. And the fact of the matter is that is how it was working, so presumably SOPHIE should have got in touch with ANGIE KAPELIANIS, who was in charge then, and then it should have followed that chain of command. 5
But, look it's a live on-air thing, SOPHIE made the call and there was nothing we could do about it.

COMMISSIONER: What was your programme?

MR KIRKER: WEEKEND PM LIVE. 10

COMMISSIONER: I didn't know there was a PM LIVE.

MR KIRKER: There isn't anymore. It finished, I think later that year. I think actually it was taken off air around the time there was the outcry about the editors being taken off the 15
air, which was also one of the...

COMMISSIONER: That's much more recently.

MR KIRKER: I stand corrected on the timelines, but I think it was - yes, they had the changes, they took an hour away on a Sunday morning from 20
WEEKEND AM LIVE, because of the editors, and I think it would have been possibly around the same time that it changed. It was taken away.

COMMISSIONER: So ultimately you fell under ANGIE?

MR KIRKER: Yes. My direct report lines were KRIVANI 25

PILLAY and AUBREY SETJIE, and they fall under ANGIE.

COMMISSIONER: I think we mentioned to both of them that we might call them back, so we will ask them about this. 5

MR KIRKER: Did it even get back to them? To be honest, as a freelancer you're not in the office every day. You came in - was this mentioned in the debriefs? I don't know. I would like to think that it was, but people tend to do as much work as they have to do, and if we didn't do the story, well, maybe just ignore the fact that we didn't do the story. Yes, if I'd been more involved and engaged, I probably would have said I need to make it known that this happened. Sadly, I think we were all in a fairly negative space because of the editorial limitations we had been put under. I don't know if it was shortly before that or afterwards, we had the incident where we were called together and told what the editorial line was. It wasn't coming from us, you know. 10 15 20

COMMISSIONER: When did you become aware of these limitations?

MR KIRKER: It's a funny thing, I was thinking about that. 25

STEPHEN KIRKER

There's always been some sense of - some people had a more direct line into the editors. When I first started working in current affairs as a sport anchor, I remember being dragged over the coals. We used to have a bit of banter when I was working with TSEPISO MAKWETLA and XOLANI GWALA, as it was then. I was a sport guy, I would provide a bit of light banter with them, and I was told to tone back; there had been complaints from LUTHULI HOUSE about the way I was speaking about things.

COMMISSIONER: About sport?

MR KIRKER: No. No, about matters. Perhaps I would be referring to the President as JZ, but then you're talking about it in a bantering situation. You know what I'm saying? That was the banter part of it. But there was always that knowledge that if LUTHULI HOUSE is unhappy with you, you will hear about it sooner rather than later. But I wasn't involved in - I was a sport guy, so I don't know at that stage. As I say, when the problems started happening under HLAUDI MOTSOENENG, I'd been doing current affairs as

an anchor for longer, and I was more conscious of it. And then I was in the meeting which shortly followed the directive that the SABC wouldn't be covering protests, and the like. And we were called together. This is about in that period, I would imagine, when it became particularly draconian. 5

COMMISSIONER: When did you start at the SABC?

MR KIRKER: I've been there twenty-five years. In 1993.

COMMISSIONER: 1993. 10

MR KIRKER: Yes. But I was working in the commercial field at 5FM then. I think my relationship with SAFM started in about 2003/2004. As a freelancer you don't really have these fixed dates. 5FM let me go, I did a bit of work for 702. You do what you must. 15

COMMISSIONER: Did you get a feeling that these pressures came with HLAUDI, or did you feel them before then?

MR KIRKER: My overlap with working as a current affairs anchor and these incidents kind of overlapped with the period when HLAUDI was in that position. So it's difficult for me to say. But certainly I was acutely aware that HLAUDI was taking an excessive amount of interest - 25

look, it went beyond interest - into the editorial process. It went beyond having an interest, it interfered with the editorial process. And I always used to tell people this. I said, as a freelancer and as a relatively junior member, I don't have to deal with this on a daily basis. I don't have to try and justify myself to my employees, because that's what - I mean, I feel sorry for the people who were in between, it was difficult, because they had to try and get us to toe the line without believing in the line that they were being told to toe.

COMMISSIONER: As a freelancer, do you have access to the editorial policies?

MR KIRKER: Access to the editorial policies in a broader sense. I mean we are apprised of the editorial policies. In terms of the editorial process, yes, everyone who is part of the current affairs team, we - essentially the way it works, is the producers decide on the programme, and we have a meeting. For the weekend programmes my input was much less. But ultimately the way a matter is dealt with on air does come down to the on-air anchor.

One of my criticisms is that the production team is often not proactive enough in helping to define a direction or an angle of a story. But that's another thing, that is just an operational matter. In terms of serious editorial influence, pretty minor, but then you are, as the anchor, ultimately the person who does decide what questions you ask. 5

COMMISSIONER: Yes, you are the (indistinct).

MR KIRKER: Yes. It's not big decision-making, but ultimately as the on-air presenter you are the final editorial mark. Whatever comes out of your mouth is now what the station is. 10

COMMISSIONER: But is there a formal way in which you are made aware of the contents of the editorial policy? Or is it just one of those things that you're supposed to know? 15

MR KIRKER: I think it was probably sent out on email to us. And occasionally when problems came up people would be referred to the editorial policy. I'm not too strong on being able to reply to that. As a presenter you work with a sense of what you think. Sometimes you think you may be second-guessing too much. Sorry I can't really help you further with 20 25

that.

COMMISSIONER: Stephen, thank you so much. If you remember something else, please send us a note.

MR KIRKER: I will try and follow up on who else was with us. I will ask, so I can check those debriefs and maybe there is something on them that which would be useful. 5

COMMISSIONER: When we recall KRIVANI and ANGIE, they might remember.

MR KIRKER: As I say, sadly at that stage, the weekend current affairs programme is not the most important programme to them. Understandably. It was always in a funny spot. But I will try and dig out those debriefs. 10

COMMISSIONER: When did it come in? Because I would have thought Saturday and Sunday would be sports and... 15

MR KIRKER: I always questioned what that programme was doing there, because it was just there and it didn't make sense. On a Saturday - hang on, how did it go? The sport would be on until 19h00, and then there would be a hour of drama, and then there would be an hour of current affairs, and then you would get into music. And then on a Sunday you had sport 20 25

STEPHEN KIRKER

ending at 18h00. Then you had a two-hour music gospel-based programme, then you had current affairs, and then you had music again. To my mind it never made sense where it was. It didn't. And from a programming point of view, it wasn't a bad decision to take it away. I said it should come straight after the sport and then get back into - but that's another matter anyway. 5

COMMISSIONER: Thank you Stephen. 10

MR KIRKER: Right, thank you.

COMMISSIONER: If we need anything else we will call you.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

- COMMISSIONER: Good afternoon. As you know this is an enquiry into alleged interference in the editorial decision-making processes in the SABC. I'm JOE THLOLOE, I'm Chairing this panel, and my colleague will introduce himself and then you will introduce yourself. 5
- MR TAWANA: My name is STEPHEN TAWANA, I'm from MMM ATTORNEYS.
- MR KRIGE: My name is FOETA KRIGE, I'm the Executive Producer of RSG CURRENT AFFAIRS. I'm part of the news division in the SABC. 10
- MR TAWANA: Do you have any objection to taking an oath?
- MR KRIGE: No.
- MR FOETA KRIGE (duly sworn, states:)** 15
- COMMISSIONER: How long have you been with RSG?
- MR KRIGE: I've been with the SABC since 1990. After twelve years I left for a brief period of two years. I had my own production company and at that stage, of the first twelve years, seven of those I spent as a senior producer at RSG. Then when I came back after two years, in 2004, I was an executive producer up until now. So it's fourteen years. 20
- COMMISSIONER: We have read your very substantial submission. 25

If you want to, you could do a summary of the contents and then any additional things that you might have left out that you want us to consider, and then we'll ask the questions.

MR KRIGE:

You will see that I've put some newspaper 5
clippings together. That, of course, is not
my work and I can't vouch for the content of
it, but it is just to give the context of the
time and what happened at that stage. The
first report is 11 December 2013 about the 10
SABC censoring the footage of the ZUMA booing
at the MANDELA Memorial. It was about that
time that we realised that there were certain
changes in the newsroom. My first real
interaction or experience of it was on 15
5 February when my - in current affairs I have
a National current affairs editor, ANGIE
KAPELIANIS, I think you have spoken to her.
And then her direct boss is SEBOLELO and at
that stage she was acting head of Radio News. 20
She came to my office and told me that there
was an instruction from the 27th Floor that we
cannot report on the EFF activities anymore.
You may remember that was a time when the EFF
really came out strongly. I said to her: But 25

SEBOLELO, it's not possible they are a political party and we should be able to report on them. And she said she had just come out of a meeting and that is the instruction to her. I again said to her: 5
Listen, I'm sorry, I cannot, we have to carry on and report on it. After a while she walked out and it was only ten minutes later when JIMI MATTHEWS' secretary phoned me and said I must come up to JIMI's office. When I arrived 10
there SEBOLELO was there and JIMI. Afterwards I took some notes and when I left the meeting I typed them out. So this is not comprehensive, but that's what I took out of the meeting. JIMI just said there will be no 15
discussion and SEBOLELO is my line manager and if she gives me an instruction I will have to do whatever she tells me. What happened at the same time is, we wanted some reaction because we couldn't cover the EFF. In fact, 20
at that stage we already had a report going on, we phoned KAISER for some reaction, but he wasn't available. I told him all that we wanted to do was to get reaction because there's a lot of bad press outside and we 25

wanted to get the SABC's side of the story. I think that's good journalism. And he said to me: Don't talk to me about good journalism. 702 had the report already the previous day. And I said to him: We tried to get hold of KAISER, but he didn't answer his phone. Then he said but why did we do it because in effect we're an output team, we gather stories from the rest of the SABC and then we broadcast them, but because of the time we broadcast, we don't always have the stories from the regions. So in order to be newsworthy we do a lot of interviews ourselves as a current affairs team. And also because we broadcast in Afrikaans, a lot of the region content comes in English and the news-makers that they interview, even if they are Afrikaans, they will do it in English, so we will replicate it. We will do our own interviews with the people in Afrikaans, so that we can service our listenership or our audience. JIMI then asked me: But why don't you do your job? As an output team you're not supposed to gather news. Which was a bit problematic to me and I said to him that we

don't always have Afrikaans-speaking people in the regions. Sometimes I even send some of my team out if I know there's a story close to them, but I always do it after I have spoken to my direct manager, who is ANGIE KAPELIANIS. 5

Then there was a discussion about ignoring certain news items and I told him we cannot go back to the time in apartheid where we ignored certain news items, and JIMI was furious and said to me: Don't talk to me about apartheid, 10 because what did you do in apartheid to change the situation? And then he said to me: If you have any problem with that put it down on paper and I will deal with you after this. You will take instructions from SEBULELO. I 15 then realised we were getting nowhere so I said to him: I will listen to SEBULELO if she gives me an instruction, and then I will evaluate it and see if it's according to our editorial policy and then I will act 20 accordingly. And then I said to him: I don't want to waste your time, and I walked out. So that's when I typed this conversation. Then, as you can see from the newspaper reports there, there was more and more stuff around 25

the banning of the EFF coverage, and there's a long newspaper report on that. At that stage you also heard all the rumours from TV, or TV colleagues and everywhere, what's happening during live broadcasts, how JIMI and certain people will just tell them to change or to take people off air, or whatever. I cannot vouch for that because I'm not working with TV, but you will see that in the newspaper reports. It was then quiet for a long time, no direct interference or direct confrontations, but the first time that we realised there was something serious going on, was in February 2016, when my colleague, SUNA VENTER, who was one of my senior producers, sent me a WhatsApp message. I think I was on leave or busy with something else and told me that at a line talk THANDEKA said that there are certain instructions from the highest level that we may not - oh, I remember where I was, I was at the Budget in CAPE TOWN, and it was just after the Budget reading and THANDEKA was the economic or financial editor and they wanted to do VOXBOX on the budget, and SUNA said to me but at the line talk they

said no VOXBOX on the Budget. And we all know that VOXBOX is also a way to connect with the people out in the street, and to get their reaction, and it's a respectable journalistic tool to speak to the people and to get their opinions, so it was quite strange to me, and SUNA told me there was a big fight within the line talk and THANDEKA was very angry. Then I asked: But why would they be scared to do VOXBOX? It was a fairly good budget and the reaction on the budget was fairly good, so we didn't know. She just told me it was JIMI logic. Then, just before the run-up to the August elections, there were rumours that HLAUDI said they must take the SAfm editors programme off air. At that stage the reason was SAfm make use of newspaper editors, and that is free advertising for newspapers. I have a similar programme on Sunday nights, between 20h00 and 21h00, which is called KOMENTAAR, but we rather make use of political analysts, because there are not a lot of editors that can speak Afrikaans and because that is our audience we make use of respectable analysts on our programmes. And

this programme has been running for around
twenty-five years. Then there was a report in
the SUNDAY TIMES, saying that all phone-in
programmes and editor programmes had been
cancelled. Now that was the first official 5
word we heard of it. Then I asked SUNA,
because she WhatsApp'd me and said: Did you
read the SUNDAY TIMES? This is what happened.
And I said: What do they say about VOXBOX?
Because that was our previous discussion. She 10
said she thinks it started with the Budget.
Then we asked our presenters, and also RSG has
a LYNETTE FRANCIS, who has a talk show from
20h00 to 21h00, and we asked them if they had
also been told not to have any phone-ins, and 15
they didn't know about it. So something was
happening. We weren't really sure what it
was. I thought maybe it was to do with the
election period. Usually in phone-ins we want 20
a news anchor to handle election or political
stuff. And the DJ's don't always have the
legal savvy to navigate through the questions
and so on, so I thought it was maybe to do
with that. Then in May the DA put out a
statement and said that FAITH MUTHAMBI has 25

quietly approved the SABC's editorial policy. Now again it was the first time we heard about it and at that stage we were...

PANEL MEMBER: Were you not contributing to what was developing the news broadcasts? 5

MR KRIGE: Yes, we did. Two years ago there were regular meetings, where they explained why we should change, and that was totally okay. We had meetings with the senior news staff and GRAHAM WELCH - I think he was the guy who drove this whole process. Sometimes we objected, we said we thought that the 2004 editorial policy is fine, but we realised because of social media and other stuff, we had to expand this editorial policy. But in a sense there was nothing really wrong with that. It was only after the DA asked a question in Parliament that it came out that the editorial policy was already changed in February. That was just while the Budget was going, on and the first instruction after they changed it was that we shouldn't use VOXBOX. So it was only then that I realised what was happening. Of course, as we know that our editor-in-chief is traditionally a CEO, and not a COO, and HLAUDI 10 15 20 25

was a COO, that was a bit uncomfortable to realise that the Chief Operations Officer is making editorial decisions. That became quite clear at that stage, when we were at an election workshop in MAGALIESBERG, where HLAUDI talked to us and he said - I think I've got notes here somewhere - let me just see. No, I don't think I have put it in there, but there was a meeting where HLAUDI actually...

COMMISSIONER: I have something here, but the pages are not numbered. It was on 6 and 7 June.

MR KRIGE: So that was just after that. Yes, there it is. First, before that I'm just looking at my time line now. It was a Sunday night and I received a WhatsApp from ANGIE KAPELIANIS conveying a message from SEBULELO saying that each and every radio station and news bulletin and current affairs show must do an interview with MZWAKHE MBULI, after he released a video with a praise song for HLAUDI's 90% local content, which was totally irregular because as a news programme we have strict instructions from the station not to play anything off the play list, first of all, and we are very sensitive not to give any artist free coverage, so it

was quite strange for a head of radio news to give an instruction that we should play this on all stations. Now, if you work that our in millions it's really millions of Rands of free advertising. But, of course, the reason was that in the song they praise HLAUDI for what he did. We did not broadcast it, although we phoned MZWAKHE MBULI and said: Can we get that song? And he said it wasn't ready yet. So there was an instruction given to SEBOLELO, and I don't know from where, but we know HLAUDI had close links with the music industry. I only realised that later. But SEBOLELO actually ordered us to give publicity to this song on all news stations. Now, I can understand if they put a song like that on a play list for the station's side, because it's different from news, they play music all the time. But to play a song that says: Thank you, HLAUDI, thank you, you're such a great guy, on my news programmes, didn't feel right. And then that same week we heard about the instruction not to broadcast violent footage. That was on the Thursday, we heard it on the Friday, and we then organised a discussion for

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the next Monday and we asked HLAUDI to be on it because his name was mentioned in the press release, and I got TIM DU PLESSIS, who was an Afrikaans newspaper editor, and FRANS KRUGER who is the head of the WITS SCHOOL OF JOURNALISM. We also asked HLAUDI, but he didn't even answer. So on the Monday morning we carried on with the discussion on the merits of such an instruction. Immediately after that I asked my senior producer to see if we could get HLAUDI into the studio the next morning. Which happened. He arrived there with ANTON HEUNIS, who was his commercial adviser, which was also strange, because I've never met ANTON before that. They live in the towers and we work in the dungeons. He came in and he went into the studio with HLAUDI and he sat there and he was quiet. That was the first time, and it happened quite often after that, that ANTON HEUNIS would come in and sit there and listen to the interview. Afterwards I was standing outside listening and I said: Thank you for coming in, and he was furious with me, he said: Yes, we ask leading questions.

COMMISSIONER:

What is ANTON saying that, or was it HLAUDI?

MR KRIGE:

ANTON said to me that at the previous interview we asked leading questions. I was a bit furious because I said to them: Why must we read about decisions like this in the media? Why don't you communicate with your team leaders, or your news editors anyway? Why should we read all this stuff in the newspapers? And then HLAUDI summoned me to the 27th Floor, 09h00 that morning. When I arrived there, ANTON was sitting there with HLAUDI, JIMI MATTHEWS, SIMON TEBELE, SEBULELO, and later KAISER also joined us, and on this side was KRIVANI PILLAY from SAfm, She was also there. Again I made some notes, which I typed afterwards. HLAUDI said: We are cleaning up the organisation. People are doing their own stuff. There are many journalists outside who want to work for the SABC. Interestingly enough, this morning when they introduced our new CEO to us, those were the exact words that KAISER KGANYAGO also used today. There are a lot of journalists outside that want to come and work for the SABC. Which can be unnerving if you are on the 27th

Floor. Then HLAUDI said the environment outside is bad, and he said no person is independent, only the SABC is independent. And he said: This is a now a new SABC, you must either adapt or find a job elsewhere. He 5
said TIM DU PLESSIS is from a rival organisation and we cannot allow ...

COMMISSIONER: At that time was TIM still with the newspapers, or had he moved to television?

MR KRIGE: It was 2016, I think he was moving - I know he 10
is now Head of KYKNET News. I don't think at that stage he was, but he was also a member of SANEF. I'm not sure I'll have to check that fact, but from time to time we would use people like TIM DU PLESSIS or MAX DU PREEZ or 15
people that are from the media, because of the language problem. For example, if we interview someone like ANTON HARBER, we will pre-record and package it with Afrikaans voice in-between. Sometimes if it's really necessary 20
we will also do interviews in English, if there is no substitute. But, yes, TIM must just have left, or he was still at the newspapers, at MEDIA 24. But I disagree with them, because according to my understanding of 25

public broadcaster, we don't have rivals or competition, we're there for everyone.

COMMISSIONER: Yes. You are the giants.

MR KRIGE: Yes. And we would often make use of other journalists. Especially because at the SABC there's no investigative team anymore. We don't have the capacity to do real investigative stuff, especially when there is a really big story, like the GUPTA leaks now, and so on. Not one of us was involved with that, but AMABHUNGANE and those people were doing that. Then we will get one of their journalists and interview them and they would give us the information. To me that was a service that we do for the people of the country and that's what the Public Broadcaster should do. I also realised then that that was why ANTON was there, because they were pushing the commercial thing. At that stage there were talks about taking the newspapers away. Every morning when I come in, the first thing I do is, I read five or six newspapers, and suddenly they just took them away, which was a problem for us. Yes, you can get it on line, but sometimes by looking at the

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newspaper you can judge which stories they think are more important than others. Page 5 is maybe a lighter story. There's a lot of ideas for any journalist to get from newspapers, and they just took them away. 5

COMMISSIONER: So they stopped delivering them?

MR KRIGE: Yes, they stopped it. At that stage they said it was a money thing, but I had this nagging feeling that they did not want us to broadcast anything that was in the newspapers. I've got 10
no proof of that because their argument was based on the competition first of all, free promotion for newspapers. That's another thing that, every morning we have a slot and that's also a world-wide accepted principle, 15
that you look at the newspapers and say: Okay, the STAR headlines are this, and the CAPE ARGUS that, so you give the people an idea, while they are still in bed, what's happening in the world and what the newspapers report. 20
Not only local newspapers but wider. At the moment we even say what is trending on social media, because that's a service that we provide to our listeners and it's nothing to do with promoting - saying: You must go and 25

buy the BEELD now because they have a beautiful story. It's nothing like that. So HLAUDI said TIM is from a rival organisation, we cannot allow people from outside to say anything negative about the SABC. The penny 5
then dropped. Then he said we asked FRANS KRUGER leading questions, which he couldn't fault, because he was a professor from a university - we asked him leading questions. And then he said Editors Forum must go. It's 10
advertising for rival newspapers. Now, we're not a newspaper so I do not understand how we can be rival newspapers. Then ANTON HEUNIS had his word and he said he listened to RSG, he knows he's not a journalist, but we 15
misunderstand editorial freedom and we ask him leading questions. Then he asked me why we didn't do an insert on research that shows that the presence of cameras leads to violence. And I said to him: If you warned 20
us beforehand and you gave the research that you did before you made a decision, then we could have had a totally different discussion. Then we could have got the people who did the research in, and we could have a discussion 25

about the effect of cameras on violence in situations like that. Then HLAUDI said: I don't believe in research. So they did not do any research. HLAUDI was actually famous for saying, that he doesn't believe in research. 5

Then again HLAUDI said: You must defend the organisation. No journalist is independent. Then he said the COO has the final responsibility for news. It was the first time that he admitted that he changed the 10

editorial policy and made the COO the head of news, and not the CEO, who is supposed to be the Editor-in-Chief. Then HLAUDI said to SIMON, who was, I think, Acting Head of News at that stage: If people do not adhere, get 15

rid of them. We cannot have people who question management. That's also interesting, because he said: This is the last time that we have a meeting of this kind. From now on you will handle things on your level. I think 20

it was also the last time I spoke to HLAUDI, or I saw him. Well, I saw him at meetings and so on, but that I spoke to him. Then JIMI said: It's cold outside. If you don't like it, you can go. You've got two choices: The 25

door or the window. KAISER in the meantime had joined us, and we spoke about the fact that it's difficult to get hold of him. When we phone him he doesn't answer his phone and if there's some bad press on the SABC and we want to get the SABC's reaction, it's very difficult to get hold of him. He told us his phone is on twenty-four hours a day and we must send him an SMS, etc. The day after that HLAUDI also said on radio that he doesn't believe in research. And also on SAfm, on 6 June, he had an interview with SAKINA and he said: Sakina, when you talk there, you need to talk like an SABC employee. You as SABC people need to know what the SABC policy says. He again referred to the policy. At that stage we weren't sure. It was only afterwards that we realised that there was one thing about upward referral that he changed and, of course, his position, as COO, as Editor-in-Chief. And he said to her: It's important that you, as journalists of the SABC, represent the SABC. I just typed it as he said it. He said: In any editorial newsroom in SOUTH AFRICA, when journalists sit down and

discuss stories, they just discuss negative stories. Even at the SABC. I said: That can't happen, and I'm not apologetic about it. Then the day after that we went to the...

COMMISSIONER: Was it when he was introducing the 70/30 role? 5

MR KRIGE: Yes, it was around that time. There were two things that he introduced. First of all, the 90% local content, and then the Sunshine Journalism, the 70% good news stories, and then the policy about the violent footage. 10

Everything happened literally in one or two weeks. And then we had the election workshop at VALLEY LODGE & SPA at MAGALIESBERG. I also took notes. They are not comprehensive, but there JIMI was interesting. He said: If 15

there's no bitching, moaning and backstabbing, it's not a newsroom. I think he was Acting COO at that stage. He was Head of News and he was acting as CEO at that stage, and he said: I'm not going to give editorial 20

direction. Again, as the CEO he was supposed to be the Editor-in-Chief and it became clear to us that there was a change in roles at that stage. He said, his job was to create a space for news to work, which is also wrong because 25

that traditionally was the role of the COO to see that operations run smoothly. And the CEO was more a last...

COMMISSIONER: As far as HLAUDI was concerned, news was part of operations? 5

MR KRIGE: What he did and it will come out in the next part where he said: Go and look at your new editorial policy. I've changed news with content. Content was always part of operations and the stations, while news was 10 something different to us. Even the station. They give us the two hours and they cannot interfere in what is going out on our current affairs shows. Then HLAUDI said he was concerned about the news in general. There's 15 no properly guidance, there's laziness in the newsroom, there's poor camera work, and so on. Then again he said the SABC is independent. No individual is independent, and that there is an agenda for the Corporation, and this 20 agenda is dictated by three directors, the CEO, the COO and the CFO. We then had another discussion, a digital discussion, and then HLAUDI came back and said: Do not focus on negative stories, it's important that you 25

balance stories. Tell human stories. Are politicians not human beings? Reporters at the SABC do not know the world. He was very degrading, saying that we think that everything is bad in SOUTH AFRICA, we must go 5
overseas. He also said that: You will not see that AMERICA will do stories about poverty, so why do we focus on poverty? We should focus on different stuff. He said: I'll take you to the BRICS countries. You can 10
go into an hotel and will see that SOUTH AFRICA's is better. Then he said he was going to talk to the Press Club and to all the editors and he was going to tell them they cannot try to influence the SABC. I'm going 15
to tell them they cannot tell us what to do. I'm also going to talk to the editors in MAURITIUS. And then he said: Look at your editorial policy. We have removed news and replaced it with content. If you, as SABC, 20
mess up the organisation, you mess up your life. I'm in charge. News is now part of operations, we change the world, we must have news with content. I'm in charge. You must adhere to any instruction. And then he 25

finished off by saying: PRESIDENT ZUMA is the President of the country, I don't regard him as ANC, you cannot treat him the same. We will give him more time and you can question everyone. And he named GWEDE MANTASHE and a lot of other names, and he said: Except your President. We need to respect him. Especially you, SABC. I expect you to align with my instruction. That was the end of the discussion. No questions, nothing. And at that stage I remember we tried to get hold of the new editorial policy and I went into Intercom, which are where all the documents are, and I looked for the editorial policy, and the only one I could find was 2004, the old one. I think ANGIE KAPELIANIS mentioned it at that stage, and the next day the new policy - so it was almost four months after it was approved by the Minister, that it was only made available to us to see what was going on. But, of course, it was not a nice feeling afterwards, because we realised that there are now some serious problems ahead. The thing is, before elections there are specific rules that you follow in order to give coverage to all

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the parties in a specific sense, and if...

COMMISSIONER: Yes, there are policies, there's the IEC Media Code.

MR KRIGE: Yes.

COMMISSIONER: Did anybody say to him: How do you accede to that Code? 5

MR KRIGE: I think we were so flabbergasted at that stage, and HLAUDI had a very strange way of communicating. You couldn't have a conversation with him. It was either a monologue or a - he made you feel awkward by the way he expressed himself. But I think it was only after that, that you had to work through all the stuff in your head to try to understand it. Especially because we didn't have the new editorial policy with us and it was strange because here we were at a workshop, months before the election, and we worked according to an editorial policy that was not available at that stage. So it was difficult. It was only afterwards that we sat down and discussed it to say - and we searched for quite a while to see the subtle changes in the editorial policy. No discussion. And also nothing came of the promise that they 10 15 20 25

would get back to the editorial staff with the policy before they approve it. That was a promise made about one-and-a-half years before it went through the public process where people all over the country could look at it and give input. 5

COMMISSIONER: Was there any input from staff, and the general public, that was included in his new policy?

MR KRIGE: They never made those documents available to us. As I said, we were part of the initial discussions, and we gave input. They would then give the track changes back to us and we could have a look, and then we would discuss it again. Sometimes we reverted back to the old policy. It happened about three times. And then after that it disappeared. I thought the process was stopped. So I was quite shocked when I heard that there was a new policy that was approved, and we didn't know anything about it. Even GRAHAM WELCH, who was the guy who was in charge of the process of the revision of the editorial policy, said he didn't know about it. Now, if that's true or not, I don't know, but he said he wasn't aware 10 15 20 25

of those changes, and even that it was approved. So maybe he's a guy that you can talk to. The next thing that happened was that a colleague of mine phoned me and said RAPPORT had phoned her and asked if KOMENTAAR - 5 because at that stage they removed the SAFm programme from Sunday mornings, but no word of KOMENTAAR, which is my programme. The Saturday afternoon a guy from RAPPORT phoned first a colleague, and she gave him my number. 10 He was a JOHAN EYBERS. And he said to me that he heard that it's the last KOMENTAAR on Sunday, they are going to remove it from our station. I said: I don't know anything about it, but let me try to find out. I then phoned 15 the station manager, a MAGDALEEN KRUGER, and I asked if she knew anything about it and she said no. Then I phoned ANGIE KAPELIANIS, who is my boss, who also didn't know about it. Then I then said to him: No, as far as I know 20 there's nothing, and he said he have spoken to KAISER GANYAGO and KAISER said they're going to get rid of KOMENTAAR. And I said to him: No, it's not true. And then he phoned KAISER back, and it was then that KAISER said: Who 25

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the fuck does KRIGE think he is? If we as managers decide something, we can do it. I was quite upset, because that's what the journalist from RAPPORT told me. So I then wrote a letter on 23rd June. I wrote it to HLAUDI as the Editor-in-Chief. I was a bit sarcastic. And I cc'd it SIMON TEBELE, Head of Radio News, SEBOLELO DITLHAKANYANE, ANGIE, and to the Head of HR, where I explained the situation. If you read the letter you will see that I phoned the RSG Station Manager, MAGDALEEN KRUGER, who was unaware of any such decision. I then phoned RAPPORT's journalist and asked him to verify his information with the SABC spokesperson, because I wanted to prevent false or distorted information being published. He phoned me back saying that MR GANYAGO was very upset with this call, saying the following: Who the fuck does KRIGE think he is? The news was published the next day on page 9 of RAPPORT under the headline:

"HLAUDI BEVEEL (HLAUDI says away with RSG and KOMENTAAR.)"

The way the reporter wrote it was:

"Who does Krige think he is? I'm the

spokesperson."

That's now KAISER GANYAGO - he's quoting
KAISER GANYAGO saying:

"I'm the spokesperson. He cannot
question my word. If your company today
decides to close your newspaper, you have
no right to question them."

And then I said I was worried about the lack
of communication, the lack of transparency,
the lack of trust, and I mentioned there that
I was an executive producer for twelve years
and I know my audience, I know my programme,
and at least, if they want to make decisions
on any one of my programmes, there should be
an open and frank discussion and they must
give me reasons why they think something
doesn't work or not. There was a lack of
consultation, a lack of stakeholder
responsibility, because also, before you
change a programme there's a big difference
between SAfm's programme and my programme.
There's a difference of about 150 000 in terms
of listenership. And it's also part of the
Afrikaans radio. At 20h00 many of especially
the older people will switch off the TV and

listen to KOMENTAAR on the radio. In a nutshell you get all the news from the week. I said there was a lack of insight. KOMENTAAR had been on air for twenty-five years, surviving major demographic, political and social changes. Last year the programme was the only one in the RSG current affairs camp which showed a steady growth. At that stage from 75 to 115, but in the meantime they changed the scientific method, so it's more now. I said one of the reasons for the growth was that we appointed presenter HEINRICH WEINGAARD, a well known writer and journalist from the WESTERN CAPE, who is a coloured person. I don't think that HLAUDI at that stage realised that we've got more coloured listeners than white listeners at the moment with RSG. What happened was, since 1994 we changed the whole demographic of the station, bringing in more coloured voices, Afrikaans speakers, and even the analysts and the news-makers, we try to get on air. So at this stage we have more coloured listeners, 51%, 49% white. And, as I said, HEINRICH WEINGAARD was one of the reasons. And the fact that the

programme was growing showed me that we were on the right track. We attracted more listeners. I explained that in my letter, but I was suspended before - they never answered it. I didn't get acknowledgement of the letter, not from one of my line managers. It was never discussed, because two or three days before that there was a line talk where SIMON TEBELE gave us instructions that there were three stories that should be removed from the diary. "Right to Know", organised marches at all the SABC offices to protest against the instruction not to show footage of violent protest...

COMMISSIONER: And this wasn't a violent protest, was it? 15

MR KRIGE: It was not. And that's the point. THANDEKA stood up and she said - and also this is a transcription of the actual words. At that stage we were very jittery and SUNA recorded the line talks, because we were worried about what was going on at the news meetings. This is a direct transcription from the sound. 20

THANDEKA said:

"We need to report the reasons and the rationale for the decisions. When it 25

later comes to Court, because we are making these and people are going to say so-and-so and so-and-so are sitting here. (That's the way she was speaking.) And then we fall foul of the law, God forbid, we better just have recorded even the dissenting voices. Please record my voice as dissenting."

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That's what she said. Then I said: I totally agree with you. Initially they said, we cannot give other newspapers a platform to criticise the SABC. That I totally understand, if you listen to the argument of competition, I can understand that. And I said: They are in the media, but this is not a media issue - not other newspapers or opposition, or whatever. This is an NGO, it is out there and if we ignore them we are busy censoring our own news, and this is totally unacceptable. And all SUNA said was: As junior as I am, please record my voice as dissenting against this. I then again said that we cannot allow individuals in this company make decisions on behalf of journalists. If we are going to carry on with

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that, we're going to lose the little integrity that we have at this moment. Then JONATHAN LUNGU, from POLOKWANE, who was leading the line talk, said: JOHANNESBURG, did you note what FOETA and the others are saying? Then 5
SIMON said, yes I heard, please continue. And then SIMON said: Yes, I heard. Please continue. That was it. And then three days later we were called in and they suspended us.

PANEL MEMBER: In a nutshell, he was referring to the fact 10
that you guys should continue with the story, the coverage?

MR KRIGE: No, with the line talk.

PANEL MEMBER: With the line talk.

MR KRIGE: Yes. The instruction was there. 15

PANEL MEMBER: It was final.

MR KRIGE: And they scrapped it from the diary. Those three marches that we were supposed to be covering in DURBAN, JOBURG and...

PANEL MEMBER: When you included these stories in your diary, 20
did you discuss the story before, or did you just put them in your diary and then you wanted to discuss what...

MR KRIGE: Yes, look, at a line talk, what usually happens is that all the regions will give 25

input as to what is happening in their regions. During the previous day, the news editors will populate the diary and then the next morning we go through what we believe are the top stories, and then we would discuss each and every one of them. And the "Right to Know" campaign, or the march, was part of the top stories of the day. And SIMON said: No, take it off, we're not going to cover it. And we couldn't understand it. 5 10

COMMISSIONER: And these are the people who were marching against the ban on protests?

MR KRIGE: Yes.

PANEL MEMBER: So in fact the stories were scrapped from even being discussed? 15

MR KRIGE: Yes, we didn't cover it.

COMMISSIONER: Can I ask a question? Answer it if you can. If you can't, please ignore it. Why is this question of the suspensions and the SABC 8 - why is it still so emotional for you? Hasn't there been time for it to heal? 20

MR KRIGE: Sometimes, yes, but you know, besides the fact that SUNA died and that KRIVANI is a total wreck, THANDEKA is also a nervous wreck. You should have seen her before, and now. She's 25

a totally different person. They are all paranoid, we all feel very guilty because we didn't do enough maybe. If you go through the rest of this and see what happened from there, and what happened to SUNA, and the fact that we trusted - I wrote many letters to management, trying to protect her, trying to get involved, and I went to the police station every time. The police did nothing. No one did anything. It's two years later, HLAUDI is gone, JIMI resigned and SIMON is gone. All the other people are still there. You see them every day in the line talks. There's more a sense of openness. There's not so much fear, there are frank discussions. What we call the enforcers - they backed up, they changed, now suddenly they are the big promoters of media freedom, and we know they're not. SEBOLELO, the same Head of Radio News, who two years before gave me the instruction not to broadcast EFF meetings, she is still there. It had a profound impact on our family lives, on our friendships, we lost a lot of friends. I didn't realise I was still so emotional about it. I thought we

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were doing our jobs, and that's what a newsroom is for, for robust discussion, to use JIMI's words. The rest you know. They suspended us and then they fired us a week or two later. JIMI resigned, and we couldn't speak to our colleagues. We were forbidden to speak to anyone in the SABC, and they were told not to speak to us, so it was not a nice time in our lives. In my case, I was about three years away from retirement, which is the last three years of your job, which is quite important to you. It's when you build those extra few Rands for your pension fund. I remember going back to my house and asking my wife and my kids if we would be able to survive if I lose my job, and they were very supportive.

COMMISSIONER: I think we should take a break.

MR KRIGE: Although we won at the Labour Court and we were received back, certain things happened within the office that isolated us and that was only the beginning, because if you look at after we were reinstated, we covered the elections and then on 23 August, the Parliament Portfolio Committee on

Communications sat. I took the HANSARD and transcribed while we actually had sound, because from the Minister, HLAUDI, everyone was talking about those unethical journalists - and then HLAUDI said but what is more important for us as the SABC is that we are aware of some of the radio stations that had never been transformed since 1995. And one of those radio stations is RSG. We're going to zoom into those radio stations and transform RSG. And as I explained to you earlier, I think we are one of the most transformed radio stations at the moment. I've got VINCENT MOFOKENG working for me, MARIKWARI KWATSHU(?) as my agricultural. We are really a diverse group of young journalists sitting together, and it was obvious that HLAUDI was not against the team, or he didn't know what was going on at the radio station, but it was because we weren't afraid to question certain things within the SABC. I remember after 23 August, with this Portfolio Committee, I asked my presenter to get HLAUDI in for an interview, so he could explain what he meant by he is going to transform RSG. I think it's just

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fair because we have 1,8 million listeners out there and if you say something like that in public, surely we must explain to our listeners what he meant by that. She was too afraid and she said: No, please don't, we have enough trouble. It was the first time that anyone of my staff members told me they were too afraid to do something. So even after we were reinstated this happened. And then two days after this, or the day after the Parliamentary Portfolio Committee sitting, SUNA wrote a letter to our attorney, ASLAM MOOSAJEE, about JIMI MATTHEWS, because she had contact with JIMI afterwards. They had a conversation about who gave the instruction to fire us. SIMON TEBELE said in the affidavit it came from JIMI MATTHEWS, and he told SUNA, no, that was not the case. He was in hospital at that stage.

COMMISSIONER: That's what JIMI says? 20

MR KRIGE: Yes. So SUNA then wrote a letter to ASLAM for that to be put in an affidavit form, so that she could sign it, so that we could include it in our Court documents. At that stage we were busy trying to get direct access to the Con 25

ConCourt in order to get the policy declared illegal. Although at the same time ICASA and the HELEN SUZMAN FOUNDATION did the same. We then handed over our initial document to the ConCourt. And then before the Parliamentary Portfolio Committee meeting we realised that our ConCourt document was actually null and void because the Court had already said it was illegal, and ICASA as well. So we then went back to our attorneys - but we were worried about the fact that HLAUDI in Parliament said they did nothing wrong. He was still unapologetic, as if nothing had happened. That and the fact that they zoomed into the eight journalists who were unethical. So although they reappointed us, because the Labour Court said they had to, we were still a target within the SABC. That's why SUNA wrote this letter to ASLAM, explaining that SIMON TEBELE lied in his affidavit. It was his decision and not JIMI's decision. I don't know if you've read the letter, we don't have to. And two days after that she received the first SMS saying: How does it feel to be a liar and a traitor for her organisation? And

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she had a discussion with that person. There was another one: Oh, did you sleep well? And she asked: Who are you? And he said: Not your fan. I have to warn you, you are a little girl and you do not even know anything. Then they said to her: Maybe you can understand, you make mistakes. Enough, that we can get rid of you, and not in Court. Then SUNA replied: Are you same person that spoke to me yesterday? And then they asked: What is Foeta's number? That was on the 29th. Then a week later, ASLAM sent an email to the SABC 8, on gmail. We didn't use the internal email for our legal discussions. And there's an email where he said: Listen, we must get together, we must change our document for the ConCourt. It was 10h00 in the morning when they sent the email, on 5 September, and I received an SMS saying: If you go ahead tomorrow it will be the last warning. You and the little girl are fools and good luck, you'll never see the court, it will be too late. Stop now and pass Alice Lane for both your safety. I didn't know why he was talking about ALICE LANE. And I went back to ASLAM's

email and I saw that their offices are in ALICE LANE in SANDTON. Then I realised they were intercepting our emails. Because there were only eight people it was sent to, and it was 10h00 in the morning, and five hours later I received an SMS saying I must pass ALICE LANE. I think it was also the first time that we went to the police with this, and we laid a charge. Well, not a charge actually. We wrote a statement, saying this and this and this had happened, and we gave the police all the SMS's.

PANEL MEMBER:

Was it all of eight of you?

MR KRIGE:

No, at that stage it was only me and SUNA who had received these. What happened was, I don't belong to a labour union, and I have never belonged to one. And I think it was around about 2014 when I was called in by JIMI, and I said to someone: Listen, I'm going to get myself a union, because I don't have money to pay the legal fees if they fire me. And at that stage, SOLIDARITY was an option. I never spoke to them, I'm not really a SOLIDARITY fan, although they're very good in Court with labour issues. So when we were suspended - in

fact the week before, when they said they were going to take KOMENTAAR off air, I went to them and I asked them what I should do in order to protect myself. And they gave me some advice. So after we were suspended myself and SUNA went to them and they took on the case. Then with our disciplinary hearings, THANDEKA was there but there was no one from BEMAWU to talk on her behalf, so the first disciplinary, THANDEKA, SUNA and I were represented by SOLIDARITY's people. But we never finished that process. We were fired before that. Then SOLIDARITY took on JACQUES STEENKAMP's case also, although he was not a member. In the Labour Court, KRIVANI had no representation, so they brought her in as part of us. At that stage they were talking about the SABC 4. The other four never went to Court because after we were reinstated the Court just rubber stamped their - and the SABC took them back. The idea was that three of the people were white and in Parliament the Minister said: Yes, you see the DA - and the DA put out a statement the morning of the Labour Court and they said they stood behind

the four SABC journalists, meaning the four that were supposed to be in Court that morning. It was me, KRIVANI, SUNA and JACQUES. And the Minister said: You see, they don't care about LUKHANYO, THANDEKA and BUSI. So they made politics out of it. And in the Portfolio Committee they hammered on the fact that there's an agenda to destabilise and stop transformation at the SABC. I don't know if they think it came from the DA or whatever, but they tried to split the SABC group on racial lines. And that's the first SMS that SUNA got, was: Go and work for SOLIDARITY or the FREEDOM FRONT PLUS, you already do. That's just for context. So for the first two or three months only the two of us got SMS's. Then one day ASLAM got an SMS saying that they'll pay him more if he dropped the case.

COMMISSIONER: Who sent that SMS? 20

MR KRIGE: We don't know. What happens with an SMS is that if we open the case at a police station, everything gets diverted to a specific unit on provincial level. And there was a CAPTAIN NKOSI that was looking at that. We had 25

COLONEL GERT KRUGER, who was overseeing the whole process. But the moment they get an SMS they look at the telephone number. Then they must swop papers, they go to the Magistrates Court. And then you must give a 205, which gives them permission to go to MTN or VODACOM, or whatever, to draw all the calls made from that specific phone. So the police had a specialist unit tracing that phone. All the phones - I think they used six or seven of them - were stolen, no trace, not RICA'd, everything, the police could see what was coming through, but they didn't know to whom it belonged because they were maybe stolen in Kwamashu in DURBAN and used in BRIXTON. And they only used it once or twice, and then they changed the phones. All that information I have, the police gave it to me. And all the calls were made from the SABC, BRIXTON, CRESTA, and one from a taxi rank somewhere. So the only way they could really trace it was to - the moment someone uses it they've got a triangulation process going on from tower to tower and they can zoom and they can actually catch the guy red-handed. But those people

were so professional, they would just put it on, send it and switch it off. And the police would monitor the cellphone for two weeks and they never put it on again. There's a name for it - "use and burn" - they just throw it away. So the police never got anywhere with that. 5

COMMISSIONER: It sounds like a very professional operation.

MR KRIGE: I thought so, although the language they used was not very - sometimes it looked deliberate - they used certain words, but the word "little girl" surfaced everywhere when they spoke to SUNA. And "traitors", and later on if you go through the messages you will see that when we got closer to the *ad hoc* Committee they started to send stuff to LUKHANYO and to THANDEKA and to BUSI, and so on, with the same type of language: Traitors protecting your white friends in Parliament who started this. Again who started it? I don't know what we started, because THANDEKA was the first person who spoke up during a line talk, and as the SABC 8 we were together in the Constitutional Court issue. Then they said: You're telling lies about your 20 25

comrades. You were warned. We don't kill blacks, but sit and watch the blood flows. Funnily enough I heard the same words at the SANEF Court Case against LAND FIRST BLACK FIRST, when ANDILE said to the reporters: 5
Don't worry, we don't kill black journalists. It's funny how in hindsight you see certain things in the same - the BELL POTTINGER narrative, it was a - I don't know, it's strange. And then there were break-ins. The 10
first real action was when SUNA phoned me and said she arrived home after working late and her whole flat was trashed and everything was thrown in the middle of the room, everything was broken. And we called the police and they 15
investigated. And two days later - my wife and I have a commune. It's actually in her name, in AUCKLAND PARK, and our caretaker was held up at gunpoint, and he ran away. The next night someone came back and tried to 20
force the door of the house open where the students are living. I thought it was just a random house break-in. And then BUSI was gone for the weekend and when she got back her house was also burgled. They had tried to get 25

in there. So now you're paranoid, I'm not saying there's a connection but the thing is, if three of the SABC 8 got burgled on the same weekend, then you start to worry and you look over your shoulder everywhere you go. And especially SUNA, who was living alone, and someone tried to force open her window and break the window right where her bed was. She was a nervous wreck. And it just escalated. Then they got more graphic, they said: Go and say bye-bye to your friends and family today, tomorrow is your last day on earth. Then we would go and pick her up and take her to our house where she could sleep. We've got fairly good burglar proofing and protection. And the next morning her car had been broken into and her windows smashed out, right in front of our door. So it was a very traumatic period, from August onwards until the *ad hoc* Committee started. And then, of course, you all know about the incident when she was abducted from her flat. She was taken to MELVILLE KOPPIES where they tied her to a tree and just left her there. They set the grass around her alight and just left her there. And after

that I organised twenty-four hour protection for her. One of our listeners actually, he has a big security company and he offered to give us a guard, so she would ride to the SABC with someone who would drop her there and pick her up. And at night there was someone sitting in her sitting room. She has a one-bed roomed flat but there was a guard sitting there with her for a while. And then she decided to go to TURKEY to get away from it. She wanted to go to SYRIA, which was better at that stage than the SABC. Then when she returned she was busy working on a document for the *ad hoc* Committee, her submission, where she mentioned the people who she believed were the enforcers in the SABC, and she mentioned the names in the letter. It was a Saturday afternoon and she phoned me and said: Listen, can I send it to you, just check if you think it's okay. She sent it to me and I went through it and I said: Yes, I think it's fine. And she got into her car to go to friends in SANDTON, and while she was picking up something in LINDEN she was shot in the face. It was not a nice time. And as I

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said, some of the SMS's you will see that they say: You look tired today. So it was someone within the SABC. To ASLAM they said: The girl looked nice in black today. SUNA had a black dress on. So there was someone in the newsroom, maybe on line talk, we don't know, that was watching her. I'm digressing. 5

PANEL MEMBER: Mr Krige, I just want to find out, is this SMS coming from the strange number that you were investigating? It says: Bad influence. You have ruined my comrade's life. Fuck you. 10

MR KRIGE: Yes, that was addressed to me.

PANEL MEMBER: It was addressed to you?

MR KRIGE: Yes.

PANEL MEMBER: What would be your comment regarding this SMS that says: You have ruined my comrades life? What would you say about that? 15

MR KRIGE: I think that was one of the first ones. I thought it was referring to JIMI and HLAUDI and SIMON. 20

PANEL MEMBER: And why did you think that?

MR KRIGE: Because the Labour Court ruling was that they should pay their own costs, and we know that - okay JIMI wasn't part of that, it was HLAUDI and SIMON TEBELE. And then they appealed and 25

the appeal was overturned and now, as far as I know, they want to confiscate one of HLAUDI's houses. I'm not sure what's going to happen there. He said he's going to the ConCourt now. But both HLAUDI and SIMON - 5
it's about R1,2 million that they must each pay for their legal costs. So I thought it referred to that. But I've got no proof. Because at that stage we were reinstated, we were back at the SABC. At that stage there 10
was a lot of pressure on HLAUDI already. And JACKSON MTHEMBU already said that they were going - to give a bit of perspective, after the 23rd, where the Portfolio Committee said to the SMC: Well done, you did a great job, 15
we now understand how everything fits together and we understand there's only a couple of bad journos that tried to stop transformation, we went back and we added the Speaker of Parliament, which is another possibility, and 20
the Chairman of the Portfolio Committee, we added as respondents to our ConCourt case, saying that the Portfolio Committee didn't do their constitutional duty and also the Speaker of Parliament did not do her constitutional 25

work. And it was just after that that we started to receive the SMS. So it can be that the SMS referred to that also. But straight after that JACKSON MTHEMBU said: Listen, we must start an *ad hoc* Committee, we must put up 5
an *ad hoc* Committee to look into the affairs of the SABC. And I'm not sure if that referred to that, as comrades. I'm not sure.

PANEL MEMBER:

You've mentioned that there are some enforcers still remaining within the SABC, the likes of 10
SEBOLELO. Don't you think that a possibility is that maybe SEBOLELO was not indeed a direct enforcer, she was just doing whatever HLAUDI was saying in order to protect her job? Don't you think so? 15

MR KRIGE:

Let me explain to you how it works. In this situation there are different ways to interfere and to do certain things. First of all you appoint a puppet. Now we all know that SEBOLELO and HLAUDI were best friends and 20
that there's also a link between ACE MAGASHULE and SEBOLELO. I do not have confirmation, but there are some news reports of people who went back to the BLOEMFONTEIN newsroom where SOPHIE MOKOENA and SEBOLELO actually tutored HLAUDI 25

when he was still a stringer for the SABC. They brought him into the newsroom, they were there. And those are rumours. I'm not saying they're true. And that's the problem with a lot of the information that we receive, is that there was a relationship between ACE MAGASHULE and SEBOLELO which went bad, and then SOPHIE took her under her wing and they took HLAUDI in under their wing. SEBOLELO was then sent to KIMBERLEY as a regional editor there, and at around about 2012, when HLAUDI made his comeback, there were moves to bring her to JOBURG. I think it was round about - I'm talking under correction now - I think ANGIE will have the exact dates because they were appointed at the same time. They brought SEBOLELO in as Acting Head of News, via FREE STATE to JOBURG. SEBOLELO is a trained nurse. There are a lot of very strong and very talented women in the SABC, I can mention a lot of them that would be much better in that position. So you are correct that she was brought in in a very powerful situation, but as a conduit for the instructions from above. I have no doubt about that. She never speaks

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during discussions, she doesn't contribute. And, as I said, there are a lot of strong woman that speak their minds and add value to news line talks and to news discussions and so on. Personally I have nothing against her, but I know that they use her in order to fill that position. The same with SIMON. SIMON TEBELE is a very nice guy. Very religious. If you speak to him he has a low voice and he's a nice guy, but they put him into a situation where he just follows instructions. And I was sad when SIMON left, because it was also just before his retirement, and I was also sad that he must pay for the costs. But he put his hand up and admitted that it was his decision and his decision only. The Judge didn't believe him, and that's why he ordered HLAUDI to pay half of the costs. So SIMON is a very nice guy. But there are certain people, what we call enforcers, who will storm into a studio and say: ZUMA must be the lead story, take that out. And then that person is not even a political editor, it's someone that's head of the foreign desk. I'm not going to commit to anything that's happening on the TV

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side, because after the SABC 8, a lot of people will stop me in the corridors and say: Listen, do you know what happened this morning? SOPHIE came in she saw me and she said this and that and that. And people were so scared of her because she would receive phone calls and then she will come and say: Change this and that and that. And then I'd say to them: Okay, but put it on paper. I promise you I will get it to the right people. And they were just too afraid. No one will. I don't know how many of them came to this place to testify, but during that time - at one stage there was a girl that was a producer of the morning show, MORNING LIVE, and she would come to me saying she cannot talk to me, can I meet her in the parking lot. I thought it was strange. She took me to her car and she was - she didn't want to write me the story because she was afraid that someone would recognise her style of writing. So she went home and got an old typewriter and typed what happened to her, and then she gave it to me and I could read it, but I could not take it because she was afraid that someone would

take it and recognise it. Eventually I said to her: All I can say to you is, phone WILLIAM BIRD, because remember, that was - when was this? Because there was no reason for her to be afraid anymore. I think HLAUDI 5 was almost gone - no, he was still there, but we weren't sure what was happening. Anyway, that was the sort of environment that we work in, people would stand in little corners and whisper. And when someone approached them 10 they would look around and then they'll carry on whispering again. They were so, so afraid of - I remember with our suspension, MANNIE ALHO, who is an HR guy, looked around when he talked to me. He was looking at the roof the 15 whole time, worrying about microphones, and so on. So I don't know, it's a complicated situation. SOPHIE once stormed into our studio and the people chased her out, and then I had a frank discussion at the line talk with 20 her and I said to her: Listen, don't you ever, ever storm into a live studio again and talk to my people. I'm the Executive Producer and if you want to talk to me, come and talk to me. And then she said I mustn't talk to 25

her as if she's my labourer, like a farmer. I said: I'm not a farmer I'm a journalist, we have a discussion here. There are certain limits. You cannot just storm into our studio and demand certain things. And afterwards she went to SEBULELO and to HR and they called me in, and I had a transcription of the whole thing and they read it and they said to her: Well, they could see it was not my fault. And they asked me what to do and I said to them: Let me sort it out, and I phoned SOPHIE and asked her if we could get together and discuss this. And I said to her: Maybe there's a misunderstanding. Maybe you think I'm a white farmer, or a boer, or whatever, maybe I look like one to you, but maybe if you understand me and you know me better, you will see it's not the case. We had a long discussion, for about an hour and we shook hands and everything was fine. So I'm not vindictive in that sense. I don't want to see anyone losing their jobs. What I'm telling you is what I hear from the people outside and what I experienced myself in this situation.

PANEL MEMBER: I take it that you strongly believe they were

aware of being made puppets by HLAUDI?

MR KRIGE:

Yes. Look, HLAUDI was a sort of - I still cannot understand first of all how he got to that position and why all the people around them kept quiet. And I'm not talking about 5
journalists, I'm talking about the financial people, I'm talking about the HR people. Because there are a lot of appointments that he got where he didn't follow due processes. I remember sitting with some top HR guys and 10
they said to me they did an audit, we must reduce the staff to 2 950. At that stage the middle management had a dispute with the SABC management because we didn't get certain bonuses. And we had a list of 350 middle 15
managers at the SABC at that stage. And HR told me there were 3 200 people at the SABC at that stage, but they should reduce it to 2 950. So about 300 people. But they decided they were going to wait for them to retire or 20
to resign, they were not going to do anything drastic. A year later I looked at the middle management list. There were 500 middle managers. So someone in that time - HLAUDI or HR or someone - appointed another 150 middle 25

managers. And a middle manager earns about R750 000 a year as a package. It means that for every seven people working at the SABC there's one middle manager. Surely the people upstairs on the 25th, 26th and 28th Floor, the HR people, knew about it. Why did they allow HLAUDI to appoint the people, to create positions for people that - why did they allow him to give R50 000 to 180 musicians? There's a lot of stuff that happened for which I do not have proof, but there are a lot of people in RADIO PARK, sitting there in the admin building, that were part and parcel of the fact that journalists were too afraid to speak out. If you write letters like I get, and they ignore you. In that sense each and every one of my line managers, up to HLAUDI and JAMES AGUMA, they ignored my letters. When I asked for protection for SUNA, they ignored me. And I came back and I wrote another letter. I said to them: This is an employee of the SABC, and this is what's happening. As a result of the fact that she was fired by you, please can we do something? And they never even bothered to answer. But, yes, you

are quite correct, some of the people that we
call enforcers are there not because -
NOTHANDO MASEKO, for example, who is now Head
of - what happened was, my daughter has an
Honours in journalism at STELLENBOSCH, and she 5
started working at the SABC as a freelancer
because she couldn't get a permanent job,
because I'm her father. JOBURG newsroom
appointed her as a freelancer, and she's a
really good journalist. When they had to 10
renew the contracts, all the - on our floor
every freelancer got their contracts renewed,
but they said to her: No. So I asked her
direct line manager, ZOLISA. She says she
doesn't understand. GERMAINE is an excellent 15
worker. I ask her news editor, MELANIE MOSES,
she said she is one of the stars in the
office, she cannot understand why. And then
I heard that SEBOLELO said: No, she's a
trouble-maker. So I put in a disciplinary 20
action against her - no, I went to HR and
said: MANNIE this is the situation, surely
this is victimisation by proxy, I don't think
there is something like that, but I said
that's what they do, they are trying to get to 25

me by not renewing her contract. SEBOLELO didn't want to sign, and MANNIE spoke to her and within an hour she approved the contract and it went to NOTHANDO, where it was lying for about three months, and she didn't sign it 5 and then I instituted disciplinary action against NOTHANDO. BESSIE TUGWANA handled the whole process and in the end they were ordered to give the contract back to my daughter. They took six months out of her life. She's 10 now on anxiety pills, she feels she's worth nothing. NOTHANDO said she wasn't aware, there were hundreds of contracts lying there, and she didn't know it was GERMAINE's contract. SEBOLELO was the one who said to 15 her: Do not sign it. And that information I got from ZOLISA. SEBOLELO was the one. So victimisation or interference is not only giving orders or not giving orders, it's also - for example at RSG every year for the last 20 twelve years we go to WOORDFEES in STELLENBOSCH, where we broadcast all our programmes live in front of a live audience and there are hundreds of people who come and sit watch how we gather news, how we do the 25

live traffic reports, and so on. So it's quite a - for twelve years we've done that. And last year, the day before we had to go SEBOLELO just told us: I think my budget - because we get sponsors and the University 5 pays for our flights and our accommodation. All I wanted to do - and there was money in my budget, I wanted R3 000 to take my team to the airport and from the airport to STELLENBOSCH. R3 000 for ten days, live broadcast, and 10 SEBOLELO just said no. I had to pay it out of my own pocket. But that's the way they operate. Not by saying this or that, they just frustrate you, they don't sign your motivations. And I know I'm paranoid, but I 15 still hear HLAUDI's voice in Parliament saying: We're going to zoom into RSG. I've got four vacancies. After SUNA died they do not sign one of my motivations. They do not appoint. I understand there's a problem with 20 money, but if you pick up the intercom and you see they appoint people everywhere and they advertise and you're the only programme, the only team that - this morning my senior producer, my editor had to run down to 25

reception to sign in one of our studio guests. So, there was no one in the studio while we were live on air, because I don't have any people left. So, yes, I'm paranoid, but that's the effect of what happened to us. 5 That's why it's still lingering, that's why it's still there. That's why I'm still emotional when I think about it.

COMMISSIONER: Can I bring you back to the source of all this madness. Do you think it was caused by 10 HLAUDI's personality, or are there puppet masters pulling the strings behind him? Or what else do you think motivates this?

MR KRIGE: The thing is, it's all speculation, because if you go and read all the news articles from the 15 beginning, how HLAUDI was fired by the SABC, how he was brought back. If you look at the time line with what today we call the ZUMA faction, the rise of JACOB ZUMA and the reported link or the alleged link between ZUMA 20 and HLAUDI and the fact that especially - look, HLAUDI was an ACE MAGASHULE man. He had a telephone in his office which was like a red line between him and ACE. And if you talk to the people in the BLOEMFONTEIN office that 25

worked with HLAUDI there, he would call and say: Listen, come there, ACE is talking there, and talking there, and talking there, so he was at the beck and call of ACE. And if you look at what happened after HLAUDI was brought in, he was brought back to BLOEMFONTEIN office and then they created two jobs, one in the CEO's office for him as a sort of assistant, while he was still in BLOEMFONTEIN. Then suddenly they pulled him in and he was here. Then he pulled in SEBOLELO, then he pulled in people from the FREE STATE to populate certain specific roles. So it's like a State capture, it's like an SABC capture. He was captured in a very, very specific way. When you open your eyes you see, here's a new guy he's from FREE STATE, here's a new person, she's from there. But the fact that HLAUDI had the backing of the Minister, of FAITH MUTHAMBI, and the fact that FAITH also said to the Board, and to the people, that he's got the ear of ZUMA. That's been in all the news reports and that's also why people were scared of HLAUDI, the fact that he has ZUMA's backing. What I'm

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saying now is, I don't have facts to prove it. What I'm saying is that's how I, when I look at everything I've read up until now, that is a possible scenario.

COMMISSIONER: You've been with the SABC for all these years. 5
Have you seen any other type of interference before the HLAUDI era?

MR KRIGE: The first real time was with the black list when JOHN PERLMAN was fired. And that was during SNUKI ZIKALALA's time. SNUKI was a 10
different person, you could talk to SNUKI, and he was also a good journalist. But it was clear that he tried to push a certain agenda, but never, ever in the same as what has happened in the past two or three years. The 15
black list was one. Look, to be honest, I always try to fly below the radar. I will not get into an argument not even at the line talk, because at the time that we discuss stories my team is already working because we 20
have quite an early meeting. So I listen I give input and if they tell you to do this, in the end as an executive producer I believe I have to make a decision. So I've always tried to avoid confrontation. With JIMI it was the 25

first time that I really got into a situation where I realised that someone was monitoring what we broadcast and what we do on our programmes. In fact MAX DU PREEZ wrote something on social media many years ago saying that the bosses now listen to SAfm and not to RSG, which was probably the fact that we get away with certain things. 5

COMMISSIONER: You might think of other stuff that you have forgotten. If you do, please send us a note. 10

MR KRIGE: I will.

COMMISSIONER: Number two, if we require more information, please, I hope you won't mind us asking you to come back?

MR KRIGE: No, no, not at all. 15

COMMISSIONER: As I say, this is a complex and tangled thing, so we need as much information as possible.

MR KRIGE: I hope this helped because, as I said, the moment I start to talk about it my brain scatters everywhere, and there's a lot of emotion. That's why it's better for me to put it on paper in order for you to understand better. But the moment I start talking about it there are so many things coming up. 20

COMMISSIONER: Thank you for sharing these insights with us. 25

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FOETA KRIGE

MR KRIGE: I hope they have been of some help.

COMMISSIONER: Thank you.

MR KRIGE: I suppose you are tired now. Was I the last person?

COMMISSIONER: For today, yes. There's still a long way ahead for us. 5

MR KRIGE: Anyway, thank you so much.

COMMISSIONER: Thank you.

THE ENQUIRY ADJOURNS

JNT002 – EVIDENCE 7

VOLUME VIII

SOUTH AFRICAN BROADCASTING CORPORATION**COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**

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IN THE NEWSROOM

PANEL MEMBERS:	MR JOE THLOLOE	- Commissioner	
	MR STEPHEN TAWANA	- Panel Member	10

16 July 2018**THE ENQUIRY RESUMES**

COMMISSIONER:	Ladies and Gentleman, good morning. This morning we continue our hearings to try and get to the truth about the allegations that the SABC's decision-making processes were interfered with by third parties. Today we are getting a submission from the EFF, ECONOMIC FREEDOM FRONT. But before we hear the EFF, let me explain that this hearing is now open. Until last Thursday all our hearings were <i>in camera</i> , but on Thursday this Commission, the SABC, MEDIA MONITORING AFRICA and SOS reached an agreement that some parts	15
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of the hearing will be open. The parts that are open will be where we get submissions from either current or former Board members of the SABC, from senior executives of the SABC, and from third parties, like the EFF. Only those particular sessions will be open to the public. I do notice that some publications over the weekend gave the very wrong impression that all our sessions are open to the public, and that is an example of bad journalism, because the agreement we had reached with the various other parties was in fact sent out to all the media. So I still don't understand how such a misinterpretation could come about. Mr Ndlozi and your party, welcome to the hearing. Let me introduce myself. I am JOE THLOLOE, I am the Chairperson of this panel. My colleague will introduce himself and then we will ask you to introduce yourself.

PANEL MEMBER: My name is STEPHEN TABANG TAWANA I'm a Director from MMM ATTORNEYS.

COMMISSIONER: Can we stop very briefly and try and get the sound fixed.

MS MASHEGO: Sorry, Chairperson, what is the surname of the

other colleague next to you?

COMMISSIONER: TAWANA.

MS MASHEGO: What did he say his role was?

COMMISSIONER: He's an associate director at MMM ATTORNEYS.

MS MASHEGO: Who are they representing? 5

COMMISSIONER: No, he is sitting with me.

MS MASHEGO: Oh okay.

COMMISSIONER: You can now introduce yourself.

MR NDLOVU: Thanks Chairperson, my name is MBUYISENI NDLOZI, I'm Head of Communications in the EFF 10 and the National Spokesperson. I'm also a member of the EFF in Parliament, and I serve on the Communications Sub-Committee of the Portfolio Committee of Parliament.

MS MASHEGO: Thank you Commissioner, my name is MANDISA 15 SIBONGILE MASHEGO, I'm the Chairperson of the EFF in the GAUTENG Province. I'm also the party leader for the EFF Caucus in the GAUTENG Provincial Legislature. I also serve as the spokesperson in the Province of GAUTENG under 20 the ECONOMIC FREEDOM FIGHTERS. So I'm also part of the Communications Sub-Committee of the EFF.

PANEL MEMBER: I just need to find out through you, 25 Chairperson, who is going to run with the

submission?

MR NDLOVU: I am.

PANEL MEMBER: Thank you very much. Do you have any objection to taking an oath?

MR NDLOVU: No, I'm used to the oath.

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MR MBUYISENI NDLOZI (duly sworn, states:)

COMMISSIONER: Mr Ndlozi, we didn't get your written submission, so if you could summarise it for us and we will then be able to ask questions. Remember this enquiry is to find out if there is indeed any interference, political, commercial or other, in the decision-making processes of the SABC. Please give us a summary and then we will ask questions.

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MR NDLOZI: Thanks, Chairperson. We have written something and we will make it available to the Chairperson. It's not very long, so I would request to go through it. It won't take me a very long time because it is explicitly short, but we will make it available to the Committee before the end of day today. The EFF is the largest political party in SOUTH AFRICA, represented in Parliament, all nine legislatures, all the metros and the majority of the municipalities. However, five years

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ago the EFF only had ideas and mass work (?) whose support had not been tested in open electoral ballots. Formed barely eight months before the 2014 General Elections, it already occupied the hearts and minds of any South Africans, many peoples across the country, due to its radically different political proposition about SOUTH AFRICA's future. Above all, it was a sense of a predominantly young black generation of South African activists who had been politicised and then marginalised in the ruling party, who were now seeking to set out a political home of their own, without any veterans, ministers, mayors, CEO's or big business. Having been at the centre of the oldest liberation movement in AFRICA for almost a decade, the departure of this generation of predominantly black youth signalled an important shift in dominance of the Liberation Movement in SOUTH AFRICA. The birth of the EFF and its development was in and of itself one of the significant events in the general tale of South African politics, which any credible news institution could not afford to miss. Above all, the reasons for

following this development was the possibility that its rise would result in the electoral weakening and ultimate fall of the oldest liberation movement on the continent. This placed us in a unique position to interact with the Public Broadcaster. And in this short space of time we have been a direct victim of editorial interference and marginalisation in the SABC. It is for this reason that we welcome the Commission of Enquiry into editorial interference aimed at restoring the credibility of the Public Broadcaster as an independent news platform. Our submission will share the experience of the EFF of being marginalised as a new player and opposition political party. Particularly before and during the General Elections of 2014. In addition, we will take an opportunity to make recommendations of how the SABC can improve and challenge some of the conventional wisdom, on electoral platform *vis-à-vis* newsworthiness, including some of the Editorial Policy practices. Perhaps our open challenge of the SABC decision to ban the EFF advert during 2014 General Elections could

be considered the highest mark of our disapproval. However, during this march we put on the record that EFF had been deliberately marginalised in the SABC, something we placed on the shoulders of the then acting head of political news, MZWANDILE MBEJE, as well as the COO, HLAUDI MOTSOENENG, JIMI MATTHEWS, NOTHANDO MASEKO, who later acted as the head of news. The advert ban came after the SABC adopted a policy of 70% positive news, which in our view was really aimed to serve as a whitewash of Government performance ahead of the General Elections. An advert of the EFF which evoked the MARIKANA massacre and promised the physical removal of e-tolls, was seen as negative and inciting violence. However, what it truly represented was a challenge of the ANC. We argued at the time that this ban represented a much broader marginalisation of the EFF across SABC platforms, both on radio and television. Subsequent to our observation of this phenomenon and before our advert was banned, we had held a meeting with the SABC senior leadership, HLAUDI MOTSOENENG, JIMI MATTHEWS

and NOTHANDO MASEKO, to raise our concerns. This meeting took place at the SABC headquarters. The management's explanation as to why there was no adequate EFF coverage was that it was due to the fact that we are not represented in Parliament, which means they had admitted to the fact that there was no adequate coverage of the EFF, that this action was explicit and it was because we are not represented in Parliament. Not being a Parliament political party for the SABC meant we did not have to be covered. Meaning they had no obligation towards the public about informing them of our critique and activities and ideas in general. This was way before even the election date was declared. After leaving the SABC, JIMI MATTHEWS would later confess that the conscious decision was taken and sustained throughout the 2014 General Elections, not to cover the EFF. This decision, according to MATTHEWS, was not based on any electoral policy, but simply on the basis that EFF and its leader, JULIUS MALEMA, and I quote "were a nuisance". MATTHEWS says they argued that coverage of the EFF and its

leader, JULIUS MALEMA, was giving them
airtime. Although MR MATTHEWS himself never
testified under oath to this effect, either in
front of the Parliament enquiry or any other
authority as far as we are concerned, or as 5
far as we know, he is on public record.
Despite initially refusing to give evidence to
the Parliament Commission of Enquiry, it is
known that he later agreed, but due to the
time pressures of the Committee's testimony, 10
could not be incorporated. The marginalisation
of the EFF did not happen only in relation to
news coverage at the SABC, needless to say
that platforms like Morning Live were a
complete no-go area for the longest of time. 15
Whilst television news platforms like eNCA,
REUTERS, AL JAZEERA, for instance, were
willing to invite the leadership of the EFF,
in particular JULIUS MALEMA, upon the launch
of the EFF to hear what the party was about. 20
The biggest television news morning show in
AFRICA, Morning Live, refused. This ban of
the EFF was also across other spaces, in
particular on radio. It will be almost
impossible to find a platform on vernacular 25

radio stations like UKHOZI FM, LESEDI, UMHLOBO WENENE and others to share our ideas and our plans way before elections were even declared. Any station that gave us a few minutes like METRO FM TALK, for example, hosted by SAKINA KAMWENDO at the time, would be heavily criticised internally. In fact many producers, if not all producers, who invited us to their shows and platforms they were responsible for, would always share with us that inviting the EFF and its leader JULIUS MALEMA, came at a price and pressure from management. The ban was explicitly relaxed after the 2014 Elections, at least from a news coverage perspective. Mostly it was because of the EFF Parliamentary activities and the reality that we could now demand coverage on the basis that we were in Parliament, even if we did not agree with that policy. However, HLAUDI MOTSOENENG would explicitly ask us to retreat on criticism in Parliament portfolio committee on Communications, in exchange for more coverage. We obviously did not retreat and were at the forefront of holding him accountable and demanding a Parliamentary

enquiry into the SABC, which is now a matter of public record. It is noteworthy that during the 2016 Local Government Elections, which were the toughest and the most difficult to cover from a resource perspective and despite open attempts by the ANC and other executives in the SABC complaining about EFF coverage, news reporting was much more balanced. And this was largely due to the fact that it was no longer handled by MZWANDILE MBEJE. He had been returned to his original position of covering as an SABC correspondent to the Presidency. In 2014 he was acting in this position of political news, or politics, as it's called. Some say it was a result of our being in Parliament, or simply because the policy of the SABC in relation to proportional representation in Parliament at the time was now much more favourable to us. But we choose to believe that it was because of those who ran news at the time, successfully refused and rejected the pleasure to marginalise the EFF and other opposition parties. Because attempts continued in a sustained way to have us marginalised. I want

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to put it to the Commission that there was always an attempt by the ANC to marginalise and to force marginalisation of opposition coverage, particularly when this opposition coverage threatens their hold on power. And particularly during elections. This experience must force us to reflect about the Editorial Policy practices of the SABC which, as I've explained, had clearly been interfered with. One is the idea that a political party representative - and this is one of the practices in the SABC - a political party representative cannot be interviewed on SABC platforms without either an opposition or a political analyst being present. Many shows, particularly on vernacular radio platforms, refuse to invite political parties and political leaders and host them on their own, arguing that it will mean that they're not balanced. Here is an explicit confusion between the production of news bulletin, where the right of reply is crucial for a balanced news report, and a talk show conversation. This false principle is often used to censor criticism of the Government or of other

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political parties or their policies. For instance, you could be on UKHOZI FM and if you are being interviewed you want to criticise the ANC, they will tell you that you can't because they are not part of the show at that moment. A political conversation is then limited to mere political marketing as opposed to being apolitical. That is a critique of power and those who hold a different view from yourself. It is obviously impossible to know what a guest might say, which will require an immediate reply from another political actor. However, many shows on other platforms outside the SABC resolve by giving different political representatives access to the show in general, knowing that at any time they too can come to be hosted and reply to any criticisms that may be made in the show, and elsewhere. The second editorial practice which needs review and opens the SABC up for manipulation and interference is the confusion of the ICASA Elections Advertisement Policy and the practice of general news coverage. We are on record that we oppose the ICASA Policy that uses a previous Parliament or election outcome

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to determine the number of slots each
contesting party will get on the SABC for
advertisement during elections. This in our
view is not fair and reproduces existing
dominant patterns as opposed to giving 5
everyone a fair chance to prove themselves and
prove otherwise. Elections ought to be taken
as a *tabula rasa*, particularly because once
elections resume, the existing Parliament is
dissolved. So if you use the previous 10
proportional representation to determine
advertising space across SABC platforms, you
are basically reproducing the existing
domination. We are very much against this,
but it is often used in relation to adverts 15
during elections. The reality is that it
relates, as I say, to marketing of political
ideas in a sort of advertisement *qua* adverts,
not to news. News could never be treated like
an advert. Even if they have promotional 20
value, they could never be handled as adverts
are. If news is to be true, fair, independent,
balanced and critical, it could not use
proportional representation. News must remain
in the orbit of journalistic practice, always 25

passing the test of newsworthiness. Something is not newsworthy simply because it has 60% in Parliament, or even 10% in Parliament. What marks it out as truly newsworthy is exactly that it is, in as far as current affairs are concerned, new. It is new. It's old news as long as you repeat what you did last week. So the test of newsworthiness is that you are doing something new. You are saying something new, number one. Number two is that it affects a significant number of people. If JOE, who lives at a certain address on a street in SOWETO, breaks his hand, it may not be news. But if SOMIZI breaks his hand it may be news because SOMIZI is popular, he's known by many people. We understand that. It's not always favourable, but it makes sense, something which affects so many people. It becomes newsworthiness and in the editorial rooms they make those types of decisions. So the idea that I'm a dominant political party in Parliament, and therefore I must get more news coverage, is not only upset, it reflects a very fascist attitude coming out of the ruling party's uncontrollable desire to turn

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the SABC into a State Broadcaster. The symbiosis between something being truly new and affecting many people, or has popular interest, must always determine what gets covered and what makes the news. This practice or idea is not only shared by the ANC, the majority of the editors in the SABC actually also hold the same perspective. And therefore it renders the SABC Editorial Policy inherently biased and thus permanently interfered with to the benefit of the ruling party. And the ruling party has many faces, it is the ruling party in and of itself as it is housed in LUTHULI HOUSE, it is the ruling party to the extent to which it is covered in Parliament, it is the ruling party to the extent to which it is covered in the Executive. So you could have a news report that says a minister, and the same minister in the next news report will be addressing an ANC rally. In the same bulletin, the first part is him addressing an ANC rally, the next part is him speaking as a minister, the next part is him raising a point of order in Parliament. That's the ANC. And they come in and they say

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no, we also have to distinguish between all those particular platforms because the rest of the other platforms are not ANC. The entire idea in our view is absurd and must be rejected. But what worries us the most is that it's a perspective that we have often - it's an explanation we have often received from editors in the SABC about how they cover the news bulletins, how they make choices about where to direct resources in relation to the political reporting. In our view it's absurd and it must be rejected. It produces ANC domination. As long as the ANC doesn't have anything new, as long as they're not doing anything new, they don't deserve a news bulletin coverage at all. The final thing that we also feel very strongly about, that must be reviewed, relates to - and it may not be only in the power of the SABC on its own, it may also be legislative - is to ban political advertisement entirely on the SABC outside elections. It has to do with this convolution, as I've explained earlier, to think that an advert necessarily - the convolution between advertising and news

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reporting. As soon as you separate the two and you treat them separately - if I have a fifth year anniversary and I'm prepared to pay for the thirty-second advert and it's not elections, I'm merely trying to invite people to a rally, and I'm DANZANE(?), I don't see why the SABC shouldn't be allowed to be able to give that particular advertising space to political parties. That is what we have to say. Thank you very much. 5 10

COMMISSIONER: Can we take a five minute break?

THE ENQUIRY ADJOURNS BRIEFLY

THE ENQUIRY RESUMES

COMMISSIONER: Mr Ndlozi, let me understand a few things. The first one is, there are decision-making processes inside the SABC, and what we are trying to understand is what happens in that process of decision-making in the SABC, which in fact should be governed by the SABC's Editorial Policies, by the ICASA regulations, by the Broadcast Act, by the BCCSA, all those things are what should govern decision-making in the SABC. And then we have interference with that process from outside. Now what we are trying to establish here is the fact that 15 20 25

the decision-making process is not independent and there is influence from outside on that process. Where do you think that pressure comes from? You have related a relationship between the SABC and the governing party, where their ideas about news coincide, but you haven't yet shown me what influence the outside has on the inside. Can you elaborate on that point? 5

MR NDLOZI: There are two things. The first test, in our view - well, let's call them two tests. The first test relates to, as you say, that decisions don't seem to be in line with the Editorial Policy, the Broadcasting Act, the ICASA regulations, and so on and so forth. To that extent, banning the EFF coverage was a direct assault, not just on those pieces of legislation and policies, but it was a direct assault on the Constitution of the REPUBLIC OF SOUTH AFRICA, to the extent to which our rights are concerned, to freedom of expression, our rights to the very mandate of the Public Broadcaster to cover us. But you also can't be discriminated against by the SABC on the basis that you are a nuisance. So 10 15 20 25

that's the first important test in relation to the ban of the EFF. And while saying that, it happened, and the reasons and the grounds in our assessment, but also from how MR MATTHEWS in his own narrative has said - and this is the second test - it was in the interest of the ruling party. So to demonstrate that somebody like JIMI MATTHEWS, or HLAUDI would get a phone call from a leader of the ANC, of any sort, to come and to either change a specific news bulletin or not cover certain people, might be much more difficult. But it happens that the majority of those decisions are explicitly, at least in relation to us as political opposition parties, under the directives of the ANC. When MR MATTHEWS said this in a radio interview with EUSEBIUS MCKAISER, I think on 702, the ANC's reaction was to immediately just deny. But these are allegations that have been there and there has been no effort to investigate them, and we are hoping that something like this Commission might have a way of unearthing. Even if we were to get a name or a body within the ANC, whether it's a sub-committee on communication,

but we are told that these things were directives coming from the ruling party. And I would believe them and we would all believe them, because just two weeks ago the ANC came here and told this Commission that it believes it must be covered in the news 60% of the time. It's that type of attitude in our view that points not just to the arrogance and self-entitlement over the institution by the ruling party and its politicians that worries us, but also the fact that within the SABC itself there are many people who are very open, without questioning. It's almost even normal. Within the SABC it's what should happen, to get a call from somebody who is not even a member of Parliament and make demands on executives or senior editors within the SABC. Some of the individuals maybe even believe that it is their revolutionary duty, maybe they think they were appointed to those positions for that reason, to push ANC propaganda and ANC interests within the SABC.

COMMISSIONER: You're placing us in a difficult position. We're supposed to be searching for evidence that the ANC calls the shots, if it is the

ANC, or if it's ANGLO AMERICAN, for example, that calls the shots. What we're trying to find is direct evidence that says: This happened at the SABC at the instructions of MR X or MR Y, or MRS Z. The general feeling is that there is interference, which is why we are investigating, because that story is swirling around. 5

MR NDLOZI: The phenomenon itself - and that's why I think you might be setting yourselves up for failure - the phenomenon itself, the way in which it occurs, it ought not to leave traces, so the majority of the evidence will be someone like - it will be witnesses. I don't know if we can get a letter or a phone call recording. We would be lucky to get those things. But if somebody like JIMI MATTHEWS, whose presence in the SABC, and this is him confessing how they did what they did and how they arrived at the conclusion that the EFF must be banned from coverage in the SABC, explicitly says that was on the basis of the interest that was expressed by the ANC politicians. It may not even be a resolution of the ANC. You won't find a resolution of the ANC, you won't find 10 15 20 25

a letter, because that's the phenomenon. The best way of proof, in our view, is confessions - particularly of people that senior, who already have nothing to lose. Which leads me to my next point. Some of the people may not be able to speak because, as you saw in Parliament, there is a lot of nepotism. There's a lot of promotion of allocation of a project and tasks, allocation of privileges, on the basis of whether you are going to be able to be adherent to a certain agenda or not. So as a result it is very difficult to get people to come in their numbers and speak without fear, but also to speak without a sense of their marriage to these privileges and ambitions of career opportunities. We present MATTHEWS' testimony as reliable evidence. And, if possible, perhaps the Commission could invite him to come and share those experiences. Because if we're going to get to the bottom of anything, I think it would be instructive that we actually invite him. But he is on public record and he has sustained that on different medium platforms - he was sustained this in Parliament itself.

So that is what I will say.

PANEL MEMBER: Mr Ndlozi, you've mentioned that covering news should affect a certain number of people. If you look at the ANC - I'm referring to the proposition that they've made, that they need to be covered 60%. ANC has been voted by the majority. In your view, don't you think that the ANC should be covered in some of the important things that they're doing, going forward?

MR NDLOZI: Of course. We are the last people to say the ANC must not be covered. We're saying that to give a proportion to a news report doesn't go hand in glove with credible journalistic practices. A journalist doesn't say: Whatever I do, I must do 60% ANC. No, a journalist goes out to seek the truth, to inform the public on new developments. If we told you last week that the ANC got 60%, today it didn't get 60%. It got 60% last week. So what? It's no longer new, so it's news. But, of course, if ANC has things that it is doing, as the President of the EFF indicated in our press conference, then you cover them because they have activities, not because they're 60%,

but because they have activities, they have something that is happening. You can't wake up in the morning and say I can't have news. Such news, if it's going to be news, 60% of it must be the ANC. If I'm reporting about political activities or the activities of political parties, if the EFF is doing something, I must 60% go and look for ANC activities. 5

PANEL MEMBER: So, who determines that? For example, the ANC has so many activities and, mind you, there's a practice that says: Okay, we need to cover ANC 60%. Who determines the fact that, okay, EFF has a newsworthy activity somewhere around the country, who should determine that? 10 15

MR NDLOZI: I would assume that it is certainly the editors. SABC is this broad entity. Journalism is one aspect. So the journalistic editors or the editors of news and political news, they must take those decisions and they must take them as independently as possible. We are happy with whatever decision they take, if it doesn't adhere to wrong principles. So it's not just the fact that somebody says to them: No, cover the ANC 60%. Even if they 20 25

arrive at that conclusion on their own, it's wrong. It's not like the ANC itself must persuade you, only for it to be wrong. It is wrong already because it is based on the wrong principle. It is not journalism. We're not running adverts. Yes, cover the ANC, cover political parties, cover whoever, the point must be they are doing something new that is worthy of being reported. They already affect a whole number of people, which is an assumption that we make. But what we're saying is, and what happens with regard to that type of thinking. People in the SABC think, including journalists for that matter, they practice that particular principle to mean if they're reporting political activities they must give ANC 60%. Even if they're not doing something new or newsworthy. For example, you cover CYRIL RAMAPHOSA running this morning, that's well and good that the President takes a run in the morning. Tomorrow again and the next day - it's no longer new. Maybe you could have a journalist there, because maybe something might appear. I understand deployment. But what ultimately

makes it into a thirty minute slot or the five
minute slots on radio, has to be newsworthy,
otherwise what is the logic? And the question
is: Are you still doing news, if you are
telling me in a news bulletin every morning, 5
RAMAPHOSA took another run or took another
walk? This time it's KHAYELITSHA. It doesn't
make sense. So 60% in that context is wrongly
applied. It's no longer news, it's promotion.

PANEL MEMBER: Don't you think it's the manner in which maybe 10
editors are coming up with stories? We do
have conferences within the SABC whereby
stories are being discussed in the morning and
afternoon. So don't you think it's the manner
of how the editors are bringing up stories 15
during those conferences and maybe decisions
are being made not to cover those stories?

MR NDLOZI: Of course, I understand in the newsroom there
is a discussion about, not just stories that
ought to be told, but deployment of resources. 20
We're saying that such a principle is a wrong
principle, it must not be used. It's not
journalistically worthy. Anybody that went
to a university or college to study journalism
would actually understand what I'm saying. So 25

I don't know. There is no account. We don't have any explanation, maybe we didn't seek it. Or is it because when they gather they just happen to 60% of the time see something new in the ANC, or 60% of the time they just feel like ANC on their own? That's not the point. The point is, you cannot constitute a news bulletin that way. 5

COMMISSIONER: Can I reword that question. You will agree with me that every political party, every person in SOUTH AFRICA, has the right to phone the SABC and say: This is a suggestion for a story. And that it is up to an independent and impartial SABC to evaluate its suggestion. Whether it's from the ANC, from the EFF, from the INKATHA Freedom Party, it is the right of the SABC to evaluate that suggestion. That in fact should be the norm. 10 15

MR NDLOZI: It's not just that, Chairperson. It should be both as you say - you see when you began you balanced it well. They too are subject to general principles, because they could take wrong decisions on their own. So it's not just the fact that they must be independent and take the decision independently, 20 25

impartially, etc. But there is a set of policies, legislations and Constitutional prerogatives that must be taken into consideration in there. So it is that symbiosis. And if you just base it on one, you will arrive at the wrong conclusion. You might arrive at a biased reporting. So it must constantly be a balancing act if our news should give as many voices that are diverse and tell as many stories of South Africans as possible. But I was limiting myself here to political reporting. If the ANC doesn't have anything new to be spoken about, the SABC or journalists anywhere in the world are under no pressure. So you can't determine *a priori* that they will always have 60% newsworthiness. If they do, good, but it may be that a 6% party in this bulletin has 60% newsworthiness. It must get newsworthiness that is 60%, regardless of its stake in Parliament. Because what we are telling is not how many people are represented in Parliament. What we're telling is not election result outcome. We are telling news.

CHAIRPERSON: Most certainly.

MS MASHEGO: Thank you. I wanted to raise critical issues around how editorial decisions are arrived at. The issue you were raising now, to add to what Commissar Ndlozi is saying.

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1 Content has to be of interest, in the interest of the public. Whether it's political content or whatever. Even more importantly, political content, obviously.

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2 I wanted to raise the issue of separation of party and State. The proposal from the ANC borders on actually corrupting that principle of party - in fact it's not a principle, I think it's in the Constitution that there must always be a separation between party and state. So once a political party, which so happens to be dominant in Parliament or the legislative environment, wants to also come and quantify its dominance, and even put a figure to it, that interferes with issues of content, quality, the editorial independence of the editorial team, potentially flouting several policy and

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regulatory matters, whether under ICASA
or Communications Policy, laws under the
Broadcast Act and Communications Act.
It's a very dangerous terrain and I'm
saying that in addition to what the EFF 5
spokesperson is saying about quantifying
the 60%. At some point we will end up
having a logo of the ANC there for - I
don't know - 60% of a minute, and then
EFF 6% of its logo. What would have been 10
the value in terms of the interest of the
public from that quantification of how
much content from which party, starting
with the ANC proposing 60% for itself,
coming down? What about the quality 15
aspect of that news which the National
spokesperson is talking about?

COMMISSIONER: I think perhaps you shouldn't put too much
emphasis on the presentation that says we need
60%. I think you're giving it too much credit. 20
It was a suggestion from the ANC. But at the
bottom of what we're trying to do is trying to
get the broadcaster to do the best that it
can. And we're agreed that every South
African, every political party can make 25

suggestions to the SABC and the SABC will then evaluate it in terms of their Editorial Policy, in terms of the ICASA Code, in terms of the BCCSA Code and they will determine if it's newsworthy and then give it to the public. I think that is the basic thinking. But what we should try and understand at this point is, there are allegations that there is interference from outside in that process, and that's what we are trying to get to the bottom of. So far you have suggested that we talk to people like JIMI MATTHEWS, and obviously to other executives who were at the SABC and who are prepared to tell us who was pulling the strings behind them. But at this point you are saying to us that there has been an improvement in the way that the EFF is covered. And one of the things you mentioned was that the change happened when MBEJE moved from being Political Editor and was moved over to the Press Corp. Are we then saying that it was MBEJE who was manipulating the SABC's agenda at the time?

MR NDLOZI: Yes. Not him alone. If you would allow me, Chairperson, to just bring home the previous

point. Our point is, that thinking is not the thinking of the ANC alone. That's why it's important. It's that the political news editors in the SABC, some of them believe that. And in our view, it would be important for the Commission to challenge that particular journalistic practice of thinking that it is some mandatory - because at times it's presented as if it is compliant with some legislative rule, that when you organise a news bulletin you have to give proportional representation on the basis of what the representation became in the elections' outcome. This thinking is shared. People who came here to speak to you about the ANC are saying to you that they have heard that explanation from editors in the SABC on many, many occasions. That is why we must apply ourselves to it. It would be sad if the Commission does not arrive at challenging that particular practice, or thinking, at least. The second thing is what you are raising. Yes, MBEJE was the Acting Political Editor during the 2014 General Elections, yet his position was correspondent to the Presidency.

I don't know what its proper name is.

COMMISSIONER: Presidential Corp, I think.

MR NDLOZI: Yes. And was then asked, according to what we were told. We had a meeting, before the elections, in which MATTHEWS, MOTSOENENG and NOTHANDO were present. We gathered with them and we complained about coverage, before elections. And we were told we were not ever going to get that much coverage, because we are not in Parliament. And then the second point was when he did come in, there was an explicit decision to ban the EFF. But it was also extremely frustrating to work with MZANDILE MBEJE during the 2014 General Elections. Why I am saying that is the explanation of the banning of the EFF was for us at the time something we were observing because we were at the receiving end. But it was confirmed by MR MATTHEWS that they facilitated a banning of the EFF in news bulletins, and outside of news bulletins in the reporting of that. For an example - the thing of ICASA - SABC uses that well with their debates. When they organise election debates. So if you have not been to

Parliament before the question is how do they treat you. Because they said we were a new political party, nobody knew our potential. As a result there is a mechanism that they work out and they allocate us something very insignificant. So our participation even in debates - our events won't get covered, we are marginalised in political discourse, and then we don't have enough money to buy more space. That's the sort of frustrating thing about the principle. So we would get marginalised there and then we would ask for attendance and they would tell us explicitly: No, we're not going to cover you. But the explanation later on was that there was a ban on the EFF, which is what JIMI MATTHEWS has testified to, or has put on public record. And the people who were involved in the implementation of that included MZANDILE MBEJE, HLAUDI MOTSOENENG and NOTHANDO back then.

COMMISSIONER: You are sending me in different directions. Let's first start with the concept of equitable coverage. I think that's the expression they use. I think ICASA uses that when they have their election - there's some

code they use during the elections, they also use it...

MR NDLOZI: Allocation of slots, yes.

COMMISSIONER: Yes. Now, what you are saying here is that that in fact is unfair. The idea of equitable, that whole concept is unfair. 5

MR NDLOZI: We are saying it cannot be applied in quantifiable terms when it comes to news. That's what the SABC does. It thinks the same logic applies to news, and we are saying that that is not true. The second part, we will take up that battle with ICASA, because new elections must mean *tabula rasa*, but you need a mechanism of allocating advertising in the Public Broadcaster platforms. So when we say don't do it that way, we then have to say what the alternative way must be. That debate can be engaged in. But leave adverts. Why do the same thing with news? That's our point: Why do the same thing with who you ask to come to a talk show? Why do the same thing with any other platform in the SABC when you treat political parties? I don't know if it's clear because... 10 15 20

COMMISSIONER: Yes. The other part you were going to look at 25

was the ban on the EFF. You are naming the people involved; you enumerated them. These are SABC people. Was there any outside pressure on them to take that decision?

MR NDLOZI: From what MR MATTHEWS has said, the pressure was from the ANC. I remember at the time the ANC released a statement, or at least spoke and rejected or distanced itself from what MR MATTHEWS had said. But having been part of the banning of the EFF, or implementing such a decision, I have no grounds to doubt, well, at least I don't think I would say to him, no it wasn't the ANC when he tells us explicitly that it was. 5 10

PANEL MEMBER: Mr Ndlozi, I just want to find out, is it proper for political parties to interact with senior managers within the SABC? 15

MR NDLOZI: Yes, anybody has the right to do so. As a member of Parliament I'm also the National spokesperson, so I have to interact with the media in my day-to-day job. 20

PANEL MEMBER: I'm talking about senior management.

MR NDLOZI: Yes, I do, I interact. The COO is at the centre of programmes and resources in the SABC. From time-to-time when one is mistreated 25

by a political editor or producer in a political show in the SABC, you pick up a phone and you complain or you write to them directly and say to the COO, this has happened in the SABC, and so on and so forth. There are countless reasons why you would pick up a phone to interact with senior management, including members of the Board. 5

PANEL MEMBER: Don't you think it's an aspect that contributes towards the interference in news? 10

MR NDLOZI: No, the majority of the people believe that - if anybody gets interactive - let's take something else outside the Public Broadcaster which is a news institution. The CITY PRESS or POWER FM or 702. Surely the political editor or the senior editors of these institutions can be interacted with about what is happening in the institution. The point is that they ought to know that they don't owe us anything. 15 20

PANEL MEMBER: Okay.

MR NDLOZI: They must stick to the rules, they must be impartial, they must be fair, they must not be biased. Because the implication is that you must then tell politicians not to call senior 25

members of the SABC. No, we don't care, the question shouldn't even arise. You take a commitment, you sign a contract when you take that job in the SABC. Stick to that commitment, stick to that oath. 5

PANEL MEMBER: What if the President calls you, as a Chief Editor within the SABC, and demands that you cover a certain story? What would the approach be?

MR NDLOZI: That would an attempt at interference. If 10
somebody powerful, like the President of the
REPUBLIC OF SOUTH AFRICA, demands or instructs
- with the President it's difficult because
sometimes I may read it as a demand, I may
read it as an instruction. It doesn't matter. 15
If I'm an editor it is expected. That's why
those rules are there. That's why we
explicitly say don't - there will be attempts
from people to try and make you do what they
want, want you to cover them, but you have the 20
duty and the responsibility to stick to the
rules. So you must tell the President: Well,
I hear you, but I am going to do my job. I
don't call you to tell you which budget to
fund. I don't do that, I don't demand, or 25

make calls, or I hear that there is a budget statement coming, give the SABC more money or you won't get news coverage. You know what I mean? The news people, the political editors and all of them have to be men and women with a head on their shoulders, they have to be men and women who have to treat it like a calling; they have to treat it as something that you do without wanting any benefits, any career opportunities. Otherwise they will be open to manipulation, they will be open to interference. They must be committed to telling the truth, nothing else but the truth, and to cover to their best capability or capacity to cover the news as impartially as possible.

COMMISSIONER: Can I find out if the EFF has made any submission on the new SABC Editorial Policy document?

MR NDLOZI: No, not yet. Not on our own. We have interacted with it through our work in Parliament, but we have not done an explicitly separate process or document to interact with it.

COMMISSIONER: Are there any suggestions you would want added

on to or subtracted from the current Editorial Policy document?

MR NDLOZI:

Much of what we're saying now, particularly at the end, has to do with things that must begin to be explicitly stated. Now that we have the 5
experience. Things get very hectic during elections and everybody makes all types of demands. It was also a very suspicious decision, for example, to take a Presidential correspondent, a person whose daily job for a 10
couple of years had been to go around everywhere with JACOB ZUMA, and then make them a Head of Politics. Or act in that position, without completely cutting ties or without even a break of refreshing. We already warned 15
that the guy might not arrive at proper decisions at all times. But to the extent to which those explanations we were receiving about equitable allocation of news, which was a ridiculous fascist idea. The Policy has to 20
start being explicit.

COMMISSIONER: You love fascists, don't you?

MR NDLOZI: I don't love fascists. Why would I love fascists?

COMMISSIONER: Because you quote them every second line. 25

- MR NDLOZI: No, no, the last time that I used the word fascist was in relation to a thinking that says you want to dictate what news must be.
- COMMISSIONER: No, I'm just joking.
- MR NDLOZI: Okay. Well, at least if you want to be complicated, we've only ever really witnessed it as proudly practised and proudly asserted in fascist governments and fascist politicians. And then we are hearing it from people who call themselves democrats, in the form of the ANC, but we also get it as an explanation from political - we got it as an explanation from MBEJE, back then when he was the political editor.
- COMMISSIONER: Again going back to MBEJE, you are saying that as soon as he went back to the UNION BUILDINGS, the coverage improved?
- MR NDLOZI: Yes. We are making a comparison between 2016 Local Government Elections and 2014 Local Government Elections.
- COMMISSIONER: Let me complete my question. Are you suggesting that he had that power within the SABC to influence the direction in which it goes? Or was he making those decisions as part of a collective in the SABC? I'm worried

about the influence that he wielded at the time.

MR NDLOZI:

I think as a political editor you often have the final say. That's one. Two, you don't take decisions all the time by consultation. 5
Because sometimes a 07h00 news bulletin might not look like a 07h30 news bulletin. It would be very difficult to go and source those types of things. But it's possible to complain about a 07h00 bulletin coverage of yourself 10
and say: This was unfair. How is it possible that you people could do one, two, three, four? He runs to whatever people there are and then fixes the problem. In that process he didn't consult anyone. It's a very 15
powerful decision. But his instruction is going to be implemented. It cannot be ignored because the buck stops with him. 2014 General Elections, it was very difficult, and I'm saying when we experienced those difficulties 20
with MBEJE we were getting this explanation, which I call fascist. Only later on to get a confession from MATTHEWS that, no, there was a ban. The 2016 Local Government Elections, I cannot explicitly or fully say that there 25

was no attempt at political interference, but the news coverage was much much better during the 2016 Local Government Elections. It was not perfect anywhere, but its imperfections we're human, were explainable, and the people that we were working with at the time, that you would interact with, didn't give fascist explanations. They would give human error explanations or they would say: I don't have resources, they are stretched, or: No, no, no, we have explicitly taken a decision to cover it this way. Remember, you're not represented in Parliament. Remember 60%. Remember. And it was posed obviously as some rule that is written somewhere. And on a news bulletin. In our view it doesn't make sense at all. And it is because he held these beliefs, but we believe that it's because they were under proper influence from LUTHULI HOUSE.

COMMISSIONER: Thank you, Comrades. Let me say that there are always three presentations we make. The first presentation is what we prepare, and then there's a presentation we make on the occasion, and there's the presentation we make

to ourselves as we drive back home and say:
Hell, I should have said this or that. Now,
if you want to add on to what you have given
us, you are most welcome to send us a note.
Things you may have remembered. We will still 5
appreciate that.

MR NDLOZI: Thank you Chairperson, we will do so, we will
also send our written submission for the
record. Even if you don't use it, but we
would like it to be reflected in the record 10
that we have made this.

COMMISSIONER: We are recording every single word you said.

MR NDLOZI: Okay, but we will still want to submit our
written submission. Thanks very much for the
opportunity. 15

COMMISSIONER: Thank you.

MS MASHEGO: Thank you.

COMMISSIONER: Ladies and gentleman of the media, our next
session is behind closed doors. Thank you.

THE ENQUIRY ADJOURNS BRIEFLY 20

THE ENQUIRY RESUMES

- COMMISSIONER: My name is JOE THLOLOE, I'm sure I don't need to introduce myself, but I'm Chairing this enquiry into interference in the editorial decision-making of the SABC. My colleague will introduce himself. 5
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA, I'm a Director from MMM ATTORNEYS.
- COMMISSIONER: Can I now ask you to introduce yourself?
- MS MOKOENA: My name is SOPHIE MOKOENA, I'm currently the Foreign Editor at the SABC. I'm responsible for international news coverage in and outside the country. I had a stint of being Acting Political Editor also. 10
- PANEL MEMBER: Ms Mokoena, do you have any objection to taking an oath? 15
- MS MOKOENA: No, I don't.
- MS SOPHIE MOKOENA (duly sworn, states:)**
- COMMISSIONER: How long have you been Foreign Editor?
- MS MOKOENA: It's three years now. 20
- COMMISSIONER: And before then?
- MS MOKOENA: Before then I was a political reporter. I started at SABC on 2 July 1994. I was then recruited to be a current affairs presenter for a radio station called LESEDI FM. I 25

started there as a current affairs presenter, presenting a news radio show in the morning. Then when LESEDI was relocated to BLOEMFONTEIN, I went to BLOEMFONTEIN and later I was transferred to CAPE TOWN, after I had 5 labour challenges at work. After I won my case a decision was taken to go to CAPE TOWN to be a political reporter - I think I was relocated to CAPE TOWN towards the end of 1998. I can perhaps say that I really started 10 being a political reporter in 1999, because 1998 was more of a transition. From there I was relocated to JOHANNESBURG because of family commitments. I continued to be a political reporter. At some point in time, 15 because of the political challenges that relate to pressure being put on the SABC, I was then requested to be a National coordinator of news. While I was in that position, almost like in the wilderness, or 20 side-lined, then, when an opportunity presented itself with an advert for a foreign editor, I applied and was appointed to be a foreign editor. And that's where I currently am, full-time, but on many occasions I've been 25

requested to assist as acting political editor when there are challenges, when there is no political editor, or the political editor is not around. So I can say I have almost more than fifteen years experience of being a political reporter at the SABC. Minimum, I think. 5

COMMISSIONER: So you're a political reporter and a political editor at one or other station?

MS MOKOENA: Yes. 10

COMMISSIONER: Your submission didn't contain much, because I thought you wanted to come and talk to us. If you will now present to us whatever you wanted to present, and thereafter we will then ask questions. 15

MS MOKOENA: I decided to take this opportunity to share my thoughts with the Commission, or perhaps my experience, with the aim of ensuring that perhaps we don't repeat the same mistakes going forward. Mine is not going to be a blame game. I will share the experiences and the examples. But the intention is perhaps to share my views in terms of what can assist this important institution to not always find itself with these challenges. Not only in 25

terms of news, but generally, based on my experience and my stay post-1994, what are the challenges and why are we still having these challenges, having been there for almost twenty-four years now. In fact, on 2 June it was a full twenty-four years. 5

COMMISSIONER: Do you know, the irony is that we joined the SABC at the same time.

MS MOKOENA: Yes, I know that. I know you very well. That is why I took a decision to come here and share my thoughts and my experience. Secondly, I've been a victim of malicious information for quite a long time, since my arrival at the institution. Perhaps the only time when I really enjoyed working was the early years of my arrival at LESEDI. But later there were challenges, and all of them were related to people trying to tell you what to do at SABC. And sometimes not having people to defend you or to protect the institution's independence. But also perhaps fear, or perhaps sometimes self-censorship or people trying to appease or please powerful individuals. It may be politicians or just ordinary people. So I want to start with the 10 15 20 25

issue pertaining particularly to the allegations that have surfaced around me and have been in the public domain. There are so many I can't count, but I want to touch on one or two. The real nightmare started 2007, when there was that transition of the ANC in terms of one leader having to take over from the other, the era of MBEKI and ZUMA tensions, as individuals, supporters of these two leaders would expect you to take a position. In other words, factions within political parties in general, not only the ANC, when they have these challenges, they expect us journalists to take sides, and that's where political interference starts. When you do a story with a particular news maker, because he or she is not in my faction, people think you are friends or you are connected, or it's deliberate. Or sometimes they don't want you to reflect the other voice, or the alternative. During that time of MBEKI-ZUMA conflict you had the President of the REPUBLIC, being THABO MBEKI, and the President of the ANC. You had the Deputy President of the ANC, being JACOB ZUMA, but he's not in

Government after he was recalled. Therefore when you do MBEKI stories it's like you are doing a PR for MBEKI, or you are promoting MBEKI. When you do ZUMA, it's like you are doing ZUMA because you support ZUMA. 5

Therefore, that led to serious, serious allegations levelled against the political team at that time. And the people who suffered most was the then Press Corp, what we call Press Corp. The Press Corp is a team of 10

journalists within the SABC that has been assigned to cover the President of the REPUBLIC. Apparently this concept was adopted in line with the international trend, to have a specific team covering the President, so 15

that you can have consistency, quality news, but also to be able to have access to the President, so that you can even ask other issues, for example in his trip, if there's a big burning issue, the trust and understanding 20

that it's your responsibility to cover him allows you to be able to even ask the President questions that are not necessarily related to the story that you are doing. So they suffered a lot, because to many out there 25

who were in support of President ZUMA, the perception was that this team, the Press Corp, MIRANDA STRYDOM, DUMISANI NKWAMBA and THABO MADILOLA, who was a camera person, were assigned to do a PR for the President, or whatever they were doing was protecting the President. And it was sad, because when the Press Corp was appointed there was a clear distinction in terms of what they do. They were responsible for covering the President as the President of the REPUBLIC, not as the President of the party, to avoid party issues, making its way to Government issues. And they were part of us, the political team. I was a member of the political team. So the ordinary political reporters had to cover anything that was related to politics, but we were requested to ensure that there was at least a way to specialise in something. In other words the bids. Either you can choose to say: I really want to be an expert on local government and the DA, or I want to cover foreign affairs and the PAC. So, because I had an understanding of liberation organisations and I felt I could be better placed to cover the communications

portfolio and the ANC, and I could do anything when I was assigned, but those two I took upon myself, that I was going to specialise on this, so that when there were big stories I could break stories, I could have information 5 even before it was in the public domain, so that you break stories. I could have contacts. And it is for that reason that most of the time I was doing the ANC stories. So when there was tension, you get caught in a 10 cross-fire when you specialise with a particular political party, because now you have two factions and when you are doing a story this one thinks that you are supporting this one, or you are protecting that one. So 15 I became a target for vilification by those who were in support of PRESIDENT JACOB ZUMA. I tried my level best to do my work and I continued to do my work. I even went to stories, even though I knew at times my life 20 was in danger because of the perception and the misinformation. It was a difficult time. The POLOKWANE Conference was the worst turning point because then, realising the victory, that faction thought they can purge people 25

within the SABC. People did err when they erred, particularly at senior management level perhaps, but everybody who was occupying a strategic position, perhaps as a senior manager or as a political reporter, in particular, we were labelled. We were called the braggarts. 5

COMMISSIONER: You were called?

MS MOKOENA: You know that term, the 1995 class project, you remember the word from the SABC: Braggarts. Those terms were levelled against us. We continued to do our work and we did our level best. Then, when there was a change of news management leadership, I think some of the management erred to bow to pressure because then they continued to try and please the new administration or new leaders. For example, if people take a decision to remove me from the political desk because of political pressure, they are saying, this is true, and I was at some point in time removed as a political reporter. Yes, the SABC denied it, and people denied it. There was nothing I could do if the SABC was giving a different reason in terms of why they were removing me. 10 15 20 25

COMMISSIONER: What reasons were they giving?

MS MOKOENA: They just said: No, no, no, off the record - you know people would say: Off the record. I don't want to mention names, because I'm not here to mention names, I just want to talk 5
about the problem. JIMI came to me to say: Sophie, you know when the SACP - when BLADE NDZIMANDE, when VAVI, when GWEDE - when they hear your voice on television they don't even listen to what you're saying, and then they 10
start calling and complaining that your story is biased. They don't even listen. I think it's time you need a break from this political pressure. That's when he appointed me as the National coordinator of just general news. 15
You would recall, the story was even reported in the newspapers because people like even EUSEBIUS - do you remember, their contract was not renewed - SAKINA, METRO FM, you would recall. It had nothing to do with content, it 20
was about a leader, or a manager, or a news editor, or a senior who couldn't defend the foot soldiers to say: Okay, you are saying SOPHIE is biased, let's listen to her story. Let's see where the bias is. That was allowed 25

to continue, and as politics developed all politicians now tend to do the same, because they know this thing has happened. If they're not comfortable with a particular journalist they always call senior managers and put pressure on them. And senior managers will find a way to do it, consciously or unconsciously, I don't know. That's the whole implication of the 2007 POLOKWANE Conference, how it played itself out when the new leadership now wanted - because they feel you were covering this former person, now you can't. There was a time when even doing stories around MBEKI was a sin, post his era. After he retired the issue was - PHIL MOLEFE was very harsh, that: When you keep showing MBEKI you are almost a - I'm not sure what you call it, but it's almost as if you don't recognise the current President. It was very difficult for some of us. I remember a time, and fortunately the archives are there to prove a point, MATHEWS PHOSA, at that time, remember, the new leadership was the Treasurer General, even on MORNING LIVE, attacked me, saying that I am now a COPE. It was live, it

was there, you can pull it from the archives. When I asked why, I was told it's because I attended a planning meeting of the CONGRESS OF THE PEOPLE. That planning meeting apparently took place in SANDTON, and when we investigated I found out that at that time I was in the FREE STATE. I was on leave and I was in BLOEMFONTEIN. I remember getting a call from one journalist, you know journalists share information: Hey, man, Sophie, look what there is from FREE STATE. Have you heard that they're starting a party? I'm like: Yo, I'm on leave, I don't know anything. I will try and call him and find out. Then I called, I couldn't get him, and then later the journalist came and said to me: No, no, no, apparently the meeting with SAKI MACOZOMA and them is here in SANDTON. I was in BLOEMFONTEIN at that time, but people were saying I attended that meeting. So I am sympathetic to COPE, I'm now a member of COPE. So whatever I do I'm promoting COPE on SABC. It was not true. The fact of the matter is, here's a new party, a journalist like myself who has interacted and who has contacts and who has

covered the stories of those who are breaking away, I'm using my same contacts to try and get into the story, to call them. It was not being a COPE member, but it was a journalist who was able to get stories from COPE because I know these people. I can call them. Not all of them. We had worked with SMUTS NGONYAMA, as a journalist, as ANC. When he moved to COPE, obviously you would call him, you would still use that contact to try and get into the story. The same happened when the EFF leadership was expelled. I'm assigned to do an ANC Youth League Conference. When I'm assigned to do a Youth League Conference and then the ANC is not happy about the Youth League, and then finally we hear they are expelled. I'm one of the journalists who has covered the start of this story. And SABC will send me continuously, because now I had developed contacts, even during their hearing I knew who to call and get information from. What's happening in that private hearing? You know, as journalists, how we deal with contacts. Then when they start a new party, obviously I will access to their contact

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numbers and continue to use the fact that I was doing the stories when they were Youth League, so I would still call them. And now I'm suddenly an EFF.

COMMISSIONER: You're moving very fast from ANC to COPE, to 5
the EFF.

MS MOKOENA: Exactly. That's political party. In terms of
ANC, POLOKWANE I was a braggart. Now that
there was a conflict towards NASREC, I'm now
a ZUMA. The problem there is that 10
politicians, when they fight they label
journalists. And unfortunately our peers in
the industry or at the workplace, instead of
defending a journalist, when they have their
own personal challenges, then they connive 15
with politicians to deal with a particular
journalist. Because at the end of the day we
have one objective, so I can work with anybody
in bringing down a person. Which brings me -
I don't care about all of those because I was 20
able to get an apology from JULIUS MALEMA,
saying: Sophie, I apologise. Every time
we're being fed misinformation and we were
children when we were attacking you, when we
were in the Youth League. I got an apology 25

from MATHEW PHOSA to say: Sophie, you know it was just misinformation. I said: It's fine I'm a journalist. I have to move on. You can call MATHEW, you can call MALEMA. But what saddened me was the recent issues. Let's start with something that has been in the public domain, that led to the enquiry in Parliament. In 2014 I was taken off the political team. That was the year I was taken off the politics team, because the political party A or B was not happy. There was a workshop preparing for the 2014 elections. The news division and senior editors go there. I was not part of that workshop. A decision was taken...

COMMISSIONER: Where was this workshop?

MS MOKOENA: In KEMPTON PARK. It was before the 2014 National elections. Then there was a memorandum signed there by all who attended the workshop, raising an alarm in terms of concerns of editors who were there, and senior editors who were there, in terms of political pressure. I don't want to say it's interference. It's pressure. It's the responsibility of political parties to get the

best out of coverage, you just need to know how to deal with them. There's a memorandum signed to say there is too much pressure from political parties, this is our position as the newsroom, and this is what we want management to do. Ensure that we are protected, ensure that this pressure doesn't come to us, ensure that they don't give us unreasonable instruction, assigning editorial independence. They draft that memorandum, that was supposed to be given to the executives. In that workshop you have Head of News, JIMI MATTHEWS, and the other senior news management, who were saying they were part of this and they agreed with us. Then the memorandum makes its way to the Senior Executive, and then the Senior Executive had reservations perhaps with the content of that memorandum. That was just emphasising a need for editorial independence and a protection for journalists when they do their work. A meeting was then called with all of us and then the executive came to us raising concerns about that memorandum, even threatening to discipline those who put the memorandum together. I was not at the

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workshop, I hadn't even seen that memorandum. I stood up at the editorial meeting and said there was something that I don't understand. Here is the memorandum, the content of this memorandum is the work of many people who were 5
at the workshop, including the SABC management and the head of news. He supports the content of this. Now you want to go and discipline the scribes, the people who were writing, and those scribes - I might have my facts wrong 10
because I wasn't there - I'm told it was THANDEKA GQUBULE, MAHLATSE GALLEN, THAMI DICKSON, and I think CROSBY AMOS. It might be THAMI or CROSBY AMOS. THANDEKA was an editor, MAHLATSE was a radio editor, THAMI is a 15
journalist, CROSBY is a junior. They are not your senior managers, they were just taking notes and compiling the document, and now they must be dealt with because people are not comfortable with the content of the 20
memorandum. I stood up and I said: It can't happen. Start with senior news management, because they collected the inputs and came up with this document and you have all signed. And even the head of news said he supports the 25

memorandum and the content thereof. So that's where you have to start and look at what's in that memorandum. It was a heated meeting, I stood up alone until JIMI, NYANA MOLETE, SEBOLELO DITLHAKANYANE, said: Yes, as management we did support this memorandum. The then COO of SABC said: Okay, let's adjourn this meeting. Then he called me to JIMI's office to say: What's happening here? I said: Mr Motsoeneng, SABC cannot punish junior staff members for just compiling a collective contribution of the team in terms of their concerns. If you have a problem with this, and the process that led to it, speak to your seniors, the senior management. Let them explain how it happened. How did they allow a workshop that was meant to prepare for election coverage to come up with this document that management is not comfortable with? Start there. At that time both NYANA MOLETE and SEBOLELO had been given instructions to suspend the four journalists. I stood up. It didn't make newspaper headlines, because that's how I operate, I stand up, I fight, and that's it. It's not

about glory and grandstanding. Finally they were not suspended because I was able to tell the CEO that this is not correct and it can't be done. Because I used to stand up firmly when I didn't agree with him. And then the elections came and they were over. Then, after I applied to be a foreign editor, I left politics completely. In 2016, towards the Local Government Elections, there was no political editor and it was a crisis because there was no one to pull the team together, but also to assist SABC to deliver on its mandate to cover the election as a Public Broadcaster. NOTHANDO MASEKO, head of television, made a proposal that they must ask me to act because I am able to manage the political team and I'm able to handle the pressures and all that, based on my experience. At the time I was also foreign editor. She took her recommendation to the senior managers at RADIO PARK. There was resistance because I have a baggage of not being a favourite for certain individuals in the political space. But she put her foot down to say: This is the only person who can

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help us to deliver the 2016 elections right now. Because we can't bring in someone new right now because this institution is very complex towards election, you know the pressures we face. They finally agreed. The first thing I did when I got that DOA to act, I took the entire political team to a workshop in the VAAL TRIANGLE. The reason I took them to the workshop was that I wanted to share my views with them as to how difficult it is to cover elections at the SABC, and how they can manage that difficult terrain or that period. I also invited experts to come and do an assessment on how SABC has covered elections. I invited management, so that they could air their views with management, their concerns going into this election. I didn't want a similar workshop or what transpired in 2014, where you had a workshop and all of a sudden people are victims. I wanted us to start in a cordial way, in a sense that we are able to air our views freely and as we start with the coverage we know exactly what's expected from us, what we can do, and how to survive that challenging period of covering elections. I

invited MATHATHA TSEDU, I invited the management from the SABC. I deliberately chose MATHATHA TSEDU as an independent voice to come and speak to us to say: In terms of my observations when I'm watching SABC political coverage, these are the concerns. And with his experience as a seasoned former political editor in newspapers, and also at SABC, to come and share his thoughts in terms of how to undo the damage. Because I was determined to make sure that that 2016 election was covered in a credible manner. I knew, with my experience, that you would still have people who are not happy because you can't make everybody happy, but I was determined to do my level best, at least I must get 60% or 80% fair coverage, because sometimes it's difficult to control from JOHANNESBURG. You have regions, they do their own thing and at the end of the day it's politics. MATHATHA came, he gave us an analysis in terms of his views. We took that into consideration. I even invited the COO, HLAUDI, so that political journalists can express their views in terms of their unhappiness on the political

pressure and all of that. They were there. I said to him before they started: I have invited you, Mr Motsoeneng, and I want this team to ask any question, and whatever they ask, it's not going to be personal, you're going to allow them to express their views. You can say what you want to say, that's fine, but after this no one should be victimised. And I told the team: I am here and I am going to ensure that after this workshop, no matter how brutal and how bruised all of us may perhaps feel by being honest, no one is going to be victimised or lose their job or be intimidated. We did just that. We raised our concerns, we spoke about issues, we indicated how we would want to cover the elections. There was this issue of the visuals, not using the protest visuals. When that memo was issued as a press release, it was 23h00, almost midnight. I normally look on social media to check whatever is happening around the country and internationally. Then I saw that memo at 23h00, after it was released. Immediately that night I called my senior, NOTHANDO MASEKO to say, Nothando, I don't

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agree with the content of this memo or media
release in terms of how protests should be
covered. I understand fully that sometimes
when protestors see journalists and they see
cameras they get wild and they can sometimes 5
burn things, because you will take pictures
and their stories will be heard, or the little
ones get excited. You have to be responsible
when you cover. You don't incite, you do the
story. And it doesn't say: Be responsible. 10
We can't ban the coverage of protesting
individuals. We can't. We can act
responsibly if there's a fire and if someone
is setting fires - you know, it's a graphic
picture. We can exercise caution but we're 15
not going to stop covering protests. So
NOTHANDO said: Sophie, we fought, but we
couldn't. I told her that the next day we
must go to HLAUDI and tell him this is not
going to happen. And I did just that. When 20
we arrived he said to us, with NOTHANDO: No,
I don't necessarily say you must stop covering
the protests, I'm just saying be responsible.
Then I said: Okay, retract this statement,
because it's too harsh and it doesn't say what 25

you are saying. But they didn't and I told him that I would continue to cover protests if they are politically related. At the workshop I asked MR MOTSOENENG about coverage of protests and the burning of buildings. He 5 denied it again. He said: No, I don't say you mustn't cover it, I'm just saying you must be responsible. But the technicality is that they didn't retract the memo. The memo was there, so I could do it, because I felt I 10 can't subscribe to wrong things, but for some people the memo was still there. So, of course, if the memo is still there, some would be scared to do it, but I continued to assign the political team where I had to assign them 15 in terms of protests. Even when there were protests outside SABC, political parties when they came, I assigned political journalists. I remember one day one editor even asking me: Wena, Sophie, are you not scared? I said: 20 I'm doing my work. If I've done anything wrong let me be charged and be punished. That's how I tried at all times to ensure that I can do my best to do what I am supposed to do. 25

The PRETORIA protest, the TSHWANE protest. The ANC had its MEC on a Friday, I've forgotten the dates, where they were going to finalise the candidates for mayoral positions. We covered that story, and at the media 5 briefing on Saturday, when they were announcing the candidates, one metro didn't have a candidate. That was TSHWANE. That media briefing was at night, I remember very well. I had information from some of the ANC 10 members that the decision had been taken that THOKO DIDIZA was going to be a candidate, but they still had to convince the structures in TSHWANE, and it looked like there was going to be a rebellion. They announced and they left 15 TSHWANE, and then at the press conference I asked a question, what about TSHWANE? They said no, they were still consulting. At that time I had information already. The next day, Saturday, I assigned PRETORIA to go to the 20 meeting where the ANC deployees were assigned to go and brief the structures of the ANC on a decision to deploy THOKO DIDIZA in TSHWANE. We were the only media there. Because of sense of news. Because I anticipated that 25

there was going to be something. So I said to TSHWANE, please be there. I know it's a closed meeting, just be there. They went there and then there was tension. One person died. We were the first to report that somebody had died, on the Sunday. Then that thing spread to the township. On Monday night the whole of TSHWANE was in flames. I didn't know, I saw on social media a picture taken by the current Mayor of TSHWANE, I remember very well, SOLLY MSIMANGA. I still have this picture here. He took this picture and he put it on Twitter. It was around 21h00 or 22h00 in the evening and I immediately called the JOHANNESBURG office, the editor who was responsible for the bulletin YOUR WORLD, JOHN MOTLOGELOA I said: John, I saw a Twitter post. It looks like TSHWANE is burning. Clearly it's going to be difficult for us to get into the township when I look at the fires, because of security, and we also have to call PRETORIA to go in there, but for now can you run a story to say that there are protests in TSHWANE and protestors are burning the buildings. And you can take a screen grab

of this Twitter post. I then immediately called PRETORIA office to tell them that I saw that there were protests in MAMELODI and that people were burning the buildings, could they send a team. They had to call the team, but it was dark, there was no security to send a team into that environment. I said: Okay, but let's get a story out, let's get the Mayor to speak to us as to what is happening and what he is doing, because he's also the regional Chair of the ANC. They went to SPUTLA's house. It was around 23h00 or 24h00 at night when they recorded an interview with SPUTLA that we ran on 404, trying to tell that story of a burning TSHWANE, and doing my level best. The next day I said to the PRETORIA office: Let's monitor and follow up on the protest in TSHWANE. They despatched journalists there and we did crossings, and I was in constant communication with the PRETORIA office to ensure that we covered the story. Communicating with them when different political parties were going there, taking advantage, communicating with them when there were media briefings of security. Even giving

them story ideas in terms of doing follow-ups. Here are all the WhatsApp messages where I was communicating with the PRETORIA office. I just want to read one. They are not in proper order. I was talking to PRETORIA office and they said to me: 5

"We are speaking to the metro spokesperson, Blessing. He however says they will still investigate and verify the cause and the people behind the violence." 10

This is PRETORIA, when I was saying: Please call the police as well. Let's run this story. I'm saying: Call JOHN, he was the editor who was responsible for that segment from 21h00 to 24h00 that night. 15

"Call John at 6655. Give him Patricia's number urgently."

PATRICIA is the journalist who was going to SPUTLA's house, so that they can interview her to break this story. And then the PRETORIA person says: 20

"Okay."

Then I say:

"Thanks so much." 25

Then he says:

"I just gave him".

Then I say:

"Thanks, please give him the Deputy Chair
number also." 5

In other words, if they don't get the Chair we
must still get this story. Then he says:

"I gave him the numbers and the ANC Youth
League in Tshwane has just confirmed to
me that they will also have a briefing 10
tomorrow at 10."

I'm like:

"Do the briefing tomorrow."

And then he says:

"We'll do it." 15

Then in later days we continued the story, we
continued, and then there was a message:

"Sis Sophie, ANC in Tshwane has just told
me that Thoko Didiza, Sputla and Makhura
will be campaigning." 20

I said:

"Please take a live view. Do crossings
for 7am."

And then later:

"Hi, Thoko Didiza (it's PRETORIA) and 25

some national ANC leaders will again
campaign in Pretoria."

I'm just giving you examples of how I ensured
that we covered the TSHWANE protests. At some
point in time, even to prove we were not 5
biased, I get a WhatsApp:

"Sis Sophie, ANC in Tshwane has just told
me that Thoko Didiza, Sputla and Mathura
will be campaigning."

And then I assigned him to do the story and do 10
the crossings, and then later the same day I
received another WhatsApp - the same thing:

"Hi, Thoko Didiza and some national ANC
leaders will again campaign (mother
tongue) in Pretoria West. Both the DA 15
and EFF will be also out there. Don't
know if you are interested."

(Mother tongue) to take a directive.

Here's my response:

"Yes, do all of them (mother tongue.) Do 20
all these political parties, all of
them."

And then I even assist in sending them
information where it is happening and at what
time. Even the media release of the DA is 25

here. This is where MUSI's going, this is what MUSI is doing, so go there. This is where THOKO is, this is where you must go. They may not be very clear if you don't know what the conversation was all about, but the reality is when you check from this day when this started, and I take a screen grab of this and send it to ensure that we cover the story, and then continue to ensure whoever was going to TSHWANE and what was happening on the ground is covered, the whole notion that I, SOPHIE MOKOENA, censored the protest in TSHWANE, is not true. Because I have evidence. I'm not thumb-sucking. Whoever says that cannot bring you a shred of evidence to say: SOPHIE censored TSHWANE coverage because she didn't do this and she didn't do that. I have evidence as an editor. Because I've dealt with politicians, I know them. I know them. So I keep records. This is the TSHWANE story, the whole issue of us being called and enforcers, because we didn't cover TSHWANE. When the team protested about the circular, not to cover TSHWANE, at the line talk, I was not there. I was out on a story.

COMMISSIONER: When the team did what?

MS MOKOENA: After the circular was issued at the line talk in the morning, where you have all the editors, apparently the concern was raised about a circular that said we shouldn't cover the protests. 5

COMMISSIONER: Now where did that circular come from?

MS MOKOENA: It's the one that I spoke about, the one that was issued and a statement that was issued by SABC. The one I personally challenged, when I saw the media release that night, I called my boss, NOTHANDO. You can call her and ask her. It was nearly midnight. I said: I'm not going to agree with this. Let's go and see the CEO. We went there. Of course, the CEO said: No, it doesn't mean we shouldn't. I was saying you must just be careful. But I said the content of the circular is too harsh. It's a censor. So retract or withdraw the circular. They didn't. So when my colleagues were raising that thing at the line talk I had already personally dealt with it, as a person who was going to be affected in terms of political coverage. And, Ntata Thloloe, you can call NOTHANDO. I called her and know it 10 15 20 25

was around 11/midnight. That's how serious I was. I didn't even wait for sunrise. I called her at night. And then she said: Okay, let's go and speak to Hlaudi, you are not scared, you always take him head-on. I 5
said: Let's go. And the next day we went there. But unfortunately they didn't retract or withdraw the circular as I had raised my concerns. Maybe he was just dismissing me because he knew I was going to persist. But 10
then I was happy because I had told him that, with me it was not going to happen. I'm going to continue the way I want to continue. And we covered the protest.

And then the Local Government Elections. The 15
2014 SABC election coverage was horrible, it was bad. I was not there, I had been removed from that team. When I came I said: I don't want to do what you did during the 2014 elections. Because even during SNUKI's 20
madness, at no point as a junior journalist did I get instructions not to cover so-and-so or not to do what-what-what. What we knew then was that even under the leadership of people like yourself, was that we must always 25

be balanced. Yes, it's not equal, it will always be equitable, because in terms of performance of these parties in the National Assembly, they don't have the same number of following and support and performance. So the bigger parties will always get more coverage because they are busy. There are also issues around them all the time. Those who are in Government always have stories around them because they are in Government. You cannot ignore the DA in the WESTERN CAPE, it's in Government. You can't ignore ANC, it is in Government. When people are not happy, it's about the ANC Government.

COMMISSIONER: Can we just take a five minute break? 15

MS MOKOENA: Okay.

THE ENQUIRY ADJOURNS BRIEFLY

THE ENQUIRY RESUMES

COMMISSIONER: You can continue, thank you.

MS MOKOENA: The elections. To ensure that there are no issues, I advised the SABC top management that we must have a meeting with all political parties. Take them through how the SABC covers elections, and they should raise their concerns, we should be able to answer, before

we start. We did arrange meetings with political parties. We met most of them and I was in the meetings as an acting political editor, except for two big parties. I don't know what the reason was. I was not invited during the ANC meeting. I can't remember the DA meeting happening, or being invited, but the rest of the other parties that came to the SABC, I was part of, because that was my initiative. So that they know SABC's mandate in terms of coverage of elections. So that we clear the air. They shouldn't have their own expectations and perceptions, not knowing how we do this. And in terms of resources as well, what is possible and what is not possible. We had meetings with political parties, they raised concerns about 2014 elections, and then I said as an acting political editor right now, I'm going to try my level best to ensure that I cover the elections in a fair, impartial and objective manner. And this is how we're going to do it. All the parties that are in Parliament, clearly it's a no-brainer, they are guaranteed coverage. Of course, coverage will vary in

terms of the content. If a small party generates - it's a big story today, it is a big story, but obviously our big parties because they have resources, they are all over, they are in your face, so we will be able to do that. The new parties who have registered with the IEC, but they are not in Parliament, we will cover them because we have many platforms. Some of them won't make it to the debates, they will be on radio, on digital and all that, but we will use all our platforms to ensure that we cover any party that is going to contest the elections. As long as you are registered with the IEC. But it won't be on the same scale, because you had thirty parties then, you can't cover thirty parties in a thirty minute bulletin. But we will try our level best. We kept to that. In terms of the manifesto launch, I took a decision that we would cover all the parties that were represented in Parliament, live, on SABC 2, the National channel for the top four parties, but on 404 our satellite, we would ensure that we accommodate all the others. I did just that. I gave coverage to the

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manifesto launch of all these parties. The last rallies towards elections, they call them Victory Rallies, BUSI, NGOBA, and all of them. I told the political parties we will cover the final rallies of major political parties, live. My request is that we must communicate, let's share the days and the space and the time. I consulted with parties. I just want to make one example. During the manifesto launch of the DA, it was a week after the ANC manifesto launch. Unfortunately, ten people had died while they were going to the ANC manifesto launch, and that same weekend you had this mass funeral in EKURHULENI, where the President of the REPUBLIC was going to speak, as well as the ANC President. You had DA launching its manifesto. I communicated with the two parties and said to the ANC: ANC, we covered your manifesto launch live, nobody disrupted the coverage. This week we are covering the DA manifesto launch, but there's a technicality. We have this mass funeral and it's a big story, and the President of the country is going to be there. I want to take that funeral live, but I want us to cooperate.

From 11h00 until 15h00, I have to take the DA manifesto launch, so from 11h00, I can't. So my appeal is: Can you start the funeral much earlier. In other words, the President must speak before 11h00. I communicated with the current Mayor of EKURHULENI and we agreed. Around 09h30 there was a panic that the President was delayed. I went to them and said to them: If the President doesn't speak before 11h00, I'm going to pull out, because I've made a commitment there. There were many calls and the President finally arrived. You know, PRESIDENT ZUMA was always late. He arrived and immediately he arrived he took to the podium. I was even caught off-guard because then he finished around 10h15, when I was expecting that he would finish at 10h30. Respecting the fact that I engaged them, because I wanted fair coverage for everybody. I wanted the funeral to be live and the President to be live. So could we cooperate. And I also had adhere to the mandate of the SABC to cover the DA manifesto launch. The DA was in constant communication with me. They were panicking, thinking that because

ZUMA is still there we are not going to cover their manifesto. I told them there was no way, at 11h00, if he was not speaking I was going to cut off. And fortunately at 10h15 he was done. I handed over to our colleagues at the DA manifesto launch. Because all the time, whatever I did was to ensure that I acted ethically and fairly. There's no way you can ignore a mass funeral of ten people. Forget politics. But on the other hand we had the mandate to cover the launch of the manifesto of the DA, as per the ICASA regulations and the SABC Broadcasting Act. So as a leader you then communicate and engage these two parties.

The final rallies - it has never happened in the history of the SABC that during elections when the ANC has its final rally, SIYANQOBA, any party will have an event, because all the time they know that is the ANC day. It was the first time in 2016 where ANC was going to have a SIYANQUOBA rally, and then you have another party saying: We also have our right. It was a very delicate situation. I have to cover the ANC's SIYANQOBA rally. I've covered

others. I have to cover the EFF on the same day, and typical EFF, trying to take this monster, ANC, head-on. Because these are the children, who know, who can strategise around the ANC. I had to engage the two parties and I said: Guys, you chose the same day. Now we have to agree, who is going to take 09h00 to 14h00 and 14h00 to whatever time? One party must take the morning and the other party must take the afternoon. But I'm going to start with the ANC because it's the governing party, it's bigger than EFF. ANC choose. Are you taking pm or am? Fortunately the ANC said: We want am, and MALEMA's party said: No, no, no, we are fine with the afternoon. And I said: If you choose the afternoon, if your people have left the stadium, don't blame me. But I will make sure at 14h00 I take your SIYANQOBA rally. If the ANC is not done I'm going to pull out. I spoke to the ANC and discussed with them that they were taking from 09h00 to 14h00, maximum. If the President of the ANC is late, he's not done with his speech, I am pulling out. I have to cover the EFF. There was an operation with KUSELA(?).

I remember it was 13h15 and PRESIDENT ZUMA was still speaking, and then I called KUSELA and said: Kusela, don't forget, at 14h00 I'm crossing to LIMPOPO. KUSELA was in constant communication: Oh, Sis Sophie, yes, yes, I'm 5
telling them, that he must go. At 13h45, fortunately, PRESIDENT ZUMA was done. We were even able to take some colour while he was singing. At exactly 14h00 I crossed to POLOKWANE and MALEMA was entering the stadium. 10
People were amazed how we were able to do it. Because I was communicating with these parties behind the scenes. Because I told them that for me it was about the Public Broadcaster doing what it is supposed to do. Let the 15
viewers decide on ANC or EFF, we had the DA on Saturday. There was no competition. So please help me to do my work. I didn't grandstand or anything, I just communicated with these parties and SABC was saved from a 20
very challenging situation, because if we had taken ANC only and we didn't take EFF, EFF was going to accuse us of staying with the ANC. And if we had taken the EFF only, ANC would have accused us. But we were able to navigate 25

that challenging situation because of the communication with the political parties and just doing your work. I didn't even engage my bosses, I just did it, I was there, I was in the studio. I sent MAHLATSE, I said: 5
Mahlatse, you go to LIMPOPO and ALDRIN. Please, Mahlatse, make sure we deliver proper coverage in LIMPOPO. I will be here, you are in charge in LIMPOPO, let us be in constant communication. And we did just that. 10
Election day we covered so many leaders, current and former, because we were all over. After the elections we saw the outcome. Not a single party complained. You know parties, they will issue a statement, they will say 15
whatever they want to say in rallies, but no formal ICASA or BCCSA complained or brought a Court case to say the coverage was biased. But you know parties will say whatever they want. Not a single one did. Instead, after 20
the elections, in Parliament the Communication Portfolio Committee gave SABC credit in terms of how we covered the local Government elections. It was under my watch, with a lot of thinking and planning and being focussed in 25

terms of what I was supposed to do. There were pressures from political parties, and all of them - all of them - all these political parties put pressure on SABC. All of them. Even small ones who don't even exist, sometimes they also want a lion's share, knowing that they don't even exist. There's always pressure against SABC. As a leader you just do your work, focus and do what you can do. You don't have to go to the media. Even if you have fought with political parties, you just deal with them there. You don't go to the media, because you discredit what you are doing. You're inviting unnecessary attention. Just deal with the problem and deliver. So the whole notion that in the Local Government Elections the SABC was biased is not true. You can check the roadshow, VUYO MVOKO was with us. VUYO MVOKO was given sole responsibility, without my interference, of just doing the Town Hall meetings and the debate. I never even attended those. If he had some pressure it was really not from me, it was maybe from other sources. That is why, when they wanted to suspend him, after they

canned his programme, I fought, I stood up, I called the CEO, I said: VUYO is not going to be suspended for just posting on Facebook that his programme is no more, because many people in this Corporation have posted issues around the SABC. Why single him out? I took HLAUDI head-on it was myself and NOTHANDO. 5

COMMISSIONER: Who?

MS MOKOENA: NOTHANDO MASEKO. Because remember, I have to take my immediate senior all the time when I have to raise issues with a more senior person. I remember it was April, it was Easter, it was underground parking, we met there myself, HLAUDI and NOTHANDO and I said: Hlaudi, you are not going to suspend VUYO. You can give him a warning because in terms of the SABC policy this is not supposed to happen. But there's a reason sometimes these things happen. The least you can do is to give him a warning, but you are not going to expel VUYO, because he is on contract. But I didn't go to the media and tell people that this is what I did. Neither did I go to the media to tell them that at 11 I woke up and I saw that thing and I called my boss 10 15 20 25

immediately and I said: This is not going to happen. I didn't. I haven't given media these things because I don't know - it's also very difficult to interact with the media. You can't correct the all the stories that are written about you, unless SABC does it in terms of its policy. That's where the issue of the enforcers came in. So it's not true, I have never, never, ever done anything that can substantiate or produce evidence that I'm an enforcer. VUYO went to the Commission. He spoke about me calling him at the DA manifesto launch. It's true. When I was driving from the mass funeral, going to the DA manifesto launch, I got a call from HLAUDI, saying: What's happening? I'm getting calls, people complaining that VUYO is talking about - he's linking ANC and DA, almost like doing comparisons. I said to HLAUDI: No, I don't know. I'm on my way. I don't know, I'm not listening. I will check. Then I called VUYO, as a brother. You know, we used to work very closely, and when there were challenging times he was there for me and I was always there for him, and I laughed and said: Hey, Vuyo,

Hlaudi has just called me and said he got calls and people are saying that you are comparing ANC to the DA. Then VUYO said: He's mad. And then I laughed, and I stopped there. I didn't say: VUYO, don't continue, or do what. It's true, the call came and this is how HLAUDI phrased it. He said: I am getting calls, people complaining that Vuyo's comparing DA to - what's going on? And I said: I'm not listening, I'm not watching, I'll call VUYO. I called VUYO, VUYO clarified, and I was content and I left him there and he continued, they covered the manifesto, and they were there. Then the issue of the petition, that was signed by the SABC staff. Many people are disgruntled at the SABC because of the policy of freelancing. Secondly, because we haven't had a credible management, many things have been done in the wrong way. All these people who are unhappy will sometimes come together and, because I need help I will agree, I will sign any memorandum, because I have my own issues. When the petition was compiled the first line of that petition...

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COMMISSIONER: That's which petition?

MS MOKOENA: The new petition. There was a petition. I'm sure they are still coming to present that petition concerning SABC management, how they're behaving. SABC staff members, on 14 February 2018 presented an SABC news staff petition. It reads thus:

"This petition serves to register our deep concern, frustration and infuriation with current developments in the news division. This is despite the achievement of the ad hoc committee's enquiry into SABC in 2016. This petition appeals to the Board to urgently meet staff and address the following concerns."

It is February 2018. In that petition they have listed the concerns. The second concern says:

"The newsroom is still being led by enforcers, some of whom continue to disregard the changes in editorial environment that calls for conscientiousness and professionalism, such as Sophie Mokoena's unethical instruction to staff not to ask any

questions on President Jacob Zuma's recall at the recent ANC Press Conference."

It's not true. This is what happened. Just before the former President was recalled, 5 there were stories every day: He's been recalled, he's not, he's been recalled, he's not. And the last MEC, just before the recall, all journalists, because we don't have access to the MEC meetings unless people tell 10 you, and sometimes they give you misinformation because they want to influence the outcome of the MEC. We were misled that the MEC of the ANC had recalled ZUMA, only to find that the MEC didn't recall him but had 15 requested the Top Six to go and engage him, I think in terms of voluntarily resigning. So in the morning SABC was reporting that ZUMA had been recalled. Then I got a call from someone who was in the MEC. That person said 20 to me: No, Sophie, he's not recalled yet. We have just mandated the Top Six to go and engage him. We are trying to persuade him to resign, not to be recalled, because this thing of recall, we don't want to go there. We saw 25

what happened with MBEKI, the break-away, and we are in a very fragile situation. We don't want a break-up happening. On that very same day, the ANC was going to have a press conference to give us an outcome of that MEC. 5
We are preparing for a live crossing, a preview of the press conference. And then a junior anchor, who is not familiar with political jargon and politics said: Okay, help us with the intro and the questions. We 10
were discussing the questions and I said to her: Please, when you do the crossing, be careful, don't ask about recall, ZUMA was not recalled. It's not censoring, I'm saying that because now I have this insight that he is not 15
recalled, so it's not about recall, but they have taken a decision to ask the Top Six to engage him to voluntarily resign. So they are trying to persuade him to voluntarily resign. Someone then goes and says that I have said 20
they must not ask a question about ZUMA's recall. That's not true. When you are assisting a person who is going to conduct the interview about facts, to say: No, here are the facts, this one is not true. We would 25

look stupid. Because in the afternoon at the press conference they are going to announce that he's not recalled, he is going to be persuaded by the Top Six to resign. So I wanted the SABC to be a credible source, 5 because I had this credible information, and it was based on that. But because people continue to fight, or give misinformation, they are saying it was based on me protecting ZUMA. How can I protect ZUMA when I have 10 suffered so much? People saying I'm against ZUMA. I'm just doing my work and trying to be factual in our reporting, as a credible institution. The other accusation was that during the January 8 event I took a large 15 team to cover the ANC January 8 statement. I couldn't even deploy all of the team. In other words, it was wasteful expenditure. It's not true. In fact, if I didn't take that team we would have had problems. Much as 20 EASTERN CAPE was up to the task, but they are a region. They are not used to these big National events. If I didn't have that team for the January 8 we could have failed in delivering our mandate. And we all know that 25

the ANC January 8 is very important, because it gives an indication of what the governing party is likely to do in terms of policy and programmes coming. It gives you almost like a State of the Nation address. If you miss it, you miss the entire Government programme. How they're going to go about it. For people who were there at the SABC, in fact when we cover January 8, we go big with trucks. For the first time we had scaled down the coverage because we had financial constraints. That nearly affected the live broadcast because on the pitch we only had two cameras instead of the five or six cameras we normally have. And when one camera couldn't function it was a big challenge. So it's not true that we went to EAST LONDON and it was wasteful expenditure. Because, in terms of content, on a day we were able to do more than five stories, with the assistance of EASTERN CAPE as well. And I was able to intervene where there were crises. For example, technical challenges. If I was not there and I didn't have that kind of capacity, I wouldn't have delivered that big story. The second allegation is the CUBA

trip, the famous CUBA trip. After the death of CASTRO, SABC as a Public Broadcaster and with the mandate to tell international stories from an AFRICAN perspective, and knowing the relations between SOUTH AFRICA and CUBA that dates back to the struggle, and not only SOUTH AFRICA, but also our neighbouring countries. And SABC, being the biggest broadcaster on the Continent with capacity, this was the only broadcaster on the Continent that could have done justice to FIDEL CASTRO's funeral. We were the only broadcaster on the Continent with the capacity to cover the CASTRO funeral in a better way in terms of resource and also understanding of the content and using the cordial relations the two countries have. Because to take equipment to CUBA, because of all the embargos, is very, very difficult to get visas, and there are no direct flights. So when senior management of SABC said we must go to CUBA and cover CASTRO's funeral as a foreign editor, now wearing my cap as foreign editor, I planned immediately. We had short notice. I advised management that I was going to use the UN team, SHERWIN BRYCE-PEASE, at

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the UNITED NATIONS, because that's the same region, he understood the territory. But if we wanted to send stuff back to SOUTH AFRICA, because they have Internet problems, we must have a satellite, and they don't have 5 satellite capacity. So we must take our own, almost mini-OB or fly-away kit with a satellite here, so that we would be able to connect. We did planning. I put together a proposal and a business plan in terms of 10 finances, how much it was going to cost us and the team, etc. We were ready. We went to CUBA. Unfortunately you can't fly direct to CUBA. You either fly via US or EUROPE. I chose EUROPE because my fear was that with the 15 satellite dish and all the technology to cross the border - to use the US was going to be a problem because of their embargo. So I decided we should rather go via EUROPE and from there fly direct to CUBA. We used AIR 20 FRANCE. We checked in all our luggage, the OB guys, the technology guys with the satellite, checked in the equipment. Unfortunately this equipment was supposed to go direct to CUBA. In other words, from FRANCE we can't check our 25

luggage to see if everything is there. So we were hoping that when we arrived in CUBA everything would be there. It was checked in direct to CUBA. On landing in CUBA, when we were checking in, one suitcase was missing. 5 That was the most important piece of luggage in the sense that it contained a satellite decoder. Without that decoder you can't broadcast. We don't know why the French decided perhaps to hold this important 10 suitcase, because that meant we could not broadcast. And we only discovered that when we arrived in CUBA. You can't buy that equipment there. You can't. That's the equipment that makes your satellite work. It 15 connects you with CUBA and SOUTH AFRICA. We were told the suitcase would arrive the next day. It didn't arrive. On the third day it didn't arrive. Every morning the technical guys were at the airport in HAVANA to wait for 20 that luggage. It didn't come. This meant we could not broadcast. So what we did, because we didn't want any wasteful expenditure, we recorded a lot of stories at night when you have access to Internet. SHERWIN and I would 25

go on the streets where they have the optic fibre Internet, sit there and send stories from our computers. That's why we were able to continue to send stories, but there was no way that we could broadcast because the decoder was not there. And it was beyond our control. We had been failed by an ally. Now my colleagues are saying I took a large team to CUBA. It was wasteful expenditure. I was on holiday. In fact it was so tough, even accommodation was shabby, there was no food, we worked under very difficult conditions, and still I made a point that we delivered and sent stories. But we couldn't cross live. On the last day of the funeral everything was shut down, typical of CUBA. Only in the afternoon did we have Internet access. And the afternoon in CUBA is like midnight in SOUTH AFRICA. That was the only time I could speak to REUTERS to be able to cross live to talk about what happened during the day, during the funeral. And they also gave us the tape of the burial. The afternoon there is like midnight in SOUTH AFRICA. We tried our level best. I would have loved a situation

where we could have taken the FIDEL CASTRO funeral live, but with not having this decoder and the Internet shut-down, there is nothing you can do. That's CUBA. Because of the embargo. It's not your normal environment. 5
But as a journalist you can't say I'm not going to go there because there are these challenges. You go there, you try your level best and you find alternatives to tell the story. And when you look at the SABC 10
archives, you can see there were lots of stories that we were able to send to SOUTH AFRICA, that ran on different bulletins. But we couldn't cover the funeral live because we didn't have that decoder. So this accusation 15
makes it look as if it was almost deliberate to go to CUBA and fail to broadcast. Any normal editor, would you really sabotage yourself? Because you have competitors. You want to beat eTV, you want to show them you 20
are all over the world. And then you have these technical problems. It's not true that the CUBA trip was wasteful expenditure and it was deliberate. If the airline couldn't send our equipment there was nothing we could do. 25

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It is beyond my control. But I did my level best. The other accusation was the ANC Conference, accusations that we didn't take CYRIL RAMAPHOSA's speech, in other words almost as if I was biased towards ZUMA. There are allegations that I didn't take CYRIL RAMAPHOSA's victory speech or closing speech, live. It's not true. We took ZUMA's opening speech live. We took RAMAPHOSA's victory speech live. It was not even a full speech, it was almost like commenting without speech. The closing, why they are saying this is because the conference ended very late. Everybody was asleep. We were hoping that the conference would end around 16h00 or 17h00, and then we could take the speech of the incoming President, RAMAPHOSA, live. The ANC was still busy with its challenges. Only at 22h00 or 23h00 did RAMAPHOSA close that conference. People were sleeping. The team was so, so tired, many had gone home, but I requested OB technical guys not to go and leave a skeleton team, so that as soon as RAMAPHOSA speaks I can call JOHANNESBURG to say: Just take RAMAPHOSA. We won't even have

a presenter or an anchor, just take the feed live. It was myself and NYANA MOLETE, the only people left there in terms of editorial. I remember when NYANA wanted to leave, I said: Nyana, let us not go, we are the most senior people here right now, everybody can go home. Let's remain here to ensure that as soon as RAMAPHOSA speaks we call FCC to just take this thing live, even though we don't have anchors or presenters now to link and to rap. At least let's have it live. When he took to the podium it was around 23h00 or 24h00, I can't remember. We called FCC to say, take RAMAPHOSA live. So it's not true that we didn't take RAMAPHOSA's speech live. It's just that people were sleeping. I remember we left NASREC at 03h00 in the morning and I came straight to the office to ensure that MORNING LIVE had packages. And I can produce the packages that we did for MORNING LIVE. We can go to archives, we can get a clean feed and the feed that shows that we did take RAMAPHOSA live, but it was around 01h00 or 02h00, or something like that, when people were sleeping. So it's not true. I am saying if

I didn't say to NYALA: Let us not go - we could have gone because it's 24h00. ANC was running late, ten hours - that argument would be justifiable today, but as a responsible editor I knew that if we don't do it, we've taken every ANC conference where you take the speech of the new President live. If you don't do it, why are you not doing it this time around? It would have been construed as being biased. We were the only media house that got credit from the South African public, when you look at the social media, in terms of how we covered the build-up to the ANC Conference, because we were not biased. We were covering all the candidates. All of them. Even those who didn't matter. People would even say: This one is (African language). They are wasting air time. But I said: Guys, let's do it. We don't lose anything to ensure credibility. Until the last. The last week of the conference we spoke to all the candidates live. All. And we are the only media house that spoke to all the candidates live, inviting them from different platforms, to ensure that nobody is saying

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SOPHIE MOKOENA

that we were just covering ZUMA and RAMAPHOSA because they were front runners. We even covered those who didn't matter, who you could see that it was a waste of time. But in the name of fair coverage and credibility we did that. Our current boss, PHATISWA, when she joined SABC, she told me: You know, Sophie, the way you gave eTV a run for their money, with the ANC Conference build-up. eTV were having so many challenges of credibility. We would sit in the newsroom and say: Ay, for substance we are now going to watch SABC. For entertainment we're going to watch eTV. All eTV, I'm being told by PHATISWA, my boss now, and I said: Phatiswa, you don't know how difficult it was, because I was requested to be an acting political editor in November, a few weeks before the conference, when there was a crisis in the institution. They had the same crisis. They didn't know what to do with the ANC Conference. Then I had a request from KENNETH MAKATEES to say: Hey, Sophie, we've tried everybody in the position of acting political editor, these people are battling and we have a crisis. This ANC Conference is

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going to make or break SABC. You have better experience, can't you step in and be an acting political editor? I said: Kenneth, I've suffered so much, I don't want myself near politics anymore, but in the name of this institution, I'm prepared to help. But please, I will help you just in December, I'll do the ANC Conference. I will do the January 8 and the Opening of Parliament. But, please, after the Opening of Parliament you must have sorted out the permanent political editor. Please. Please. And I was going to KENYA to cover the Kenyan elections as a foreign editor. He said: No, don't even go to KENYA. I said I'm going to KENYA to cover the elections in KENYA because we also have a responsibility on the Continent - we are the largest broadcaster - to ensure that the African Continent is informed in terms of the elections in KENYA. I was driving that election team. I would come and I would find a way to pull the team and to pull the institution up in terms of coverage. And I did just that. While I was busy planning for the ANC Conference, there was the ZIM mess. I had to go to ZIM. In

between all those sacrifices. But at the end of the day, after that conference, everybody is still saying the SABC was the best coverage. And a week before that conference we had a strike. You would recall the salary strike. I didn't have capacity and manpower. I literally had to go out and do certain stories. I had to re-juggle the coverage. I had to bring in reporters from provinces to come and help, who were willing to work. And today everybody is basking in the glory of how SABC covered that conference. Because it's all about the country.

So I am here to say it's sad that whatever is said in the public domain becomes a reality and people don't take time to ask questions from people who are implicated. Allegations were made in Parliament. I was not there. At the end of the day that process - people were not given the right to reply, in the sense that we were asked to make presentations to counter. Our bosses - I'm not so sure whether the SABC presentation, responding to what transpired in Parliament, covered everybody. Because there's a tendency of management just

to defend themselves or to respond to what affects them, but not to what affects other people. I just want to make an example of this Sunday. There's a story in the SUNDAY TIMES, this Sunday that says I have grounded the so-called Press Corp of the SABC. It has nothing to do with me. When a decision was taken to ask all the political team members to do the President, rather than one team, I tried to say, no, let us continue with this thing until after elections, when you have a new President, then you can think of whether you want to continue with this thing, or whether it works, or it's giving SABC nightmares in terms of credibility. But if you end it now it's going to affect the lives of these people because they didn't plan. We are going to have a similar situation to the one where MIRANDA STRYDOM, DUMISANI and THABO's contract was ended acrimoniously. To date when don't know where MIRANDA STRYDOM is in terms of media. We lost one of the most talented journalists in this country - MIRANDA STRYDOM - an excellent broadcaster, because she was bruised. She was bruised. People are

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not the same. You can fight and fight and fight and make a comeback, others can't. And at that time she had family problems, she lost her entire family - her sisters. And then she had those problems, and then the politicians pushed her out. I said to them: I don't want this Press Corp to go through the same situation. Let's rather ensure that there is a smooth transition for them. But I was told: No, no, no, from now onwards all the reporters must rotate. So I'm doing just that. All the political reporters are now travelling. All of them. Including the very same Press Corp. But in THE SUNDAY TIMES they are saying I have grounded them. When they were in the meeting, I sat there, I fought for them, I even made an example of MIRANDA. Because I was there. And the sad thing with MIRANDA, DUMI and THABO, it's because they went through an interview. They were not hand-picked, compared to this current Press Corp that was hand-picked, they didn't go through any interviews. That's why I was defeated by management, because management was saying: Produce the contract. They don't have contracts. And I said: Much

as they came in a dubious way, let us not continue doing the wrong things. But because they are bitter, they don't travel anymore, it has nothing to do with me, now I've grounded them. Because I had to take a decision to cancel a particular trip where there were technicalities and problems, but I later sent them to NIGERIA, to show that I'm not harbouring any issues. It was the fact that we were given a sponsored trip, Defence had complaints about the team, and it was a question of whether we cover the AU in terms of SABC spending R350 000, or we continue to use what Defence was offering us, which was going to result in a situation where we pay only R80 000, just for food and the satellite to send stuff, but we have free accomodation and we also get free air travel. As a responsible leader I said, I want to save the institution money, that's why I had initially taken this offer from Defence. It's not about me, it's not about this group. But an opportunity will still come. They will go after we've resolved this matter. But for now I have to save the SABC money and the story

must be done. Therefore I will have to step in. And nobody has corrected that story. It is now in the public domain. A perception was created that I grounded the Press Corp. I didn't. I didn't. I have no reason to do so. 5
In fact I fought for them when this decision was taken, and I agreed with management. They convinced me that this was the right way. And I cannot say they were wrong. I'm not saying it, because you convince people to make your 10
issues stand. And management had reasons. Management had reasons. Because it's not about us, it's about the institution at the end of the day. But it's because these things are not corrected. Again when I was preparing 15
to come here, I had to deal with this story. That's why I'm all over, I didn't sleep on Thursday, I didn't sleep on Friday, I didn't sleep last night. On the other hand there are big stories. OBAMA is coming. I'm responsible 20
for that coverage. I'm at the SABC from 08h00 to 20h00 at night to ensure that SABC covers the story in a competitive way. You have RAMAPHOSA who was in SAUDI. I had to ensure that everything goes well. I had to go to 25

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ZIMBABWE, I'm preparing for elections. You know how difficult it is. And then this story. Lies and lies and more lies. So I come here as a battered and bruised person. Perceptions and misinformation sometimes 5 targets individuals at the SABC. It's very, very sad.

And this environment is created by one - that's my closure in terms of the way forward. This institution will continue to have these 10 problems if the process of appointments to the Board at the SABC doesn't change. If this process doesn't change, every ten years when a governing party or a ruling party is going to it's conference where there's a transition 15 of power, this institution will continuously be caught in cross-fire. Secondly, every time when we go to elections this institution will continuously be caught in cross-fire. Why am I saying that? The Board members, the people 20 who are supposed to defend this institution, the way they are appointed is, they are appointed by politicians. You can't be appointed by politicians, and politicians can't expect something in return. 25

SOPHIE MOKOENA

Particularly during election time. None of the Board members there were not appointed by politicians. Because it's Parliamentarians and all those Parliamentarians in that portfolio committee are politicians. They are 5 members of a political party. I will support SOPHIE MOKOENA's name because maybe she is someone I can deal with or I can convince or put pressure on her. We must ensure that the appointment of the SABC Board is taken away 10 from politicians. I don't know how we're going to do it. Maybe in the same way Judges are appointed. You can still have representatives of political parties because politics interest, but you must have civil 15 society, if needs be, the church, if needs be, the person who must chair the interviews must be an independent person. Not a chairperson of the portfolio committee, a person who belongs to a political party, a Judge or a 20 veteran journalist. Like now, NTATA THLOLOE is chairing this meeting. He knows the media, he knows the pressure of politics, he has no vested interest. He has retired. We need a similar process where the panel that decides 25

on who becomes SABC Board members is apolitical, because when they are appointed by politicians appoint them that puts pressure on the executives, and because these executives have been appointed by this Board that was appointed by politicians, the semi-political allegiance and influence in the executives goes down, even to senior management. These executives will go for people they are comfortable with, and senior management, when they go down to middle management, the political influence trickles down and down. The other issue is that we have to strengthen of the policy. Particularly in the news division. We must have an SABC news ombudsman. If we don't agree as editorial - maybe because I'm sympathetic to RAMAPHOSA, or maybe I'm sympathetic of HELEN ZILLE. Maybe we can't see that, but deep down it's based on a particular decision. But if there is someone who is independent who can say: No, SOPHIE is right, we will finally go this way because this is an independent structure. That's an ombudsman. Or, for example, the issue of the burning visuals. I could simply have taken

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that memo to the ombudsman to say: Please
make a ruling on this. I don't agree with
SABC management on this issue. The ombudsman
could have weighed up all the facts and made
a ruling, and that ruling would perhaps have 5
been compulsory, whether the CEO liked it, or
the Board liked it, or I liked it, to say:
No, this memo is nonsense, it's not in line
with the South African Constitution, it's not
in line with SABC policy or the Broadcasting 10
Act. You retract it. But I can't pressurise
bosses to retract a decision that they have
taken and it's on paper. They can do it
verbally, but I can't push them to do it on
paper because I am a junior staff member. I'm 15
a middle manager, I'm not even a senior
manager. So if we had that ombudsman who can
adjudicate when we don't agree with editorial
in the newsroom, and that person can make the
final decision in terms of how we should 20
handle a particular issue, it would be better.
Even us journalists, we can go to that person
to say: I don't agree with my editor on this
point. What do you think? Am I right or is
the editor right? We can both present our 25

case and that ombudsman can give us his advice based on A, B and C. No, no, no, editor, you are wrong, the journalist is correct, based on A, B, C and D. The third issue is, there must be clearly defined roles in terms of the SABC structure. It must be clear what the responsibilities of the Board and the executive are, as well as the responsibility and the powers of the news senior management, middle management and the general staff. Because from where I'm sitting, I'm sitting at a junior management level. I have senior management in front of me, I have the executive, I have the Board. If the Board is very political and they give directions to the executive, and then the executive gives directions to the senior news management, who am I, sitting here, to stop what has cascaded to this level? If the executive couldn't say to the then Board that was disbanded for doing wrong things - namely the executive, HLAUDI - couldn't stop the Board in this madness, and the senior management of news, JIMI, couldn't stop the executive, HLAUDI, from this madness, and then the management of news, the third

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layer, couldn't stop the executive, who am I, as junior manager, able to stop a big instruction this. Which I did, but it couldn't go as far as the retraction and the correction and withdrawal of that memo. And 5
the memo was there for a long time after I had raised my concerns, and continued to raise them. That memo didn't stand in my way. Because he knew he was not going be able to use that memo to stop me, or whoever, because 10
I told them I don't recognise that thing; it's not legal, and it's not the right thing to do. So people must do their work and I must be able to defend the journalists, when senior management of news interferes with what 15
they are doing. Senior management must be able to defend me as a junior manager when the executive wants to interfere. The executive must be able to defend the senior news management when the Board wants to interfere. 20
The Board must be able to defend the executive when the Ministry, which is the politicians or the political parties want to interfere. That must be clear.
And then the last thing: We must have 25

suitable appointments. We must appoint people according to their expertise. You can bring the best men or women with PHD's or BA's in business. If that person does not understand how to run a public broadcaster or a media house, it is going to be a problem because the culture of private sector is completely different to an almost semi-public sector like an institution that has responsibility to serve the people - poor or rich, non-existent, colour or creed, interest, culture. You have to please everybody. So someone can come from the private sector and think that you can do what you're doing in the private sector, but in the SABC it is different. You have certain responsibilities that are not generating revenue or that are not popular, or that are challenging. It's not as easy. And you can't cut corners. You have to do your work. That is why suitable appointments are very, very important. I'm not talking in terms of perhaps lots of degrees, but I'm talking of experience in particular. When you say someone is head of news, please appoint someone who is familiar with news or media.

Particularly a former journalist, someone who has been in the field, who knows it very well. Not someone who was a producer and who was always in the office or in the studio. They don't even know what it takes to be out there and to go and do a story, or something like that. If the person doesn't understand when I say I couldn't do this, or when that person can give you instructions that are not practical. We must ensure that we appoint the right people.

But what is important now is that this enquiry comes up with recommendations to correct this issue of the appointments of people. It may have been okay post-1994, because it was a honeymoon. It was a honeymoon. You had one dominant party and we were undoing the legacy of the past. That party was credible in the eyes of everybody, so its dominance and its influence or decisions on certain institutions was correct. But the country has evolved. It has evolved. We can't do things in the same way. Looking back at the 1999 elections, how many parties did we have? The ANC had a two-thirds majority. Whatever they said was

gospel. But today, is it still the same? In 2004, the DA was a forceful opposition. Is it still the same? It's not. This coming election, is it going to be the same? It's not, when you look at the coalition governments we have in local government. Therefore things have changed. SABC can't be the same SABC it was in 1994. It cannot. So, please apply your mind in terms of what can be done to ensure you have a credible Board that is not open to manipulation or pressure. Please ensure that you come with a recommendation in terms of ensuring that the news department has a structure that mediates when there are different views, before a decision is taken by an individual, an editor or an editor-in-chief, like your CEO. At the end of the day that person is a human being. And please come up with recommendations in terms of how you ensure that the roles will be clearly defined. Please come up with a recommendation in terms of how to ensure that we get suitable people for suitable positions. Sometimes it is all about experience. You have to consider that. Because you can't run

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that without experience. Like now, they are battling to get a political editor at SABC because people don't want to work there because they know, if you become an SABC political editor it's the end of your career. 5
It's the end of your career. It's so bad. Like now, they need to get a political editor. This time, when electioneering has already started informally, a person who doesn't know and who doesn't understand the pressure, how 10
is this person going to handle this? So experience counts. But the reality is, we must be sure that we have suitable people. We wouldn't have been where we are if appointments had been properly done, if the 15
appointment of the Board was different, and if we had an ombudsman and the roles were clearly defined.

COMMISSIONER: Let me start by thanking you before I start questioning you. As I said, it is a well 20
thought out presentation. Can I start right at the end, where you had your recommendations. You are recommending that we have an ombudsman.

MS MOKOENA: Yes. 25

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COMMISSIONER: Now, if you create an ombudsman in the newsroom, are you not creating a parallel editor? Not even parallel, you are creating somebody who will be above the editor, because you are saying that person will have the final say as far as editorial is concerned. Now you have your normal editorial structure and then a parallel structure where the ombudsman will have the final say. Don't we have such a structure already in that if you have an editor-in-chief - I don't mean the COO as editor-in-chief - but if you have an editor-in-chief, that is where the buck should stop, because of the various layers right up to the editor-in-chief. As I say, I'm looking at the danger of...

MS MOKOENA: Parallel structures.

COMMISSIONER: Yes. At the moment your defining policies will depend on the Editorial Policies, the ICASA regulations, and their Code depends on the BCCSA Code, etc. That is a guiding principle. Can I get your thoughts specifically on that?

MS MOKOENA: I agree, we do have the editor-in-chief, that is your CEO.

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COMMISSIONER: As I say, I'm going to talk about the CEO as an editor-in-chief much later.

MS MOKOENA: Oh, okay. The ombudsman cannot be a parallel structure, because that person is not there every day. He's not running the newsroom. 5
It's a structure where we can go to for mediation. Because a newsroom is a dynamic place where people sometimes hold different views and don't always agree. And sometimes these agreements are very complex in nature. 10
I've just made an example, that if that memo came and there was an ombudsman, I would have gone there rather, to say: This is not in line with the mandate of the Corporation, the Constitution of the country. I don't agree 15
with this. And the ombudsman would sit down and apply his or her mind in looking into all those documents that we had cited, the ICASA, the Broadcasting Act, the Policy of the SABC, and also engage top management to say: But 20
here is a contradiction, and come with a recommendation to the editor-in-chief, to say: Based on my investigation, having applied my mind, I think the acting political editor is correct, we have to withdraw this memorandum. 25

It is going to send wrong signals. Or: No, Sophie, you didn't interpret this document properly. After I have consulted with everybody, this is my finding. Then finally the editor-in-chief will say: Sophie, now 5
that the ombudsman has made a recommendation, you understand where this thing is coming from. Because we did have a CEO who was the editor-in-Chief during those trying times, but we still experienced those trying times, 10
because you had an editor-in-chief who was part of us, even though he was senior, who experienced the same pressures. But the ombudsman can't be pressurised. He's not appointed, he's not an SABC employee or a 15
Board member. That is why I believe taking leave from what is happening in the print media where you have ombudsman, it does assist. That is why today media houses, print in particular, whether they are lying or 20
telling the truth, it becomes gospel, because there are checks and balances. And there has been an attempt by a particular breed of editors and journalists, perhaps they are now retired, who ensured that there is a way to 25

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have those checks and balances. I think as
broadcasters we need that. We do have a
BCCSA, but the BCCSA is a complaints platform
where you go and complain in the aftermath.
But here it's SABC remedying the situation 5
before it even gets to the BCCSA. If you had
this ombudsman, it wouldn't have been in front
of ICASA, based on that memo, it wouldn't have
been taken to BCCSA or even taken to Court.
Because this matter could have been resolved 10
properly internally by an independent person
who would first take up the Corporation's
interests first, rather than thinking: (mother
tongue) supported my nomination (mother
tongue) and those who raised their hands when 15
I was nominated - I had the EFF and INKATHA
FREEDOM PARTY and HOLOMISA. (Mother tongue.)
I'm just saying that's my view.

COMMISSIONER: You said you are middle management?

MS MOKOENA: Yes. 20

COMMISSIONER: Are you still 125?

MS MOKOENA: Yes, I am 125.

COMMISSIONER: What is the level above 125?

MS MOKOENA: It's senior management, and then from senior
management you have your executive. 25

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COMMISSIONER: That's where your group news executive sits?

MS MOKOENA: Yes. Then it's your Board. Behind me are journalists. I'm almost a journalist if the truth be told. Remember, it's just this unit that deals with politics. I'm not even a national editor, I'm just the editor for international news, but currently I'm acting political editor. 5

COMMISSIONER: Now let's get to the earlier parts of your submission. You mentioned something that seems to be worrying most people. The question of equitable coverage. We had input from the EFF, saying your equitable coverage is based on the outcomes of the last elections, and yet when you go to an election, what happened in the elections before it is cancelled out, so you can't see that the ANC had 60% and the EFF had 6%, because it all starts afresh. So how else would you describe equitable coverage if it's not based on the figures from the last elections? 10 15 20

MS MOKOENA: There's no way you can have equitable coverage if you don't have a formula. Maybe that formula is not correct, but for now it has worked and it's the best formula. Because 25

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here are the issues. Whoever wins the elections has been given the nod by the majority. It depends on the percentage. In other words that's what South Africans want.

COMMISSIONER: At the last elections? 5

MS MOKOENA: Yes. Those people have been given the responsibility to do certain things. During elections we have to hold them accountable, and clearly you will cover all the responsibilities that they were given. 10
Therefore they will make news, because you will want to take whoever has won the elections head-on in terms of education matters. They will always feature in the debate around education, because they have 15
been given responsibility to give us a better education. You will always have them when you discuss economics, because they've been given responsibility...

COMMISSIONER: Just hold on a second. Alright, we were still 20
talking about holding them accountable.

MS MOKOENA: Yes. Secondly, in most cases the governing party, the party that has won the elections have resources, so they are able to stretch themselves. For example, during a campaign 25

you will have the party that has won the elections all over with its leaders, and in different areas and parts of the country where we have resources. You have other parties which can't stretch themselves all over. 5
Therefore you can't say because I was covering the president of the governing party, I can't do the secretary general of that party, because the secretary general of that party must speak to what's happening in the party. 10
It is also influenced by resources. These other parties in most cases rely on one person for campaigning. They will rely on their leader because he's the only recognisable person, therefore when they invite you they 15
invite you for this leader, not for other leaders. Some are also trying, because people have realised that you cannot be a one-man's party and think you can get support from voters, because you are not really visible. 20
Because if you are not there, there's nothing. But others are able to stretch themselves. Then there are others who are very effective in communicating, so you know exactly what is happening where and when and at what time. So 25

you are therefore able to follow the story. The last thing is that some create news, not intentionally, it's not us. If a leader decides to marry seven wives, and the other party leader doesn't, that guy who has generated news will be in the news. At the end of the day you will have the story of that person. And when people see the logo and the colour of that party, it becomes a problem. They don't even look at whether it was a positive story, or a story that is questioning something, or exposing, as long as it's the story about this party, people think you're giving more coverage to that party. If a you have a small party that is always in the news, what do you do? Do you ignore it? Do you say: Yesterday I covered this party, tomorrow I'm not going to cover it, even though the content is different and it's appealing and it's a big story. So parties must do their work, they must know how to sell themselves and know what to do during elections. They can learn by looking at other international trends, how to ensure that you make news. So it's not about giving a particular party a

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specific percentage. You take into consideration the fact that when you are in Government you will make news, because you're doing lots of things. And we can't stop what Government is doing because it's elections. 5
Not to market them. We can't stop to ask RAMAPHOSA why there are challenges with petrol, which is a petrol story. And then the positive story about investors. There will always be different stories and we can't stop 10
telling RAMAPHOSA, when we see him, the ANC is in a mess, which will create a different story, which has nothing to do with the story of investors or the petrol story. It's about the party. So when you talk about equity, 15
it's not so much specific percentage, it's a question of saying certain parties, because of the position they occupy, their strategies, their plans, they will always be in your face. For example the ruling party, because they are 20
in Government and people want answers. They have a mandate. But also how they are generating news themselves. Thirdly, how they are planning to ensure they are there all the time. The same with the second-largest party, 25

for example the DA. It's not the governing party, but sometimes you can think that the DA is in power, because of how they package themselves and how they are creating news. And I can't ignore them because people will be saying we are showing too much of the DA. There is nothing I can do. The same with EFF, which is number three, small, 8%, but the noise. You can't ignore it. That is why every time you have an EFF story, it trends, because of what they say. There are those who hate the party and those who like the party. The same with the DA. There are those who hate the DA and those who like the party. They will always generate debate. It's news. It's not based on because you are a ruling party you just get 60%. You create news because you have a bigger influence. Also, your planning itself makes you more visible. The other parties are not so visible because they don't have resources. It's a one-man's party, it's lone voice in Parliament. What do you do? So it's not based on a number, like 65%. So tonight we're going to have 65% of ANC, 20% of DA, 8% of EFF, 2% of IFP. It also

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depends on news.

COMMISSIONER: You said the 2014 elections were badly covered. Why do you say that?

MS MOKOENA: I think there was too much political pressure and, honestly speaking, I don't want to single out names. I want to speak generally. There was too much political pressure. Pressure from all political parties. And because the pressure varied, and how people see other people, there was no protection from the Board, the executive, and it trickled down. That is why I am very firm on the issue of us having to relook at the appointment of the Board. You may recall how this Board came about. There was a Board after POLOKWANE, that was unceremoniously disbanded because it was appointed under a particular President. So we had to come up with our Board. So these things affect the functioning of the SABC. Like now, if you were to say: Disband this current Board because it was appointed under ZUMA and we now have RAMAPHOSA, you are already creating an impression that that Board was there to serve ZUMA, or the incoming Board is going to serve RAMAPHOSA. Of if the new

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party comes into power post-1994, if you disband the SABC Board, they will say: No, no, no, that Board was appointed under the ANC.

COMMISSIONER: Why do you think staff members have chosen you as a target? 5

MS MOKOENA: I don't know. Sometimes maybe I'm wrong, or maybe I'm right. It may be because I don't respond when allegations are made. I will give you an example. In 1994, we came in under a particular culture and under policies, and some of us still respect those policies, that you can't speak to the media, you raise your issue inside. In other words, if there is a perception and a story about you outside, SABC must respond, not you. And SABC doesn't know your story. I'm talking about the example of the protests. Not everybody had access to my WhatsApp. In fact it was just those journalists that I assigned who can tell you I kept doing these things. But I didn't have a platform to say: Guys, this is what I did. Secondly, some of us, when we do certain things we don't go to the media. When I fought for the four journalists, it wasn't 10 15 20 25

SOPHIE MOKOENA

a story, but I was able to intervene internally and I stopped that thing. When VUYO was about to be fired, I was able to intervene and stop it. But when I was not there, VUYO was fired. Perhaps it's how 5
people handled the VUYO case. I'm still aggrieved. The SABC 8 got support when they spoke out. In 2009, when I spoke out I didn't have support. These shenanigans are repeating themselves. After the shenanigans, I think 10
under (indistinct) when the Auditor-General presented a report, and the SIU, about the challenges at the SABC, and why the SABC collapsed, when I spoke out and said we should implement the recommendations of the Auditor 15
General and the SIU so that we don't go back to this thing, I was charged for speaking in the media. Fortunately I won the case on a technicality because this is what I did, here is the story from the ILO. It was about 20
MIRANDA resigning. It was said that:

"Mokoena might be suspended after she allegedly called RADIO 702 during the recent SABC strike to bad-mouth the Public Broadcaster."

SOPHIE MOKOENA

What was my bad-mouthing? I was asking that the Auditor General report which looked at the challenges facing the SABC in 2009, where we went wrong and how money was misused and how senior managers - at that time I was just a 5
journalist - behave. And the SIU report, to say what steps needed to be done to recoup the money and punish people. When I said on television that we were on strike for salaries, but for me the main issue was for us 10
to implement the recommendation of the Auditor General and the SIU, so that we don't find ourselves in this situation again where the Corporation doesn't have money because people have misbehaved as senior managers. I was 15
charged. The union didn't support me or issue statements, or anything like that. I had to deal with the union myself during the hearing and I had to push them, to drag them to the hearing. 20

COMMISSIONER: Which union did you belong to?

MS MOKOENA: It was CW. But they did represent me finally. But nobody went to the media to say: Guys, Sophie is being charged for this, and she was speaking on our behalf, and whatever she has 25

done, even though she has broken the SABC policy, that you can't speak in the media, but what she is saying is that we should implement the Auditor General's report, let's implement the SIU's report, so that we don't have this happening. Ten years down the line we're sitting with the Auditor General report, we are sitting with the SIU investigation. If we had implemented those previous reports, people would have been punished. Those people would not have continued in their leadership, hence we ended up where we are now. I don't know whether it's because I don't - and that is why I took a decision this time around that I'm going there, and I have evidence, it's not hearsay. What I say I can back up with evidence. I can even bring material from our archives, where the Parliament Committee said we did well with the elections. I can bring documents that prove that at some point in time I stood up alone and fought to ensure that we did the right thing. However, I was drowned out. And when the current SABC stood up and fought, it's not that I didn't do anything, I wanted to give others a chance.

Perhaps they could get it right. And
thankfully they were supported. But where
they erred was to fight with some of us who
perhaps shared the same views as they did, and
at some point did something in our small way. 5
But at that time it was still not fashionable.
You were a lone voice. It was 2009, here I am
having to face a DC internally, just for
saying: You can't pay us because this is what
we have done, and the Auditor and the SIU are 10
clear on what needs to be done. Please
implement.

COMMISSIONER: In the years that you've been a political
reporter, political editor, you must have seen
examples of the political interference that is 15
being alleged. Can you think of any specific
areas where there was direct interference in
the decision-making at the SABC?

MS MOKOENA: The issue of that memo that called for burning
of visuals during protests, I think - I don't 20
have proof, because where I'm sitting I'm not
privileged to engage with the executive or
with the Board as to how they arrived at that.
But I suspect it was perhaps based on somebody
pressurising SABC to say something. But I 25

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don't know who. I don't know whether it was a politician or a Government official. I doubt whether that memo came because management was just doing its work. I doubt it. And that is why I'm complaining about how you appoint the Board. Because when they feel the pressure from these politicians they will also give unreasonable instructions. 5

COMMISSIONER: But you don't have proof of somebody pulling the strings from outside? It's just a feeling that you have? 10

MS MOKOENA: Yes. You see, when you make allegations you must substantiate. You can see that our Board, our executive, even news management sometimes experience serious, very serious pressure from politicians across the board. I experience political parties calling me, making unreasonable demands and bullying me. All of them. All of them. But I just say I know what I am here for, I must handle them and just do my work. And that's it. I don't even go to the media to say: Political Party A insisted that we must cover their events, or they are unhappy how we cover their events. I just explain that this is how I have dealt 15 20 25

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with the story. This is the angle of it and I'm not going to change. I've given you right to reply or I'm going to give you right to reply if you are not happy. I'll give you an example. Recently, on 16 June, all the parties are out to do whatever they are doing. And those that are in the Provinces, if they don't send me an email to tell me: Today this what we are doing as Party B - I don't know whether MANGOSUTHU BUTHELEZI in KZN is going to address young people unless I have an email. The Province, the region KZN, might be in a position to know, but unless they communicate with me I won't know. So BUTHELEZI goes to the Youth Rally. I didn't personally receive an invitation so that I could push to say: KZN, I want that story for balance, because we must try and reflect everybody. Then I received an email that there was going to be the launch of a first ANC President, TOM STONENHOUSE - ANTON LEMBEDE. We hardly covered ANTON LEMBEDE. People don't know the history of ANTON LEMBEDE. These are people who are unsung heroes, and you have them in all political parties. So for the

first time we would even know who were the families of ANTON LEMBEDE. Do it from a human interest perspective. Where is the family? What are they doing? Are they still involved in politics? But nobody told me that BUTHELEZI was also doing something. Had I known, I could have said: Go to ANTON LEMBEDE and just record, but take the live facility to BUTHELEZI. I didn't know. Now the IFP is saying that we didn't cover them live. And in the evening it was just a small story. If DURBAN didn't do a proper package and I didn't know about the story, how could I have intervened? That is why I am saying some of these parties don't have capacity and infrastructure to ensure that they communicate properly. We have to go and ask some of them what they are doing, in order that we can cover their story, and then it's up to them to tell us what they're doing. And then they are angry. They told us the day afterwards: You must run the story, but it was an old story. It's political interference. Because an editorial decision was taken. We may have erred perhaps, or we may have dropped the

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ball, but when I say we can't run a story on
 and old rally, the option is that you must
 come; send your representative to tell us
 what you are doing about the youth issues. We
 will still give you a platform, a right to 5
 reply. But in a credible way. Not repeating
 an old rally and viewers are going to say:
 But why? June 16 was two days ago. Why are
 you only showing us BUTHELEZI addressing a
 rally today. You could do it in a professional 10
 way where we can look at what he said at that
 really, invite him and then ask questions
 based on what he said at that rally. While
 talking to him you can play the visuals of the
 rally. It's credible, it's taking the story 15
 forward, it's content driven. So when you
 engage and they are also willing to engage
 with you, they will realise that some of these
 things - we are human, we might miss
 something, or make mistakes, but they mustn't 20
 come with perceptions that when we are sitting
 there it's because we are pushing a particular
 agenda or party.

COMMISSIONER:

I have to ask you a very personal question,
 but it has been raised here, that you are 25

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HLAUDI's favourite because you both come from the FREE STATE. As I say, I've got to clear that for my records.

MS MOKOENA:

Yes. That's not fair. When I started in 1994 - okay, I come the FREE STATE, a town called FRANKFORT. HLAUDI comes from a town called QWAQWA. When I came here, I came here from SEBOKENG COLLEGE OF EDUCATION after finishing my Teacher's Diploma. I worked at LESEDI. When I arrived at LESEDI I found HLAUDI there. He was a very young freelance journalist - a stringer, not even freelance, a stringer from QWAQWA. In other words, he used to do stories for LESEDI FM from QWAQWA. Because QWAQWA was a homeland and LESEDI FM had a very strong following there. You know how these registrations were structured, they were so tribalistic, etc. I was told that HLAUDI, as a young boy, who used to interview BUMOMPEDI(?) I was not even there, I was still at the SEBOKENG COLLEGE. And then he would send stories. So when I arrived there as a presenter of current affairs in the morning, I had to interview him sometimes to say: This is what is happening today in QWAQWA, or

whatever. He also used to send his stories and I had to process them for my programme. That's how I got to know HLAUDI, as a colleague, like many others. Unfortunately he was from the FREE STATE and I was from the 5
FREE STATE, but not from the same town. It took me about a year to really meet him while he was a stringer. We worked together in BLOEMFONTEIN. We couldn't agree on certain things. We had an acrimonious relationship 10
for quite a long time. In fact, some of my challenges at the SABC were based on the fact that he was part of those people who wanted me out. He had his challenges, he was charged, he was expelled. When he came back we 15
couldn't even speak, we couldn't see eye-to-eye because he had this perception that I had SNUKI's ear, and they were fighting with SNUKI. It was politics. So when he became powerful I was the first victim. I hate 20
selective amnesia. These are newspaper stories. December 2012:

"As the raw over-censorship at the SABC grows, the Mail & Guardian has learnt that the Public Broadcaster's senior 25

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political reporter for television, Sophie Mokoena, has been abruptly removed from the political team (I'm a victim) and the employees say, SABC executive, Hlaudi Motsoeneng's decision to pull an advert on ZUMA is rampant interference." 5

It includes that. In other words, us being removed - SAKINA, EUSEBIUS - and adverts around ZUMA not being aired, that are seen as portraying ZUMA as negative, it was under HLAUDI MOTSOENENG. How can I be removed in the political team and be sent to the wilderness when I was HLAUDI's blue-eyed girl? That's why I'm saying people must produce evidence. I have evidence of the road that I've travelled. 10 15

COMMISSIONER: Can we please stop for two minutes.

THE ENQUIRY ADJOURNS BRIEFLY**THE ENQUIRY RESUMES**

MS MOKOENA: I'm saying if I was a personal friend of HLAUDI, or if the relationship was personal - in 1997 I faced a disciplinary hearing in BLOEMFONTEIN. When ACE MAGASHULE and TERROR LEKOTA were fighting I was a presenter. So every morning this story of MAGASHULE and 20 25

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LEKOTA fighting was always in the news. I'm sure Ntata would remember. Every morning you would awake to newspapers: TERROR said this about MAGASHULE. Then I would call the newsmakers to say MR MAGASHULE, the Chairperson of the Province, this is what the Premier is saying. MAGASHULE would say what he said. Then I would call the Premier and say: Premier, this is what the ANC is saying. They are saying you are not prepared to take instructions from them; you're using the Constitution, but you are deployed by the ANC. Because politicians are brutal. Because LEKOTA was a national leader, and he thought I was taking sides. That whole perception had an influence on the SABC, but I couldn't prove it. Political interference is not easily proved. But you can see it. When I was taken off air and said I'm not going to agree to being taken off air and be redeployed. Because I was doing my job. If LEKOTA or MAGASHULE were not happy with me, I was doing my job. And as the first female presenter of current affairs in LESEDI, if I gave in then I'm saying these young females who are

aspiring to be SOPHIE MOKOENA must accept that this is a man's world, it's a political world, you can't handle politics, you must just do (mother tongue). I fought. I won the case. That's when I was transferred. I had an option to choose to go to the sports desk or the political desk. I said I can see the sector that people think is meant for men and journalists is politics. I'm suffering because of political stories, I want to go to Parliament to be a female political reporter. I know I'm good at doing sports, but I'm not taking that position I'm choosing politics. I must be an example. We must have more SOPHIE MOKOENA's. I went to Parliament and, thanks to ANTJIE KROG, my former editor, who mentored me into field work in terms of politics. I was nurtured by ANTJIE KROG and my next editor, VUYO MVOKO. I stayed the course. During that time, when everybody was fighting against me because they were so scared of TERROR in the FREE STATE, including HLAUDI - HLAUDI was part of those people. Then came the 2009 protest, when I decided to be a whistle-blower, I had to hide my identity

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because we are not allowed to speak. But I was trying to blow the whistle. And then I was charged. What did he do? Nothing. Then in 2012, when he was now powerful, when myself, SAKINA, EUSEBIUS, and who else? I'll show you this article. We were being targeted as the so-called people who don't like ZUMA. And I was removed. He was the man in charge. Why didn't he protect me? Why didn't he say: You can touch SAKINA, you can touch EUSEBIUS, but not SOPHIE? I was actually the main target because I refused to take sides in the coverage of the MANGAUNG Conference towards the new leadership of the ANC. I refused. I was covering everybody, KGALEMA, ZUMA, MATHEWS PHOSA, TOKYO, all of them. I was doing stories with everybody. And then there was this article to say I had been abruptly removed from the political team. And you have the picture of HLAUDI MOTSOENENG. 2012. If we had this cordial relationship why would HLAUDI not defend me? Why would I also be a victim? It's because, Ntata - and I'm sorry to say it. I come from the countryside. I know what patriarchy is; I know what

discrimination is. And if I don't stand up as a black woman who was lucky to find herself in this influential position, I'll be doing an injustice to millions of young woman who would one day want to be political reporters or political editors. I'm the first woman at the SABC to be given the responsibility of being an acting political editor. I'm the first woman today, in this country, to be a foreign editor, an international editor. Equal to WOLF, of CNN. Ensuring that whatever international story you see when you are watching television in the evening, it's my work. I'm doing my best and my presence is felt because I know it's not about me. One day I want another woman to be given a powerful position so she can turn things around. I will do this continuously. Hence I will fight with anybody if I don't agree. The same happened with HLAUDI. We couldn't agree and I didn't care. I was removed. JIMI can tell you, if he comes here, how they treated me. Then in 2014 came the elections we're talking about. At that time I wasn't part of the political team. I had no

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responsibility, I was redundant. Then there was the EFF march to the SABC. They were going to demand coverage. I was not there as a part of the political team. If I was this person who HLAUDI trusted so much, I could have been involved in the 2014 elections, because there was so much pressure. But because I'm a loose canon and I question, I wasn't part of that coverage, and it turned out to be a mess. This is going back to 2009, when I broke the silence on REDI's show, when I was a lone voice. And then, of course, I have these documents where I was trying to prove that I didn't implement the instruction for us not to use the protest visuals. Because here I was, assigning people, and if needed, I can bring the You Tube videos which went on air. Not even what we gathered. With archives you can have raw footage and not use it. The same with RAMAPHOSA's story which they say we didn't take live. I can bring you footage from You Tube which shows that this thing was on air. Whether somebody was not watching and so they think it wasn't done, I can bring YouTube. And in 2016, when NOTHANDO

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was acting head of news, said we are in a crisis, we need a better person who can help us with politics, she approached me and I agreed, but HLAUDI was refusing. You can bring NOTHANDO here. She said she was resigning because we are inundated with complaints from political parties every day. NOTHANDO said she had people, we'd changed people who were acting, and she said she was confident that the person who could handle the situation concerning the elections, who had experience and was familiar with hard work, was me. She said: Give me a chance. Let's try her. The reaction she got was: No, no, no, the ANC will complain. I handled the elections and the elections went very well. Then I took a step back and somebody else was acting. Then it was the ANC Conference. Hey, Sophie, come and help us, we have a crisis. There's no plan for the ANC Conference. Big stories. Okay, guys, I have my responsibilities as an editor, but in the interest of the nation I'm prepared to come back.

COMMISSIONER:

Was MBEJE acting at the time?

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MS MOKOENA:

In 2014. I was removed after the local Government elections, after I had delivered what I thought - I'm not saying it's true. It's credible, but judging from the response and the thumbs-up in the portfolio committee 5 where you have all parties. Then I was removed, MBEJE was acting, and then he was removed because there were complaints. A lady called ZOLISA came in, unfortunately I can't blame her, she is a radio person. You must be 10 able to understand both radio and television to be a specialist desk editor. Because, remember, you have these three platforms, digital, radio and TV. Fortunately my experience is in both radio and television. 15 That is where I developed my skills. And I was quick to learn digital as well. She was struggling to ensure that television in particular did proper coverage. Your pressure doesn't come from radio, they all want 20 themselves on television, so if you mess up with television coverage you are in trouble. You are finished. So after the Policy Conference until October, they were facing serious challenges to prepare for the ANC 25

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Conference. That's when I was asked to please
come and help. They said: We know what you
went through. You can call KENNETH MAKATEES.
We know what you went through. Please help
us. We can't mess up with this ANC Conference 5
because our credibility as an institution is
at stake with this ANC Conference because
there are too many fighting factions and it
needs someone who will be able to ensure that
we are not taking sides. I said: Okay, I'll 10
help you, but make sure that by January you
have a political editor. I even prepared to
help you with January 8 - because they are
linked, the ANC Conference, January 8 and
State of the Nation. I'll help with those 15
three major projects. Because even if you
were to bring someone now, that person can't
prepare for January 8 and State of the Nation,
because you have to give the person a chance
to learn, understand and know the pressure and 20
planning. With me it's here, it's in my head.
I know what kind of facility we need, I know
what kind of deployment in terms of
journalists, I know the strengths of the
journalists. If need be I know how to step 25

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in. I'm a journalist. So it's fine, I'll do it, but please, by April, please, guys, you must have a political editor, so that while it is still quiet for the two months you can train that person. Because come May/June the election pressure starts. They didn't. To date there is no political editor. Now I must take this flack again. 5

COMMISSIONER: Final question from me. How much of what you've told us do you want to go out to the public? 10

MS MOKOENA: I don't know. Previously, when I made the request it was around the information we had, that these things will be private. So I still maintain the position. I wouldn't want anything to go - but here are the documents. You can see them. And if you want me to come back and clarify certain issues, I'm prepared to do so. Should there be more allegations and, as I said, the sad thing with this is, for example when someone says: SOPHIE is an enforcer, tell me: On this day, this is what she enforced, and this is the proof. When you say SOPHIE didn't cover RAMAPHOSA, bring a tape to say this is 30 May, it's 00h02 and 15 20 25

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it's fifty-nine minutes to 01h00. Check.
There's nothing about RAMAPHOSA for twenty-
four hours on that day. Then that's proof.
But here I'm saying I can give you a You Tube
to prove that we took RAMAPHOSA live. My 5
communication showed that ZUMA was not
recalled. And indeed, ZUMA was not recalled.
And when ZUMA was recalled, me and my team
were outside IRENE; we broke that story at
night with ALDRIN SAMPEAR. Immediately when 10
our sources confirmed that night that ZUMA had
finally been recalled, after the delegation
went to PRETORIA, and then they came back, I
said: Let's go on air now, now we are sure,
I have checked with my sources, ALDRIN, you 15
have checked with your sources, let's go on
air. Everybody was running around, surprised
that we were live, we were saying ZUMA had
been recalled. They went to his house and
then there was a delay. On that day before 20
the final recall, when TSHEPO broke a story
that there was an agreement, everybody was all
over us, saying we were lying, there was no
agreement. There was an agreement. But the
NEC rejected the agreement that he can stay 25

until June. So I'm saying for five years I'm accused of hating ZUMA, now I'm accused of defending ZUMA. For five years HLAUDI is fighting with me because of those stories, now I'm his friend. I have no friend. At work, work is work. 5

COMMISSIONER: My question was, when we do our report we have the choice of expunging names and saying so-and-so said this or that. Can we mention you finally and say this is what you said? 10

MS MOKOENA: Oh, you mean for the report?

COMMISSIONER: Yes, for the report.

MS MOKOENA: Yes, I came here for the reporting.

COMMISSIONER: Okay. Any questions?

PANEL MEMBER: My question is, Ms Mokoena, despite the circulation made by the COO not to over the protest, it appears as if you continued with the process. 15

MS MOKOENA: Yes.

PANEL MEMBER: Have you ever received any call from the COO, or any senior manager, to say: Sophie, stop that? 20

MS MOKOENA: They were not going to do it. Remember I went to him to say this is wrong, and he acknowledged that the memo was wrong. What 25

was left in terms of me and my immediate editor, NOTHANDO, who is my witness, was for them to withdraw that memo. So there was no way they could come back and say: Don't do it. Because I would have said, but we have agreed. That is why even at the workshop of the political team, I said to the political team, when he was there addressing us: Ask HLAUDI about the coverage of protests. He told me something different from the memo. Here he is, ask him. Then they asked him and he said: No, no, I didn't say you mustn't cover protests, I'm just saying you must be careful, you know when you have these SABC cameras, people always get excited. I'm just saying let us not use the cameras to incite, because when you incite - let's say people are protesting, they see a camera and they now decide to burn a building, because they know it will be a big story and national leadership will come down. That was what he said. So I said: You see. And so we continued.

PANEL MEMBER: You've mentioned, what I will call a mistake, that was committed by the SABC to say ZUMA had been recalled. And it appears as if there was

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a mistake there. In fact the NEC wanted to convince ZUMA that he must voluntarily resign.

MS MOKOENA: Voluntarily step down, yes.

PANEL MEMBER: You mentioned that someone called you. Do you mind telling us who called you at the time? 5

MS MOKOENA: No, no, no, it wasn't a call to pressurise me to change the story. It was correcting it, to say: No, but Sophie, we haven't recalled him. A person who was a member of the NEC, who was in the meeting, confirmed to me that he was not recalled. Because the previous day I called this person to get inside information from the NEC - he was my source - to say: What's happening? How far are the talks? Because you need to update all the time. 10 15

PANEL MEMBER: So that person was also your source?

MS MOKOENA: Yes, it was my source.

PANEL MEMBER: Okay.

MS MOKOENA: He said: No, eish, we couldn't recall him. It's tough. So we've decided to ask the Top Six to go back and engage him. And it took more than eight days before they finally took that decision to recall him. And we were the first people to break that story when I received confirmation that he was recalled. 20 25

Because it wasn't about censorship or fear, it was about credibility. When you say a president is recalled, it's a big story. And if you are lying it is sad. It's very sad. Maybe it's because the people didn't want ZUMA that time, whether we were lying or not, was fine. But as a credible editor you have to be worried about whether this had happened or not. But when it happened, you again are the first person to say it has happened. To an extent that your competitors are questioning your story to say: Hey, Sophie, where did SABC get this? It's not true. It even went viral internationally, that SABC was running an untrue story, because the ZUMA people at UNION BUILDINGS, the Government communication people, issued a denial. You know they deny everything. When we knew that that had happened.

PANEL MEMBER: Thank you. 20

COMMISSIONER: Thank you. If you remember anything else that you think can assist us, please send us a note.

MS MOKOENA: In closing I just want to say the SABC is a very important institution. The contest is not 25

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only from politicians, even different interest groups, so at times an issue might sound innocent. NGO's want independence of the SABC, but there's more to it. So this process must really help us to come up with a final solution. Because we've been here. We've had the ZOLAKE Commission. Some of us went there. Nothing happened. We're still here. The issue of the Auditor General, the SIU, they are both back at the SABC. The previous recommendations were not implemented. That is why we are here. I don't know what is going to be recommended this time around, or what the SIU is going to recommend be implemented. Or are people again going to be protected. I don't know. So I'm hoping this process will be very, very fair, because if people don't produce evidence it's very sad.

COMMISSIONER: Thank you, Ma'am. And again, it's a very well thought out submission, and well presented.

MS MOKOENA: Thank you so much.

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

- COMMISSIONER: Are they the same?
- MR POOE: Yes, those are the copies.
- COMMISSIONER: Thanks. My name is JOE THLOLOE. I'm sure I
needn't introduce myself. I'm the Chairperson 5
of this panel that is investigating
allegations that the decision-making processes
at the SABC are being sabotaged by outside
influences. I'll ask my colleague to
introduce himself, and then I will ask you to 10
introduce yourselves.
- PANEL MEMBER: My name is STEPHEN THABANG TAWANA. I'm a
Director of MMM ATTORNEYS.
- MR MBINDA: My name is LUTHANDO MBINDA, leader of the PAC,
and I'm also a Member of Parliament. It's 15
very important to say that. Next to me is APA
POOE, on my left, he's for publicity and
information in the PAC. On my extreme left,
at the back is BUSING TSOTETSI, who is a
member of the MEC, and Comrade GANTSHO on my 20
right. We are all members of the National
Executive Committee of the Pan Africanist
Congress of Azania.
- PANEL MEMBER: Who is going to be leading the evidence?
- MR MBINDA: In fact, the way we are going to do it, let me 25

firstly thank you for giving us this opportunity.

COMMISSIONER: We haven't come to that yet.

MR MBINDA: I wanted to do the introduction, and then he will take you through the presentation. 5

PANEL MEMBER: Okay.

MR MBINDA: That's why I started the introduction.

PANEL MEMBER: I think he can do the introduction before I swear him in.

MR MBINDA: In fact, as I have said, I'm LUTHANDO. We 10
come from the Pan Africanise Congress of
Azania. Let us take this opportunity of
thanking the panel for giving us an
opportunity to at least express our
dissatisfaction. I'm just doing the 15
introduction. MR APA POOE will obviously take
you through the presentation, but as he will
do that, you will also see he will have
decided not to deal with the specific. We did
not even want to mention the names of some of 20
these journalists, and we did that
deliberately, but at the end of this
presentation you will also see that if we are
granted an opportunity to do that, we will, if
it is necessary. We felt at least we must 25

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come. We are hoping, Chairman, that this is not just a public relations exercise, and that we will at least get feedback on whatever investigation you will conduct as to what has actually happened to our issues. Let me just ask MR APA POOE to take you through the presentation. You will see there was this position which was submitted to you on the 15th. This was just a complaint, and I'm sure you have read it and gone through it. This one now will be dealing with the detail, without mentioning or shaming anyone at the SABC.

PANEL MEMBER: Mr Pooe, do you have any objection to taking the oath? 15

MR POOE: No.

MR APA POOE (duly sworn, states:)

COMMISSIONER: We saw the previous submission you made, and I see we now have another presentation here. Can I ask you to summarise what is in these two documents, and we can then ask questions after we have heard you. 20

MR POOE: Yes, Chair. Our initial submissions broadly covered the issues where we feel very strongly the issues of the independence of the SABC has 25

been compromised or is not what it is supposed to be. Today, in our presentation, we wanted to go into specifics, because our initial submission was in general terms.

For instance, if we raise an issue around the bias, we will then have instances and dates of what happened on that specific day, and all of that. But in our initial submission, I submit that before 15 June it was generic, so we hope to give more substance to what we submitted before the closing date. They are exactly the same issues but this one gives you more detail. Should I proceed?

COMMISSIONER: Please.

MR POOE: Chair, the cover of our presentation will include the names of the people who are part of the delegation today, to make a presentation, including their contact details. It will also briefly cover what we think the SABC should be and what the SABC has not been - briefly giving that. If you go to our second page, which is the actual presentation, our first bullet point starts by saying:

"Our latest submission ..."

Which is the one submitted before 15 June 2008

to 2018. That submission covered:

- 1 The background.
- 2 The bias coverage.
- 3 PAC non-coverage.
- 4 Interaction with the journalists of the SABC. 5

We are just giving you a brief background as to what the issues in our submission were before 15 June. But today our presentation will provide confirmation on the written submission and the suggested way forward. 10

On the next page we have what we term is biased coverage by SABC. We have submitted that in two categories. The first category is an internal party bias; the second coverage being an external party bias. On internal bias, we are submitting that the SABC - you will recall that in our submission to the SABC we have reiterated that our party has been engulfed by serious internal challenges. As a result, instead of the SABC being independent, neutral and reporting in an impartial way, we are submitting that the SABC has chosen to side with one side in our internal challenges in the PAC. 15 20 25

In the second bullet point we are submitting that in that the SABC has decided to side with one grouping in our internal challenges, the SABC went further to also participate in matters of internal party contestations. For instance if I may be particular, if the party is to hold its own internal processes, where it would elect the leaders, the SABC would then choose to promote one leader over another. On internal issues, the last bullet point, we are submitting that the SABC in so doing has also further deepened the divisions within the PAC by choosing sides in the PAC instead of it being impartial. 5 10

On the external, which is what we term external bias, we are submitting that the SABC continues to promote other parties. Instead of being impartial, it promotes other political parties at the expense of us as an organisation. We are not given sufficient coverage, as others are given that coverage. We are further saying that the SABC has also chosen to have favourite political leaders in other formations. They will choose to promote other political leaders of other political 15 20 25

organisations instead of being impartial. The history of political parties is normally also distorted by the SABC on its coverage of the news, particularly the role that was played by PAC as compared to other political parties that are in the political arena in this country. We are submitting that the SABC also uses biased political analysts who are normally very antagonistic towards our party as an organisation and who would favour certain political parties. The other slide deals with the PAC non-coverage. Also on the slides we have covered two categories, the first category being party political events and the second category being community events. We are saying that on the party political events, for instance in our party, we would have what we term, SOBUKWE month, which is February. In our party, as an example, this is the fortieth anniversary of SOBUKWE. It will have the 40th Anniversary of SOBUKWE, the 21 March Commemoration, the Sixth Day which is the PAC Founding Day, which is the PAC birthday, Africa Liberation Day, and all of that. These are what we normally term

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the PAC Calendar Events. We would submit that on these days we normally invite the SABC to come and cover all these events. The SABC has shown bias in not covering all these events, whilst covering similar events by other political parties. 5

On the community events we are saying that our party normally holds rallies. Our party is also involved with community projects. Our party holds public meetings. Our party has election campaigns, and, as you know, our party also has a sole Parliamentary representative in Parliament and it also has some representatives in some Municipal Councils. But what we have seen is that the SABC has decided not to cover all of these events. For instance, in Parliament the PAC member of Parliament is involved with many communities, he's involved with many submissions and lots of other work that he is doing there. We will then submit that information to SABC or even invite SABC for interviews, for interactions, but the SABC will simply ignore or not cover such events. What we are submitting is that the SABC has 10 15 20 25

been unfair and biased and has not exercised editorial independence with regard to these issues. We have gone further to say we should not just complain but we should highlight as to what we think should be the way forward. 5

With regard to the way forward, we are humbly requesting that our submission, as stated in this Commission, should be further investigated as the first thing. The second thing is, we are submitting that this enquiry 10 in its findings probably as a way forward needs to ensure that SABC political editors are accessible. Because what we have experienced as a political party is that they have not been accessible to us as an 15 organisation. We are also suggesting that there should be regular non-parties and meetings with the SABC Board and management, and we also suggest that the SABC should be a Chapter 9 institution. With this suggestion 20 we are cognisant of the fact that it may not be within the ambit of the enquiry, but we are just raising that maybe in one way or another it may find expression in the report of the enquiry, to say that this is what we raised as 25

one of the things that we think can assist. As much as we appreciate that it may be that this enquiry may not have the necessary powers to indulge on that matter, we thought it important that we raise it. We are proposing that there should be fair and transparent decision-making on non-coverage of events. What we have seen is that when the SABC is not covering our events in particular, we would be told that there has been a decision not to cover such events. But as to where this decision was taken and how it was taken without necessarily asking for reasons, we would not be given that information. Our submission, therefore, is that we should have a more transparent way of how these decisions are made not to cover certain events by political parties, particularly our political party. We also submit that there should be adherence to integrity and the standards of journalism. I think that is self-explanatory. We submit that there should be non-interference by SABC on intra-party challenges. Here we are not necessarily saying the SABC should not report on intra-

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party challenges but we are saying the SABC should not become party to intra-party challenges. They may report on issues that are happening if there are challenges within the party, but what we have seen is that they seem to get involved and become party to all the issues that are intra-party and we are saying it should not be the whole of the SABC. The SABC should rather be impartial and independent on reporting on such issues. We also submit that there should be equitable coverage of political parties when we know that there is also a regulatory framework that relates to ICASA, when it comes to coverage of political parties with regard to elections. But over and above that what we have seen in the SABC is that there would be non-adherence even to those regulations of what is required of them in terms of political coverage. The last point that we are raising as a way forward is that once there's an election date that has been pronounced and a political party has been registered, all parties should be covered equally. Chairperson, what has happened in the past is that the SABC, when

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covering elections, before we go into any coverage whatsoever, be it a debate or anything else, their editors would then tell us: You are not going to get equal coverage to the ruling party, because the ruling party has more seats in Government. That is outside the ICASA regulatory framework. We know that there is that in terms of how political parties should be covered in terms of ICASA. Over and above that the SABC has its own way of saying: We will cover you less, because you have less votes, less seats and all of that. We are saying that should not be the case, particularly when we are having elections. Just to make an example on this point, we would go to an interview together with all political parties and the SABC would then tell all of us: You must understand that in this interview we have 30 minutes, but of that 30 minutes, we are going to give the ANC 15 minutes and others are going to be given 5 minutes, because they are a small party. We are saying that is not the independence that is required of the SABC.

PANEL MEMBER: In conclusion, Chairperson, we had a

difficulty when we were preparing the PowerPoint presentation today. Our difficulty was that we would have wished to state the names. For instance, if we are saying there's a journalist that has been biased, or an editor that has been biased, or a particular individual who has not adhered to acceptable journalistic standards, we would give a name and an example, but we were not sure as to how that information would be treated. So we said maybe we should come to this Commission and hear how that would be treated or how it would be dealt with. Hence in our conclusion we are saying we have omitted the names of the people that we are making all these allegations against, except to say that should we be assured that the information will be treated in confidence, we can provide the names and exact examples. It's not that we are fearful, but it is that we would not want to have a situation where some of these editors or journalists are sort of threatened or intimidated or sort of - I'm looking for a better word to explain - victimised, should we mention these instances where we have specific

names where we have journalists who, for instance, have informed us that: We came to your event, we covered your event but we were then told that we should not interview, because it's PAC. So we have that information. If you are also looking for a submission, Chair, we have also stated that there was recently an incident where the SABC had sent journalists to cover our event. They covered it, recorded and did everything that was necessary. When we enquired as to why it was not broadcast, we were told that editors at the SABC had decided not to broadcast it. We have their names. But if we were to give that information we are not sure as to whether the journalist involved would be protected and all of that. Hence we are saying, should we be assured that the information would be treated with the confidentiality that is required, we would then be able to submit further information.

We also said we would give information on the actual dates and events, should there be a requirement, and we also say that our submission is also confined to recent events.

There are a lot that are very historic but we thought for the purpose of this we should just quote those that are very recent in order to enable you to understand where we are coming from. Should there be a requirement that we give further information on these issues, we can. Should this enquiry warrant a further investigation on our submission, we are prepared to be of assistance. 5

As the last point, as an organisation we respect the independence of the SABC and its journalists. We also respect the decisions that they may take, and that they have to adhere to journalistic standards that are applicable. So our submission is, with that understanding, there are certain codes and certain standards that are expected of SABC that SABC should adhere to. But over and above that, that is our submission. 10 15

CHAIRPERSON: Thank you for your submission. Can I start by asking a question about equitable as opposed to equal coverage. Every time we have an election there is a Code of Conduct for the media and that code talks about equitable coverage. If you look at the SABC's own 20 25

Editorial Policy, it talks about equitable coverage. Now you have introduced a new characterisation, equal coverage. Can you explain what difference you make between the two?

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MR POOE:

Insofar as equitable coverage is concerned, in our view it will relate, for instance, to the number of votes that the party had in the previous elections, which would be used as a baseline as to how it should be covered. For instance if I may be practical, if the PAC had received 10% of the votes, then the SABC will be saying: In our news coverage in terms of the election campaigns of political parties we will give you 10% and other parties will have probably received 90%, so we will give them 90%. For us that is what we understand equitable coverage to be, to mean that it relates to what you may have obtained in terms of your electoral support in the last elections. Sometimes it also applies to - for instance in terms of ICASA regulations, it will apply to how many candidates you have in an election. If the total number of candidates for any particular election, if I

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may be practical, if there is a requirement of 1 000 candidates, 400 for the national legislature and 600 for all provincial legislatures, the total amount being 1 000, if I am being practical, and the PAC has only submitted 400 for all of that, the equitable coverage would mean we would only be allocated 40% of the coverage. That has been the norm. But with regard to equal coverage as a new concept that we want to have, once an election has been declared, we want all parties - because before the election we don't know which party is going to get what number of votes, which party will be better represented and all of that, so we should all be moving from an equal footing. It is like when you are in a race, you all start from the same point, instead of others being well ahead of you and others coming at the back. So we are saying whilst there has been an election date that has been declared, political parties have registered, then all parties that have registered that are contesting the elections, should be treated as the same. Only after an election, after a party has acquired a number

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of votes, then that notion of equitable coverage can come into play, because the IEC would have determined how many votes each party has. But as matters stand, the basis on which that is determined is the previous elections, which means the party that won more votes in the last elections will always have a head start over the other political parties. So this new concept that we would want to come into play of equal coverage relates to that. Chair, I must also add that we should also understand that there is that ICASA thing that may not be the competency of SABC, that we understand, but we are saying when SABC does its own coverage - and I've given an example of the political debates, it should not start with saying: Because the ruling party has 60% of the votes, therefore in this debate if there is a 30 minute debate, the ruling party is going to have 15 minutes and the rest of you will share 15 minutes. That's what we are saying. In that instance we should all have equal minutes and equal allocation of time in terms of such processes.

CHAIRPERSON: This concept has been raised during our

enquiry and a counter argument has been made to say that the party that got 60% in the past elections has in fact been in Government and therefore it has more to account for. People will be asking questions about whether it delivered or didn't deliver and that's why it requires more coverage than the parties that didn't have the same responsibility. What's your response to that argument? 5

MR POOE: That's why I'm saying, Chair, we will understand that debate prior to an election date having been declared, because under normal circumstances, if I may also be practical, for instance, in Parliament the party that has more votes would obviously have more time to speak and the SABC would obviously cover that party. And they will have more time to respond to issues. Even prior to elections, when SABC is covering issues around the elections, that can also happen. But once there has been an election date that has been declared, and parties have registered, then we are all contesting for the same space, so we are saying that cannot be used. That's our submission. 10 15 20 25

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CHAIRPERSON: Now, another submission that was made here is that it is not the SABC's responsibility to fight for support with the electorate. The SABC's responsibility is to ask itself: Is this newsworthy or not? And it is on the basis of newsworthiness that your ruling party will have the bulk of the time. What do you say to that argument? 5

MR POOE: Chair, we have covered that aspect to say that as much as we respect that the media should also have that particular rule of deciding on issues to cover and all of that, that we respect, but we are saying in taking a decision on such issues it should be more transparent. For instance, in our view it would be newsworthy, together with other advice that we may get - our event of SOBUKWE's 40th Anniversary celebration, but somebody sitting somewhere decides that it is not newsworthy, which is a very relative thing to do. We are saying in deciding that, we need to be made to understand what the basis of that is because otherwise the same argument can be used in an unfair way to say that a certain event that is done by ANC opening a 10 15 20 25

pit toilet in LIMPOPO, is newsworthy.

PANEL MEMBER: That's where children died?

MR POOE: Yes, and I'm saying that is an example. And then the SABC sees that as newsworthy, the opening of a toilet and says: This is 5 newsworthy. And we have an event where we are building the actual houses for the people in SOWETO, where we are assisting them. We are saying that would need to be explained in a very transparent way as to how you arrive at 10 a decision that this is newsworthy, the opening of a toilet over the building of a fully-fledged house. Because as much as we accept that it is within the ambit, the responsibility and the decision-making of the 15 SABC to decide on these issues, there are these decisions that cannot simply be explained by the terminology that it is newsworthy or not newsworthy. Or if there is that notion, and the decision was of such a 20 nature, that should then be explained or taken in a very transparent way so that we are made to understand how this is one newsworthy and this one is not newsworthy.

CHAIRPERSON: Okay. My last question on this particular 25

aspect is how do you make that decision transparent? The SABC has its News Editorial Policy, you have ICASA's rules and codes etc, you have the BCCSA rules and codes and if somebody were to say: As SABC this is the yardstick we use when we decide whether a story is newsworthy or not, how do they then explain that each time somebody phones and says I've got a story? 5

MR POOE:

No, Chair, we don't expect - let me start by saying the same yardstick. We need to know what it is that the SABC is using as the basis for taking such a decision. If you are saying that it is contained in their code, as to what is newsworthy and what is not, we need to know that. As matters stand now, we do not know as to what that is. But over and above that, Chair, that's why we have proposed interactions between the SABC political editors, the SABC management and the like, so that it does not necessarily mean that from time-to-time when they take a decision of such a nature, they have to phone and explain and all of that. In those interactions when we raise issues then they are able to say: These 10 15 20 25

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are the issues. But if the SABC has closed its doors, and we cannot get any such information, then it is not transparent. We are not saying every time they take such a decision they need to - for an example, we have written several letters to SABC requesting meetings, requesting clarity and all of that and SABC has not been accessible. We have complained, we have written letters, and all of that, and it has not been accessible, so that is what we are saying - if that transparency can come as a result of having these regular interactions wherein we can raise issues with them and then they can then explain. But not that they have to explain each and every decision that they take.

PANEL MEMBER:

Can I ask this Mr Poee, every time when you invite the SABC to attend, or to cover something relative to your events, and it appears as if they don't, do they provide reasons as to why? Do they come and inform you guys: We've decided not to air the story?

MR POOE:

In some instances they do, in some instances you just don't get responses. Sometimes they

tell us that the editors or the management has decided that we should not come. In some instances they do come, as I have indicated. They are there with everything but the story does not see the light at the end of the day. 5
Then, when we enquire, the explanation that we get is that: The editors have decided that there are complexities around your issues, or we should not cover the PAC, we should rather focus on other political parties. 10

PANEL MEMBER:

You've mentioned there the internal issues and concerns within the PAC and it appears as if the SABC is taking sides. What do you expect the SABC to do with regard to their journalists or editors when faced with two 15
sides within the SABC? You've invited the SABC to come and attend the events and when they attend the event, it appears that there are two factions within the PAC. What do you expect the journalist or editor to do? 20

MR POOE:

Our expectations, if I may be practical again in this instance because it is important, for instance if one faction is having an event and another faction is not having an event, the SABC can report on that event. That is what 25

we expect. If both factions or both groupings in the PAC are having events the SABC can report on both events and report in an independent and impartial way, as opposed to the SABC deciding that: We will only focus on one grouping and not the other. 5

PANEL MEMBER: Don't you think the SABC will be confusing the viewers if they decide to cover two sides of the story?

MR POOE: Even in one of our submissions we said they have done it on numerous occasions where they covered the two sides, but what they are doing is that when they cover the two sides, they will be saying these are fighting and all of that with negative connotations. Or in some instances they can cover both events and say there's a challenge in the PAC there are two leaderships in the PAC. This one had an event there, another one had an event there and allow the viewers to make up their own minds, as opposed to them deciding that we are going to say: This is the right leadership of the PAC so we are only covering this one and not the other one. If we give the viewers both sides of the story and allow the viewers to 10 15 20 25

make up their own minds I think it will be fair enough, it will not be confusing because the viewers also have the right to know what is happening, in my view.

PANEL MEMBER: I just need this confirmation, Mr Poee. 5
You've mentioned that there are certain incidents which you want surety from this process and whether they are going to be treated as confidential. Can I confirm if the PAC has been confronted with a situation 10
whereby a journalist or an editor comes and covers a story, and when that particular journalist is about to air the story, he has been told by senior managers or another political party to say: You know what, don't 15
do it?

MR POOE: Yes. Yes, we've had such an incident.

PANEL MEMBER: It has happened before?

MR POOE: Yes.

PANEL MEMBER: Was it a senior manager within the SABC or a 20
particular political party?

MR POOE: The information at our disposal is that it is senior managers within the SABC. We have not been informed of a political party deciding. But unfortunately the difficulty with these 25

things is that you will get it that - again
let me be practical - you would have a
journalist covering our event and when they
are about to air the event they will tell you
that their seniors have said that they should 5
not air the story and these junior journalists
who had come to your event believe that it was
as a result of a political decision taken
elsewhere that they should not cover that
event. So we will not be able to say exactly 10
that this political party has done this, if
you get what I'm saying. If I may repeat it.
You have a journalist coming to your event,
covering your event and he goes back to the
studio. At the studio when it is about to 15
air, the senior management or editors tell
them not to air the story. Then we, as an
organisation, go to the journalist and ask:
Why did the story not air. The journalist
then tells you: The story is not aired 20
because my seniors said I should not air it,
and I believe, as the journalist, it is as a
result of a particular political decision that
this has not been aired. But for us now to go
and prove whether that has indeed been the 25

case, we would not be able to do that.

PANEL MEMBER:

But has the incident maybe happened when the PAC is running it's conference, whereby you call the journalist to come and cover the conference and the conference is not aired? 5

MR POOE:

In fact one incident that has happened, which we quoted in our presentation, it's not necessarily a conference in the true sense of being a conference where everyone of our members was invited. But it's an event where we had invited all former leaders of the PAC to an event where we were trying to nudge the PAC. So it was all the groupings within the PAC and all former leaders within the PAC. We had a meeting where we were going to have unity of the PAC. We invited the SABC to come and cover that event in order to promote the unity - not to promote in fact, but to show that the PAC is working on the unity of this organisation. That journalist was sent. Once the journalist was there he covered all of that and then this is exactly what happened. 10 15 20

CHAIRPERSON:

I suppose you are aware of the decision-making processes at the SABC? The way they have been explained to us during this hearing is that 25

each newsroom has a pre-diary meeting where each journalist pitches his story - in other words says: I would love to do this story today because of A, B, C & D. And then at that regional meeting, the most senior person takes the top ideas from that particular reading and takes them to a meeting of all the editors nationally. A at this meeting of all the national editors, JOHANNESBURG might say: These are the top stories happening in JOHANNESBURG today, and I would like to send so-and-so to do that and so-and-so to go and do that. Then there is a debate amongst the senior editors themselves to say: Let's not cover that one, let's cover that one. And they agree on the day's diary as a collective. In other words you can't find a personal bias because it's all the editors coming together. Then once they have agreed at this line conference to say: This is our diary for the day, they then send out journalists and say, you go and cover this story. At the end of the day they bring back their stories and the editors again look at the stories and say: No, that's not worth covering because this

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time they are looking at the 30 minutes or
whatever time there might be, and they say:
No, let's drop that one, let's drop that one,
let's move this one to the top, etc. Now
again it is a collective decision-making 5
process. It is only rarely that the matter is
escalated when there is no agreement amongst
the editors. When somebody says to you: The
editors decided not to air the story, do they
specify at what level that decision was taken? 10

MR POOE: Chair, let me start by saying we are aware of
what is supposed to happen in terms of that
process that you have outlined. But the
information at our disposal is that it is not
normally what happens. If I may also go into 15
detail, you said according to the presentation
that you have made today that the journalists
are the ones who pitch as to what the stories
are and the editors then decide and allocate
them to different areas, and they come back 20
with the stories and the like. But what has
been the practice is that you make a
submission to the SABC - a news alert or an
invite - and you would get told that there
will be a meeting of editors at whatever 25

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level, and we are not exactly clear at what the level is. At that level it is then probably decided to allocate a journalist. Then the journalists get allocated and they cover the story. I'm not sure whether there will be another meeting where they are supposed to agree on which stories to air. But what happens in our case is that we would be told that: Tomorrow morning at 06h30 we will air your story. Then tomorrow, when we switch on our radio in the morning, the story is not there. We then ask what is happening. We don't know what may have happened in terms of the decisions and all of that, but this is what we would have been informed, that this is going to happen. When we asked, the information that we received is that: When we were about to air it, there was this. As to at what level that happened we may not be privy to that information. Again, in some instances the journalists would even tell us: We were aware of this story, we wanted to come and cover it, but we were told not to come. Instead of the decision having gone through the process that you have outlined. I don't

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know what the process would have been, to tell the journalist not to come but the journalist will tell us that: We were told not to come. In some instances you have a situation where you have an agreement with the journalist that they are coming, everything is fine, what time they will be there and all of that, even the venue. Then you arrive at the particular event expecting the journalist, you call around, you ask, then the journalist will tell you: We are no longer coming. So we are not sure as to whether it was changed, where, what happened and all that, in terms of those processes that you have outlined. We would not be privy to exactly at what level these decisions are taken. But even though the process is planned, we will be told, as you are explaining, Chair: This is the process plan. In my view, if you have to ask me, I would say it is not always the case as to whether that process is being followed.

CHAIRPERSON:

Our enquiry is to look at allegations that there is political interference there are or other forms of interference in that decision-making process. Do you know if there is

political interference in the decision-making here, or even if it's not political other pressures that are put on the SABC as they decide on what to carry and what not to carry. Do you have any information on that? 5

MR POOE: Chair, the other thing is I have my leader who also wanted to make some inputs. I am not sure what the process would be. Can you allow him to or what?

CHAIRPERSON: Yes. 10

MR MBINDA: Thanks Chair. In fact starting from the other question, we are more concerned about the fairness, and obviously we understand a public broadcaster to be independent. Sometimes we look at BBC and the way they air stories about political parties, we always say it is different when it comes to us, more especially when it comes to this proportional representation. But I don't want to go there. Political interference obviously will be there. We are not speculating, and it's not that because SABC is funded by the Government, and is obviously part of the ruling party, that is has some influence on how the political editors should conduct themselves. 15 20 25

Because I wouldn't say the problem is with the journalist *per se*, the problem is with the political editing. As political parties, some of us as we come from Parliament, we know senior managers, political editors, even in the EASTERN CAPE, you will talk, is it GARETH, and then somewhere else you will speak, even here SOPHIE, political on TV. We would speak to LUNGO when he was there as the overall editor for SABC. We will talk to them and then as MR POOE has already alluded to, they will confirm: We are coming and we will be there, and then they will not come. But let's say for whatever reason I decided to have a joint meeting with the ruling party you will see them there. Although they would know that the PAC has its own programme somewhere else, but because I have decided, as MBINDA, to associate myself to do the programme - even if I myself and another three people go there, and the rest of the PAC membership is somewhere else, they will not go and cover that. For instance we made an example of 21 March when we had the best rally, which was attended, it was a joint effort for all the

so-called groups within the PAC. For me I think it should be newsworthy for SABC to see all these so-called factions within the PAC getting together and having a rally. You can't tell me that it is not newsworthy. 5
Again you cannot tell me that when you talk of 21 March it is not newsworthy at least to report about the PAC and then the attendance there, as there were thousands and thousands of people that were there including IPEM(?) 10
which is another party which broke away from the PAC. They were also there and we were all leaders. For me you cannot say that that is not newsworthy. I'm just making an example. Most of the time they will agree. For 15
instance even on 16 June. On 16 June without uncle's health and the battle 18 trial where about sixteen of those that were in the battle trial are PAC people - it's like the RIVONIA TRIAL. You cannot talk about the RIVONIA TRIAL without mentioning the SISULUS, the 20
MANDELAS and the THABO MBEKIS. It's like June 16. I was busy in the EASTERN CAPE. We spoke to GARETH in the EASTERN CAPE and then he promised to come. He never pitched, because 25

we would tell the true story about June 16, the SOWETO student uprising. But if one person from us, because he is portraying himself as a leader attends a rally somewhere with CYRIL RAMAPHOSA, who is the State President, then that person will be aired, because he is with the ruling party, even if he is alone there. So he's not there with the support and the membership of the PAC. This is where this political influence comes in, because we have a responsibility to protect the image of the PAC, even if you are a leader of the party, even if you want to go and join whoever. Then at least you need to get a mandate, or you can even send somebody else. The problem, even in there interference you could see that you cannot have, let's say, someone who is a Member of Parliament deployed by the PAC as the PAC President and then you will see SABC pretending to be confused as to who is actually the leader of the PAC, unless there is no longer an investigative journalism. Because if you are a journalist you will obviously know that the congresses of the PAC will always be there, after every

three years. I'm just making an example. If for whatever reason there was a congress last year and then another one, as a journalist you should ask: But in terms of your constitution this is how it should happen. And if this person is really expelled, as you are purporting, why is this person still in Parliament? As a journalist he will also conduct an investigation and check: Oh, this person has been through - I'm just making an example, I'm not trying to put my case - this person has been to the WESTERN CAPE High Court and his matter has been dismissed with costs. This person is talking about this Member of Parliament all over on POWER FM, LESEDI, making all sorts of accusations and our understanding is that once someone has alleged that the Chairperson has done 1, 2 or 3, we always expect SABC to call that person so that at least there is a balanced story. But it does not happen. That is why we are talking about them favouring certain people. You will hear people all over the show but you don't hear this other person who has been accused putting the record straight. I'm just trying

to give you living examples, as a result in this case, I would say in March there was that programme QUESTION TIME and then this person who was a preferred candidate by SABC went there and was saying all sorts of things about myself as a member of Parliament. Not even a single person called, up until I called a person by the name of JOHN, who is also part of that programme. I told him: But how can you allow a person to go on television and make serious allegations about another person without giving that other person an opportunity at least to respond. No, no, we will organise another session. And I can show you I have a lot of SMSs reminding about those things. Then again you go to LESEDI, you go to POWER FM, and this person is going around saying: Oh, THE HAWKS are looking for this person, he has fraudulently opened a PAC account and all that, and yet he is talking about issues that he probably raised last year on the 22nd or on 5 August in the WESTERN CAPE High Court. Those issues were dealt with by the WESTERN CAPE High Court and his matter was dismissed with costs. It's a fact. But the

journalist will not go to the extent of investigating, so that is where the problem is. Now as you are sitting there you are waiting and then you even write a letter to LUMKO JIMLONGO, you write a letter to SABC to SOPHIE, as the political editor, raising these concerns. No one is responding, until you decide to write a letter to the Chairperson, the newly appointed Chairperson, uMKHATHINI. What is very strange is we requested SABC to come and cover our story about the unity meeting in BENONI. They did not come, a radio person came, it was TSOTETSI who came. When he came he covered the story and then RADIO LESEDI was called to say: Those are not PAC people, those are rebels, and then obviously the story was not aired. Then again we called certain people within SABC, and they said: Okay I will call you and uMPHAHLELE to come to SABC MORNING LIVE, so that you can at least tell us about the unity. When we get there they don't talk unity, they want to know who is the leader and all that, and we are not there for that. So PAC will only be aired when we must deal with the controversial - we

were there to talk about the unity and how we are consolidating and they were saying: Even this other person who is your preferred candidate we would like him to come and be part of this process. But the question was more that we spent a lot of time trying to explain who is the leader, whilst we are busy trying to sort out the leadership crisis. And I'm telling you because this person was not there. The following day they did exactly what they should be doing to us - when this person goes out and he talks about you. We were not there to put the record straight in terms of the processes and how far we are, we were there to talk about the unity of the PAC. Those are some of the specific examples. Some people are not granted and some are. Then as you are sitting there obviously you will use your common sense and say, maybe these people have chosen to have this other person. It's not that we want the dirty linen of the PAC to be aired in public and all those things. That is why, when we spoke to SABC - that is why some of us will keep quiet and not even go out and make sure that we do some of these things,

because we want to protect the same image.
These are some of the stories that we have.

CHAIRPERSON: Can I remind you what the question was?

MR MBINDA: Yes, sorry.

CHAIRPERSON: The question was, do you have any knowledge of 5
political parties of commercial interests, or
other interests influencing the decision-
making of the SABC?

MR MBINDA: We do. It's the ruling party, the ANC. The 10
ruling party is the one that is giving
influence. I thought I was trying to ...

CHAIRPERSON: That's what I was trying to say, what evidence 15
do you have that you can give us that says the
ruling party ordered the SABC not to do this
or to do that?

MR MBINDA: In terms of naming or shaming a person - the
evidence?

CHAIRPERSON: We are here to try and find evidence that the 20
stories that the SABC is being influenced from
outside. Those have been swirling around for
quite a while. Remember the *ad hoc* Committee
said in Parliament the SABC must actually
investigate these allegations. Now what we
are looking for is evidence that there is in
fact this political or other influence. 25

- MR MBINDA: There is political influence and even in the outcome of the investigation from the Commission, as you have mentioned, it was evident that there was political interference in the manner in which the SABC conducted itself. So even as PAC we know that there is political influence in the manner in which editors, more especially political editors, are conducting themselves. 5
- CHAIRPERSON: Do you have instances where an instruction was given to the SABC to say: This is what you should do, this is what you shouldn't do? 10
- MR MBINDA: Yes, Chair, in fact I wanted to be direct. We have it on two levels. Both in an intra-party situation, where we would have an event of the PAC and then we would be told: A party leader of your organisation has phoned us and told us that we should not cover you, you are not a legitimate leader of the PAC. It's a specific case that is on an intra-party situation. 15 20
- CHAIRPERSON: Have you got the specifics of what happened there? Who told you who had said what? That's what we're trying to find out.
- MR MBINDA: Oh, okay. In this instance, that's why, Chair, initially I was not sure, because you 25

will recall that in our submission we said we are not sure as to whether we should say the names. We can say the names, we don't have any problems, as to what happened and who was involved. Remember in my submission I said that. I'm not sure if you are saying that's what you want. 5

CHAIRPERSON: It's exactly what we want.

MR MBINDA: Okay, in this instance we had an event of the PAC and we were told that NARIUS MOLOTO had called the SABC, in particular MS SOPHIE MOKOENA to tell her that the story should not be aired because we are not the legitimate PAC leadership. That's intra. In an external situation we had an event of the PAC, and when this event was supposed to be covered we were then told that there was an instruction from LUTHULI HOUSE but in this instance we are not sure from whom, to the editors to say: What is more important is that there is an ANC event and an ANC event should be covered more than an event of the PAC. In this instance we were even told by the journalists concerned: Why does a particular editor - in this instance SOPHIE MOKOENA - hate the PAC so 10 15 20 25

much, to the extent that she can take instructions from other people not to cover your political event? By other people, I mean political decisions from the head office of the AFRICAN NATIONAL CONGRESS.

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CHAIRPERSON: And the name of the person at LUTHULI HOUSE who gave those instructions, were you able to get that?

MR MBINDA: No, unfortunately not.

CHAIRPERSON: What would you say if SOPHIE MOKOENA were to say: As political editor I have established relationships with all the political parties, I call them and we discuss issues, and where there are problems I personally make sure that we iron them out. Have you ever had meetings with MS MOKOENA?

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MR MBINDA: Chair, we will submit that at some stage we were told there was a meeting between the PAC and the SABC. We're not sure as to whether MS MOKOENA or the senior editors were involved in that instance. But to be direct on your question, we have requested such an interaction from our side and there has never been a positive response. So I would deny that insofar as our party is concerned there

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is that relationship.

MR POOE:

And to add from my side, I would say I have written to SOPHIE more than once and even the last letter that I wrote to the Board Chair, MAKHATINI, in his response he told me that he has also copied SOPHIE. But I have not received - I think that was round about May. This is July and I have not received any response from MAKHATINI, but with SOPHIE even last year we wrote to the editor LUMKO. In fact we were also trying to explain this situation so that there was no confusion on the part of the

MR MBINDA:

Whilst we are still on that, even in this instance where we were told that there was a meeting - not a meeting, but where the editors decided not to flight the PAC unity meeting as a result of an instruction that they got from within, we wrote to SOPHIE directly and there has never been a response to us, hence we can say we will deny that there is that interaction.

CHAIRPERSON:

At another level, where somebody goes on air and says false things about you, you can go to the BCCSA and in that way be offered a right

of reply because that person said false things about you and the SABC aired those falsehoods. And if the BCCSA agrees with you it will then instruct the SABC to give you the right of reply. Have you tried that?

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MR POOE:

Yes. I remember one of the, I'm not sure whether it's a requirement or it's how this independent body operates. They would ask first as to whether you have engaged SABC for the right of reply, before you come to them, or something like that. I can't remember what the exact wording is that they use before you report such an instance. And in our situation we would have like a - the PAC guy would have an incident where falsehoods are made and we would first want to engage with the SABC and the SABC would be non-responsive on those issues. Then by the time we wanted to go and report it, all of that had long happened. But there are two or three instances where we have done it and we are expecting to get some sort of feedback on all those issues.

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CHAIRPERSON:

How far back was this, that you are still waiting for responses from the BCCSA?

MR POOE:

When was it that we made a submission there?

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I can provide you with that information including the submission that we made, but it's just that I can't recall.

CHAIRPERSON: The reason I'm asking is because the BCCSA has certain time limits. If you write to the SABC and they haven't responded within so many days and you say to the BCCSA: We wrote and we haven't had a response, the BCCSA can then take it up with them. But there are time limits. Have you been following what actually happens?

MR POOE: Chair, to be honest, I'm not sure we have followed it closely from our side, with regard to that.

CHAIRPERSON: There are three presentations that a person makes. The first one is what you have prepared to go and deliver; the second one is the submission you actually make; and the third one is the one that you make to yourself as you walk out of here and say: I should have said this. Now if you get to that point where you start kicking yourself and say: We should have said this or that, please remember to send us a note. We are investigating, so the more information we get the better.

Please feel free to let us know of any second thoughts you might have. Thank you for the presentation.

MR POOE:

Yes, Chair, I must also say that we were not made aware as to the structured approach that the enquiry would want from us. As you can see, we also had a delegation that would have wanted to add to certain issues that we may have missed. So as and when we were presenting, it sort of caught us off guard when you were asking us as to who is going to make the presentation, because we were not prepared for that. We had thought that we were all going to make a presentation in case there may be issues that I may miss, and the leader would also have issues that he may have wanted to raise. The same with other members of the delegation. I'm not sure as to how we should approach that.

CHAIRPERSON:

If anybody still has any additional material to present we would be happy to receive it.

MR GANTSHO:

Thank you, Chair, my name is MBUYISELO GANTSHO again just on record. I'm part of the NEC. The only thing, without repeating what has been said, I'm saying we are largely covered.

It was the issue of the SABC observing the protocol of the party. In other words, just to be brief, it is that we are expecting that if we have leadership in all different responsibilities, both as office bearers and in deployment responsibility, we expect the SABC to also respect that. In this instance we were referring to a situation where, if we have a Member of Parliament representing the PAC and the SABC wants to cover issues that are affecting Parliamentary responsibilities we will expect them at all times to understand that there is a leader in Parliament, or any other platform where he is deployed that he has to be respected. I'm saying this has been covered. It is just another angle there because it has been said on my interference. So on that score I am covered there, and thanks for the opportunity again.

CHAIRPERSON: Thank you. 20

MR TSOTETSI: Thank you again. My name is BUSING TSOTETSI, a member of the NEC of the PAC. To a large extent, yes, we are covered but there are a few things that we would perhaps want to clarify. With some of the issues it is not 25

easy to map issues where they matter most like, for instance, some of us - me in particular - have people in the SABC who will tell us that: Editor ABC does not like you and does not recognise you because he has some close relations with person ABC. Like we knew very early on, after SOPHIE was put into the position of acting editor that we were going to have this sour relationship, because we were long from (indistinct) that she doesn't like us and she prefers this other group led by MOLOTO. We knew that. And when the leadership of the PAC went to the SABC to go and talk about the issue of unity, when the people who were hosting decided to deviate and talk about who is the leader we knew that would happen, that they were going to deviate our leaders from talking about the issues that they came there to talk about, but something else. We knew they were going to allow MOLOTO to respond as soon as possible. The SABC to us is very predictable and they don't fail us. They do exactly what we normally sit around and say: They might do this and they might do that. They are not failing. Without much of

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a repeat I am just emphasising without much of the report. Over 3 000 people attended our 21 March and then the SABC ignored us, deliberately. That is a fact of life, they only covered where in the morning there was some sort of a scuffle and so on, but as the day went by - and I remember I asked them, unfortunately ALDRIN SAMPEAR has left but I remember asking him to come back and do the coverage and then we were told: No, but we have done the coverage in the morning. They are only interested in the PAC when they hear there is some sort of scuffling of some sort, but then fast forward. If there is anything that was said by my leaders here or that has slipped their mind, I think indeed we will do a submission, but there is so much that we know in the PAC that there is a political interference. It's just that maybe we need to structure our submission on that. But a lot has happened. Thank you very much, Chairperson, and perhaps our leadership again will do that, as you were saying you are doing an enquiry. Bear with us where we are not putting issues systematically, but we will try

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our best to put issues together. We will definitely do some sort of submission.

CHAIRPERSON:

Okay, thank you. Anything else? Gentlemen, thank you so much. We are looking forward to trying to fix the SABC where there is something wrong and we can do it. 5

THE ENQUIRY ADJOURNS

JNT002 – EVIDENCE 9

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SOUTH AFRICAN BROADCASTING CORPORATION

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COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**PROCESS IN THE NEWSROOM**

PANEL MEMBERS:	MR JOE THLOLOE - Commissioner	
	MR STEPHEN TAWANA - Panel Member	10

19 July 2018**THE INTERVIEW RESUMES**

COMMISSIONER:	My name is JOE THLOLOE and I am Chairperson of the panel in this Commission of Enquiry. I will ask my colleague to introduce himself, and then you can introduce yourself.	15
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PANEL MEMBER:	My name is STEPHEN THABANG TAWANA, I'm a Director from MMM ATTORNEYS.	
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MS NTULI:	My name is BUSISIWA NTULI, I'm the Executive Producer of Special Assignment.	20
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COMMISSIONER:	That reminds me of MAX DU PREEZ.	
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MS NTULI:	Yes, everyone talks about him. Somehow we are stuck with that. When you say Special Assignment, they say MAX DU PREEZ and JACQUES	25
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PAUW, and so on.

PANEL MEMBER: Ms Ntuli, do you have any objection to taking an oath?

MS NTULI: No, I don't.

MS BUSISIWA NTULI (duly sworn, states:)

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COMMISSIONER: Ms Ntuli, we received your written submission and we have read through it. Would you please give us a summary of your submission and we will then be in a position to ask questions.

MS NTULI: Maybe I should start by saying why I have sent this submission. I was not going to send it because I felt as if all the other people would be submitting and the issues would be raised anyway. But then I became frustrated, following the dramas that we had at the SABC in 2016, when staff then came together in meetings. We usually meet often, although recently we have not been meeting, but we started meeting to discuss issues in the newsroom. On Tuesdays we would have meetings, where even people in the regions would be connected to the same meeting, and we would discuss what was happening here and what was happening there. The realisation was that staff needed to be in charge of the things

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that were happening in the newsroom. I was part of the group of eight journalists that protested against the so-called Protest Policy. Following that we went to GERMANY, where we learnt about their broadcasting system. It was sponsored by the KAS FOUNDATION, the idea being that we could learn some things that people were doing in other democracies so that we could properly implement or suggest them for a way forward at the SABC. One of the things we learnt was that they have what is called an Editorial Forum. They call it Editors Forum, but it's actually an Editorial Forum, which is a structure of editorial staff, where you have an executive committee of twelve members, six of them are managers in the newsroom and six are journalists. This is a structure that is meant to guard against editorial interference and anything that will negatively affect the editorial integrity of the newsroom. What happens is that if a person feels like they are being given an illegal instruction, they can immediately report it. So the turn around time is very quick. They immediately report

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it to the committee, which convenes very quickly so that they can deal with the issues. These are your peers who will decide whether or not what you are doing is proper in terms of policy, etc. This is one of the things we can back with and we were trying to introduce. In fact we also suggested it in our submissions for the new SABC Editorial Policies. I'm sketching this background to explain that as I was then part of the structure of editorial staff, I was the one who would talk to my contacts in different regions, because some of them would not attend meetings, or would not be comfortable speaking in forums where there were people. I therefore call people in the various regions to ask what's happening. The information that I'm presenting here is therefore taken from that, from speaking to people in KZN, speaking to people in the NORTH-WEST, wherever. It doesn't include all the regions, but some of them. I was hoping that those people would make their submissions, but as I said in my submission I also had a sense that some people are still scared to come forward. I know a

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few of them are saying that this enquiry is independent, but the email that is being used is that of the SABC. How independent is that? Because it's still on the server of the SABC. That's what they are saying. So I don't know 5
whether they ended up making submissions, I just feel that I need to bring this information forward, in case they did not come. Should I continue?

COMMISSIONER: Yes. 10

MS NTULI: The first one is KZN - political interference. In my initial submission I had said that I have been told many times that the ANC had a tendency of interfering in that newsroom, but I have more information on that. Apparently 15
during HLAUDI MOTSOENENG's time, when SIHLE ZIKALALA was the Chairperson of the Province, MR MOTSOENENG would force staff to cover almost every story that the ANC was doing, almost every event that the ANC was having, 20
whether or not it was newsworthy was not important. Especially the Youth League of the ANC. They would call the office to a briefing, and sometimes they would make them wait for five hours. When other media houses 25

leave, the ANC Youth League would boast that SABC journalists had no choice but to serve them. That was around MR MOTSOENENG's time. I'm told that in fact all ANC structures ran their newsroom. At some point the Women's League demanded that the newsroom go to NKANDLA to cover them protecting ZUMA's home. And throughout their four-hour drive, the journalists were shouted at and harassed by these women who were calling them throughout their four hour drive to say they must hurry. And I'm told one of these women is the current FREE STATE Premier, SISI NTOMBELA, and former Communications Minister, FAITH MUTHAMBI also ordered journalists around in the DURBAN newsroom. She would shout at them in full view of the public and other journalists. In fact, she once told their female reporters that they were fat and not dressed properly, in the presence of members of the public. Senior SABC management was informed about MUTHAMBI's behaviour, but nothing was ever done. I can ask for an email as proof of this communication. I am also told that they were affected by the ban on violent pictures. At

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some point DURBAN was on fire when ANC members were protesting against Councillors, who they alleged were imposed on them, and that story was never aired. My other issue is the concern about the influence of the traditional leadership in LIMPOPO, in VENDA, TONI MPHEPHU's royal house. Unfortunately the person I spoke to has since passed away. I actually wanted to follow up with him because he was a senior person in the SABC newsroom, but I can follow up, because I actually wanted the SMS. Let me explain. Within the VENDA royal family there is that battle for the throne. MASINDI MPHEPHU says she's the rightful heir to that throne. So their issues have been in the media and everywhere, but somehow at the SABC - we've been covering them in the newsroom but, for instance in LIMPOPO people were harassed, basically forced to take sides with MPHEPHU, because he is the current one, MASINDI wanted to dethrone him, saying she is the one who should be queen. I was told by this person who has since passed away, but I can find somebody else, who said journalists, especially those who come from

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those areas, were even scared to cover this story, because obviously when you cover a story like that you need to speak to both sides. But when you speak to MASINDI's side, you were harassed and in fact, as I'm saying, someone also received a death threat on his cell phone. And instead of dealing with the issue properly we were told that NOTHANDO MASEKO and SEBOLELO DITLHAKANYANE went down there because things became hectic and they were trying to open cases with the police, but these senior editorial managers told them: No, you cannot go to the police. We will try and engage the royal house. That is concerning, and I don't know what then happened to that, but it would be interesting to find out how you discuss with people who are being violent to your staff, who are obviously interfering in your editorial content. I feel that response was not appropriate from them, and to tell the journalist - whoever received a death threat - not to open a case when such criminality was happening, I believe is improper. Then in JOHANNESBURG we have a programme called Zwa

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Maramani and Um Galao Buthelezi. These are two programmes, it's a VENDA and a TSONGA programme which are put together. They are led by the same person. Her name is LIVHUWANI MODJADJI. We understand that LIVHUWANI's sister is married to the king's brother, and I have been told by the staff members here that she interferes in that story a lot. She doesn't want MASINDI's side to be covered. In fact, at the height of these battles, when they were still going to court and when the story was hot in the news, she decided to send someone to LIMPOPO to cover a story on that area, but the issue of the kingship was never touched. The story was about the good things that the king was doing in the community. Things like that can be found because there will be a story around that. So people are very scared. In fact, yesterday I spoke to one of the staff members. When she first told me about these things, she came to me crying and hysterical because this manager is very determined to protect the image of the king and the royal house, KING MPHEPHU. When I spoke to her yesterday she said, right now she

was doing the VBS story. The VBS story is an important one and this programme's viewership, in particular, is directly affected by the shenanigans at VBS. And TONI MPHEPHU has been allegedly linked to the corruption. Well, he 5
says they gave him gifts, but we don't know as it's still going to be revealed whether or not he knowingly took monies from the bank, and gifts and cars and whatever. But the point is that the king is implicated in this story of 10
VBS, but because of the climate on that desk, in that unit, and the attitude of the manager towards these issues, the producer told me: I'm doing a story on VBS, but I'm not touching the TONI MPHEPHU angle, which means there's 15
now self-censorship. Because she knows that she's going to be castigated for including the TONI MPHEPHU angle. It is such a disservice to their viewership because those are the people who are directly affected by this 20
scandal, because some of them don't know whether they will get their monies going forward. That is the extent of the problem around this, which I believe is serious interference from traditional leadership or 25

its agents in the SABC.

I have a number of issues about the same person, I don't know if I should continue.

In 2016, or before - I can't remember - there was a time when LIMPOPO didn't have a PGM, a

Provincial General Manager. The position was advertised and names were short-listed. I'm

told that one of the people who was short-listed is the same LIVHUWANI, because she's

very close to the Communications Minister, FAITH MUTHAMBI. As the story goes, MUTHAMBI

was apparently heard saying somewhere - I don't know where - that the SABC - there was

a time when MUTHAMBI, when ZUMA was obviously still in power and MUTHAMBI was one of the

powerful people in the country - at some point it was said that she was going to be the

Premier of LIMPOPO. She was apparently then heard saying that the SABC is very important

for her. Basically she needed to capture the SABC for her success as a Premier, or

something like that. Apparently MUTHAMBI was trying to force the appointment of LIVHUWANI

as a PGM, and this LIVHUWANI is very, very junior. Even the fact that she was apparently

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short-listed for that position is shocking, ahead of other highly qualified people. That didn't go through, but I'm suggesting in this enquiry that these are some of the ways in which politicians would try to influence. And 5 if it's true - I suppose information like that can be found if you go back to that process of selection before they were interrupted - your FAITH MUTHAMBI's and your HLAUDI's, and so on. Apparently she was in line to get that 10 position, junior as she was, and the intention was that, through her, FAITH MUTHAMBI would be able to influence the SABC in LIMPOPO.

I was also told about the regional editors of MAFIKENG in the NORTHERN CAPE. I think one of 15 them is CHARLES MATLOU, I can't remember the NORTHERN CAPE one. But apparently these are HLAUDI's appointments and these are people who were - I'm told CHARLES moved very quickly from scale - I don't know if you understand 20 the SABC's scale codes?

COMMISSIONER: Not really. We just know that you're a 125.

MS NTULI: No, I'm not, I'm 130. I'm a bit below that.

COMMISSIONER: Is 130 below 125?

MS NTULI: Yes.

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COMMISSIONER: Oh okay. No, that's all that we've heard so far, about 125.

MS NTULI: Okay. 125 is probably the economics editor. I don't know 120 or 125. Those are high scales. So the scales start from 402, 403, 5 405, and then they come up. This person was apparently scale four-something. I can get the information and send it. But in a very short space of time he moved from that scale to 300, and now he is above me, he's scale 120 or 125, 10 or something like that. He was made regional editor.

COMMISSIONER: In MAFIKENG?

MS NTULI: In MAFIKENG, yes, CHARLES MATLOU. I'm told he was a very staunch HLAUDI person. In fact, it 15 looks as if this is how HLAUDI operated. All the people who didn't seem to qualify for their positions, he escalated them and made sure that he gave them positions so that he could properly control them. This guy was one 20 of those, and they would control things editorially in the newsroom there. One of the things, for instance, in MAFIKENG, the NORTH-WEST Government, under MAHUMAPELO, the one who has just gone, they had a programme called 25

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SETSOKOTSANE. It was something like a rural development/rural awakening type of programme, where the Province is largely rural, and he came up with this campaign to uplift rural areas, apparently. I'm told that the office of the SABC allocated a journalist to follow the Premier around in the NORTH-WEST, which is completely irregular, as far as I'm concerned, in the same way that you would allocate a correspondent for the Presidency. That is the information I was given, which is highly irregular. My view is that his stories should be covered on the basis of news value and newsworthiness, not whether or not there's a story you have to follow. I don't know how much of SABC's resources were wasted in that process. Something disturbing came up just after that. So when we raised this issue, I can't remember if we raised it during our petition or when - oh, it was during a staff meeting. In fact it's interesting that during a staff meeting we raised this, and somehow that information found its way to the Premier's office, when we had raised objections around this SETSOKOTSANE thing.

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The Premier's office then released a statement saying that they are cutting ties with the SABC. This was shocking in that they were even entertained. What kind of ties existed in the first place? I don't understand. 5
Because as far as I'm concerned there shouldn't be any ties. We should cover their stories if there is news value, if there are no stories, so be it. I remember there was a tutor thing that they then released. I 10
think the SABC went and had meetings with them to try and fix relations, and then there was a tutor thing sent afterwards, that the Premier's office has now resumed ties with the SABC, or something to that effect. I'll find 15
it because I took a screen grab of that tutor thing. So it seems there is no understanding of - for a long time there is this issue of stage officials not quite understanding what the SABC stands for. They think that we are 20
there to serve them. I just wish this enquiry would interrogate this to say what kind of ties would have existed in the first place and what is the basis of those ties, because we're 25
supposed to be an independent broadcaster,

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acting in the public interest, not to serve State officials. But you also see how Government Ministers and those people treat SABC journalists in general. They are treated as if they are part of them, compared to how they would relate to a journalist from eNCA, or newspapers or elsewhere. When it comes to it, they don't expect you to interrogate them in the same way, otherwise they will report you to your managers. I remember that at Special Assignment we had a story that we did on the prison, I can't remember what the content was, but it could be that it was about a prisoner who was ill, but who was not allowed parole, the same way as SCHABIR SHAIK, and so on, and we approached the Department well in advance for right of reply, and they never entertained us, meaning they never came back to respond to the questions. So we decided to proceed with the story and, as is normal, towards the airing of the story we would do promotions around it, promos, media releases, and so on, and when they realised that this thing was serious, I was on leave, but I was reliably told by the person who was

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acting for me that suddenly the person who -
I can find his name, he was the spokesperson
for [0:27:02.6] at that time. He then called
my colleague, ADELE VAN NIEKERK, to say: You
must interview us. Something like that. And 5
anyone who knows our production processes,
producing documentaries is not like producing
a one-minute story, the process is long and it
takes time, and on the day of the broadcast
you can't come and tell the interviewer that 10
you are now available to be interviewed, when
the editing has happened. My colleague told
them that the SABC had given them enough time
to respond and that they never reverted back.
And this person said: Well, I'm going to 15
speak to your bosses. And truly, he called
whoever, and SEFAKO NYAKA, [correct] who was
our head of Current Affairs at the time, came
running. He demanded the tape, and SEFAKO
took our already edited broadcast tape, 20
apparently he was running around like a small
boy. Because apparently, at the time NOSIVIWE
was in CAPE TOWN. A camera was immediately
allocated, NOSIVIWE was interviewed, and
SEFAKO, without the input of the executive 25

producer of the show or the producer of that content, and they inserted that interview into that programme, which is highly problematic, because you would expect your manager to defend you, especially when he establishes that you have done everything from your side in terms of offering people the right to respond, and so on. So basically what I'm saying is how these Government people deal with the SABC editorial staff. Somehow they feel that we are obliged to serve them. They don't expect...

PANEL MEMBER: I just want to know who this particular person is?

MS NTULI: Which person? 15

PANEL MEMBER: The person who was not interviewed and demanded that...

MS NTULI: He was the spokesperson for NOSIVIWE at the time. I can find the name and send it.

PANEL MEMBER: Okay. 20

MS NTULI: I can see his face, I have just forgotten his name.

COMMISSIONER: What was NOSIVIWE's portfolio at the time? Was it Correctional...

MS NTULI: No, maybe it's not NOSIVIWE. It was 25

Correctional Services. She was at some point - yes, it was NOSIVIWE. She was Correctional Services at the time.

COMMISSIONER: Okay.

MS NTULI: This kind of thing has led to a lot of self-censorship. I know a programme like Special Assignment, which for a long time has been known to be investigative and no-nonsense, and so on, we are slowly getting that back, but there was a time when staff just did not want to touch any political stories because they would say what was the point if the story was going to be pulled? The things that have happened at the SABC have seriously affected the quality of programming and has robbed society of quality information. Because people just don't want to go there. TV Current Affairs at the SABC has always been - okay, I don't know always, but for as long as I've been there, it deteriorated over time. We are like the poor cousins of SABC news. No one really cares about Current Affairs on TV. So much so that in the past two years we have not had editorial meetings. It's a scandal, but it has to be said. We do not have editorial

meetings. Everyone just does what they do. At some point I did a story on this PASTOR OMOTOSO, an exposé, and I discovered that my sister programme Cutting Edge, was also doing the same thing, which is a waste of resources because there are no proper systems. Which is scandalous. And in that kind of space it is risky for any business. There are cracks. That's why people like LIVHUWANI are able to do the kinds of things she is doing, because there's no peer review. Everyone just decides what they want to do. And she can get away with things. When I say Current Affairs has been the poor cousin of news, no one really cared about what we are doing, but you would see people being interested when there was a political story that one of us was producing. At some point Cutting Edge was producing - I think it was around last year's Local Government Elections - or not last year. I don't know which ones, but I can check that information.

COMMISSIONER:

The 2016 Elections?

MS NTULI:

Yes. A producer by the name of NJABULO SHABANGU at Cutting Edge, produced a programme

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where he went and interviewed primary school kids. He printed pictures of JACOB ZUMA, MMUSI MAIMANE, TULI MADONSELA, MALEMA, and so on, and he went to various schools. I know he went to some well-off schools and then he went to so-called black schools in the townships, but he was then asking kids: Who is this? What do you think of this person? And obviously children would say whatever. So generally speaking people were saying ZUMA is corrupt, children were saying MALEMA is violent, and so on. I assume they were repeating things that they would hear their parents saying. That programme was stopped from being aired by NYANA MOLETE. NYANA MOLETE is still in the newsroom. The positions of these people change all the time, but he's one of the senior news managers in the SABC. He said they were too critical of the President and they had to edit that story. As far as I can remember it eventually went on air, not when it was initially supposed to, but the one that went on air was highly edited so that it wasn't that critical. Basically they sanitised it.

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I forgot to mention that in KZN I was also told that the IFP was interfering. Apparently during JIMI MATTHEWS time as head of news, he was also forcing staff to cover IFP events, noteworthy or not, because apparently LIEZL VAN DER MERWE, she's now a Freedom of Speech advocate, but this is what the staff is telling me now, that LIEZL VAN DER MERWE would boast that she and JIMI come a long way. So her press releases would go straight to JIMI MATTHEWS in JOBURG, and not descend to the DURBAN news editors, who would then get instructions from JIMI in JOBURG telling them to go and cover this.

I was going to speak about the Interface one, but I will send you PORTIA's submission.

COMMISSIONER: Which one is that?

MS NTULI: Interface. PORTIA was initially the Executive Producer for Morning Live. She was then moved in a very bad way to Interface, but I think her submission explains everything.

I also raised a concern about the Presidential Corp. I am now told that the new GE of News has completely collapsed the Presidential Corp, so maybe there is hope there.

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Apparently there is no one specific person allocated to the Presidency, but they rotate. But in the past there was concern about whoever was allocated to cover the Presidency suddenly became part of the Presidential staff, meaning their reports were uncritical. It was like a PR report, which you can see if you compare some of the international media's WHITE HOUSE correspondents, this is the SABC Presidential Corp, you can ask: But what is this person doing? So much so that we are told that with the previous one, MZWANDILE MBEJE, apparently - I don't know if it's true, but apparently WITS UNIVERSITY was using his clips to show how not to do it, basically embedded journalism. I don't know if it's true, but that's the story doing the rounds. If you trace it back to the MIRANDA STRYDOM years, she was attached to PRESIDENT MBEKI. MZWANDILE MBEJE was attached to PRESIDENT ZUMA. These people suddenly become too powerful in the newsroom. No one can tell them anything, and from what I'm told - I don't work on the news side, I work on the Current Affairs side - but from what I'm told,

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their scripts were not even checked, so suddenly they become powerful and no one can tell them anything. They are just Presidential people planted in the newsroom to pursue the agenda of the Presidency. So the SABC should come up with very clear policies around its Presidential Corp and look at international best practice, so that we are not embarrassed the way that we have been. The worst of them was the last interview that MZWANDILE did with PRESIDENT ZUMA just before he left, which was seen by the whole world. And some of us have complained, because that was not the first interview that he did where he literally sat in front of ZUMA and asked no critical questions at that critical moment in the political history of SOUTH AFRICA. And that interview was even aired on BBC LIVE, I'm told, it was aired live everywhere and the SABC so-called senior journalist failed to ask the important questions and allowed ZUMA the space to just say things. For me that was not the first interview. I have complained before about the interviews that MZWANDILE did with the President. But I think that one was the

worst of them all. And for me the issue was also that even when that was happening, there was no intervention from any news manager to say: No, no, but we don't think you are doing what you're supposed to be doing there. Let's recall you or: We are disciplining you, you are bringing the SABC into disrepute. Nothing. It's as if he had complete freedom. So I believe that whatever MZWANDILE was doing, whatever MIRANDA STRYDOM was doing, SABC management are complicit. Beyond the current GE, I don't know what's going to happen, but I believe that we need very strong policies on how the Presidential Corp should conduct itself, so that when people do certain things we are able to say: No, you are going to be withdrawn because of 1, 2 and 3. At this moment the people last for as long as the term of that President. We even know that MIRANDA STRYDOM went on to work for MBEKI after that.

I then got a report about possible commercial interference. The SABC has a new look now, I'm not yet familiar with the new names, but before the changes there used to be a show

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called Newsroom. It was produced by EBEN JANSEN and the presenter of that show was called ELVIS PRESSLIN. I received complaints from the staff that ELVIS apparently has a PR company and the staff was complaining that some of the stories they were doing seemed to be stories that were benefiting ELVIS, because these were his clients, some of them don't even have news value, but they are forced to cover them. At some point apparently a reporter was instructed to go and cover a NEDBANK event in CAPE TOWN. The reporter's name was LINDOKUHLE SIMALANE, and it was a sponsored trip. I'm not sure, the SABC paid, but apparently when he got there people were saying: This is EBEN's crew, and people were treating them very nicely, and apparently they - so I don't know which story that is. We can go and check, but apparently that was like a non-story. It was like a PR event for NEDBANK. And he was very frustrated. He came back, he had to put a story together and a story went on air, but generally speaking the feeling was that some of the things they did on that programme felt like they were serving

clients of people. I don't know if there can be an investigation into that. In fact they also had a weekly slot. I was given the name. But they got PROFESSOR RAYMOND PARSONS to come every Friday. It was a weekly slot, where he was interviewed about economic issues. Apparently it was called Parsons Economic Perspective. I haven't seen it, but the feeling was that PROFESSOR RAYMOND PARSONS had a platform created for him to continue to promote himself, and he was even promoting this books on that platform. There was no proper justification as to why you would create something like that. It was like a slot in the programme every Friday, where RAYMOND PARSONS came and gave an economic perspective, but it was as if it were a platform that was used to promote his image and whatever. So eventually senior managers stopped that slot, because the feeling was that it was too much promotion for RAYMOND PARSONS. Even though the staff complained about it, the executive producer didn't remove it and in fact he said: If you're saying we're favouring this man, you must bring

proof. Anyway.

As I conclude, my feeling is that at the SABC we need an avenue for journalists to be able to report editorial transgressions as and when they happen. Generally there's HR to deal with staff concerns, but I don't think HR is equipped to deal with editorial issues, and SABC HR over the years has been highly compromised. Somehow they always side with whatever leadership is in place. Therefore, as one of the outcomes or recommendations of this enquiry, I would request for there to be a way for SABC journalists to be able to report editorial transgressions, where they would feel safe, because currently things look like they are moving in the right direction, but you never know what is going to happen going forward, and it's about making sure that institutions survive beyond people. The current crop seem to be saying the right things, but we don't know what is going to happen after this, because the SABC also looks like it is influenced by the politics of the ANC. So the current crop of the ANC seems to be saying the right things and they also seem

to be allowing the SABC space to be what it's supposed to be, but we know that there are serious contestations in the ANC, there are people who already want to remove RAMAPHOSA, we don't know who will come after that and what attitude they will have towards the SABC, but you need proper policies and things that will survive beyond these kinds of things. I will pause for now. 5

COMMISSIONER: Let me start with the general picture first. Did you submit a suggestion on the Editorial Forum when they were reviewing the policy documents? 10

MS NTULI: Yes. It's part of that - I was also in charge of that process of putting together a document which I can share with you about how the Editorial Forum would work. 15

COMMISSIONER: Okay. I didn't see it in the draft that is circulating.

MS NTULI: Okay, that's the problem. I haven't seen the draft either, but I know that after the new COO, CHRIS MAROLENG, was hired he wanted to know more about it and we sent him information. So there was a bit of confusion between - because in 2016 when we made our 20 25

presentation at the *ad hoc* Committee in Parliament, we suggested an ombudsman, some kind of an ombudsman, but that was before we knew about the Editorial Forum, because we only went to GERMANY last year. So there is that proposal of the ombudsman, which we made in Parliament, and which the DA then supported. They submitted it to the SABC during this process of editorial review and we then proposed the Editorial Forum. So the SABC was sitting with two proposals of either having an Editorial Forum or an ombudsman, and they wanted to understand how each one worked and whether both can work at the SABC. Our view was that both of them can work, because the Editorial Forum strictly deals with the newsroom and the ombudsman can be an ombudsman of the entire SABC. Because there are other practices - for instance, I'm told at sports, certain clubs are very powerful and they control things and, for instance with ORLANDO PIRATES, if you produce certain stories then you are in trouble. So the ombudsman can be an ombudsman for the entire SABC, and then the Editorial Forum is confined in the editorial

space of news. That was our proposal. So I will have to get hold of the document that is circulating. In fact, I think it would be relevant for me to also say that I'm currently busy with my PhD proposal and my topic is to find ways in which SABC staff can proactively protect the newsroom from interference. My view is that we are sitting ducks. Basically you keep hoping that the next manager who comes will not be like HLAUDI MOTSOENENG, whereas we should be going back to - my understanding is that when the new SABC re-emerged after apartheid, the thinking was that power would be vested in the editorial staff. It would be a bottom-up approach as opposed to what has been happening, which is a top-down approach. So my proposal in my PhD is that we need to go back to where power resides in the staff in the newsroom as opposed to it residing elsewhere. It would be unfortunate if the current documents reject that, because then it means people are still hell bent on wanting to interfere in the newsroom. We don't understand why anyone would reject that kind of thing because the system is literally

editorial staff determining what happens in the newsroom. Why would any external person want to interfere? I will have to check that document.

COMMISSIONER: Because the ombudsman is included in the draft. 5

MS NTULI: Okay.

COMMISSIONER: But that ombudsman is placed in a very different location. That ombudsman is supposed to be independent and is supposed to take complaints from the public. There is no mention of what happens internally. 10

MS NTULI: Which is highly problematic.

COMMISSIONER: And the question of the forum isn't raised at all. 15

MS NTULI: That's highly problematic. Thank you very much for alerting me to that. I've been busy with my proposals, so I have not really been...

COMMISSIONER: If you could send us a copy. I hope you're noting down all the things that you're supposed to be sending. 20

MS NTULI: So far, it's NOSIVIWE's spokesperson and a copy of the Editorial Forum.

COMMISSIONER: Yes. Your staff gatherings. What status do 25

they have and what impact have those gatherings had on the Editorial Policy?

MS NTULI: In terms of their status, at this point we have said they are just meetings of the editorial staff until...

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COMMISSIONER: At what levels?

MS NTULI: It's all staff. Basically my colleague, KRIVANI PILLAY, is the one who has the database and who calls the meetings. When we call an editorial meeting, it's staff, executive producers, journalists, anyone in the newsroom. When we call an editorial meeting anyone can come. We also book the lines, so that people in the regions can be included. But I must say those meetings are not attended by everyone, so people who were pointed out as enforcers, they in a way reject those meetings, because they know that we're going to - it's basically staff saying: We're taking back our power, we're going to discuss these issues. In fact, even the reason why we're sitting here today is a result of those meetings. Yes, these enquiries came about because of the discussions that started in those meetings. Staff came together and

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expressed their concerns and I called people who were telling me this is happening. For instance, in MPUMALANGA there was "sex for job scandals", and so on, so we came together and said we are writing a petition, management must act now. 5

COMMISSIONER: The February petition?

MS NTULI: Yes. It was because of the discussions that were happening in those meetings. We put together a petition and we sent it to management. And one of the things we raised there was that since the conclusion of the *ad hoc* Committee and the recommendations, we are yet to see management doing anything about enforcers. It was a very difficult thing for us coming back from the drama that we came back from, and some of us having been fired and whatever. Then you come back to the same newsroom, you have to report to the same person, and you know that this person at the very least should be taking accountability for what's happened. We're not saying people must be fired. We're saying how do we move forward? And this is what we've raised. How do we move forward when the same people 10 15 20 25

continue to do the same thing? At some point we were saying we're coming up with a new strategy, a new this and a new that. How can the same people drive the same new strategy when they are the ones who brought us to the current position that we are in, where the newsroom was compromised and SABC journalists are seen as a laughing stock out there, because you're not taken seriously, you are Government spokespersons, because of these managers. The same people are now the ones driving the new strategy for a reviewed SABC newsroom. How is that possible? So we raised those issues in the petition and that's when the Acting CEO, NOMSA PHILISO, then called us to a meeting to say: But, guys, what do you want us to do? I was actually the one making the presentation to say you need to investigate these things. That's how the enquiries came about. These meetings are very important, and when you are asking about the status, that's why we proposed it in our request. In fact at these meetings staff also discussed their inputs in terms of the new Editorial Policy. The submission that we made

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was a direct result of these interactions amongst staff across all the Provinces of the SABC. We used to sit and go through the 2004 Policy, section-by-section and we even had sub-committees, some people looking at this and others looking at that. We then brought those together and made a whole submission because of this forum. One of the submissions was that the Editorial Forum has to be a matter of policy so that its status is then recognised instead of it just being a sporadic meeting of editorial staff. But it has to be made a policy thing. I can also find you our original Editorial Policy submissions. 5 10

PANEL MEMBER: Are you saying that the editorial meetings should be regulated by the policy? 15

MS NTULI: Yes. And this is exactly what is happening in GERMANY. It's part of the structure of the organisation, so that when for instance you have the Editorial Forum itself, so that when you have to respond to a query you are not accused of abandoning your work, or whatever. It's understandable that you are in a meeting of the Editorial Forum because there's an urgent matter. Do you understand? So that it 20 25

is part of the running of the newsroom. It's not seen as something that staff is just doing. And the decisions are also taken seriously. If we say: But wena Sophie, how can you say this? This doesn't sound right, 5
your reason to object to this interview, or whatever, is not based on professional reasons, then there's some weight to that finding as opposed to us just making comments. That's why we wanted it to be part of the SABC 10
policy for there to be Editorial Forums.

COMMISSIONER: The question I'm grappling with as far as the ombudsman is concerned, is that you have your normal editorial tape, going right up to the Editor-in-Chief, whoever that would be at the 15
time. Now, when you create an ombudsman in the newsroom, you are creating a parallel structure...

MS NTULI: Yes.

COMMISSIONER: ... to that of the normal editorial. 20

MS NTULI: Yes.

COMMISSIONER: In other words, the ombudsman in fact becomes the Editor-in-Chief.

MS NTULI: The Editor-in-Chief, yes.

COMMISSIONER: That doesn't sit comfortably. The Editor-in- 25

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Chief is the one who is supposed to have the responsibility but a forum is in fact probably the consensus in the newsroom.

MS NTULI: Yes.

CHAIRPERSON: Some powerful advisory capacity to assist the Editor-in-Chief. 5

MS NTULI: Exactly. You will see, for instance, even how decisions are reached. For instance, if a complaint is against one of the members of the executive of the forum, that person has to be excused. And if there's no consensus about whether or not for instance this is editorial interference, whether this instruction is improper, decisions even go to the point of a vote. It's quite detailed. Most of the stuff would be decided in the newsroom. In very rare cases, I'm not sure what kind of cases, it would then go outside of the newsroom. Because in these meetings people were raising serious concerns about the CEO being the Editor-in-Chief. It may be understandable in terms of organisations and so on, he or she is the person accountable for the entire business of the SABC. In that way perhaps, but in terms of seriously claiming our editorial 10 15 20 25

independence as SABC news staff, we always worry about - I mean look at the current CEO, he has no journalism background. Not in a bad way, but he really doesn't know a lot about what we as journalists do. Now he is supposed to be the final arbiter on the issues that we are dealing with. That is the implication of saying a CEO is the Editor-in-Chief. So we wanted a system that will as much as possible deal with editorial issues in the newsroom and finalise them and be able to resolve them in a professional way by people involved in their job.

COMMISSIONER: What would your suggestion be to a proposal that says the CEO and the Editor-in-Chief report jointly to the Board?

MS NTULI: CEO and Editor-in-Chief?

COMMISSIONER: Mmm.

MS NTULI: Editor-in-Chief being the GE of news as opposed to being the CEO?

COMMISSIONER: Yes.

MS NTULI: It would make sense. For instance, the GERMAN Editorial Forum, they call the editor the director of news, or something like that, but that person, the GE of news also sits on the

administrative Board of the corporation, representing the newsroom in that capacity. So it's not a problem if they report to the Board. The problem is when this person who does not quite have an understanding and appreciation of what we do, is the one who is supposed to make decisions. 5

COMMISSIONER: I'm not sure if you said it in your submission. There are various factions in KZN. Which factions were dictating to the SABC? 10

MS NTULI: From what I know - generally speaking, as I was saying, developments inside the SABC newsroom, whether it's at the head office or in the regions, the faction that will dominate is the faction that dominates at LUTHULI HOUSE or the one that dominates in the Provincial politics. During the HLAUDI era, the faction that dominated was the ZIKALALA faction. That would be the one that thought it was controlling things. That's my understanding. 15
Even that Youth League, you know the recent one that came after MALEMA, the one that would always be on ANN7, that's the one that also thought that they could control SABC 20 25

journalists, because they were ZUMA people and so on.

PANEL MEMBER: So was everyone in KZN, within the SABC staff, complaining about it?

MS NTULI: No, no, I can't say everyone. I'm talking 5
about people who hold serious positions in the newsroom. Even here you have people who are still against us, who felt that we were just trying to seek attention, we were protesting against - and this is the problem. You have 10
factions in the newsroom, even here we had people who were HLAUDI people, people who when there were disagreements in the office they would have a direct line to the COO. Those type of people. So, no, I would not say 15
everyone, but I also know that there are people who stand for the truth, who are very principled, who will say things the way they should be said, not because of wanting to be partisan, no. 20

PANEL MEMBER: Do you have specific names that you could maybe provide the Commissioner with?

MS NTULI: Names of what?

PANEL MEMBER: Of the staff that encountered or experienced the incident of interference. 25

- MS NTULI: I can tell you now that I got a lot of my information - maybe just to check, where is this information going? Is it going to be public? Because I can tell you the names now, but where is this information going? The recording and so on, is it going to be public documents, or what? 5
- COMMISSIONER: What happens is that these hearings are *in camera*.
- MS NTULI: Yes. 10
- COMMISSIONER: With everything else we will take out the name of the person who spoke to us.
- MS NTULI: Okay, good.
- COMMISSIONER: Unless that person is happy that his or her name be published. 15
- MS NTULI: I got my information from BUSANI MTHEMBU, the regional editor of KZN.
- COMMISSIONER: Is BUSANI still around?
- MS NTULI: Yes, he's now in KZN. He's the big boss there. And from LINDA MGOBHOZI, who is a veteran in that office, and highly principled, I must say. 20
- PANEL MEMBER: What is the position of BUSANI?
- MS NTULI: BUSANI is the regional editor now.
- COMMISSIONER: In KZN? 25

- MS NTULI: Yes, in KZN. He's the big boss. So he would be at the receiving end of some of these things.
- COMMISSIONER: And MGOBHOZI, where is she?
- MS NTULI: LINDA MGOBHOZI, I think she's one of the news editors. She was a reporter for a long time, but she's now senior in the newsroom there. 5
- COMMISSIONER: In KZN?
- MS NTULI: In KZN, yes.
- PANEL MEMBER: So these are the ones who came to you and complained? 10
- MS NTULI: Yes. Remember, I said I have people that I constantly call on. So I have my people in MAFIKENG, I have them in KZN, in the NORTHERN CAPE, here in JOBURG, in MPUMALANGA - which other office? I have people I talk to. People who in my understanding are very progressive and they want the SABC to move forward. I also have people in LIMPOPO. One of them has, sadly, passed away. 15 20
- PANEL MEMBER: So why can't they come and make a submission?
- MS NTULI: I don't know. That's why even in my submission I say after trying to persuade - in fact LINDA actually submitted. She did.
- COMMISSIONER: Yes, I think she did. 25

- MS NTULI: She did. And in fact she was ill around that time. She realised when she went back to work, because she was off, ill, that there was an email saying she needed to come on a particular day. But she did submit. 5
- PANEL MEMBER: Because to tell you the truth, Ms Ntuli, the evidence that you are giving to us is very pertinent, it's very important. The only challenge that I'm encountering is the source. If we get the evidence from this particular person, that they complained to you, I think... 10
- MS NTULI: I can try to persuade them. Which evidence, for instance, would you want? I know LINDA has no problem participating. Which other one do you want? 15
- PANEL MEMBEER: I think you have already given the KZN one, and the NORTH-WEST and the NORTHERN CAPE. In fact the NORTHERN CAPE one is fine. So it's the NORTH-WEST one. 20
- MS NTULI: The NORTH-WEST one - which one, SETSOKOTSANE?
- PANEL MEMBER: SETSOKOTSANE, yes.
- MS NTULI: He probably forgot to mention it, but I know that DAVID was also part of this enquiry. He can give you more information about 25

SETSOKOSANE.

PANEL MEMBER: DAVID who?

COMMISSIONER: MAGAE.

MS NTULI: DAVID MAGAE, yes. He's one of my contacts there. And somebody else. So this SETSOKOTSANE thing, I can send you a screen grab. It was also in the news when the Premier's office said they were cutting ties with the SABC. You can Google that. 5

COMMISSIONER: He didn't mention it in his presentation. 10

MS NTULI: Maybe he forgot, but whatever you want we can forward.

COMMISSIONER: One thing that I probably need is the email related to MUTHAMBI.

MS NTULI: Oh, the complaint? 15

COMMISSIONER: Yes, the complaint.

MS NTULI: Okay. Then the stuff about LIVHUWANI, I'm sure those documents could be found at HR, about who applied.

COMMISSIONER: I think we have an email from Human Resources about that process. We should be able to get witnesses there. Again MUTHAMBI. Do you know where and when she said - I don't have the actual wording, but you mentioned that she was saying that she wants to be Premier. 20 25

MS NTULI: I'll ask someone else who may give me that information, but the person who specifically told me this has passed away. But he put me in contact with one of the EP's in that newsroom and she only spoke to me on condition - because this person said: No, it's fine speak to her. One of the things about us is that I believe our fight has created issues. We have people who understand our struggle and are fully behind us, but we have people who still see us as trouble-makers, so when you call someone, it's like: What is this? This person was able to convince this lady to say it was okay to talk to BUSI. Now I don't think I can go directly to her, but I know someone else that I can speak to, to try and get that information about MUTHAMBI saying she wants to control the newsroom there. 5 10 15

PANEL MEMBER: During these MPHEPHU issues or tribulations, who was the responsible person in LIMPOPO regarding the news? 20

MS NTULI: The EP. I will find this lady's name, because I spoke to her and she's the one who gave me the thing about this person wanting to go and open a case. SEBOLELO and them were saying 25

they shouldn't, they will speak to - I'll find her name. She was the EP or Acting EP, or something like that, but she was one of the senior managers there.

PANEL MEMBER: So she was the one who takes final decisions at the end of the day? 5

MS NTULI: Yes, she's senior in the newsroom. It should be possible to find information about - do you know SEBOLELO?

COMMISSIONER: Yes. 10

MS NTULI: At the time I was told SEBOLELO and NOTHANDO came down to LIMPOPO to deal with the issue. So it should be possible to find this, or even ask them.

PANEL MEMBER: Okay. 15

COMMISSIONER: I'm surprised you didn't make any submission about your experiences as part of the SABC 8.

MS NTULI: I know that KRIVANI came, THANDEKA came, and I thought, okay, they will say - and I'm aware that FOETA also made a submission. My view was that I didn't want to bombard the enquiry with - because, to be honest, personally when we started this struggle - we call it a struggle - I personally didn't have strong issues in terms of interference, and so on, at 20 25

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Special Assignment, but I was pained by the announcement of HLAUDI, because I kept seeing his interviews on TV and radio saying the SABC from now on would not broadcast protest footage, and I was thinking, I'm tasked with producing investigative documentaries. How do you tell compelling stories, documentary in an investigative programme, when you are barred from doing certain things? What kind of programming am I going to have? We might as well close shop. And remember, it was also towards the Local Government Elections. We wanted to do more Local Government stories. So clearly I was not going to be happy. In fact if you look around that time, I don't think we did many stories, if any, around Local Government issues. Because the issue was: What are we going to show? So that decision completely messed up the newsroom. It affected us a lot, because when you're tasked with producing a thirty minute programme you have to also think creatively about visually, how am I going to treat this story? What do you show when you discuss Local Government issues and you can't show -

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and at the time the issues on the news agenda were service delivery protests, and you don't show that. So I was frustrated by that. And then I mentioned it to some of my colleagues, saying: Guys, we need to do something about this. They agreed. But the initial people with whom I discussed it pulled back. But one of them then told THANDEKA that BUSI was trying to challenge this thing, and then THANDEKA said she wanted to have a meeting with me, but she was, however, still going to LONDON, and when she returned we met. When she called me I had a meeting with another organisation outside, trying to lobby support, because we were trying to oppose this thing of HLAUDI, but we needed external support. But from there things happened rapidly because it was after our meeting with the FREEDOM OF EXPRESSION INSTITUTE, whom we were trying to also get behind us in our opposition of HLAUDI. But just after that THANDEKA, FOETA and SUNA were fired because they spoke against something in the editorial meeting, and then suddenly this thing moved to another level. We wrote that letter to say we were against

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the firing of our colleagues and we believed this policy was against our freedom of speech, and we were then fired. So things just escalated. But personally, my initial beef was this Protest Policy and how we were compromised and how we were hampered in our work. I was trying to solicit support from my colleagues and external parties to find the best way to challenge HLAUDI, because HLAUDI was feared at that time. 5 10

COMMISSIONER: Who signed your letter of dismissal?

MS NTULI: Mine was pp'd by TEBELE.

COMMISSIONER: And what was the name on it?

MS NTULI: Let me find it. I was already at home and was sent mine on my personal email, so it's here. 15 I can find it now. But the role of news HR, this enquiry must look into it, because unfair and improper as everything was, the things that were being done to us, HR supported it. I don't know what the role of HR is supposed 20 to be.

COMMISSIONER: I'm particularly interested in this one, because some people are saying: We refused to sign those letters, and that's why they had a pp TEBELE. And their argument is that: We 25

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refused to sign those letters and now we are being called the enforcers.

MS NTULI: This one is "NOTHANDO MASEKO pp TEBELE". That's fine, but the second letter - so this is the original letter that we were sent, the one that fired us. But then we were given a second letter. I need to think. I know the second letter was given to me by NOTHANDO. I shouldn't say things that may come back to haunt me, but this one I was given by MANNIE ALHO.

COMMISSIONER: That's Human Resources?

MS NTULI: That's Human Resources, yes. The name is NOTHANDO, but it says "pp TEBELE". There was an instance, maybe just before we were fired, around the time of the DC, they organised the DC against us, but the DC didn't go through because we were fired. That one I was given by NOTHANDO, because they were saying despite everything we continued to speak in the media. That one was given to me by NOTHANDO. She called me into her office. I must check my files as to which letter that was.

COMMISSIONER: You said your feeling is not that people should be fired, but they have to be

accountable for what they did.

MS NTULI:

And that's me being a Christian. Honestly speaking, they should not be part of a new SABC. If we have to reimagine a professional public service, the one that is routed on particular - you see, the way they behaved is what makes us think that if another HLAUDI comes to the SABC they won't behave in the same way? You should listen to the stories that are told by these people. They would go into a studio on the phone with HLAUDI: Yes, sir, yes, sir, I'm on it. Listen, drop the story. Yes, I've just dropped it, sir. It was so shameless. It's as if this person has no concept of the right thing to do. These things that we are talking about are foreign to them, they don't have the concept. Such people for me are beyond redemption, but I don't want us to be seen as being out for blood. That's why we were saying at the very least, let the truth come out.

COMMISSIONER:

Mmm.

MS NTULI:

Then decisions must be taken about the way forward. Because as I was saying at some point, there will always be factions. There

are people who were feeling like we were grandstanding and basically these things were not happening. At some point we were accused of being agents of some foreign funders. People were saying where do we get money to afford these lawyers. We were given *pro bono* assistance. People claimed to understand that, but anyway, people were saying all these things, and our view is that it's only through this kind of process that firstly, people will see that we were not grandstanding. Secondly, they will see that the views that we were sharing in Parliament are actually shared by a whole lot of staff members in the SABC. They are not the views of only eight people. We were just representing a whole lot of frustrations. Because even before we went to Parliament, I was the one who spoke to people in the regions. So even our presentation in Parliament was based on actual experiences of people elsewhere. But they still said we were grandstanding.

COMMISSIONER:

How long have you been with the SABC?

MS NTULI:

I joined the SABC in 2003 as a business news reporter, was based on the business desk from

2003 until 2007, and then in April 2007 I joined Special Assignment as a producer. Then in 2012 I was appointed as Executive Producer.

COMMISSIONER: Our brief covers the period 2012 to now.

MS NTULI: Yes. 5

COMMISSIONER: Who was the Group Chief Executive when you were appointed as Head of Special Assignment?

MS NTULI: GE of news?

COMMISSIONER: Give me both news as well as Special Assignment. 10

MS NTULI: For news it was JIMI MATTHEWS, and then for the SABC it was - I'm thinking - it must have been LULAMA MOKHOBO. I don't know. These people come and go. I remember...

COMMISSIONER: I see you've had seventeen in the past few... 15

MS NTULI: Yes, I will have to check, but I remember LULAMA MAKHOBO being there when I was at Special Assignment. I also remember...

COMMISSIONER: Is this after DALI or before DALI?

MS NTULI: LULAMA was definitely after DALI. 20

COMMISSIONER: Starting from that time - 2012 - before HLAUDI got into power, was there any political interference, or any other interference in the editorial?

MS NTULI: These things have always been ongoing. I 25

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suppose they just got worse with HLAUDI, because he was so blatant and he didn't have tact and filters to couch it in a language that sounds professional, like the others would. But there's always been interference. 5
I've heard stories about how NYANA didn't want this or didn't want that. I can't mention specific examples, but I'm saying I have not been at the SABC where there has not been a story about this one doing this, or SOPHIE did 10
that, or whatever. There have always been stories about interference. It just got worse and beyond comprehension with HLAUDI.

COMMISSIONER: I assume as a journalist you expect that any political party, any person in this country 15
has a right to make story suggestions to the news desk.

MS NTULI: Mmm.

COMMISSIONER: If a political party phones and says: Cover my story, we might say that's interference 20
when in fact it's a proposal for a story. At what point do you distinguish between the two?

MS NTULI: When people demand coverage - on any given day we receive hundreds of press releases from various organisations, but somehow when people 25

feel that you actually don't have a choice to say no, and when you say you're not able to cover it then they go to someone above you, then that is problematic, because they should allow you to make an editorial decision about whether or not you want this content, or if you want it you want it the way they are proposing it, or differently. I mean the decision has to be yours, based on your own needs, not because of anything else. 5 10

PANEL MEMBER: What if the so-called alleged enforcers come forward and say: We were unduly influenced. We were under duress by certain senior managers for us to have executed their instructions. 15

MS NTULI: I would say they are not supposed to be in their position. An editorial manager has to understand that by being in that position you attract all sorts of pressure, whether from management, or the community, from politicians, you should be able to understand when taking up that position that you will defend the independence of your newsroom. There can never be an excuse, and in fact even if that was the case, we have no record, as 20 25

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staff, of them having any objections to anything that was ever said. We saw them implementing all the time, frustrating staff. One of the people that I tried to persuade to come to this Commission was a person at Morning Live. And the same NOTHANDO MASEKO and NYANA MOLETE come from Morning Live, and even when they moved to the bigger newsroom, they continued to exert influence at Morning Live. For a long time Morning Live had live broadcasts of events of, for example, the Department of Water Affairs is launching something in KNYSNA and they have OB's, and so on. That programme was completely run by Government departments, by HLAUDI. I remember NOTHANDO, because before she became the big boss we used to speak. She would tell me that HLAUDI would call at 20h00 in the evening and say: Put this person on. Whether or not your line-up is full, or you don't have space anymore, it's not his problem. You're going to have to compromise something in the line-up to accommodate him. So she knows these things. They used to happen at Morning Live when she was there, but when she became the

big boss she became part of the implementers. I'm saying it may well have been that they were pressured but the fact that you're receiving pressure doesn't mean that you have to comply. You have to stand and defend your people. If we see our managers doing this, what do we do? Because as my manager, I expect you to defend me editorially. We don't know of any instance where they were objecting to these instructions, instead we know staff who told us that: She told me to remove this item from the line-up. They would even walk into the studio or call people when something was live on air. Why do we have that thing? Drop it, drop it. Does it sound like someone who in principle disagreed? No.

COMMISSIONER:

The type of pressure that was used against the SABC, would you say it was - let me rephrase that. The ANC has come here and submitted that, firstly, there are people who loved name-dropping. There were braggarts at the SABC who said: I have been deployed by LUTHULI HOUSE. Would you say that some people took this role - let's take HLAUDI - because he thought this is what he should do? Or were

there very direct instructions to him saying:
Do this, or do that?

MS NTULI:

I don't have evidence, but it would seem to me he had very clear instructions to do certain things. Because there would also be alignment in his pronouncements versus what the President for instance would say. In fact even in our struggle as the SABC 8, we understood that HLAUDI was a proxy. We were fighting against HLAUDI, but actually we were fighting against the Presidency. Because what business does an executive of a broadcaster have in worrying about people being influenced by content and burning buildings? That's the space for the State and Government to worry about, people burning buildings and being influenced by this and that. Our business is to inform the public. Full stop. What he was saying is exactly - I remember feeling that ZUMA was saying exactly the kind of things that HLAUDI was saying. And the brazenness with which he was doing things said to us that this person knows he has certain powers behind him. I refuse to believe anyone can be so brazen and say and do things, not being

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assured of a particular power behind him. For instance, I'm told of an incident where I was not part of that meeting, but the news management met at some place outside the SABC where people then objected to certain things that were happening, some kind of editorial interference. At that time, SEFAKO NYAKA was part of those objecting to the wrong things that were happening, and HLAUDI wanted to fire SEFAKO. Apparently, coming out of that meeting he wanted to fire SEFAKO. But SEFAKO then called his people at LUTHULI HOUSE and his firing never happened. Basically both of them, it's as if they would brag about the one having more power at LUTHULI HOUSE than the other one. I remember at some point there was also an instance at the SABC - there are so many - where apparently, I don't know, they wanted to fire MZWANDILE MBEJE, or something, and those guys went to LUTHULI HOUSE. MZWANDILE and some journalist within the SABC went to cry to someone, I don't know who they met at LUTHULI HOUSE. When they returned their issue was closed. There was always this thing with LUTHULI HOUSE and the people at the

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SABC. It's not a claim, obviously they won't publicly admit it, but I don't believe it's a claim. I don't have evidence but somehow...

PANEL MEMBER: I just want to find out, the position into which MR MOTSOENENG has appointed these two 5 people in MAFIKENG, NORTHERN CAPE, are these people still there?

MS NTULI: Yes, definitely. Oh, no, I think CHARLES was given a suspension. I can check. Recently, maybe last month or so, we heard there are 10 people who have been given suspension letters, because the SIU was also investigating there. Apparently there are some corruption issues. I know there are senior people who were given suspension letters but I'm not sure if he's 15 one of them. If he didn't get that letter he is still there.

PANEL MEMBER: When a position comes about within the SABC, whether regional or at head office, which HR office is responsible for filling that 20 position? Do you guys have an HR at the...

MS NTULI: My understanding is - and I haven't worked in the regions, but my understanding is that every region has an HR office, but the head office is the one that makes the main 25

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decisions.

PANEL MEMBER: HR head office?

MS NTULI: Yes.

PANEL MEMBER: Not HLAUDI himself?

MS NTULI: Ask the question again? 5

PANEL MEMBER: A position comes about within the SABC. We have a vacant position in NORTH-WEST. Who is responsible for advertising? Is it the HR in NORTH-WEST or HR head office, the panel of interview, the appointment? 10

MS NTULI: You're going to have to ask them. I'm not sure. I'm familiar with the processes at head office, but I don't know about the regions.

COMMISSIONER: If you remember anything besides the list we've asked you to look at, please drop us a note. 15

MS NTULI: Okay.

COMMISSIONER: For now, as I say, unless you say otherwise, your evidence is *in camera*. But if you want it out there in the public you may indicate. 20

MS NTULI: No, no, no, I've had my fair share of public scrutiny, I'm okay.

COMMISSIONER: Okay, thank you.

MS NTULI: Thank you very much.

THE ENQUIRY ADJOURNS

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THE ENQUIRY RESUMES

COMMISSIONER: My apologies for keeping you waiting.

MS SCHRAIBMAN: Not at all.

COMMISSIONER: My name is JOE THLOLOE, I'm Chairing this panel that's looking at interference in the 5
editorial decision-making of the SABC. I'll
ask my colleague to introduce himself and then
you can introduce yourself.

PANEL MEMBER: My name is STEPHEN TAWANA, I'm a Director at
MMM ATTORNEYS. 10

MS SCHRAIBMAN: I'm NADIVA SCHRAIBMAN, I work for Special
Assignment at the SABC. I'm the story editor.

COMMISSIONER: Story editor?

MS SCHRAIBMAN: For Special Assignment.

PANEL MEMBER: Ms Schraibman, do you have any objection to 15
taking an oath?

MS SCHRAIBMAN: No.

MS NADIVA SCHRAIBMAN (duly sworn, states:)

COMMISSIONER: One of the reasons we delayed this start is
because you mentioned that you had sent 20
through another submission. We were trying to
find it in our packages and just found the
most recent submission you made. We couldn't
find the earlier one. Is it contained in
the... 25

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MS SCHRAIBMAN: Yes, that's perfect.

COMMISSIONER: We have gone through this one, and if you could summarise your submission and then we will ask questions.

MS SCHRAIBMAN: Just a summary in general terms. My 5
submission was really about the editorial
interference in my department, that affected
and impacted on all of us, some of which I
witnessed and others of which I heard. Some 10
directly and some indirectly. What I did is,
I didn't bring the printout with me, but I put
five or six points together. Many of them
revolved around the same story. But the
general feeling was that there was a lot of
self-censorship, so a lot of us steered away 15
from stories that were highly polemical
because we knew that we would be muzzled. And
many commented on that. But I digress from my
submission. The things that affected me
personally is what I submitted. I remember we 20
were working on a story about xenophobia, it
was the attacks about two years ago in
ALEXANDRA TOWNSHIP, when they started, and
there was a man - I can't remember where he
was from, but he was a migrant and he was 25

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murdered by someone else. He was a vendor
selling cigarettes and one of the residents of
ALEX didn't pay for a cigarette, he took it,
and then this guy asked for his money and
there was a stabbing and he was killed. There 5
was a SUNDAY TIMES photo journalist who was
there, who happened to just fortuitously be
there while this erupted, and he documented
all of it. We wanted to interview this person
and also feature his photographs, and we were 10
told that we were absolutely not allowed to.
That section was actually pulled. We were not
allowed to feature a journalist from another
publication and we were not allowed to use
those pictures, I guess because he was from 15
another publication. But there was even a
greater, more sinister thing going on, which
was that we were not allowed to refer to this
as xenophobia, so it wouldn't have fitted in
our episode on xenophobia, because the GCIS at 20
the time took the lead and said that these
were not incidents of xenophobia, they were
isolated incidents of criminality. So the
SABC, even though they weren't told to do so,
just took that same line as the GCIS. And in 25

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that same episode, which I've also put in as
a submission, there was a vox pop from someone
in the township who said, ZUMA must fuck off,
or something along those lines, and in a
viewing we were told to take that out by 5
management who came to our viewing. Also over
a period of time there were at least two or -
well, I'd say about two years before the
elections there were greater and greater
restrictions on us in terms of political 10
analysts that we could and couldn't use.
There was never a memo that was sent out.
There was never direct communication. My boss
actually said we are not allowed to interview
this kind of analyst, and this kind of 15
analyst, because they are anti-ZUMA or they've
said things about ZUMA and the SABC people
aren't going to let us use them. That is
pretty much it. I don't remember if I wrote
something else. I remember that we did an 20
episode on MARIKANA. We used to go under the
radar when it came to viewings, but when word
got out that we were doing an episode on the
anniversary of MARIKANA, I think it was the
two-year anniversary, suddenly the edit suite 25

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was packed with upper management. There weren't great objections because we had already self-censored, we knew what we could get away with and what would have been pulled. My boss, BUSI, the editor, said she was satisfied that at least we could say what it was that we wanted to say. I do recall we couldn't show all those shootings going off - and I haven't put this in my submission.

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PANEL MEMBER: You couldn't show the shootings because of some instructions? 10

MS SCHRAIBMAN: Because of instructions, yes.

PANEL MEMBER: You've mentioned two managers. Who were they?

MS SCHRAIBMAN: Well, there were three over the time, NYANA MOLETE is one of them, SEFAKO NYAKA was one. He has since retired. And there was also NOTHANDO MASEKO. Those were really the people who came to our viewings, maybe not all of them to the same viewings, but over time those were the people who muzzled us or censored us. 15 20

COMMISSIONER: Your first point here. Who gave the instructions that: This one will not be interviewed, that one will not be interviewed?

MS SCHRAIBMAN: With the political analysts, I took the lead from my boss, BUSISIWE NTULI, who was told - 25

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I don't know who told her - I once heard one of the managers saying that suddenly there would be something we were not allowed to do and the phone would ring, someone would answer it and it was like a whispered kind-of rumour. 5
It came out as a rumour, it was never written down. That was sort of how it happened with us as well. So I don't know who the source of that information was.

COMMISSIONER: But do you remember an incident where you were 10
told not to use a specific analyst?

MS SCHRAIBMAN: A specific political analyst I do remember, 15
and I cannot remember who the analyst was, that's the thing, but I do remember a specific time wanting to use an analyst. We were
having a discussion. There were about three analysts on the table, and I know BUSI was in that discussion and it was like: No, we can't use that analyst, he's pro this or that. He's basically anti-ZUMA. That was it. And it 20
wasn't that he was anti-ZUMA, it was that he was outspoken on corruption.

PANEL MEMBER: Do you think MS NTULI was executing somebody's instruction?

MS SCHRAIBMAN: That is correct, yes. She also has a lot of 25

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friends in the newsroom. They would talk to each other about knowing someone there, one of the producers. Guests were pulled off his show, analysts were pulled off his show, so it wouldn't surprise me if that came from him, 5 because he had undergone that experience where he was doing a daily talk-show, analysing the news, and he would have guests and question time, MWABA PHIRI. So he would have guests on his show that would be taken off, and those 10 were political analysts, people who spoke out.

PANEL MEMBER: What is the process when the SABC or your programme invites analysts? What is the process that is followed for the analysts to come? 15

MS SCHRAIBMAN: For us it really is about contacting the analyst directly. Whoever was the producer - we would discuss it in a meeting amongst ourselves: This is my episode, these are the people I want to talk to, I need an analyst, 20 I need an expert on this, and so on, and we would give suggestions. BUSISIWE NTULI would give suggestions, this analyst or that analyst, or someone would say: No, I want to take to this analyst. That is how it would 25

really happen. Then the producer would call the analyst and ask them to come, or arrange somewhere to film or interview them.

PANEL MEMBER: Have you experienced a scenario whereby during the meeting with MS NTULI and the executive producer, you agree on a particular analyst, and when your show is about to be aired there's an instruction saying: No, no, we don't want this particular analyst? 5

MS SCHRAIBMAN: It didn't really happen like that. By the time it came to our meetings we already knew who we could and couldn't speak to. BUSI is very aware of what is going on in the news and very aware of what's going on politically, internally within the SABC, because she has a lot of friends who are producers and a lot of friends in the newsroom. With Question Time it would happen like that, where guests were just pulled off as they were about to go on air, but for us the process is longer and we have much more planning time. What would happen when SEFAKO NYAKA was in the position that he was before he left, he would get a summary of our episode a week before it would go out and then, depending on whether that was 10 15 20 25

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highly charged or not, he would, or someone would come to our viewing. Therefore at that point we would say in our summary, we're interviewing this person and that person and then, if there was a problem that would be pulled a week before, or we would have to go and get - I do not recall an incident, but perhaps there was, where someone wasn't allowed to interview someone. We kind of sussed out the rules. 5 10

COMMISSIONER: So it was likely a question of self-censorship because you knew what would happen?

MS SCHRAIBMAN: Yes.

COMMISSIONER: When management came to your viewings, was it news management or business management? 15

MS SCHRAIBMAN: News management.

COMMISSIONER: Always news management.

MS SCHRAIBMAN: Content, yes.

COMMISSIONER: You have a feeling that there was interference and it likely came from your news management. Do you believe that there was string-pulling behind the management? 20

MS SCHRAIBMAN: Most definitely, yes.

COMMISSIONER: What makes you think so?

MS SCHRAIBMAN: I remember once the tension in the room. It 25

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was actually the xenophobia viewing. It was very, very crowded, and I ended up leaving because it's a tiny room and there were a lot of people - pretty much all of us and then there were three news managers and the editor, 5 including BUSISIWE NTULI, and it's a tiny room, and I remember that NYANA MOLETE had told BUSISIWE NTULI that she must take something out of the episode. It was actually the narrative about how it's not criminality, 10 this is xenophobia. And she argued with NYANA, she said why should I take it out? This is what it is, it's clear what it is. And he was so angry, he was trembling, he was so - it was so charged. 15

COMMISSIONER: But do you think that he was acting on instructions from somebody else?

MS SCHRAIBMAN: He was definitely acting on instructions from someone else. I can't prove it, but I'm certain he was. Seeing him now, I understand 20 that he was, because he's not like that anymore. He doesn't come to our viewings. There isn't this tension and this attention either. Again we're allowed to do what we want. It's a completely different scenario. 25

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COMMISSIONER: How long have you been with the SABC?

MS SCHRAIBMAN: Three-and-a-half years.

COMMISSIONER: Where were you before the SABC?

MS SCHRAIBMAN: I had my own company. I was a documentary 5
film-maker.

COMMISSIONER: Okay.

MS SCHRAIBMAN: And also did a lot of picture research for
other documentaries, museums.

COMMISSIONER: This three-and-a-half years fell during the 10
period that HLAUDI was running the show.

MS SCHRAIBMAN: Yes, very much so. I even had a run-in with
him, which was kind of tangential. I was
doing a documentary on DESMOND TUTU, a tribute
documentary, and I got this SMS saying: You 15
must stop speaking about the tribute
documentary or you will loose your job - l-o-
o-s-e. Then it was signed in whatever his
position was. It didn't say HLAUDI, it said
GCEO. I was told by SEFAKO NYALA that I had 20
to go to the police station. Then some
journalist from CITY PRESS phoned me that
evening and said can I please describe what
happened with this incident, and I just said:
No, I don't want to talk about it. The next 25

- day in the newspapers there was a picture of HLAUDI on his cellphone telling me that I'm going to lose my job. Then HLAUDI was interviewed saying he doesn't even know me, he doesn't affiliate with staff at that level, how could he even know who I am. It's true. He had never walked into our newsroom, ever. 5
- COMMISSIONER: Was the SMS really from him, or was it somebody else pretending to be him?
- MS SCHRAIBMAN: Somebody else. I never found out who it was. But I did find out that the police have contacts with CITY PRESS. 10
- COMMISSIONER: And you didn't by any chance tell CITY PRESS about it?
- MS SCHRAIBMAN: No, not at all, definitely not. 15
- PANEL MEMBER: You mentioned that you were not allowed to use pictures from any other publication.
- MS SCHRAIBMAN: Yes, I was thinking of that.
- PANEL MEMBER: Were you instructed not to do that?
- MS SCHRAIBMAN: Yes, also by NYANA MOLETE. 20
- PANEL MEMBER: NYANA MOLETE?
- MS SCHRAIBMAN: Yes.
- PANEL MEMBER: Before that instruction came about, was it a practice within the organisation that you could proceed to use any other publication's 25

pictures or stories?

MS SCHRAIBMAN: We had definitely done it in the past when we had used other publications, as long as we featured the publication's name. Like let's say we did a newspaper headline, as long as you could see it said SUNDAY WORLD, or CITY PRESS, or you could arrange with the newspaper and they would say it's fine, just attribute it to us, so if you couldn't see it, then you would just put on the top left corner, "COURTESY CITY PRESS" or whatever. I don't think anyone had gone wild using headlines, but we would use it to tell a story and we hadn't been stopped. Now all of a sudden in a viewing we're told: No, you can't show all these websites with NEWS 24 and SUNDAY TIMES, or all the stuff, you have to look in your own archives. And that was pretty much around the time when the editor's programme was pulled off air, with the different editors from the different news media.

COMMISSIONER: What I find fascinating is the ban on using footage of ZUMA dancing.

MS SCHRAIBMAN: Yes. I don't remember the exact time and I do remember that it was my boss, BUSISIWE NTULI,

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who told us, and she told us laughing, because she found it hilarious, and we also found it really funny, but at the time the media was painting - well, shall I say JACOB ZUMA was painting himself as a buffoon, and the fact that he was shown dancing here and dancing there, his publicity people I guess had decided to project a more serious image of him. I don't know where that came from, but we were told we weren't allowed to use pictures of him dancing. 5 10

COMMISSIONER: And you got your instructions from BUSISIWE?

MS SCHRAIBMAN: That came from BUSI, yes.

COMMISSIONER: To what extent do you think some of these instructions emanated from inside the SABC, rather than from outside? HLAUDI might believe that he is expected to do certain things and he does them even before getting instructions to do them. 15

MS SCHRAIBMAN: I absolutely think so. I think there was a lot on HLAUDI's part, just from reading the paper, not that I ever interacted with him, but just being a staff member there. I think he was over-zealous to please JACOB ZUMA, and I also think that there was such a climate of 20 25

fear in management. I do remember - it's not for me to say this, but there is a programme where they did an episode about kindergarten children, interviewing them and asked them vox pops about what they think about the President and do they know the President. The kids were saying things like, they heard about the President, NKANDLA and corruption. I don't know who told the executive producer not to air it, but that particular episode - which was lovely, because it was light and funny and political at the same time - that particular episode never made it onto air, and it was a great shame because it was a fantastic piece of current affairs. I do know that that was self-censorship. I don't know if he could have gone further, but at that point I was made aware that he, the exec producer, had decided to pull it. I don't know much more than that. So there was a huge culture of fear. Even just looking at NOTHANDO MASEKO running down the passage, cellphone in hand, just running here, running there. It was just this feeling of - I don't know, it was frenetic. There was a frenetic energy and

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people were scared. They didn't want to stick their necks out. When people get scared and don't want to stick their necks out they start cosyng up to decayed morality, or to whoever is in charge and projects that. It's human nature, I guess. Survival. 5

COMMISSIONER: What did you think of the SABC 8?

MS SCHRAIBMAN: I wanted to be one of them. I really did. I was going to become one of them and I was upset that they did it without me, but then my partner - I have been a freelancer and been hungry for many years, so I got home and my partner said: Listen, please just don't do it, because you have a job now and things are going well. So I didn't. And I felt awful that I wasn't part of them because I was really proud of them. I think they were awesome, beyond. They changed everything. 10 15

COMMISSIONER: And what is it like at the SABC now?

MS SCHRAIBMAN: It's so lovely. So different. I'm not aware of any - maybe I'm blissfully ignorant, but I get the sense that there's just so much freedom and journalistically, as long as things are backed up and as long as people have the right of reply, there are still high 20 25

journalistic standards. Let's put it this way, there are high journalistic standards, I don't know about still, and there's freedom to express different viewpoints and to criticise Government, to criticise even management, SABC management, and I know BUSI is involved in that. For a time when KENNETH MAKATEES took over it seemed like there was a game, a bit of a cosyng up to the ANC, but the SABC 8 dealt with that. They really dealt with that. Now everybody is very excited about PHATHISWA being there, she's got a great reputation. I haven't personally met her, but it just seems like a different place to be.

COMMISSIONER: What do you think needs to be done to ensure that this new climate persists?

MS SCHRAIBMAN: I think there needs to be some kind of watchdogs, that are objective, that don't have interests in terms of the elections, especially coming up to elections. Because that's when things are going to get dangerous, or when they could potentially get dangerous. I think that people need to report, even ordinary people like myself, not having to be the SABC 8, should take things further when

little things start happening, because it's the little things that become the big things. Like suddenly you can't do this and suddenly you can't do that and then all of a sudden there are ten things you can't do. So it's really just being vigilant and watching out for those little things, those little tones. 5

COMMISSIONER: But is there anything that can be done to the Editorial Policies?

MS SCHRAIBMAN: I do believe that Editorial Policies need to be put in place to protect the newsroom and to protect journalists who report truth, and to ensure that they continue to report truth. And certainly things need to happen that are outside of SABC management's hands in terms of people with vested interests, so that they don't subvert journalistic processes. 10 15

COMMISSIONER: Have you ever encountered any other sort of interference, other than political, in your day-to-day at the SABC? 20

MS SCHRAIBMAN: At the SABC?

COMMISSIONER: Commercial projects being pushed?

MS SCHRAIBMAN: I've always had this problem, as an independent producer. I found that the SABC is - what happens is, they own 100% of your 25

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property because they commission you to do a programme, and then you want to sell that and you want to get the message out there, try and sell it internationally or locally. It's almost impossible to do it. You're just hamstrung from the moment you begin. You then have to meet with the sales department and it's just - I don't know, it was about three or four years ago that I did a programme for them, and I recall at one point trying to sell. They were just very aggressive. They give you 10% of the profit, if there's a profit, and they don't take it anywhere. They're not proactive in selling your property, they're not proactive in disseminating it. And then there are rules against where you can screen it, how you can screen it. So it's like a dead-end really, as a - and documentary is tiny, the avenues of making money are absolutely tiny. The avenues of getting your doccie seen - and it's important stuff that needs to go out there usually when you make a doccie. If it shows once on TV then you want other audiences to see it. You want to use it as a tool of

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activism. You can't really do any of that because of the SABC.

COMMISSIONER: Who owns the copyright?

MS SCHRAIBMAN: The SABC owns the copyright, 100%. That really does need to be looked at, so much. 5
That whole aspect of sales. What a lot of documentary makers in the world do, is that after the screenings they just put it on You Tube, because they can't make any more money and it becomes like a public service. Which 10
is good, I think.

COMMISSIONER: Have you ever been told not to do a particular subject because an advertiser might walk away?

MS SCHRAIBMAN: No, not that I can think of.

COMMISSIONER: Anything else? 15

PANEL MEMBER: No.

COMMISSIONER: If you remember stuff that you should have told us and it strikes you that you should have done so, please send us a note.

MS SCHRAIBMAN: Okay, I will do, thank you. 20

COMMISSIONER: Thank you so much.

MS SCHRAIBMAN: Thank you. And thank you for doing this work.
Thanks to all of you.

COMMISSIONER: Thank you.

THE ENQUIRY ADJOURNS

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JNT002 – EVIDENCE 10

VOLUME XI

SOUTH AFRICAN BROADCASTING CORPORATION

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**COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING
PROCESS IN THE NEWSROOM**

PANEL MEMBERS: MR JOE THLOLOE - Commissioner
MR STEPHEN TAWANA - Panel Member

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23 July 2018

THE ENQUIRY RESUMES

CHAIRPERSON: My name is JOE THLOLOE, I am the Chairperson
of this panel. I'll ask my colleague to
introduce himself and then you can introduce
yourself and we will then proceed from there.

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PANEL MEMBER: My name is STEPHEN THABANG TAWANA, I'm a
Director of MMM ATTORNEYS.

MR NEWTON: My name is RICHARD NEWTON, I spent twenty-six
years at the SABC having started there in
1989.

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COMMISSIONER: We'll come to that. Stephen?

PANEL MEMBER: Do you have any objection to taking the oath,
Richard?

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RICHARD NEWTON

MR NEWTON: No, I don't.

MR RICHARD NEWTON (duly sworn, states:)

COMMISSIONER: Now you can tell us how long you have been with the SABC and what you've been doing.

MR NEWTON: I joined the SABC in 1989 and I worked there 5
for the next twenty-six years.

COMMISSIONER: Twenty?

MR NEWTON: Twenty-six years. I resigned in 2016. During
those twenty-six years I worked as a
journalist, as the BRUSSELS Bureau Chief, I 10
ran the BRUSSELS bureau, I worked as a
correspondent in LONDON, and I was acting
regional editor of the FREE STATE, and I was
acting regional editor of the NORTHERN CAPE.
(OUTSIDE INTERRUPTION) 15

COMMISSIONER: You may continue.

MR NEWTON: I was acting regional editor of the NORTHERN
CAPE. I worked as assignment editor at
AUCKLAND PARK and I worked on the team that
helped set up CHANNEL 404. I was also at 20
AUCKLAND PARK, but for the majority of my time
with the SABC I was based in BLOEMFONTEIN. I
spent twenty years in BLOEMFONTEIN.

COMMISSIONER: At the time when you resigned what were you
doing? 25

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MR NEWTON: I was acting as assignment editor in JOHANNESBURG. My title was Specialist Correspondent but they moved me around after I returned from LONDON, which was in 2011 and that's when I went back to the FREE STATE. 5
HLAUDI MOTSOENENG was just about to leave as acting regional editor and he appointed me in his position as acting regional editor. Then it was a roller coaster ride until I resigned in 2016. 10

COMMISSIONER: Now you have seen all the faces of the SABC so you should be able to give us your wisdom about political or other interference in the decision-making processes at the SABC.

MR NEWTON: If I understand correctly we're talking from 15
2012 up until to date.

COMMISSIONER: Yes.

MR NEWTON: Because as you know very well yourself that's when MR MOTSOENENG started. As I said in that time I came back from LONDON at the end of 20
2010 and came back to BLOEMFONTEIN. HLAUDI was acting regional editor at that stage and he appointed me as acting regional editor in BLOEMFONTEIN. What I would also like to say and I said it in my written submission, 25

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looking at the diaries every day is not necessarily a perfect indication of whether there was interference or not because a lot of things happened outside of the diary process. So you may have a lot of stories on the diary but quite often there were stories that were never on the diary, ever, that got to air. There was a system where there would be a 4 o'clock afternoon meeting, where maybe one or two editors would speak to all the provinces and they would say: This is what we're doing tomorrow. Then that list would just be discussed the next morning at the 8 o'clock meeting. But by then most of the teams had been deployed, so if there was an instruction for a certain story to be done then when the large room of all the bulletin editors discussed the story ...

COMMISSIONER: This is the 8 o'clock meeting?

MR NEWTON: That's the 8 o'clock meeting in the morning. Then there would be times when they would say: But this is not newsworthy, why are we doing this story? And then the guy would say: Oh, but the team have gone already, they're already there. And that was one example

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perhaps. But my experience got to the point where I would get calls from Premier ACE MAGASHULE at home and he would tell me what they would like done the next day. I would always say: I'm afraid I can't give you a decision on that, I can't take instructions from your, as Premier. Then he would say: Okay fine. Then he would either phone - in the beginning it was PHIL MOLEFE who would then phone me or it would be HLAUDI who would phone me, or it would be JIMI MATTHEWS who would phone me. Then they would say: This is the story you must go and do.

I had the same thing when I was in the NORTHERN CAPE. One evening the Premier phoned me at 11 o'clock at night screaming at me, telling me: You have an anti-ANC agenda, you never put me on TV, my colleagues and other provinces are always on TV. I explained to her that that particular day, it was Womens' Day or a National Day and the decision by JOHANNESBURG was that we would cover what was happening in CAPE TOWN, and what was happening in a couple of provinces, because you can't deny. and I explained this to her and she

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said she would get me fired. I said: That's your prerogative, you can speak to my boss.

COMMISSIONER: Who was the Premier at the time?

MR NEWTON: SYLVIA LUCAS. HLAUDI phoned me the next day and told me I should go to her office and apologise, which I refused to do. I did go to her office with an assignment editor from the KIMBERLEY office, but she didn't see us. We spoke to her chief of staff and he tried to explain to us that we need to cover all the events she does, or as many as possible, which of course, again, I had an issue with. 5 10

PANEL MEMBER: Sorry can I get the name of the Premier?

MR NEWTON: SYLVIA LUCAS.

PANEL MEMBER: SYLVIA LUCAS? 15

MR NEWTON: Yes, she was the Premier and still is. In the BLOEMFONTEIN office it got to the point - I was removed as regional editor and for a while I was assignment editor and then I was removed as assignment editor and I was made just to be a journalist, which was fine, that's what I like doing. But the assignment editors got to the point where they wouldn't argue anymore. They would get a call from an MEC or from the Premier and they would say: This is the story 20 25

you must do, and they would just send a camera because they knew that otherwise a call would be made and that they would be pressurised to do the story. Quite often - and this is one of the worst things in my mind - we would send a team to cover a story even though we knew we weren't going to put it on air, because we just wanted the politician, whoever it was - the MEC or the Premier - to see that the SABC was there. Then afterwards we could always say: Oh, it fell out because there wasn't enough space on the bulletin or whatever. And quite often teams were sent out to cover stories that we knew we weren't even going to package when we came back to the office but we just needed to show that we were there, which was terrible because that team could have been doing a real story; telling peoples stories. One example which I remember very clearly was, ACE was going to be at a church service in JOHANNESBURG. We asked our JOHANNESBURG team - CROSBY AMOS was the JOBURG assignment editor and we said to him: Will you send a team there because we're not going to send someone from BLOEMFONTEIN all the way to JOBURG.

CROSBY AMOS said: I refuse to do it, I won't, it's no-no news, it's not a news story at all, it's just promotion for the Premier. We then told the Premier's office that we wouldn't be covering the story and HLAUDI phoned and said: 5
You will send a team. We actually hired a freelancer, sent him to JOBURG with a journalist. They slept over that night. They went to the church the next day and ACE didn't pitch. He wasn't there for the story so the 10
guys came back. Wasted expenditure. And that was the type of thing. I can only speak to the instances that I was actually aware of or saw or was part of. That happened in other places as well, it wasn't just in the FREE 15
STATE. But obviously the FREE STATE was HLAUDI MOTSOENENG's stronghold for a long time. He had a lot of support there and he was feared by a lot of people. He was very stern and often gave instructions that were 20
not to be questioned.

COMMISSIONER: Let's get back HLAUDI's status. Do you think he was doing this to please the politicians or was he in fact being instructed by somebody else outside of the SABC to do this? 25

MR NEWTON:

That was always a very difficult one because HLAUDI control, no matter who else was in the room. HLAUDI was always the one who was in control, except, in my experience, for ACE MAGASHULE. In my experience that was the only person that HLAUDI would defer to, that he wasn't the most important person in the room. But otherwise - I mean HLAUDI told people, he said, for example: JACOB ZUMA is our President you will respect him, you will not do negative stories about him you will cover him when he needs to be covered. And he said: I'm not apologising about that. I'm sure it was covered in the media at the time. I remember some media reports about it where he said: He's our President and as President he deserves all our respect. I think his connectedness, if I can put it that way to senior politicians was a currency he dealt in, he would make it clear that he had the numbers of very important people in the country and that he would talk to them about things, and I'm pretty sure that there were decisions made that he was part of. Whether it was an instruction or whether he would happily do it,

I don't know. It was probably a bit of both. The only person I ever really saw him stand back for was ACE MAGASHULE, in my experience.

COMMISSIONER:

So it was most likely his personality rather than a structural thing?

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MR NEWTON:

Well, there were certain people in the organisation that ensured that this was carried out. SOPHIE MOKOENA was one of them. I worked with SOPHIE, who was at the SABC when I started in 1989, so I know her very well. But in 2015/2016, when I was working on the National desk, there was an instruction that only SOPHIE could edit, change or adapt political stories. Up until that point, your bulletin editors whether it's a SESOTHO bulletin or a XHOSA bulletin or the ENGLISH bulletin or the AFRIKAANS bulletin, they would look at the script that came in and if there were changes they would phone that journalist and say: Listen, we need to make it a bit shorter or a bit longer, too many up sounds, whatever the case might be. But then the instruction came that no bulletin editor may do that with a political story, only SOPHIE MOKOENA was allowed to deal with political

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stories. From my experience, speaking to the
bulletin editors, quite a lot of them said:
Okay, well, that's fine because SOPHIE
interferes so much in these stories, it's
better that she just does it from scratch and 5
then we can wash our hands of it and say: But
that was SOPHIE's decision. That's the way it
worked. I remember one story that came from
Parliament in 2016. I was working on the
assignment desk and the story came in with an 10
up sound of one of the ANC MPs and SOPHIE
found the journalist and said: No, no, find
LINDIWE ZULU, she'll speak much better than
this, you need to get her to do the up sound.
And I said to her: SOPHIE, that's 15
manipulating the news, because they've spoken
to this MP who was - she said: No, no,
LINDIWE ZULU will be able to put it much
stronger. It was that type of thing and the
bulletin editors I spoke to washed their hands 20
and said: That's fine, let SOPHIE do it,
because otherwise she'll just interfere with
what we're doing anyway and tell us how to do
it. And there were people in the FREE STATE.
There was a journalist who went on a trip to 25

CHINA with ACE MAGASHULE. He paid all the costs of the journalist to go on this trip. It was for two or three weeks, I think. The SABC agreed to pay the S&T, which was about R10 000 or R11 000 on condition that this journalist would file stories from this trip to CHINA. It was an investment story - an investment trip. He filed one story the day they left, in hard copy of six lines. 5

COMMISSIONER: Six lines? 10

MR NEWTON: And when he came back he said his equipment had failed so he was unable to do any stories. He later went on to become LESEDI executive producer and is now currently regional editor of the FREE STATE. In 2014 he was also given R10 000 into his private bank account by ACE. At a management meeting, when this was questioned, he said: No, it was for a Christmas party for the LESEDI news team. The financial manager at that time, FRITZ RIGTER, said: But it can't be in your personal bank account you have to transfer that money somewhere else, because it just can't happen that way. I don't know what happened eventually. I know at the time he said that 15 20 25

he would make a plan and they would pay for this party for LESEDI current affairs. But I specifically remember the issue was raised that you can't have a politician paying money into a private bank account, it's just 5 unacceptable. He shouldn't be paying for a party anyway, but that's another issue. So, yes, in the FREE STATE there were a lot of issues that caused problems.

COMMISSIONER: The journalist who went to CHINA, did he make 10 up for the time that he was there with stories after the trip?

MR NEWTON: To my recollection, not at all.

COMMISSIONER: So it was a personal jaunt with ACE MAGASHULE?

MR NEWTON: Yes, under the guise that he was now covering 15 stories about the investment opportunities that ACE was looking for in CHINA. The same journalist would tell the office later when he was regional editor that he had three phones. The one phone was for work, one phone was for 20 family and the other phone was just for calls from ACE.

PANEL MEMBER: You mean the very same journalist?

MR NEWTON: Yes.

PANEL MEMBER: Do you mind giving out the name? 25

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MR NEWTON: MOTALE SEBEGO. M-O-T-A-L-E.

COMMISSIONER: He is now the regional editor?

MR NEWTON: As far as my knowledge goes. I don't know if there's been a change, as I've been out of the SABC since 2016. 5

COMMISSIONER: In what way was the HLAUDI era different from previous eras?

MR NEWTON: If I can just put it into context. Before the HLAUDI era I was overseas, I was working for the SABC as the EUROPEAN bureau chief. From 10
2005 until the end of 2010 I was in BRUSSELS and LONDON, so I just worked through KENNETH MAKATEES, who was the foreign editor at that stage, and I didn't have any dealings with any of the other hierarchy. For that period I 15
can't talk. You will know that at that period SNUKI was in charge, and I didn't have too many direct dealings with SNUKI at that stage. But before that there has always been some kind of pressure to do stories at the SABC 20
even when I started in 1989, which is understandable because everyone wants their story on air. You would get calls from people who say they want you to cover the story, which is fine. The place where I had a 25

problem was where, if we said: We don't have a camera available, or we don't feel that it's newsworthy enough for today, then a boss would be phoned and that boss would phone us. That was my issue with that, because there has always been pressure to do stories. But it shouldn't get to the point where the person who wants you to do the story then phones the editor-in-chief or the senior editor. There are other processes for that. For the time I was out of the country I can't speak to how the newsroom operated then. I know there was the drama with the boycotting or the blacklisting of the political commentators, but I was overseas so I didn't really have anything to do with that. I know the SNUKI era had its own drama and its own problems, but I was separated from that so can't really speak to that. The period before that - I always knew from whoever, whichever side, there was pressure to do stories, but I didn't get the impression - and maybe it was because I wasn't senior enough at that stage, that there were these calls made behind the scenes, and at night, and to journalists and editors

themselves. Perhaps because I wasn't at a level where I could influence anything, maybe I wasn't necessarily part of that. But certainly when I came back I noticed a massive swing to people insisting that stories be done and that calls come in from not necessarily a spokesperson of the MEC or whoever, but the MEC himself or herself that would phone and say: I'm doing this tomorrow I want you guys to send a team, it's important for this or that reason, which I understand. They want to sell their story. But if we would say: No, we can't do it, then they would phone whoever the editor was at that time. I remember in 2010, PHIL MOLEFE came to LONDON. We had a meeting and we discussed putting together a story or a programme called TOUCHING LIVES, where we would identify people in dire straits and then we would appeal to the private sector, to NGO's and to public citizens to get involved and help that person, whether it be someone who desperately needed a wheelchair or someone who needed some other kind of assistance and were unable to get it. When I came back we launched this programme. Sadly

what happened was that it became a conduit for the ANC to be rewarded for swimming, like a fish rewarded for swimming. Because what would happen is there would be somebody who didn't have a house. Then we would report on it, and say: This person didn't have a house, he doesn't have a structure and then the ANC would come in and say: Okay we will build him a house. But that's what they should be doing anyway. The idea of the programme was to have outsiders, outside of Government, helping people. Eventually that whole programme just collapsed and fell away because all it was just giving the opportunity to people who should have done the job in the first place to get some publicity for just doing their job. That was also something that started with very good intentions and failed dismally because it didn't stick to its original mandate. If I can also just mention, there was a sort of joke that would happen if you got an instruction from HLAUDI to cover a story that you knew had no news value, we would phone - at that stage it was NYANA MOLETE and say to him: Listen, NYANA, there's a HLAUDI special

on the diary tomorrow. Then he would know that when it was discussed at the 8 o'clock meeting that he shouldn't go into any detail because it had no news value, and the editors would say: But why are we carrying it? So it would be one of those things they would say: Okay, and from the FREE STATE we have a story, we have discussed this with the editors, it's fine, and then they would move on. That was one way. We used to phone him and say: NYANA, you've got a HLAUDI special for tomorrow and he would say: Okay, send me the details, and then we would do that. It was a joke but in retrospect it wasn't funny.

COMMISSIONER: But would the story eventually find its way into the line-up? 15

MR NEWTON: Yes, a lot of them did.

PANEL MEMBER: So when you would get this call or the notice that there was a HLAUDI special, you guys didn't even discuss the story during your line conferences? 20

COMMISSIONER: No.

PANEL MEMBER: You didn't discuss it?

MR NEWTON: No. And then when the team came back we would just write the script. If there was really 25

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nothing, because in a lot of these stories there was no news value at all, and to get it onto the news bulletin, there had to be some level of news value. I remember speaking to JIMI MATTHEWS when I first returned from LONDON, and saying to him: JIMI, we are getting sent out on stories with no news value. What do I do, how do I deal with it? How do I tell these guys, because they're very insistent and are phoning HLAUDI and PHIL, who at that stage was still there. He said: Just try and find something; when you go there just try and find something that can be used as news value, even if it's not what they are trying to sell you but look for something that justifies putting that on air. And we did. Sometimes we would find a news angle, sometimes we would find something which would give it justification, and sometimes we wouldn't. In a sense we were shooting ourselves in the foot because we would go out and then just scramble for a news angle and sometimes we would find it other times not. And that's not how we should work. Then later, unfortunately JIMI would also just say:

Well, just do it, this has to go on air, it's one of those stories. I had the utmost respect for JIMI MATTHEWS when I worked with him the first time, before he left to go to TELKOM MEDIA and when I came back, I also had respect for him. But I lost it because unfortunately, whether it was due to pressures or whatever, he began just doing whatever HLAUDI had instructed him to do. When he left he admitted as much. There was a meeting in KEMPTON PARK in 2012 or 2013 of all senior editors and it was planning for the coming election. But at that meeting MAHLATSE GALLEN's, who is now with NEWS24, and TOMMY DICKSON, who is now with eNCA, raised the issue that there's too much political interference in the newsroom. The senior editors who were at this meeting agreed and drew up a document which became known as the KEMPTON PARK document. We handed this document to JIMI MATTHEWS who said would he please take it to HLAUDI because this is how we feel, there's too much political interference. There are calls coming in from politicians, we're being instructed to do

things which we don't think are right. JIMI MATTHEWS came back and said: No, the document is too aggressive, we need to tone it down. So we said: No, this is how we feel. He said he would not take that document to HLAUDI, we needed to water down some of the allegations and we needed to understand that with some of these things that's the way it works. Eventually the document was changed to the point where most of the editors said: Then I distance myself from this document, because this is not the one that we drew up. The document was eventually given to HLAUDI. It was even in the newspapers. They called it the KEMPTON PARK DECLARATION. It was watered down but nothing came of it, nothing happened. I think that was when people started to feel unhappy with the way JIMI was dealing with things, because we felt maybe he was not siding with the journalists and the senior editors at that point.

COMMISSIONER:

What I don't understand is besides the SABC 8, we haven't come across HLAUDI firing anybody but he had this stranglehold on the SABC. What was he using to intimidate people?

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MR NEWTON:

He ruled by the threat of - he ruled by power
and he had people in positions that would
enforce what he did. People were concerned,
they were scared, they didn't want to
challenge him. A lot of people resigned. I 5
resigned. They left rather than go face-to-
face and challenge any of these things. The
SABC 8 did and we saw how that turned out.
There was a terrible tragedy at the end of it,
but they took him on and he fought back and 10
eventually we saw what happened. But a lot of
people just didn't have the courage to do it.
I mean I worked on the national news desk with
FAITH DANIELS who is now with eNCA, which used
to be JACARANDA. FAITH and I would talk about 15
these things and she would say she just
couldn't do it anymore. She just couldn't
fight against this because every time we would
say: But this is not a story, or why are we
telling this story, it's just promotion of 20
whatever it was and they would say that story
is going to air. So people like FAITH, myself
and other people resigned for whatever reason.
It was just better than going up against
HLAUDI. And remember HLAUDI got fired and he 25

came back and all the people - well not all of them but a number of people who testified against him when he was fired the first time were treated very badly when he came back, and all of them resigned. 5

COMMISSIONER: Just take us through that sequence. When was he fired?

MR NEWTON: It must have been about 2007/2008. He was executive producer of LESEDI and he had a run-in with a gentleman called JAMES BARKHUIZEN 10 who was the ...

COMMISSIONER: I remember JAMES.

MR NEWTON: Yes. JAMES accused HLAUDI of misappropriation of funds and abusing money for the wrong things, and for a whole lot of issues. I was 15 overseas, so what I'm telling you now is second-hand. But JAMES and I were very good friends. The SABC held disciplinary hearings and HLAUDI got fired and JAMES got - well, I think they were first suspended and then 20 HLAUDI got fired. He went to the Department of Communications for a very short time. But he always said: I'll be back. He came back and JAMES was suspended. SNUKI fought against that. I remember SNUKI was very, very against 25

bringing HLAUDI back but he was overruled by whatever powers there were at that stage, because SNUKI should have had the final say. And I'm sure the media reports at that time will show it. SNUKI was on record for saying 5 he didn't want HLAUDI back. I know JAMES' wife very well. She tells me that he threatened them; HLAUDI threatened them. He told JAMES that he would kill his wife and children and we all know that JAMES committed 10 suicide, which was an awful tragedy. I'm not saying it was all down to that, but he was suspended for years and he didn't have a job. It was really tough for him. And then HLAUDI came back and there were some people who 15 immediately resigned because they felt that there would be problems. There was a guy called DIPOKO(?). He was one of the guys who gave evidence against HLAUDI the first time around. And when he came back I think HLAUDI 20 suspended him. He took that case to court, won it and he won a massive settlement. There was also a producer in BLOEMFONTEIN, whose name I can't recall off-hand, who was also fired immediately when HLAUDI returned. He 25

also took SABC to court, also won and was paid out quite a lot of money. But then HLAUDI came back and then people said: Well, we gave evidence against him last time and look what happened. People were scared of him. They were very scared of HLAUDI. 5

COMMISSIONER: Was some of the fear because of what had happened when he was fired and came back?

MR NEWTON: Yes, some of the fear was because they said the last time people went up against him but he won, so he obviously has powerful connections and at the time SNUKI didn't want him back and people saw that even SNUKI didn't have the power to keep him out; that there was a decision to bring him back, even though SNUKI had said he didn't want him back. 10 15

PANEL MEMBER: When he applied, in fact when he was appointed COO of the SABC, did he apply for the post? Do you know the process that was followed?

MR NEWTON: I don't. I can't speak to what process was followed. What I can tell you is that in 2012/2013, when he was GM of stakeholder relations, I was working on the 404 news channel with IZAK MINNAAR and JIMI MATTHEWS and we had to attend Board meetings because we 20 25

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had to give progress reports. HLAUDI attended Board meetings as the GM of stakeholder relations, and he ran those Board meetings. The only person who ever went against him was ADVOCATE KAUWE (?). She would take him on all the time. She left very soon after as she was accused of giving a tender to a family member or something to that effect, and she was removed from the Board. But she was the only one who ever stood up to him and he ruled that Board from as early as then. I can't speak to what process he followed to get his position but I can tell you that everyone on the Board, and I'm talking about at that time - even PIPPA GREEN, who I have a lot of respect for, and I see PIPPA quite often in CAPE TOWN, even she was even spellbound by HLAUDI at that stage.

PANEL MEMBER: You mentioned that ACE MAGASHULE called you to cover a story and you refused, and then he mentioned that you would get fired.

MR NEWTON: No, not ACE, ACE would just say he would call my boss. SYLVIA LUCAS for one, she was so angry that night, she said: I will get you fired, you have a reputation that you are

anti-ANC.

PANEL MEMBER: So the Premier was the one who said: I'll get you fired?

COMMISSIONER: Yes.

PANEL MEMBER: And then how and when did it end? 5

MR NEWTON: I then said to her: Madam Premier, I'm not prepared to have this conversation, if you have a problem with me or the way I run the office, then you need to speak to my manager. Then she said: I will, I will speak to HLAUDI. So I said that's your right, but I'm afraid I'm not prepared to discuss this with you at 11 o'clock at night, I don't think it's appropriate. I then put down the phone. 10

PANEL MEMBER: Then HLAUDI called you to go and attend ... 15

MR NEWTON: The next day HLAUDI said to me I need to go to the Premier's office, I need to apologise to her and we need to set up a working relationship. I said: I will would go, but I won't apologise. And I took SYLVESTER with me, who was the assignment editor for KIMBERLEY at the time and he went with me. We went to the Premier's office. The Premier wasn't there but we spoke to her chief of staff and he said: Look, we want you to come 20 25

with us when we go and do stories that are out of KIMBERLEY. So, I said: That's fine, but remember some of them are very far so it's not always very easy for us to get there. He then said, no we'll fly you there, that's not a problem but you need to cover more stories with the Premier. 5

PANEL MEMBER: That's what the chief of staff said?

MR NEWTON: Yes. And I said to him: We base it on news value and we base it on resources that are available. Sometimes we do travel very far as the NORTHERN CAPE is a massive province, but we can't always do it as we don't always have the resources available to do that. And at that time they offered to cover our travel costs. I said: No, that's not how it works. We have a system where we have cars and petrol cards, and we can't allow other people to cover our costs unless it's cleared at the highest level. And that's where it ended. She never phoned ... 10 15 20

PANEL MEMBER: It ended there.

MR NEWTON: Yes.

PANEL MEMBER: It's not that someone can conclude that because you had had a conversation with the 25

chief of staff, that maybe you promised them to cover a lot of their stories.

MR NEWTON: Well, maybe. We said we would do our best. But whenever I was working as a journalist I would always explain to people that the decision lies in JOHANNESBURG, because I have to say: This is what's happening in the NORTHERN CAPE, the FREE STATE, or even when I was in BRUSSELS. I would say: This is what's happening. Then they would look at the diary and say: We don't have space, it's too busy a news day today; or: Yes, we have lots of space, please go and do it, or whatever. It wasn't my final decision to make. We could never go to anyone and promise that we would do a story because anything could happen. I always made sure. I would never promise people that we would do A, B and C. I would say we would do our best to do A, B and C.

COMMISSIONER: When was the FREE STATE separated from the NORTHERN CAPE. I thought they were one region?

MR NEWTON: They were. It went backwards and forwards quite a few times. I think in the late 90s, in your day, there was still one province and

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then it was split into two. JAMES BARKHUIZEN was actually the regional editor in KIMBERLEY at that point. I think it was TSHIDI SIGWADI(?) was in BLOEMFONTEIN, if I'm not mistaken. Then for a while they combined them again, because it was getting too expensive. But then when I returned from BRUSSELS in 2010, they were split. There were the two provinces. If I'm not mistaken, I don't want to speak out of turn, but I think SEBOLELO DITLHAKANYANE was the regional editor in KIMBERLEY and HLAUDI was acting in the FREE STATE. A lot of these - SOPHIE, SEBOLELO, HLAUDI - a lot of people in his office are all former FREE STATE people. There are a lot of links back to the FREE STATE. A lot of the senior people started in the FREE STATE. It may be coincidence, I don't know.

I also want to put it on record that when I came back in 2010 and I was working in the FREE STATE, HLAUDI thought I was the perfect guy for the job. He said I worked really hard, I didn't have any loyalties with anyone, and I just did my job. For a long time HLAUDI had a lot of confidence in me, that's why he

put me on the 404 team to work for the channel. But eventually there was just too much interference. There was a guy called JUSTICE, who HLAUDI toured all the provinces with. I can't remember his surname. He was 5
an adviser to HLAUDI and I think at the time he was a consultant. I think he was being paid as a consultant, which also came out in the media later and he also got an SABC salary. He and HLAUDI did a tour of all the 10
provinces telling them exactly how things were going to change. This must have been in 2011/2012. Then this gentleman went on an MBA course to LONDON, was arrested there, spent 15
SABC money on prostitutes and there was a big drama. Then eventually his services were no longer required. But it was one of those things where there was never a follow up, and no-one ever found out if that money was ever 20
paid back. I think it was R250 000 that they paid him to go to LONDON on this MBA course, where he was arrested. Then he left LONDON, didn't finish the course that was paid for by the SABC, but he was one of HLAUDI's friends 25
who was given a massive amount of money. He

was also, to my recollection, very influential in telling people how we should cover stories. I don't know what his background was. I don't really think he was a newsperson.

COMMISSIONER: Is GILLIAN your wife? 5

MR NEWTON: Yes.

COMMISSIONER: My colleagues were getting confused, saying we need GILLIAN to talk to us and I kept saying, no it's not GILLIAN, it's RICHARD.

MR NEWTON: I think I asked her to send the submission 10
from her email address. I sent it to her and asked her to check that it was grammatically correct.

COMMISSIONER: And what do you do now?

MR NEWTON: I am the national communications coordinator 15
for the DA, which was one of the reasons why I left the SABC in 2016. I needed to leave. I was not happy with the way things were working, HLAUDI and I were not seeing eye-to-eye and I started looking for other 20
appointments. And one of the places I looked for other employment was the DA. It was one of five or six places. Then I got a message that maybe I should just go. At the time I said to SOPHIE: Where is this coming from? 25

She said HLAUDI wants you out of here. He said that if you are dealing with the DA you can't be trusted. At the time I said I had applied at five different places for jobs, one was an events company - and then they said: 5
No, you're connected to the DA now, you must go. There was a very unfortunate incident where NOTHANDO heard I had resigned. She offered me - she said: Look, if you want a transfer to CAPE TOWN, transfer because my son 10
was moving to CAPE TOWN to go to school. If you want to move to CAPE TOWN, we will move you there. We don't want to lose your services, you've been here for twenty-six years, you must withdraw your resignation. So 15
I said: I don't think that's going to be possible. So we were discussing this and I said: I'll consider it. And they said: We will send you to CAPE TOWN if you want to. Then I heard from the HR manager, MANNIE ALHO, 20
who spoke to me in the stairwell because he was scared that his office was bugged, who said to me: They're going to offer you this and then when you accept it, they are going to wait for you to cancel your other jobs that 25

you've applied for, and then they're going to say: No, we're not accepting this, you've resigned, you must go. So I went to the office and I spoke to NYANA MOLETE, who basically confirmed that that was exactly what they were doing. I said to him: Nyana, I've worked with you for so many years, how can you even look me in the eye and tell me this is what you're doing. He said he was embarrassed and he's sorry but it's time for me to go. So that day I packed my stuff, and I left that day. I got in my car and I drove to CAPE TOWN. That was the end of twenty-six years at the SABC. But that's not part of this, it's just for your own information.

COMMISSIONER: We thought you were giving evidence in your capacity as an employee of the SABC. Now it turns out that you are a third party rather than an employee of the SABC. Do you have any objections to your submission being made public?

MR NEWTON: My written submission, or what we've discussed today?

COMMISSIONER: Both the oral as well as the written submission?

MR NEWTON: I'll be totally honest with you and say that I am very weary of ACE MAGASHULE. I believe he can be dangerous and I would be concerned that if he had misinformation I would feel worried. Again I base that on events that have happened, which I cannot prove at all, which happened in the years I was in the FREE STATE. I am concerned that he is not a man to be trifled with. While this is all true, that I'm telling you, I would feel concerned if he had access to this. And it's a genuine thing. 5

COMMISSIONER: So you would rather we keep your submission confidential? 10

MR NEWTON: I would prefer it.

COMMISSIONER: What was the stakeholder position? 15

MR NEWTON: That HLAUDI held?

COMMISSIONER: Yes. Is it still there?

MR NEWTON: Yes, as far as know it's still there. It's stakeholder relations. Now in SABC speak stakeholders is a euphemism for Government. 20

COMMISSIONER: What?

MR NEWTON: It's a euphemism for Government. So when we talk about a stakeholder at the SABC, we are talking about Provincial Government, National Government, Government departments. That was 25

stakeholder. You will see if you have the minutes etc, people always talk about having to clear it with the stakeholder. And when they spoke about the stakeholder in singular, it would be the Minister of Communications. 5
So they would say: We have to clear this with the stakeholder: or: The stakeholder will be addressing the staff, or whatever the case may be. But stakeholder relations was basically relations between the SABC and Government 10
departments.

COMMISSIONER: So he was manager of that department?

MR NEWTON: He was GM of that, yes, general manager, but then shot to the COO position straight from there. You may remember when the Court ruled 15
that he couldn't be COO, he went back to GM stakeholder relations for a very short space of time, before he ...

COMMISSIONER: Is that perhaps where his tentacles grew in Government as well as in the SABC? 20

MR NEWTON: I'll tell you a story from the late 1990s. I was in a line talk and JACOB ZUMA was the Deputy President at that stage. He was going on an overseas trip and on line talk, the editor, I think it may even have been JEREMY 25

THORPE at that stage, I'm not one hundred percent sure but said: We need to get comment from Deputy President ZUMA before he leaves. Then the political office said: No, but he's already at the airport, he's leaving now. And HLAUDI at that stage was executive producer of LESEDI and he was on the same line talk. He said: Give me two minutes. He took out his phone and he phoned, I didn't understand the language of what he was saying and then he said to line talk: He's waiting for you now, he'll give you an interview before he gets on the plane. That was when he was still executive producer, and he had a direct link to JACOB ZUMA. I cannot tell you how or why, but the rest of us just sat there and thought: Wow, he's just phoned the Deputy President and he basically said: They're sending a camera crew, they want to interview you, you need to stay there. And that was when he was still executive producer of LESEDI, that he had a direct line to JACOB ZUMA. So I don't know at what point his power grew or where his power came from, but he was certainly connected. He was able to get hold of very senior people in

the party at the drop of a hat.

COMMISSIONER: So in your opinion the political interference in the SABC revolved around HLAUDI?

MR NEWTON: I think a lot of it. I believe he was the facilitator but I think there were a number of people within the organisation in senior positions that also had very good contacts with politicians and would also facilitate stories, ensuring that if there was a story that was going to be on the news that was slightly negative, that there would be a spokesperson or an official or a Minister called in to be in the newsroom and to talk about that on set. In about 2015/2016, in every main evening news bulletin, there had to be a guest. There would always be a guest. It was a regulation at that time. SOPHIE MOKOENA was still getting back into favour after backing SNUKI for so many years, and she was sort of a little bit in the wilderness in the SABC because of that. Her job was to get the guest. Her job and VUYO MVOKO's job, who also left to go to eNCA after that, was to make sure that there was a guest in the studio every night, whether it be on economics or

politics or whatever. That also fell away after a while because it just became an opportunity for groups to make their point. I'm not saying a lot of the time it wasn't valid to have that spokesperson there to react to whatever, but quite often in an ANC-related story, if you couldn't get hold of someone for reaction or reply then the story would be held over. Whereas if it was someone else there would just be a line in the story saying they were unavailable for comment. But with the ANC if you didn't get reaction the story would be held over.

COMMISSIONER: Anything else?

PANEL MEMBER: No, I'm fine, thank you. 15

COMMISSIONER: Are you around here now?

MR NEWTON: I'm in CAPE TOWN.

COMMISSIONER: In CAPE TOWN?

MR NEWTON: Yes.

COMMISSIONER: Did you fly up here? 20

MR NEWTON: I flew up this morning.

COMMISSIONER: Thank you for your insights into the SABC.

MR NEWTON: I hope it helps you in some way.

COMMISSIONER: Yes, it certainly will.

MR NEWTON: I can honestly say, I mean I gave twenty-six 25

years of my life to the SABC, I have a great deal of respect of the SABC. I think the role to inform and educate - and entertain to a lesser degree, but to inform and educate is crucial for SOUTH AFRICANS. The SABC is the only broadcaster that can reach SOUTH AFRICANS in every corner of this country. And to be - what's the latest slogan "impartial", "independent", I think that's crucial because people have to know what's happening and they have to be able to make life-changing decisions, based on the correct information. So I certainly hope that this process will make the SABC a stronger and better broadcaster and that it can be known that it is a public broadcaster and not a state broadcaster.

COMMISSIONER: Thank you.

MR NEWTON: Thank you.

THE ENQUIRY ADJOURNS

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ZOLISA SIGABI**THE ENQUIRY RESUMES**

COMMISSIONER: We introduced ourselves the last time we spoke.

MS SIGABI: Yes, I suppose I have to again for the purposes of the record. 5

COMMISSIONER: Yes. The last time we met, we had asked senior news management to come and talk to us, to just give us a briefing on how the news operates and runs. At that point we hadn't asked you if you have a submission to make 10 besides the general picture that we had asked for.

MS SIGABI: Yes.

COMMISSIONER: Now what we're doing today is to find out if you are keen to have your submission made 15 under oath or whatever, and you can then tell us of your personal experiences of any form of interference that has happened at the SABC. So it's still an open invitation, but this time it will be under oath. It is still 20 confidential, but it will be on record. Unlike the previous general briefing that we got from you.

MS SIGABI: Thank you so much, Chair. I think what I shared last time for me is sufficient because 25

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ZOLISA SIGABI

I do think that there were people who were dealt the most devastating of loss and therefore I think their submission will be sufficient. I'm okay with the first presentation I made. 5

COMMISSIONER: So you wouldn't want to make a personal submission?

MS SIGABI: No, as I said, I managed my stuff, Whatever came to me I managed it very well and therefore I was not exposed to the kind of things that some of my colleagues were. 10

COMMISSIONER: Okay.

MS SIGABI: So no, thank you very much.

COMMISSIONER: Thank you. We thought it was a little unfair that we asked you to come in and give us a briefing but we didn't give you the opportunity to make your own submission. 15

MS SIGABI Yes, and thank you very much for that. Thank you very much and all the best.

COMMISSIONER: Thank you. 20

THE ENQUIRY ADJOURNS

THE ENQUIRY RESUMES

COMMISSIONER: Izak, we don't have to reintroduce ourselves but we asked you to come back for two reasons. The first one is that you gave us a briefing on what was happening at the SABC and during that briefing we didn't give you a chance to make your own personal submission. I know you said you were not affected, but this time we're asking you if you have a personal submission that you would like to make under oath, and then we would be happy to have that. That's the first reason we asked you to come back.

The second reason is we have a couple of questions to ask about the structure of the SABC. Now, do you have a personal submission that you would like to make?

MR MINNAAR: I think I should think a little bit about that and let you know, and to come back and properly prepare if I want to do that. If there is something in particular that you want me to cover in something like that you're welcome to tell me and I can prepare something along those lines. But I thought I would come here and answer questions, so I am not really

ready for the first once.

COMMISSIONER: One of the reasons we thought your insights would be useful, because the first one is not part of the report, it was just a general picture of what's happening, is because you have been at the SABC for so long, and you've seen so many changes, so you are in a position to compare what happened during the HLAUDI era and what happened in the eras before then. That's insight that other people wouldn't have. 5 10

MR MINNAAR: I will need to think a bit about that and come back to you on that.

COMMISSIONER: The second one is your compliance office. How is it structured, what are its functions? Would you be in a position to ... 15

MR MINNAAR: I would not be able to answer based on first-hand experience because I've never worked there, but I have worked with them and we've often been in communication or correspondence on how to deal with particular issues. Generally the compliance office would be the central point which would receive complaints about the SABC. Typically the moment a complaint comes in, either directly from the 20 25

public or sent to them via ICASA or the BCCSA, they would then alert the editor or editors responsible for the content that the complainant identified. Then somebody on the editorial side would need to compile a draft response, which would usually be signed off by someone senior on the editorial side and then sent back to regulatory affairs, which is essentially the compliance office. Regulatory affairs would then, if it is a BCCSA or ICASA issue, report back to them. Or sometimes if it is a complaint that came from an individual or an organisation there would be a discussion between the compliance office and the editor responsible on who will respond directly. Sometimes it would go back via regulatory affairs or sometimes the editor responsible would respond directly to the complainant and just copy the compliance office, because they need to keep track of all complaints dealt with and included in the annual report into ICASA. Having said that, with all complaints that we receive regarding online and social media I don't think there's been a full acceptance of the new regulatory arrangement,

where the SABC subscribes to the Press Council and answers to the Press Code regarding online and social media. The SABC regulatory affairs see themselves very much as an office that needs to execute the broadcast legislation and regulation, and in particular the response to so-called mandate issues that would be regulated by ICASA. I'm not sure for instance whether they include any complaints regarding non-broadcast content into their ICASA reports. I don't think so, although I'm not one hundred percent sure, because it falls outside of ICASA's scope. It often happens if they receive that they send those complaints mostly to me, we deal with it, we respond and we keep them in the loop, and so on. But what has not happened, is that a similar relationship has not been forged between SABC Regulatory Affairs and the Press Council, as exists between SABC and BCCSA. On a number of occasions I have tried to prompt them and say to them that it's important that they set up similar standard operating procedures for both broadcast and non-broadcast content reporting to the two different bodies. And on an

individual level I get good cooperation, but I'm not aware whether it has really been formalised. I was very glad to see, as I said in my written input to you, that in the new draft of the editorial code, there is finally a reference to the Press Code. But unfortunately it is just one reference and the rest of the document is still focussed on broadcast and does not adequately deal with online and social media content. There is also an issue about the way complaints are dealt with across platforms. Very often somebody picks up a complaint because they found it on a video that we published or in text that we published, or in audio that we published online, but actually there is probably a good chance that the material we published was first published on TV or radio and that we repeated the mistake. So one of the points that we made in our input to the editorial code process was that when the SABC receives a complaint about content then all the platforms that were involved in mistakes and should be involved in correcting those mistakes should take equal responsibility and

should respond across platforms. We do not think it is good for the SABC that if we receive a complaint about a TV story that is published online that we just deal with that particularly because it is what the person 5 complained about because they actually complained about an earlier mistake with a different audience and so on. We therefore think there should be standard operating procedures developed to deal comprehensively 10 with complaints across the different platforms. In summary, the two points I have made thus far:

1 It is important that there is a similar operating procedure around non-broadcast 15 content, meaning in particular adherence to the Press Code and dealing with complaints in terms of the Press Code and former links between SABC Regulatory Affairs and the Press Council, similar to 20 the way that broadcast complaints are dealt with at the relationship between the SABC and the BCCSA and ICASA. That's the one point.

2 We need to find a way to comprehensively 25

deal with complaints across platforms with all responsible, if you wish, platform heads or editors, who should be accountable for dealing with complaints and corrections, and not only if somebody picks up the online mistake but missed the mistake on radio or TV. That must all be dealt with at the same time. 5

Then on another level where I've dealt with Regulatory Affairs it was mainly around election times, where they would do a number of things. Firstly, they would be the liaison with ICASA on the election regulations and editorial guidelines which are usually issued before. It means that when ICASA publishes its draft regulations before elections then Regulatory Affairs would normally take the lead to get input from across the SABC on what our response should be and would lead delegations to ICASA and accompany editors and others to ICASA workshops to make sure that we do proper input on the regulations. 10 15 20

Secondly, they would also take the lead in training and guiding. They would typically go on a kind of training road show to all the 25

Provinces to make sure that editorial staff and programme staff are adequately briefed and fully understand what they need to do in terms of the election broadcast regulations.

The third thing they would do, is get involved particularly with party election broadcasts and party advertisements and the receipt and scheduling in collaboration with advertising sales and radio programme management to ensure that the SABC executes the list of scheduled party advertisements as determined by ICASA in the run up to the elections.

The next thing they would do is to then deal with complaints or issues around those advertisements, the kind of things that come up are that some parties would not deliver their stuff in time and then they are supposed to forfeit the slot, but they always put pressure on the SABC to just slot them in, but the SABC may not, in terms of ICASA. It is only ICASA who can determine something like that, or the quality of the party election, where the audio may not be good enough for broadcast, or whatever problems may relate. So Regulatory Affairs would deal with that.

They would also deal with editorial complaints in a similar way that I explained earlier about general complaints. But there would typically be a smoother and quicker process, because in terms of the election regulations there is normally a tight schedule to deal with any party complaints in particular. They would take charge of that to make sure that the SABC abides by all the different deadlines.

The one thing that is not well done is the monitoring of SABC election content against the ICASA Election Regulations. In fact what they call the Guidelines, which is normally an annexure to the Election Regulations. This is something that the SABC has performed very differently in many different elections. In some elections - and this is the plan that I usually propose before elections, is that the SABC should appoint an external party to monitor SABC content and adherence in terms of fairness, balance and equitable party coverage across its news and current affairs programmes on radio and TV. We had done it a couple of times over many elections, maybe four times

since 1994 where we appointed an external party with a record of independent monitoring, and we would sit down with them and say to them: Here are the ICASA Regulations, this is what we want to achieve with our editorial coverage, this is our, let's call it, our "promise of performance" in terms of abiding by the ICASA guidelines; here are the programme areas where most of our election content will be broadcast; can you now go away and set up systems and monitor and provide us with weekly reports to tell us if we are on track or not on track, so that we can make adjustments while the campaign is ongoing to make sure that we provide balance and equitable coverage. So in the cases where the SABC commissioned such work, I think it was always very useful to see on a weekly basis how we were fairing and it was easy to correct that. In other instances, just to complete the picture on this, because we sometimes commissioned, an organisation like MEDIA MONITORING AFRICA have in any case independently of the SABC over many elections, monitored SABC coverage, and it is possible to

get very generic feedback from them during the elections, but their full reports only become available after elections. And then ICASA also do their own monitoring but there is no information available from them before the election and you only get their reports way after the elections. What I'm trying to get to is that I think one weak area is a consistent way in which SABC Regulatory Affairs or the Compliance Office, as you call it, in conjunction with SABC News, put measures in place to ensure independent monitoring of election coverage as per ICASA's editorial guidelines for elections. I think we can probably do better on that if we make sure that we have some kind of independent monitoring arrangement. Over the years there have also been efforts to get individual editorial desks to keep statistics and keep track of what they do, but I don't think that is something that really works well, because you don't have experts in monitoring on any of our desks and every desk will do it differently and some will do it and others will not. While it may assist you with an

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answer on a particular complaint from a party about material that's been broadcast in the past week or two, it's not really useful to get a big picture across languages, platforms, provinces, nationally that you can get with properly-done external monitoring. I think I have covered the various aspects of the complaints and now I have dealt with, let's just say, an election case study, but to also demonstrate how Regulatory Affairs would be involved in regulatory issues, and that would overlap sometimes with policy issues. Maybe I should just add a third area, and this would be when the SABC needs to respond for instance to legislation that may have an impact. I'm talking here about - it may be legislation or regulation by ICASA or the FILM AND PUBLICATIONS BOARD or it may have to do with something like the Copyright Act. So in any or many of those Regulatory Affairs would play a role in collating and drafting an SABC response in which they would sometimes include some stakeholders, sometimes many stakeholders. They would sometimes draft something, get it approved and then tell

internal stakeholders about it. Getting it approved meaning the Ops Committee approval. My feeling on that is that there are some of those efforts where we can probably do better by getting a wider range of internal expertise reflected. In the same way they were involved in the process of running the consultation on the Editorial Policies now, which is a sore point for us because they just about totally ignored all our inputs on the very necessary need to include in the Editorial Policies, or to cover in the Editorial Policies online and social media issues, and not only broadcast issues.

COMMISSIONER: What is the expertise in the editorial office?
Is it legal?

MR MINNAAR: I have dealt over many years mainly with one person, which was FAKIR HASSEN, who is a man with many talents and experience and has done everything in broadcasting, from news, to programming, to music, to technology, to working behind the scenes and was even a broadcaster himself. He really had a very, very good sense of the full picture. There were a couple of people in his office when he

started reaching retirement age that he hand-picked and coached to take over from him. They don't have his range of expertise but they are well trained, although I don't think that we have the same expertise on broadcast and content issues now in that office as before. But I must say that there is also good - I think they realise it and more often than not they would approach people on the editorial side to advise them and give them background and guidance on issues. I get many calls from them, not so much on online stuff but on broadcast stuff. Just a call or a note to hear what my view is on this or that. So there is an effort from their side to make sure that they get the expert advice to be able to do their jobs.

COMMISSIONER:

So is there not strictly legal ...

MR MINNAAR:

No, they are not part of the legal department. Over the years at some stage they were sort of reporting into the Head of Legal and I'm not exactly sure of the reporting structures, but my sense is that they report into corporate affairs somewhere. I'm not sure if it's into the office of the COO or the CEO, but they are

not part of Legal. I can say to you that regarding the legal support on editorial matters, it is just about non-existent, and we do not have any expertise in the Legal Department. We don't have media lawyers in the SABC, and we don't have media lawyers on a retainer, so it is very difficult at any time with stories where you suddenly need legal advice, to get the advice. Secondly, you're not sure it is the best possible advice. It's a long process to get a media law expert appointed on anything. If there is an issue now, there is no way that you can immediately get a media lawyer involved. All of us at news are very concerned about this and have asked over and over that this issue be prioritised by SABC Legal, to make sure we have adequate access, just like any other newsroom, to on-call media law expertise.

COMMISSIONER: Let me try and say the picture I get is that of the Regulatory Affairs being a post box in essence. If a person outside or the BCCSA has a complaint, it goes to that post box and that post box distributes it to the editorial department concerned and they then send it

back to the complainant.

MR MINNAAR: That's correct regarding complaints received, yes.

COMMISSIONER: The only proactive work that they seem to be doing is during elections where they participate in getting the SABC's view on the guidelines and of transmitting those guidelines to all staff? 5

MR MINNAAR: Well, the election would be a good example to illustrate this, but if there are other - say for instance ICASA would issue a new set of regulations on local content, then they would deal with that in the same way that they would deal with new regulations regarding elections. Or if the FILM AND PUBLICATIONS BOARD issues regulations on the classification of content, then they would also proactively deal with that. I don't think it would be correct to say that it's only elections. If there are regulations that need to be either in draft format, or need comment on, or want implementation, that need some training or so, then they would do that. But regarding complaints specifically, you're one hundred percent correct in that they are more of a 10 15 20 25

postbox to receive and keep track of what comes in and what goes out and you will get a reminder if you're not responding quickly enough.

COMMISSIONER: In your presentation last time you suggested 5
an Advisory Board for the News Department.
If we located that Advisory Board in the compliance office and it had editorial expertise and their responsibility would be to ensure that the new Editorial Policy becomes 10
part of the SABC culture, and if anybody had issues to raise - let's say journalists on the ground floor, if they were unhappy with anything, they could then go to the regulatory office and say: Can you handle this very 15
quickly? Is management right, or are we right when we say this is the direction we should go? Would that be a possibility?

MR MINNAAR: Let me start by referring to the proposal in the current draft of the new Editorial Policy. 20
In one place they talk about an internal ombud.

COMMISSIONER: Yes.

MR MINNAAR: Elsewhere they just call it a news ombud. I'm not one hundred percent clear because 25

somewhere in the document they refer to independent and the other one it looks like it's actually part of the structure. Firstly, I want to say that some of the thinking behind what's in the current draft I think is in the right direction but it will need to be tweaked. The second point is, remember that my suggestion was that for an advisory panel to be effective, there must be some distance between the organisation. It's not something that should be part of the normal organisational structure. The ideal would be to situate them as an advisory panel outside and not for whoever is on that panel to report to the Head of Regulatory Affairs or to report to somebody specific, as an employee would report to anybody else. You need a panel with high profile people who can take independent decisions and who would not fall into the trap of taking the decisions that they know their bosses would like them to take. While I think that it would be possible to have the administrative office of such a panel or an ombud to situate something like that in regulatory affairs, I'm not sure that the

person or panel who gets appointed should actually be part of the SABC structure. However you are certainly right that the administration of such an office could fit well at regulatory affairs. 5

COMMISSIONER:

The way I understand the proposal in the Editorial Policy draft is that your ombud is going to be handling complaints from outside the SABC and it doesn't make allowance for complaints, issues, etc from inside the SABC. 10

MR MINNAAR:

I read it a couple of times and I agree with you but there is also a sentence here or there that I then wondered, so I saw this focus on just dealing with external complaints. But I thought that somewhere in the document, 15
somewhere in the two or three pages that there was something that alluded to the fact that the person would also deal with internal issues. I don't know, but I think that's wrong. I think that somebody like that should 20
be able to deal with internal complaints with complaints from external pressure groups. The normal listener and viewer complaints I think should be dealt with by Regulatory Affairs and if they have a problem they must refer - what 25

we're really talking about is a panel that can advise on precisely the list of issues that your enquiry panel has been appointed to look at. That should be the scope to be dealt with on an ongoing basis, not with the basic daily complaints about this or that or a factual mistake here and there. I think we are adequately resourced to deal with that. It should be about the bigger issues and it should also be able to not only respond to complaints but also, based on observations on what's happening, provide advice to the levels that they think they should. Meaning to the Board or to the Board's new sub-Committee or to the CEO or to the Operational Committee, or the Head of News or so on.

COMMISSIONER: As you are saying there is no editorial expertise in that office?

MR MINBAR: No, but I think they are structured - this is why if there is an editorial issue that they need to deal with they would essentially be guided by the head of news or whichever editor the Head of News wants to deal with it. They would never respond to anything or any editorial complaint if they deal with anything

in my area, if I have not signed off on it. The same cannot be said though about some of the policy work that they do. There are some of the policy issues they deal with, on which we wish they would talk to us more and get our input before they draft something, take it to the Ops Committee or top management, and get it signed off without a proper opportunity for editorial and content expertise to be taken into account. 5 10

COMMISSIONER: Is it office the one that's running the public consultations on the draft editorial Policies?

MR MINNAAR: Yes, with PHILLY MOILWA as the head.

COMMISSIONER: Who?

MR MINNAAR: PHILLY MOILWA, he is head of regulatory affairs. 15

COMMISSIONER: And you are saying the content monitoring is at best very patchy?

MR MINNAAR: Are you referring to the elections?

COMMISSIONER: No, just generally. 20

MR MINBAR: Well, it depends on - maybe you should explain what you mean by that, or where are you getting that remark?

COMMISSIONER: No, I'm saying is there a monitoring of SABC news on a regular basis, with regular reports? 25

MR MINNAAR: No. With each editor or executive producer it's part of their job to make sure that what they do is to abide by the Editorial Policies with some prescriptions regarding fairness, balance and so on, and to make sure that the content that they produce would adhere to regulatory and legislation from the Broadcast Act through to the various ICASA regulations and so on. So if you're the editor or executive producer for a programme it is assumed that you make sure that your content would fully abide by that and if for some reason it is found that you did not, then you need to account for that. If there is an issue about how an executive producer conducted that then the editor or the head of news may ask the person for a report to explain why something hasn't been done. But it's only really during election times when there is a particular set of things that needs to be monitored and it is often mostly about equitable coverage. Equitable coverage is the main issue, but there are also other specific things that are mentioned in the ICASA guidelines, where from time-to-time there have

been proactive efforts to monitor and get reports on that. I'm not so sure that constant formal monitoring is necessary, unless it is suspected that there is something wrong in a particular area, in which case it may then be prudent to do it in that area for a period of time until the problem has been fixed. 5

PANEL MEMBER: So then there's no particular body that monitors the newsworthiness of that story, up until somebody complains about the story? 10

MR MINNAAR: No, I wouldn't say that. Let me just talk you through the normal assignment process. On the one hand you have news-gathering desks that would include desks in all the different newsrooms, in all the provinces and with a variety of output responsibilities, meaning radio bulletins, radio current affairs, TV bulletins, TV current affairs and online content in all the different languages. So that you have the one - and including that you also have some specialist desk, like economics, politics, sport. Then on the output side you have the various, let's just call them, content production desks. Those 15 20 25

would be all the different bulletins themselves: the current affairs programmes, online outlets, sometimes special slots and so on. Now on a daily basis these two groups of people start from the assignment desk. The assignment desk will do a look out for the news for the next few days. So each desk for the area for which they are responsible, for instance a WESTERN CAPE desk, or the national sports desk, would make a list of the stories which they intend to cover. Then the two groups will meet, twice a day. In the afternoon meeting they will go through everybody's list as a joint group and they will determine what the news priorities would be for the next twenty-four hours or so. Those are meetings led by the head of news, the head of radio news, the head of TV news, other seniors, and most of the senior editorial decision-makers will be in those meetings. At the end of the meeting you will have the twenty, thirty or forty stories and there would be discussions sometimes on the treatment of those stories. The next morning's meeting would then be looking at

implementation of the last hours and maybe a
reprioritising. So at 08h30 in the morning
and again from about 15h00 in the afternoon,
these meetings would happen. In between, if
there are breaking stories, the assignment
desk will respond to that, always in
consultation with the output desks, to ensure
that there is alignment between what the input
desk is offering the output desk. In fact
there is lots of planning and oversight and
editorial discussions about which stories and
how they should be treated throughout the day
and on an ongoing basis. In that sense, it's
not just like someone decides they are going
to do this or that. On the current affairs
side the executive producers for the current
affairs programmes, the main difference being
that the current affairs programmes would be
more planned, may well pick up on some of the
top stories of the day but it will be planned
content, and in terms of ICASA regulations
there's a slightly different way to deal with
that. Also for instance, they say balance
over a number of programmes and so on. Even
there, there would be constant discussions

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with executive producers and editors on what should go into the programmes, what should be prioritised to make sure that in the end the SABC News as a big operation would offer via its various outlets and audiences as balanced as possible a picture of what's happening at any time. Did I answer your question? 5

PANEL MEMBER: Yes, but I wanted clarification. In a nutshell what you're saying is there are two meetings. Do they play the role of monitoring the newsworthiness of the content? 10

MR MINNAAR: After the meeting, when the story is coming together, the story will be signed off by the head of the desk.

PANEL MEMBER: Okay. 15

MR MINNAAR: And before its put on air it will also be signed - so the head of the input desk that supplies the story - and before it goes out, it will also be signed off by the executive producer in charge of that programme. Very often there would be continuous discussion between the two, and this one may say: There's another angle, as it develops we'll add to the story. Or this one would say: Sorry, this story is not balanced I need this 20 25

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IZAK MINAAR

angle before we can put it on air. So there's that constant discussion on it.

PANEL MEMBER:

So what if at those two meetings they decide to say: Okay, we are proceeding with the airing of the story, and somebody comes and 5
lays a complaint to say: Your story is not balanced, you did not get the side of my story, this is my side of the story, and in fact whatever you have aired is incorrect, in fact it should not have been aired without 10
getting somebody else's side of the story. Are there any instances in that regard?

MR MINNAAR:

We need to take two things into account. The one is that stories are developing all the time and views and angles get added all the 15
time. Especially in a kind of twenty-four hour news environment. You get a set of facts, you make sure that from information that is available now it's a fair and balanced story, and you put it on. But even while it 20
is broadcast somebody else may add something and then you will add it to the next version of the story in the next bulletin and so the story will change. Literally from hour-to-hour it will continue to change. But the 25

second point is, if at any time in that process somebody puts their hand up and says: Sorry you're not treating me fairly, then that would just go into the process of considering if and where and how it should be included in the story. So I don't think one should see it as a story, it's done and then what. The story continues and you add to the story as it develops. 5

PANEL MEMBER: So what happens if maybe the SABC has aired a story that is not correct and then they get the correct information and you guys have already aired or published the incorrect information. What happens then? 10

MR MINNAAR: If the information really turned out to be incorrect we would correct it as soon as possible thereafter. 15

PANEL MEMBER: How?

MR MINNAAR: Our whole intention is to provide fair, balanced and accurate information. Right? So if at any time it became clear that we put an inaccuracy on air, efforts will be made to correct it, depending on what it is. Sometimes it may be an on-air acknowledgement that something we broadcast earlier was 20 25

incorrect and here are the correct facts. Sometimes, and most often, it is more additional information to complete the picture. So you may repackage the original story and include the additional facts. I think the intention is always there, but if we made a mistake we need to fix it as quickly as possible and make sure that we treat the various players in a story fairly. 5

COMMISSIONER: Anything else? 10

PANEL MEMBER: No.

COMMISSIONER: Thank you for coming for another presentation and I hope you will seriously consider making a submission that will give us some historical perspective of the HLAUDI era *versus* the era before. 15

MR MINNAAR: Okay.

COMMISSIONER: And then anything else that you might think of please let us know.

MR MINNAAR: Will do. 20

COMMISSIONER: Thank you.

MR MINNAAR: Thank you.

THE ENQUIRY ADJOURNS

JNT002 – EVIDENCE 11

VOLUME XII

SOUTH AFRICAN BROADCASTING CORPORATION

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COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**PROCESS IN THE NEWSROOM**

 PANEL MEMBERS: MR JOE THLOLOE - Commissioner

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24 July 2018**THE ENQUIRY RESUMES**

CHAIRPERSON: I don't think we need to reintroduce ourselves. If you remember the last meeting we had was an informal meeting, where we wanted a briefing about the decision-making processes at the SABC. There are two things that we would like to ask you to do. The first one is, do you have a submission yourself on what you have observed or seen over the years; and, secondly, are you prepared to give us that submission under oath? Remember the first one was just informal?

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NYANA MOLETE

MR MOLETE: Informal, yes.

COMMISSIONER: I think the key thing is we would like you to give us your take on some of the submissions we got, especially related to enforcers, where you're alleged to be one of the enforcers. 5

MR MOLETE: Mmm.

COMMISSIONER: If you are comfortable can you:
1 Give us a submission?
2 Will you be able to give it to us under oath? 10

MR MOLETE: I am willing to go under oath, I have no issues with that. I have not prepared a submission but I guess as far as the issues around the enforcers and enforcement are concerned, if I'm responding to those 15 submissions I would have to have an idea of what exactly people are saying. I have a vague understanding or knowledge of what may have been said, but I don't know what has been said in the submissions, so I would like to 20 respond to that after seeing them. Then I can either confirm or deny whatever submissions have been made. But I have no issue with doing this under oath. I also don't have an issue if I don't read the documents. I can 25

- just be told what the submissions are and I can respond to them as truthfully as I can.
- COMMISSIONER: Essentially we don't want a he said, she said. That's not what we want. We would like you to answer some questions related to that aspect without us saying so and so said this about you. They are general questions about some of the submissions we have heard. 5
- MR MOLETE: Okay.
- COMMISSIONER: We don't think it will be necessary for you to go through every submission. 10
- MR MOLETE: That's okay.
- PANEL MEMBER: Do you have any objection to taking an oath?
- MR MOLETE: No, not at all.
- MR NYANA MOLETE (duly sworn, states:)** 15
- COMMISSIONER: Do you have any personal experience of undue influence on the editorial decision-making at the SABC?
- MR MOLETE: I do. Whether it's due or undue there has been a lot of editorial interference at the SABC. 20
- COMMISSIONER: What type of interference are we talking about?
- MR MOLETE: It ranges from - there's a long history to undue editorial interference. At the SABC the 25

NYANA MOLETE

issue of who the editor-in-chief is and what it is that they can and cannot do has always been very fuzzy. Right from the period when people like SOLLY MOKOETLE, PETER MATLARE - when SNUKI ZIKALALA was head of news, when 5
JIMI MATTHEWS was head of news, when PHIL MOLEFE was head of news - all these people from time-to-time would want to influence the direction of the newsroom. I remember when SNUKI was in charge of the newsroom there were 10
huge issues around political analysts, for instance. Just one example of that period, some people were allowed to be on the SABC platforms, others were not. That is editorial interference. That kind of culture just 15
continued and people like HLAUDI basically inherited that sort of culture and really made things worse. I don't know what it is about HLAUDI, maybe it was because of his style, but for lack of a better word, he was a bully. I 20
had known JIMI MATTHEWS for years and I had known him to be a person of integrity. I really liked JIMI and I think that HLAUDI's tenure at the SABC damaged him and damaged some of us. One of the direct things that 25

happened right at the beginning of my work as national editor, when I came back from TELKOM MEDIA was insistence on HLAUDI's part that we use some event that ACE MAGASHULE was at. We rebroadcast that event and as far as I was concerned the story was really over. He had approached me on a Tuesday or Wednesday about broadcasting it and the event had taken place on a weekend. We never did it but he insisted that we broadcast this event. It was just on the basis that he had probably made promises to whoever, either to ACE or someone else. But that did not happen. He slowly used people like JIMI to do stuff that he wanted to do, or he wanted to be done. JIMI would then come to us to get what needed to be done or what did not need to be. That is on a general issue. Another experience that I had was at MANDELA's memorial service, where we had an outside broadcast van. I don't remember the venue.

COMMISSIONER: ORLANDO STADIUM.

MR MOLETE: Where ZUMA was booed (Sic - FNB STADIUM).

COMMISSIONER: Yes.

MR MOLETE: That particular broadcast, the issue was

whether to continue focussing on the booing or
to show other members of the audience who were
not booing. I was in my office at
JOHANNESBURG. I wasn't at the broadcast, but
JIMI was at the stadium. When we showed 5
booing for the second or third time, he gave
me a call to say that he was receiving
complaints about the booing issue and we were
overdoing it. I knew that he was not lying,
he must have been getting pressure from 10
somewhere, whether it was from the ANC or from
his bosses at the SABC, I do not know. But I
went into the studio and spoke to PHIL MOLEFE,
who was directing the broadcast from the
Stadium and said: Look, let's not avoid this 15
thing but let us balance it with other
pictures. Let's show the booing, but let's
also show other areas of the crowd where there
is no booing. This is one of the things in
the public, if you Google my name, that I was 20
meant to have stomped into the studio and was
shouting: Cut, cut - which is not what I had
done. How that got to be told like that I
don't understand and don't really care. You
see, for me that is a huge example of 25

editorial or even political interference. I can give other examples where - I don't want to give the impression that I am too defensive, but one of the things that came out of the Parliamentary hearings is this issue about the usage of the "pay-back the money" pictures. With that, too, we were put under tremendous pressure not to use those kind of pictures. There was a point at which JIMI told us that it was enough, as we had been using those pictures and we sometimes used them when they are not even called for. On one particular day he was really frustrated and he had been to RADIO PARK. CALATA had done a story - I don't remember what it was about - and JIMI came to my office and basically threw his hands up in the air and pleaded with me: Please make sure that you guys don't do this thing, do you want me to lose my job, situation.

PANEL MEMBER: What was the story about?

MR MOLETE: It was either a preview of ZUMA coming to Parliament - I don't really remember the details, but it was a story from LUKHANYO, it was a story from Parliament. And I told JIMI

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that I would try and deal with the situation. I called LUKHANYO and kind of pleaded with him not to overuse these kind of pictures, but we didn't agree. I basically said I could understand what he was saying, and I accepted it but that I work here and I have two children, and mine are coloured, they don't eat pap and vleis and if I ... 5

COMMISSIONER: Yes, I remember.

MR MOLETE: They are, but this is how I put it. My approach to this thing was that I was going to speak to CALATA and see how we could deal with the situation so as not to be under this constant pressure of phone calls, etc. For me I thought it was just something light between us and we were going to try and deal with the situation. I understood that JIMI was under a lot of pressure, and I know what it feels like when you have bosses who will constantly, unreasonably pressurise you not to do certain things. It's unpleasant, and I thought we could deal with the issue that way. I guess these are the kind of things that lead people to say that because you made the call, you're an enforcer. You therefore agree with what 10 15 20 25

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those guys are saying or want to do.

PANEL MEMBER: When you are talking about bosses, you're referring to a position above JIMI?

MR MOLETE: I refer to JIMI and I refer to the position above JIMI. As I said, when I started, I have a history with JIMI so I know him. 5

PANEL MEMBER: Okay.

MR MOLETE: And I know that that organisation damaged him. It turned him into what he is not. Maybe even myself. I walked into the SABC not the person I am and I think that place has done its work on me. I don't know what it is about the SABC but it can really drive you to drink. It has that kind of history of just draining people. As I say, I think JIMI went through that, he was changed by the SABC and not just JIMI but I believe a lot of us were changed by the SABC. When I was first here I think I spoke about the issues around the 2014 Elections. 10 15

COMMISSIONER: 2016? 20

MR MOLETE: No, 2014. We had a workshop - I think it was in KEMPTON PARK. It was meant to be a planning workshop for the elections. JIMI was part of that workshop. Towards the end of it there were issues around what direction the 25

SABC was going to take during them: What informs them and what tells them how to cover the elections. What ultimately happened was that the conference or workshop reinforced the fact that we would follow the SABC's Editorial Policies, follow the ICASA regulations and respect the constitution of this country. As I said I don't think this was editorial interference *per se*, but it just gives you an example of how power was abused at the SABC. We agreed on this and JIMI, as I said, was part of that meeting and was in total agreement with everything that we said, because the principles were solid. However on the Monday or Tuesday, at the end we decided at that workshop that we were going to put a document together that our bosses were going to have to agree to. These principles were the principles that we were going to follow. Some people at the workshop saw this as an attack on HLAUDI, or as an attack on the SABC leadership and my suspicion is that as we were talking or meeting they were sending him messages telling him that he was under attack, or his authority was being questioned, or

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things like that. We then invited him to come to a meeting with the news team. He came and it got a bit rough because he wanted to take charge of the meeting, and he was told, no it was not his meeting, he had been invited and a number of people made inputs. What happened then is that he gave a speech where he told us that he was going to take action, and that he was very disappointed with managers siding with workers on these issues. His office is in RADIO PARK and the meeting was in the TV building, so after the meeting we were called one-by-one to his office. 5 10

COMMISSIONER: These are the people who spoke at the meeting or everybody? 15

MR MOLETE: No, it wasn't everybody. I don't think that NOTHANDO was part of the team at the time. SOPHIE was called to the meeting and people who were considered managers were called into that meeting. I don't remember if THANDEKA and them were called. But when I went into that meeting this argument was presented to me, that we are siding with workers, we are undermining the SABC and things like that. My argument was that I thought he should be happy 20 25

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that we handled this matter this way. Firstly, the principles were solid, what was discussed there was what should have been discussed and the decisions that were taken were not anti-SABC or anti-anything. These 5
are the journalistic principles that we should follow. Because at that time there was a bit of anger simmering in the newsroom, and he should be happy that we handled things this way and we didn't precipitate a strike, 10
because the atmosphere in the newsroom was not a happy one, and the fact was we didn't stifle discussion and we also didn't do anything that was contrary to the SABC Policies. In fact this thing was about reinforcing what needed 15
to be reinforced.

PANEL MEMBER: Was this your one-on-one meeting?

MR BOLETE: That was the one-on-one. Yes, it was him and JIMI at the time. We left it at that and then a few days later SEBOLELO and myself were 20
called to RADIO PARK by a fellow called MOHLOLO. He was head of HR at the time but has passed away.

COMMISSIONER: MOHLOLO?

MR MOLETE: MOHLOLO, I don't remember whether that is his 25

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first name or surname. But he was the guy and a guy called KEOBOKILE MOSWEU.

COMMISSIONER: Who?

MR MOLETE: KEOBOKILE MOSWEU. These two fellows basically wanted us to suspend THANDEKA GQUBELE and MAHLATSE GALLENS. The reason why they wanted them to be suspended was because they had drafted the KEMPTON PARK minutes, for a lack of a better word. We argued that we couldn't suspend those two, because if anyone needed to be suspended everyone who attended that workshop needed to be suspended, and we were not going to do that. They were persistent. We had several meetings with them, and the last one was when they called in a guy from employee relations, I think his surname is POTGIETER, but I have forgotten his first name. The idea was that he was going to help us draft the suspension letters and help us with the process. We told him as well that it was not going to happen. We were not going to suspend these two. But it was also clear, MOHLOLO was not at KEMPTON PARK, MOSWEU was not at KEMPTON PARK and these fellows reported to HLAUDI, so it was very clear that it was

not their decision that we suspend these people. It was clear that they had received an instruction to get us to suspend them. But it did not happen. This is not an example of editorial or political interference but it's an example of how power was abused during this man's tenure at the SABC. 5

Another editorial hot potato was in the build-up to the 2016 Local Government Elections. HLAUDI had made pronouncements several times about the usage of violent pictures or pictures that depicted violence. He didn't want to see burning tyres, etc on his TV. I think the crunch came when there was a shooting in PRETORIA at one of the ANC gatherings. When that incident happened I was not in the country. I was in CHINA. When I returned there was this huge thing about pictures of violence being banned. We actually continued broadcasting violence and that kind of stuff but then there were discussions at the radio line talk about those kind of issues and at the time a guy by the name of SIMON TEBELE was acting GE group executive. He was acting in JIMI's old 10 15 20 25

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position, as at the time JIMI was seconded to RADIO PARK, to be COO. TEBELE went to these fellows and told them how the discussions went.

COMMISSIONER: This was at the line talk? 5

MR MOLETE: This was at the line talk, yes. But it was a radio line talk. As I say I wasn't in that meeting because at that time the radio line talk and the TV line talks were separate. There was a heated discussion at the line talk 10 and TEBELE went to JIMI and HLAUDI and told them about what had happened and how ...

COMMISSIONER: What was that debate about?

MR MOLETE: I think the debate was around a march that was organised by a "right to know" and whether the 15 march should be covered by the SABC or not. I think TEBELE's view was that that march shouldn't be covered or promoted. Then he went to RADIO PARK to tell them about how the newsroom was being defined and he was told to 20 deal with the situation and do something about it. The people then went to the media and spoke about these issues to them. This was THANDEKA, FOETA and a few others, the group that ultimately called themselves the SABC 8. 25

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What had happened was that as a result of them having spoken to the media, SABC Policy says that no-one can speak to the media without permission, and this was used as a way to get to these guys who went to the media. Then a disciplinary committee was set up and I was asked to be on that panel. I became a member of that panel. 5

COMMISSIONER: Who else was on the panel?

MR MOLETE: It was chaired by HOSEA JIYANE. It was myself, HOSEA JIYANE was the chairperson and another fellow from the legal department. I have forgotten his name, as it was the first time I ever saw him. THANDEKA, FOETA and the others came with SOLIDARITY and the long and short of it is that the disciplinary hearing did not sit. There was a long argument about whether the SABC 8 could bring their lawyers as part of the process. But the disciplinary hearing did not take place. I was actually relieved that that process evaporated into thin air but I was also sure as I knew that I was not going to sit in as part of that panel. I was not going to allow these guys to be fired. I don't know what I was going to do 10 15 20 25

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but my plan was that I was going to mess this thing for the SABC if they thought that I was going to be there in order to hang these guys. As I said, it did not happen and just evaporated into thin air. Subsequently a lot of things happened. One of them was that - I actually remember talking to TEBELE in his office about this thing. I tried to say to him that he needs to talk to people like HLAUDI and just leave this issue because there is going to be a lot of blood. 5 10

PANEL MEMBER: Do you think the panel were briefed to dismiss the SABC 8?

MR MOLETE: I think that was the intention. It was to set this thing up and use the process to - like I say, the charges were legitimate charges if you look at what the SABC Policy says, and a legitimate charge or complaint would be used to basically punish people who are seen to be anti-SABC. I don't know what the chairperson was told to do or not to do but I strongly believe that if you chair a DC on behalf of the SABC you are going to defend whatever you think the rights of the SABC are. That would be the SABC's legitimate way of dealing with 15 20 25

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these people.

PANEL MEMBER:

But despite their justification, maybe the SABC 8 would come and give the justification of violating that particular policy or role. Do you think the chairperson who was chairing the panel was told to say: You know what, irrespective of whatever they come in with, deal with them, take them out?

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MR MOLETE:

It could be, I don't have evidence of that. It could be, but again this guy who chaired this panel had actually come back from a long suspension. He was editor in MPUMALANGA and he was basically fired but won his case at the CCMA, so he may or may not have wanted - because he himself has experienced this kind of abuse of power. He may or may not have gone with what the SABC wanted, I don't know. But I think the intention here was that this process would be used to get rid of these people. I never had a sit down with him about what he intended doing. I didn't know whether I could trust him so I decided not to trust him. The DC did not take place but I think that a decision had been taken that these people should be fired or suspended. Letters

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were written and prepared. I don't remember whether these were letters of dismissal or letters of suspension. I got a call from the head of HR at News to say that: There are letters here that I must sign and I asked what they were about and was told, and I decided I was not going to do this. I was at my office when I received this call. This guy was on the 4th floor, I was in my office on the 3rd floor and he called me on my cellphone. So I said to him: Hey, boet, I'm not in the office, I'm already at home, so I can't sign this thing. 5 10

PANEL MEMBER: Did he mention that they were dismissal letters? 15

MR MOLETE: As I said, I don't remember whether it was suspension or dismissal, but it was definitely something that I was not going to put my signature on. Then the next day these letters surfaced on social media and my name was there. My name was on the letter with SIMON TEBELE's signature on the letter. 20

COMMISSIONER: pp SIMON TEBELE?

MR MOLETE: Yes, I think it was pp. I did not have sight of this letter. I did not sign it but I guess 25

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if he put pp there, then that letter must have come from him, but he had no permission from me to sign that letter on my behalf.

COMMISSIONER: Did the letters indicate that they were the outcome of the DC? 5

MR MOLETE: I don't remember the content of those letters. These are some of things that you want to ...

PANEL MEMBER: It was right after the DC would sit?

MR MOLETE: No, the DC had failed, it did not happen. The DC lasted about two hours or something like that and there were no formal charges put to these people. There was just an argument about whether the lawyers could be admitted to the DC or not. The SABC was saying they could not, and these guys were arguing that they should be admitted. On that day there was a demonstration outside the SABC and they left to join the demonstration. 10

PANEL MEMBER: So they were not given the letters of suspension? Because before you can proceed you need to get a letter of suspension? 20

MR MOLETE: Before you proceed with?

PANEL MEMBER: Before you proceed with a DC, or you get a notice to attend a disciplinary hearing. They were given ... 25

MR MOLETE: I think they were just given that notice to...

PANEL MEMBER: Only notice to attend this DC hearing?

MR MOLETE: Yes, as far as I recall. I think the letters that I'm talking about - I must go back and check but I think they were letters of dismissal. 5

PANEL MEMBER: Dismissal, yes.

MR MOLETE: Yes.

PANEL MEMBER: Alright, thank you.

MR MOLETE: For me that would be one of the reasons why 10 people would refer to me as an enforcer.

COMMISSIONER: When you saw these letters on social media, and that obviously spilt over into the print media, etc what was your reaction at that point? 15

MR MOLETE: One of the reasons I'm happy that this process is taking place is that I always thought: I'm not going to try and fight in public or defend myself in public, and I believe that those people who know and understand would know that 20 I wouldn't go that far. I wouldn't go the route of getting rid of people. I always thought that the truth would come out. At the SABC there were also people like NOTHANDO, SEBOLELO and even TEBELE himself, where, once 25

the Parliamentary things had happened, there were attempts to kind of respond to that stuff, and I did not want to respond. I also didn't want to be part of some kind of collective of managers in the SABC that would defend anything. I knew that one day the truth would come out. Maybe it was stupid of me but I felt there was no point in fighting. I was upset but what could I do. I knew that the truth would come out and I discussed these things with my close friends and just left it at that.

COMMISSIONER: What do you think would have happened if you had gone public at that time and said: This person who signed this letter didn't have my permission, and I distanced myself from the letter?

MR MOLETE: I felt I was in a very difficult situation. I couldn't afford to lose my job, I can't afford to lose my job now, and I didn't want to do anything that would invite bullets my way. If I had gone public I would have gone against the SABC and I would have retained my integrity, my story would be out there but I would probably end up on the streets. I was

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really too scared to invite that kind of situation.

PANEL MEMBER: Have you ever received a call from HLAUDI or any other manager to say: Can you please stop, end this programme? 5

MR MOLETE: Stop a programme?

PANEL MEMBER: Yes.

MR MOLETE: There was an incident with ...

PANEL MEMBER: In spite of what you guys have agreed on during your line conferences and then somebody comes, a senior manager will come and say: No, I know you've agreed to airing this story during the line conferences but don't proceed with this story? 10

MR MOLETE: One big incident was the dispute between the VENDA king and a woman who claimed the kingship. We had a programme called QUESTION TIME and that programme went out at 17h30. It was between 17h30 and 18h00. Just before the programme went on air I got a call from SIMON TEBELE who said that I must make sure that this thing does not happen; that this interview with whoever it was, must not happen. It was five minutes to air. Now, for anyone who understands television and anyone 15 20 25

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who understands broadcasting, you can't drop
a show five minutes before air, it's just
impossible. You cannot do that. So I went to
the executive producer of the show - the guy's
name was MWABA PHIRI and I told MWABA: Look, 5
this is what the old man wants, he doesn't
want you to broadcast this thing. And I heard
him and I said to him: Look, here is the
executive producer, speak to him. MWABA
refused to talk to him, which I think was a 10
good thing. Then we waited for 5:30 and once
the programme was on air, I knew that there
was no way that you could just drop it. But
yes, this is one of the calls I got. And it
wasn't the first time actually that I received 15
a call from SIMON to try and deal with
something that was happening on QUESTION TIME.
This was about the second time, and when he
called me he was not in his office, he was in
RADIO PARK, which suggests to me that he 20
probably got an instruction to do this, or he
went there to make himself look good and say:
Look, you know, my people don't listen to me,
look at what they're doing today. These are
the kind of calls that I would get from 25

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TEBELE. From other people - I gave the HLAUDI example. The calls that I would get from HLAUDI about editorial interference were mainly about himself. He hasn't directly given me an instruction to use or not to use something. I don't think that he trusted me to do those kind of things. When he called me was when he would tell us whether the story about him is on or the story about him is not on and he would go to the extent of saying: What are they saying in the script; what does the script say? That kind of thing. But no, I haven't had calls directly from him to go against what happened in the line conference. I would get calls about him, like when he was giving lectures and things like that and wanted to see himself on television and to see himself in the way that he wanted to be seen.

PANEL MEMBER: So do you think that SIMON TEBELE was motivated by HLAUDI's instruction to stop the programme or the airing of ...

MR MOLETE: Absolutely.

PANEL MEMBER: There was an allegation regarding the cancellation of the interview with BRIAN MOLEFE. Do you recall what happened on that

day?

MR MOLETE: No, I wasn't involved with that, so I don't recall what happened.

COMMISSIONER: That's the economics desk.

MR MOLETE: Yes. 5

COMMISSIONER: Can I take you back to where we started. You spoke about the political analysts during SNUKI's time. Who was choosing the analysts and who was saying: Use these, don't use those. Was it SNUKI himself or were there 10 people behind him pulling strings

MR MOLETE: I am sure there were people pulling strings behind him. He was the face of this thing but I'm sure there were people pulling strings.

COMMISSIONER: Why would you think that he didn't make the 15 choices himself as editor, using his editorial judgment: We've used this guy too many times, this guy shows bias in his analysis, etc?

MR MOLETE: I think one of the problems with the SABC is that often you have forces whose definition of 20 what the public broadcaster is, is whatever. Often people confuse the notion of public broadcaster and state broadcaster, and I think SNUKI was one of those people. I think he was one of the editors who had in his head that 25

the SABC is a state broadcaster and whatever criticism he got from his comrades in the ANC he did not challenge. So if he was told that certain individuals were not fit to analyse because they were anti-MBEKE or something like that, he wouldn't challenge that. For that kind of person to use editorial judgment is not an easy thing. I think the situation is better now, but even at those Parliamentary hearings you would hear some of the Committee Members confusing the public broadcaster with a state broadcaster. And I think one of the things that the SABC needs to do, if it wants to succeed, is that it needs to recommit itself to what it is. But if they want to be a state broadcaster it must be clear, if they want to be a public broadcaster it must be clear, but the SABC needs to redefine itself because this matter has been confused for too long.

COMMISSIONER: Isn't it defined in the Editorial Policies of the SABC? Because it's very clear there that they talk of a public broadcaster and talk about its mandate etc.

MR MOLETE: Yes, but you know the SABC is not a church.

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COMMISSIONER: It sounds like the ANC.

MR MOLETE: It's unlike the ANC, it's not a church. When we go to these meetings we don't open JEREMIAH: Chapter 15 and say: This is where we are going to base today's discussion. We don't go to the Editorial Policies on a regular basis. It's like the Constitution. All of us talk about the Constitution and how wonderful it is, and things like that, but we only read it when we want to defend ourselves. But on a daily basis, it's not a living document. The SABC Editorial Policies, even in the newsroom, are not a living document. I've been back at the SABC since 2011 and we only refer to these policies when we have workshops, like the election workshops. Between that those documents become dead documents.

COMMISSIONER: How do you get them to be part of the SABC culture?

MR MOLETE: You know, on the 2nd floor in the newsroom we have the mission, vision and - I think that thing was there since ZWELAKHE was CEO at the SABC. It's there in the meeting room where we have editorial meetings and it may as well not

be there because we don't use it, we don't refer to it. I think I'm also to blame because when I have to argue I never look back and say: But these are the principles that we need to follow. I'm not sure how it needs to be socialised and how it needs to be made our kind of bible, but maybe regular workshops, maybe we need to make sure that - things have gone so weird at the SABC that even when we are employing people there is no proper induction. In the past when they employed you, when I first joined in the 90s, they gave you a booklet that contained those things, eg Editorial Policies, HR Policies and that kind of thing. Now we don't do that. We interview you, we think that you're a good person, you start on Monday and you just start working. You may start on Monday and start at 07h00 and 07h30 you are out on a story and you never get inducted in the SABC stuff. I think they are trying to sort that out, but with the Editorial Policy something drastic needs to happen. I'm not exactly sure what, but we need to make sure that these things are just not pieces of paper but that they are things

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that we live by.

COMMISSIONER: Then we get to the MAGASHULE incident. Can you now remember what it was when you were told to do it? A three-day-old story.

MR MOLETE: He was at some event. He had addressed some event in the FREE STATE - I didn't look at the script, I didn't look at the pictures. I never went to the pictures or the script, and I don't recall what it was because I was never going to broadcast it. 5 10

COMMISSIONER: And you didn't broadcast it?

MR MOLETE: No, I didn't

COMMISSIONER: And was there any comeback?

MR MOLETE: Comeback? No, there was no comeback.

PANEL MEMBER: What do you suggest the SABC should do in order to protect senior managers like yourself, who resist certain instructions which interfere with your duties? 15

MR MOLETE: I think that we are now in a situation where the leadership of the SABC has people who you can talk to, people who are reasonable, people who understand that we come from this kind of history. What I think the SABC should do, is they should put people in positions that they are fit for and trust those people to make 20 25

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decisions. No one who is human makes the right decisions all the time or makes the wrong decisions all the time. They should just trust their people, and when they go wrong they should have systems not to punish 5 them but have proper corrective systems in place. We come from a history, where the word "I'll fire you" just came easily out of people like HLAUDI's mouth. I think now, with the current leadership, you have people that have 10 the integrity and who respect processes and people.

PANEL MEMBER: Someone suggested that senior managers must have journalistic expertise and the editor-in-chief should be head of news. What would be 15 your view on that?

MR MOLETE: I agree with that. That is what it used to be. I think that the head of news should be the editor-in-chief and not have a business person or a corporate person as head of news. 20 But whoever that head of news is - and I think the job of SABC executives sitting at RADIO PARK should be to protect the newsroom from interference. The problem with the past fifteen or twenty years has been that the SABC 25

executives themselves enjoyed being part of the power elite or the ruling block. They loved being in the company of Ministers and Presidents and for that reason they did not protect the newsroom from outside 5 interference. So if you have Board members and Executive members who see themselves as part of the club of the elite, or those who hold power in this country, they are not going to protect the newsroom. That is when I think 10 we have situations, for instance, where even today corporate communications would receive an email from the Minister of Communications to say that she is addressing an event, or she is going to such-and-such a place. Now 15 Corporate Communications is not the newsroom and they would forward that email to me. And when they do that they think that by my receiving that email I acknowledge that we will cover the story, but I would decide 20 whether that is a story or not. Sometimes your decisions are both editorial and also governed by what resources are at your disposal. But for them it is our Minister, and if our Minister is giving three blankets 25

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to a creche in a certain place, the SABC ought to be there. If I do what they say I must do all the time, over time I myself would just be like - so I think corporate people must do corporate stuff and the newsroom must be left 5 to do what they do. The idea of the editor-in-chief being the head of news, I agree with that. Also, you may have a reasonable CEO now, and then the next one may be a person with a personality disorder like HLAUDI and 10 they can undo whatever it is that this present one is doing. It would therefore be good for a news person to make decisions on news-related issues and a news person to be a ...

PANEL MEMBER: Are you suggesting that that particular person 15 should be an internship in the position that is permanent?

MR MOLETE: Yes, that person should have the news room on a permanent basis. I mean they can't be permanent in a sense that people get old and 20 they die and that kind of thing, but it shouldn't be someone sitting at RADIO PARK. I think one of the periods when the SABC newsroom was able to operate as a newsroom was when ZWELAKHE was CEO, because he understood 25

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how a newsroom operates and what a newsroom ought or ought not to do. He took loads of punches on behalf of the newsroom and protected it from outside interference. But with a CEO who is editor-in-chief, who did not have that kind of training, from time-to-time they will buckle. 5

COMMISSIONER: I'm still taking you back to where we started: the two occasions of the MANDELA memorial service as well as the usage of "pay-back the money" pictures. 10

MR MOLETE: Yes.

COMMISSIONER: When JIMI said - I can't remember whether it was JIMI. When they said to you: We've had complaints, was it JIMI who was saying: We've had complaints about the pictures of the booing, or was it HLAUDI? 15

MR MOLETE: No, it was JIMI.

COMMISSIONER: It was JIMI. Now when he said that to you, why did you think it wasn't an editorial decision, again making it out of his judgment of what news is and shouldn't be? 20

MR MOLETE: When you make an editorial decision, and you stand by the editorial decision, even your explanation of why this ought to be done or 25

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ought not to be done, it's calculated, it's calm, it's clear. You don't shout and insinuate that: by doing what is being done, you're putting me in trouble. The fact IS that he wasn't doing this thing because he believed in it, he was doing this thing because he did not want to be in trouble. Like I would phone CALATA and say: let's find a way of doing this thing differently, because I also don't want to get into trouble. In some cases we are streetwise about these things. Sometimes you don't need to be told that there has been a complaint, but you can read between the lines and think: Oh this thing has started again, someone has complained.

COMMISSIONER: And you're saying that CALATA's story was said in jest?

MR MOLETE: Yes, it was said in jest. I am sometimes very playful even about serious stuff, but it was said in a kind of playful way.

COMMISSIONER: The 2016 PRETORIA footage, was this when there were protests against THOKO DIDIZA?

MR MOLETE: Yes.

COMMISSIONER: Is that where one person was shot?

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MR MOLETE: Yes, there were guns. It was an evening event and someone was shot there.

COMMISSIONER: Now, when you continued to defy the order not to use violent pictures, was there a comeback?

MR MOLETE: Yes, there were times when JIMI would tell us: 5
No, why do you continue doing this thing?
There wasn't a direct comeback from HLAUDI.
In fact the whole SABC 8 campaign and struggle helped us to continue defying them, because if these guys did not embark on this kind of 10
struggle there would have been comeback and it would probably have been severe. But the problem with the SABC is that, in my view, it's not just about political interference etc, it's also about abuse of power and 15
disregard for processes. In the last five years, for instance, one of the odd things that happened also had to do with appointments. One of the times I got a call from HLAUDI was when - I can't remember the 20
year, but we conducted interviews in BLOEMFONTEIN for the position of Provincial Editor and I was part of the panel. The HR person at the time was a guy called DINGAAN FELITI. HLAUDI called while we were busy with 25

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interviews, and I think that the people in BLOEMFONTEIN had been given an instruction as to who should be appointed. HLAUDI at the time called the guy who was acting in that position - the guy went out of the interview session and went to speak to HLAUDI, and then he told me that HLAUDI wanted to talk to me. I went and spoke to him and he said: How do you do interviews in BLOEMFONTEIN without me knowing? And I said I didn't think that he ought to know because it's part of my job to do them. Then he said: Look, you're not going to make an appointment there. So I kept quiet, and we continued with the interview. We then scored the people and obviously the guy from BLOEMFONTEIN, I forget that guy's name, it will come back, but he was pushing for a particular candidate and the candidate was not good. So we convinced him that the best candidate was RICHARD NEWTON. Then the guy DINGAAN FELITI went ahead and did an interview report that recommended RICHARD NEWTON as the Provincial Editor. It never happened. RICHARD was never appointed, until RICHARD (sic) left. That was not my only

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experience with these weird things. We also went to POLOKWANE to interview for the position of a regional editor. Again in POLOKWANE we did not appoint. The politics of POLOKWANE was weird because some of the people there were supposedly FAITH MUTHAMBI's people. We didn't appoint because none of those internal candidates were good enough - none. But there was a huge interest in who was going to be appointed by JOBURG, by people like HLAUDI and them. I guess for us the easiest thing to do was to say: Let's take this thing out of the SABC; let's advertise outside the SABC. I was saying that that kind of abuse of power and determining who was going to be appointed to what job allows those who want to abuse power to use those type of people for what they want to be done. The BLOEMFONTEIN appointment was made after NOTHANDO and SEBOLELO became heads of TV news and radio news. Another issue that does not necessarily relate to editorial or political interference was when JIMI's position was advertised. I was acting head of news and JIMI was acting GE of news. JIMI's position was the acting

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position which PHIL had held for a short period. When that position was advertised I decided that I was not going to apply for it, I wasn't going to do it. The reason was that was I felt that my being Black, as in Black 5
AFRICAN, and my having worked at the SABC for such a long time, my experience was going to put me like that against JIMI. I knew that they were not happy with HLAUDI, and they were not happy with JIMI, and they would be happy 10
to get rid of him. So I decided I was not going to do this thing. I was not going to be responsible for JIMI being unemployed. They then conducted the interviews and couldn't find a suitable candidate to replace JIMI. 15
They decided that JIMI would then stay in that position and that NOTHANDO would be head of news, and then NOTHANDO would take over when JIMI left. But for me it was a weird way of dealing with the problem, because they 20
interviewed NOTHANDO for this position, they decided she wasn't good enough, so you give her another position but you make it public, you make it known that when JIMI goes she would get the job, but not now. 25

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COMMISSIONER: Was that when JIMI became acting Group Chief?

MR MOLETE: Yes that was when JIMI was kind of acting Group Chief, or something like that. JIMI once was acting COO and then he acted as CEO for some time. It was when he was in one of those acting positions. 5

COMMISSIONER: In the meantime his previous job had been promised to NOTHANDO?

MR MOLETE: Yes. It was a weird situation. I think what had happened there was that - remember JIMI was head of news and PHIL was GE of news. Now when PHIL left JIMI was acting GE of news. He never became permanent GE of news. 10

COMMISSIONER: Oh.

MR MOLETE: So when they advertised it was to make PHIL's position a permanent one, a position in which JIMI had been acting. 15

COMMISSIONER: Getting back to the POLOKWANE appointment, we see from one of the reports of the interviews that one of the reasons that there was no appointment was because there was political interference in the process. What type of political interference? 20

MR MOLETE: The guys in POLOKWANE, the lady in POLOKWANE, I think her name is CHAMANE(?), had received 25

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a call from BESSIE.

COMMISSIONER: From BESSIE?

MR MOLETE: Yes, BESSIE TUGWANA. BESSIE at the time was Acting COO. I don't know how that conversation went but I also knew that there were people in POLOKWANE who were said to be close to FAITH. These are the things that one picks up in conversations with colleagues. There was nothing official and I think BESSIE's interest in who we were interviewing, and the fact that there was that conversation before we went into the interview session, my guess would be that that political interference could have come from FAITH. My suspicion would be that FAITH would have wanted us to appoint a particular candidate, and that is why I thought that this thing was just too messy. Firstly, I don't think we could have justified any of the candidates that we interviewed. Secondly, the fact that there was a call from BESSIE just made the process look clean.

COMMISSIONER: Now how did you find out that BESSIE had called this candidate?

MR MOLETE: I think CHAMANE mentioned it after we took

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this decision not to appoint. She whispered that she did get a call. It wasn't meant to be out there.

COMMISSIONER: And was the call reassuring her that she would be appointed? 5

MR MOLETE: No, this was one of the panel members. She's the provincial head in POLOKWANE.

COMMISSIONER: And you don't know the contents of that call?

MR MOLETE: No. I could just guess that it was about influencing the process and I thought ... 10

COMMISSIONER: The difficulty we remain with, which we thought you might help us solve, is you are saying the current leadership of the SABC is on the right track, but we're not looking at personality solutions, we're looking at structural solutions. When the current CEO goes there must be a structure that will ensure that the culture continues. That's the area where we are trying to find solutions. How do you structure the SABC in a way that will ensure editorial independence? 15 20

MR MOLETE: I think two things need to happen. Firstly, the editorial decisions must remain with the newsroom. Even the title "GE of news" must be gotten rid of because for me that title is 25

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more of a - GE stands for Group Executive.

COMMISSIONER: Group Executive news.

MR MOLETE: I think the title is a corporate title, it is not a newsroom title. I think the title should be done away with and that person 5 should be called the editor in chief.

Secondly, the newsroom itself needs to be restructured. At the moment there are too many layers of leadership in the newsroom and the newsroom should be run by journalists, and 10 you should have a proper managing editor and not expect editors to be administrators.

Those are the things that will assist. The newsroom definitely needs restructuring. We need to flatten its structures as there is too 15 much of a hierarchy.

COMMISSIONER: You sound like MCKINSEY.

MR MOLETE: You know, as a result there can be a lot of duplication and confusion that is standing in the way of broadcasting and of journalism. 20 The SABC is also confused about our roles, because we are not called editors, we are called managers. We manage people in a sense that you have to deal with people and reporters have to be guided, but it is 25

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completely different from your classical manager type thing. We are not even trained to do that kind of stuff. That is why I think the structure of the newsroom needs to be relooked at again. Or the current structure needs to be - if people need to be phased out and a new structure introduced. 5

COMMISSIONER: What are the structures at the moment? You have your journalist at the bottom.

MR MOLETE: You have your journalist at the bottom, or your reporters and then you have your assignment editors - this is in JOHANNESBURG - then you have national TV editor and national radio editor, you have head of TV and head of radio, and then you have GE of news. 10 15

COMMISSIONER: Straddling both platforms?

MR MOLETE: GE of news straddles both platforms. He is the head of everything. But I really don't understand why this position of national editor and head of news, I feel there is a duplication there. Because you have national editor TV, you have national editor radio and then you have the editor of digital news and then you have assignment editors and then reporters. The structure just has too many 20 25

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layers. Also broadcasting is rapidly changing, and this is like a traditional SABC structure that was set up when there was no online and digital news. Previously there was the bi-media project, where radio and television reported to one person and the project did not succeed but I think with the changing technology there is a need to integrate the newsroom better. You can't have radio doing their own thing, the digital people doing their own thing and television doing their own thing. The technology today allows us to be much more integrated. 5 10

COMMISSIONER: Thank you so much.

MR MOLETE: Thank you. It's a pleasure. When are the results coming out and what does that mean? 15

COMMISSIONER: We are still grappling with the issues.

MR MOLETE: Thank you for allowing me this opportunity.

THE ENQUIRY ADJOURNS BRIEFLY

THE ENQUIRY RESUMES

- COMMISSIONER: We don't need to introduce ourselves. The reason we asked you to come back is to move away from where we were last time. When we then met we had asked you to come in and give us an informal briefing on the news decision-making processes at the SABC. At that stage we didn't ask you: 5
- 1 If you had your own presentation to make and if you were comfortable making that presentation under oath. That's the first thing that we are trying to fix at this stage. 10
- 2 We would like to look at a question that has cropped up a few times, of so-called enforcers at the SABC. 15
- If you could indicate to us if you are prepared to make a submission on your own under oath this time, so that it is on record, although it's still *in camera*. 20
- MS DITLHAKANYANE: I'm prepared to respond to any query that the panel may want me to clarify, be it under oath or not, but what I decided on my own is that I'm not going to make a presentation - that I would sit down and prepare myself and come and 25

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say I want to make a presentation. But I'm prepared to assist the enquiry in any way that I can under oath. I don't have a problem with that.

COMMISSIONER: So are we in agreement then that you will answer some questions under oath but if there are areas where you need to go and prepare we should give you a chance to go and prepare? 5

MS DITLHAKANYANE: Yes. Remember that's what I actually requested, that if you want me to respond to certain things maybe in writing or formally, I'll certainly do that. 10

PANEL MEMBER: You mentioned that you don't have any objection in taking an oath.

MS DITLHAKANYANE: None whatsoever. 15

MS SEBOLELO DITLHAKANYANE (duly sworn, states:)

COMMISSIONER: Have you personally seen interference in the newsroom with regard to the decision-making processes at the SABC?

MS DITLHAKANYANE: The decision-making process, yes. Remember last time, what I ... 20

COMMISSIONER: Can you speak a little louder?

MS DITLHAKANYANE: I made an example the previous time of when a decision was made that the show on SAfm current affairs, the editors and the reading 25

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of headlines from newspapers was supposed to be removed completely, and that that kind of decision was not taken by me as the general manager, nor the national editor output, nor the executive producers who are responsible directly for content that is aired. The decision was taken by the executives in the form of - it was on 31 May 2016 when JIMI, HLAUDI and ANTON HEUNIS instructed us to do away with that particular show and also to do away with the newspaper headlines. That particular one was a formal day because all along we had been told informally on the phone, or whatever from JIMI, from MR TEBELE, from HLAUDI that we had to do away with that. But in this particular instance we were called to a meeting. It was after the announcement of - when they were saying the SABC would no longer show violence in self protests and also on radio, audio that is. I think it was a day after that when a press release was issued late at night, and the following morning, or two days down the line they were busy conducting interviews on different platforms here in JOBURG. That was between HLAUDI and

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ANTON on radio and on TV. After the morning interview on RSG apparently FOETA complained to them that management doesn't communicate decisions that were made to them, they don't cascade down so that you are fully informed of the decisions that were made, only to - he didn't realise that we were not informed about it. I went to that particular space where current affairs is because my office is on the other side of the corridor, and I greeted the two gentlemen. That's when I got to hear, as he asked me why I was not communicating instructions that were issued, and they were not communicating anything in decisions that were being taken. I said: No, this particular one was not communicated to us, and if there is any information that has to be cascaded down, I normally inform my direct line reports, I don't just go to even my juniors, because everybody has somebody that they report to through one of their managers. So I normally inform those that report directly to me to inform their direct reports. Then he said that we must go to his office. In that office was JIMI, HLAUDI, ANTON, SIMON,

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myself, KRIVANI and FOETA. He told us that he was not apologetic about the decisions that he had made in the past or would continue making, and there would be a clean-up operation. JIMI actually even said that we must correct that mindset of people, and that if you are not happy the doors are open we can leave. Then I think HLAUDI said that the editors must go on from 5 June and that RSG must stop inviting editors from competition, like MEDIA 24 where TIM DU PLESSIS was invited. He is an editor on KYKNET. I'm not sure if he is still there today but they would invite somebody like that to come and talk ill of the SABC, so we shouldn't do things like that anymore. HLAUDI also reiterated the issue of newspaper headlines - that we must no longer read them, because we follow what they are writing instead of us coming up with our own stories. And he actually didn't want to listen, to say - we come up with our own stories and we brainstorm on them every day and we air them, but if newspapers come up with - and it doesn't mean that we need to follow each and ever headline, or, if it's an interesting

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story for the public, we have to find our own angle, we won't just go with that particular line that the newspaper is going with. We have our own minds and there is not just one angle to a particular story. ANTON also 5 reiterated that yesterday, meaning the 30th, that they were talking against our own country, their own organisation that is the SABC, and instead of us defending the SABC we talk ill of it. That's when he also told us 10 that as the COO he has the final say on content. We were not aware at the time that the Editorial Policies were amended, and we were all surprised because we knew that we were following the 2004 policy. But then all 15 of a sudden there was this copy that cropped up - actually until today they said that they would give it to us, but they still haven't given it to us. What I gathered was that the change - there were not changes to that 20 particular policy but the main and important one was that the chief editor would no longer be the group chief executive officer, the CEO but it will be the COO. I think that was the change that was made. That's when we were 25

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told that if we don't remove the editors and the reading of the clients, there will be consequences, people will lose their jobs and so on. That is one example that I can actually say was one of the main ones that started things - the consequences, everything that happened thereafter right up to the dismissal of the so-called SABC 8 people. It started slowly but the momentum was building up with disagreements and all those kind of things. For instance when we get a call on Sunday, we know very well that you've been listening to the shows but then you get somebody telling you no, no. At 22h00 at night, when you were sleeping HLAUDI would wake you up to say: You're talking nonsense on radio, why are you allowing people to say what they are saying? And when you followed up to try and find out who said what and who it was and at what time, he wouldn't know. So I would take it that it may have been somebody who called him, who was listening, because he wouldn't expand on it to say: I was listening to 2000 of SAFM or whatever. And when you would go back to look at the debriefs, because

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I would apply myself to the times or periods of current affair shows only, not at other times. So on SAfm at that particular time, the current affairs show started from 06h00 to 09h00, then from 12h00 to 13h00 midday and then 16h00 to 18h00. On most of the AFRICAN radio stations you will find that the current affairs shows are at 6h00 to 07h00 with the exception of a few. For instance LESEDI starts at 05h00 to 06h30 and then in the afternoon most of them start from 18h00 to 19h00 - almost all of them. So I would normally switch through different radio stations to listen to what was happening on each particular station. But then it ended up where you had to focus only on SAfm because it was as if any other radio station didn't matter. All other current affairs shows on different platforms didn't matter. What was of importance to HLAUDI, JIMI and the rest was what was aired on SAfm current affairs. To the extent that you would lose touch with the wider network of your listeners, as a country, because you would get to know the opinions of newsmakers that only listen to what is on

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Safm. Sometimes you find that whatever issue they were raising was on POWER, because not everybody understands which radio stations belong to the SABC. They just think that almost all radio stations belong to the SABC, when that is not the case. You will find that you did differ and there is nothing that differentiates, and then you try to get to the website of these different stations and realise this particular topic was discussed on POWER. So it gave me an impression that it wasn't him who heard whatever that day, what was said, because he knew the SABC radio stations - the eighteen radio stations that belong to the SABC. Unlike most of the people in the country, a lot of people think almost all our radio stations belong to the SABC.

COMMISSIONER: When HLAUDI and JIMI said you should stop the headlines and the editors, did any of you try to say to them: This is the reason we are doing it?

MS DITLHAKANYANE: Yes, we did.

COMMISSIONER: Or did you just accept their order?

MS DITLHAKANYANE: We did. Though I can't quote any of us verbatim, but we raised our concerns that a

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lot of people don't have access to the newspapers, so it's a platform for them to get to know what we may not be covering as the SABC. Take for instance somebody who stays in KEIMMOES in the NORTHERN CAPE. They don't have access every day to newspapers perhaps as we do. They would wait for somebody to go to town. For instance they don't have ATMs and so on, if I can just use that as an example. When one person goes to UPINGTON then that particular person will have to carry a lot of stuff for different people and bring it back. So they would read newspapers maybe a week or two down the line. We said it was an opportunity for them to know a wide variety of news both countrywide and abroad. That was one of the arguments that we raised. Another one was, especially with the editors, to unpack what is happening in the country, especially issues affecting women and children. It's an opportunity, and then we also give our listeners a voice because they would call in as well to contribute. So you have different voices and opinions, women and children, which is what you want to have as a

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radio station. To have a diversity, a variety of voices. It doesn't mean that they will make up your mind for you but if you give a person enough information they can make up their own mind. That's why as the SABC we strive all the time, especially our anchors, not to be opinionated. You can get that on other stations, especially commercials as they have a particular agenda that they drive, but we don't. We have our own mandate about editorial policies that we have to abide with. A listener has to make up their own mind, so we try as much as we can not to be opinionated. Let yourself deal with it somewhere else. Those are the kind of things...

COMMISSIONER: Now, what was the reaction to your arguments?

MS DITLHAKANYANE: That's what we said, there would be consequences if we don't abide.

COMMISSIONER: So there was no attempt to try and engage you in a debate about the merits of his decision?

MS DITLHAKANYANE: No. He wouldn't - you would try to debate issues with HLAUDI but he would just come down hard on you, like throw bricks on you and you would be threatened. There are so many things,

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so there was no room for that.

PANEL MEMBER: Was it a practice previously for radio presenters or editors to consider newspaper headlines?

MS DITLHAKANYANE: Yes, the format of each and every programme is decided upon by the teams. You wouldn't have the same format on all platforms. The editors were just on SAFM and then RSG would have, not like a full hour on the editors and looking at newspaper headlines and other issues, they would have a short segment to announce that that was the time when they would be talking to an editor to look at what happened throughout the week and give an analysis or opinions on big stories that happened. So each and every show would have their own format, depending on your audiences. You actually need to know who your listener is before you come up with a particular format and the kind of content that you want your people to consume.

PANEL MEMBER: So it is has been happening?

MS DITLHAKANYANE: For SAfm, yes, it was happening for a while, even before I became the GM, it was still in KIMBERLEY and even I think I was in the FREE

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STATE then, so it was for a while.

PANEL MEMBER: Did it contribute positively to the SABC?

MS DITLHAKANYANE: In terms of?

PANEL MEMBER: In terms of listeners maybe tuning in?

MS DITLHAKANYANE: No. There was a time when actually - it's not 5
only the editors, you have to look at a
variety of things that you have on your show,
starting with the anchor and the content that
you give for you to attract revenue, to 10
attract advertising and to have listeners. So
at some point, because of the anchors
that are on SAfm, we had a listenership of
about 840 000, but it has dwindled since then
with the advent of commercial and community
radio stations, especially ENGLISH speaking in 15
GAUTENG. Those kind of numbers went down. I
think that started during XOLANI GWALA and so
on. Up until now it was about 15 000 people
only listening to current affairs shows. I
think that's what brought in the changes to 20
make it more viable now, for the SABC to be
able to generate revenue to be able to attract
advertisers and so on, because performance was
actually very bad. That was not the only one
whose performance was affected, but it was the 25

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worst of all of them.

PANEL MEMBER: You refer to SA ...?

MS DITLHAKANYANE: SAfm. When I says SAfm I'm talking about our current affairs shows.

PANEL MEMBER: But what if JIMI, HLAUDI and ANTON were coming up with this strategy in order to encourage presenters and so forth to come up with their own story, instead of taking stories from the newspaper? Why didn't you just see it in that way, to say: Okay they don't want us to follow their news headlines, they just want us to go out there and get our own stories and news and then we present it to the listeners. 5 10

MS DITLHAKANYANE: That's what they were saying and we said that was what we were doing. They presented the argument to say: Go out and get our own stories. But we said there are big stories. For instance if CITY PRESS, or let me say THE STAR breaks a story about ESKOM, it's involvement with the GUPTAS and so on, that R2 billion has been channelled through non-existent agencies, and they break that kind of story, should we sit back and say: It's not our story? 15 20

PANEL MEMBER: Okay. 25

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MS DITLHAKANYANE: It's a big story, so we can't sit back. We go through it: Guys, look at what the STAR is running with, let's see how we can develop that story, how we can come up with our own angles. Like they do as well. All other media houses as well listen to competition, and it's like: Okay, this is an interesting story that we can follow. I'll just make an example. I was listening to 702 yesterday whilst driving from home to work. They were talking about two security guards. One was killed as they made a fire in a prison then outside when one got very cold, they got into this empty government house that they were guarding and that had been standing empty for five years. These two people only started on Wednesday last week. So they closed all the windows and the doors and they slept. In the morning when the new people came through to relieve them they found one dead and one was critical. We hear that it was a government house, so your interest would be: Let's see who abandoned this particular house, it it belongs to Government and what happened? You follow different angles of that particular

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story. You won't just take it as is. And I must say I did say it at the platform of the editorial meeting in the morning to say: This is what I heard, guys; JOBURG please follow through and see who owned this house. These are the kind of angles, and everybody is allowed to contribute. So they did, but you cannot just ignore these stories. 5

PANEL MEMBER: Didn't they mention that maybe SAfm is relying mostly on the newspaper headlines? 10

MS DITLHAKANYANE: That's what they were saying, but it wasn't true. If you go through line up - remember we have, let me say, ten regions in SOUTH AFRICA - the tenth one being PRETORIA because we have divided PRETORIA and JOHANNESBURG. We have the bureaus as well, we have BBC, we have REUTERS and we have AFP. We have so many agencies that give us news. So do we really rely on newspapers for stories? That's not true. 15 20

COMMISSIONER: Now, besides this incident, and besides the midnight calls, was there any other form of interference with your decision-making?

MS DITLHAKANYANE: Let me think. There was this example that I made last time, and there was another one, I 25

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don't know why I have forgotten it. There was a story that came from Parliament, but let me not talk about it much because I have forgotten the details. We were instructed, where JIMI said: You are not going to run that particular story. It came from JOSEPH MOSIA was working on that story from Parliament, but I can retrieve the emails. JIMI just felt that we must run the story differently and we were like: No. JOSEPH was adamant that the story that he filed was correct and was factual. 5 10

COMMISSIONER: So JOSEPH MOSEA was insisting.

MS DITLHAKANYANE: I've just remembered something on the previous issue, just one last point. 15

COMMISSIONER: Okay.

MS DITLHAKANYANE: Walking out of that particular meeting on 31 May 2016, I was walking with KRIVANI. We decided that we were not going to pull that particular show, the editors and the newspapers. We would prepare for it and go ahead with it because we felt that we were muzzled into doing something that is not editorially sensible. That particular Sunday, 5 June, it went on air, with all its format 20 25

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and everything that was supposed to be done. The Wednesday thereafter - on that Sunday I didn't get a call, but on the Wednesday MR TEBELE came to me.

COMMISSIONER: TEBELE? 5

MS DITLHAKANYANE: Yes, he was the acting GE there because JIMI was the acting CEO. He said: Sebo, I've been instructed that if you go ahead, if this coming Sunday you don't can that particular show and the headlines, you are bye-bye. That 10 will be your last day at work, you needn't even bother coming in on Monday. We discussed this, and I asked if they were for real. I didn't understand what was going on in their minds because we could actually try to ensure 15 that we didn't seriously even deal with political issues if they felt that we are harbouring whatever political party - not us actually but the editors. So he said: Listen, it's up to you whether you still want 20 to work or you don't want to work. I was like: Okay, my job is also important, I also need to feed myself and my family, there is nothing I can do. I said: Okay, that's fine. I called KRIVANI and told her what had 25

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happened: You have to can that, change the format and also inform your team.

COMMISSIONER: It was for the 12th?

MS DITLHAKANYANE: Yes, because the last one was on the 5th.

COMMISSIONER: On the 5th? 5

MS DITLHAKANYANE: Yes. So this coming Sunday there shouldn't be any of the editors from 08h00 to 09h00, which is exactly what happened. We then consulted with the station as well to say - MAPIPA was still the head of PSA - ZOLISILE MAPIPE. We 10
said: Zolisile, this is the situation, we don't have enough budget for a freelancer please take over that hour. MAPPA said: Okay, we'll budget; it will allow us to start from 08h00. So we gave back the hour to the 15
station. I just wanted to conclude on that one. Then also KRIVANI went to the teams and informed them and that's what happened.

On the issue of jobs I would like to submit the communique that I think I still have, 20
because I cannot quite remember what the issue was, but I remember vividly that we were told not to run the story, that JOSEPH's facts were wrong and that couldn't have happened in Parliament. I think it was ZOLISA who called 25

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VUYANI in Parliament to say: Vuyani, you have to change this particular story or we are not going to use it. That didn't sit well with JOSEPH, who then wrote an email complaining about us. Luckily for us we were in the bigger newsroom where the output and input teams sit. JIMI also came running to give us an instruction, he didn't just call. Some people might have seen him and heard him but he told us what we had to do. That was then done. JOSEPH wasn't happy and wrote a complaint to HLAUDI. To our surprise we went to CAPE TOWN for SONA immediately thereafter, and then HLAUDI was on the phone with JIMI and denied everything, and said: I never gave JIMI that instruction. and he even asked JIMI: Why did you lie? JIMI said: No, I thought that was what you wanted me to do. Actually HLAUDI didn't want to give JIMI a chance to talk but I insisted because I was aggrieved, and it appeared as if ZOLISA and I took that particular decision. I was aggrieved and I said: No, you are going to give JIMI a moment to say something about this, because the instruction came from him. JIMI said: No,

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no, he didn't want to accept the fact that he was the one who told us. Maybe he was also protecting HLAUDI, I don't know. That was another example, and that of calling ZUMA. We shouldn't call him ZUMA, we should call him - 5
each and every sentence in our bulletin, should reflect as PRESIDENT JACOB ZUMA. For radio you can't have long sentences because we know very well that you are writing for the air and it's not a newspaper article. 10

COMMISSIONER: How did that instruction come through?

MS DITLHAKANYANE: It was on the phone. He called me and ...

COMMISSIONER: Who?

MS DITLHAKANYANE: JIMI.

COMMISSIONER: JIMI, okay. 15

MS DITLHAKANYANE: JIMI called me and then I informed ZOLISA to say: This is what was happening, JIMI just called to say - because if I remember it wasn't the first time that he raised the issue, but that day the argument was that: 20
From today onwards the output team stop - in fact I cannot remember everything, but before it goes on air it has to be checked by the senior editors, so output team make sure that nobody calls ZUMA by his surname only. We 25

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then decided to see how we could manage it. The first sentence is fine if you use PRESIDENT JACOB ZUMA and then the following sentences it will be PRESIDENT ZUMA, instead of using the full name, which would be too 5 cumbersome. That was one of them.

COMMISSIONER: Are there any other times that there was an order from upstairs?

MS DITLHAKANYANE: Something that happened, I think last year when BESSIE was the acting COO, it was the 10 renewal of the freelance contract period. FOETA KRIGE is the EP of RSG and his daughter is freelancing as a reporter in the newsroom. The contract was supposed to be renewed and then there was a delay - I think NOTHANDO was 15 acting as the group executive of news. The Board apparently gave them a deadline to say all contracts that had been renewed or signed off by a particular date, the 15th or something, shouldn't be considered. Only to 20 find that FOETA's daughter, GERMAINE's contract was among that batch that was still waiting to be approved by NOTHANDO. Obviously it was returned without approval. FOETA then launched a grievance, a complaint to BESSIE, 25

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that this was deliberate, and he felt prejudiced that his daughter's contract was not renewed. He felt that NOTHANDO was malicious and whatever. He complained to BESSIE and then BESSIE called us to a meeting. 5

COMMISSIONER: At the time BESSIE was COO?

MS DITLHAKANYANE: Yes, acting COO. BESSIE then called us to a meeting. In one of the emails FOETA requested BESSIE to also include his manager, who is ANGIE KAPELIANIS. In the meeting there was supposed to be HR, FOETA, myself, ZOLISA, GERMAINE's manager and MELANIE. Journalists report direct to MELANIE, and then she reports to ZOLISA. Then there was ANGIE, BESSIE and NOTHANDO. She intervened to the extent that she even wanted to discipline NOTHANDO. NOTHANDO tried to explain several times to say that: That particular contract was not the only one that was returned, and moreover it was FOETA who was launching a grievance against me, when he has his job; it's not about him, it's about GERMAINE. So it conflated that thing because the people who were part of the SABC 8 had more power than anybody else during that particular period, 25

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after HLAUDI's era, and the Interim Board. They had a lot of power that they were given by the Interim Board. I actually forgot to tell you what happened during the colloquiums the last time, which was what pained me, and it still pains me a great deal. I hope not to cry talking about this again. They had more power - they could do anything at any given time and they were listened to, to the extent that a lot of people were like: There are people who can do as they please in the SABC, whereas others cannot. I even had my notes written down that I was not going to sit in a meeting with GERMAINE. Moreover she was not employed at the SABC at the time, but I specifically decided to call her to come to a meeting to sit with us, where she was supposed to chastise us for lack of a better word; to tell us where to get off, because we didn't renew GERMAINE's contract. Only to find that after the meeting I heard that ZOLISA actually had the presence of mind to go to BESSIE, to say: You cannot have a meeting where we are going to discuss GERMAINE with GERMAINE, and especially under the circumstances and after

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everything that has happened, as we know everyone is gunning for the so-called enforcers. There was just no way you can go ahead and have a meeting with them where they are supposed to explain themselves. I was 5
therefore surprised when the meeting started and GERMAINE was basically told to wait outside. Then we started with the meeting. It took long but eventually there was a concession made for GERMAINE's contract to be 10
renewed. So it was renewed, and I may be wrong, but still today I find it being interference as well. BESSIE called a colloquium. The day that she set it up she called all the senior editors. We were in a 15
meeting in the auditorium, and they wanted committee members. Somebody nominated SOPHIE but they said no, SOPHIE was not going to be part of the committee. Management as well, which is like us, senior management were not 20
supposed to be part of the committee. But why? No, I just want different voices. SOPHIE raised an issue that: No, you can't say that because ANGIE talks too much like I do in all meetings, why are you allowing ANGIE 25

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to be part of the meeting and not allowing me?
And she was adamant that she didn't want SOPHIE to be part of the committee. We still don't know the reason why but it later panned out that for me - and I may not have been part of the committee, but it was a committee to deal with us, the very so-called enforcers. A lot of speakers were called from outside to come and address us on different journalistic issues, be it political, economic - economists were called in and it was a kind of panel debate thing. Before they started, NOTHANDO was supposed to welcome everybody, but all of a sudden the MC decided to skip NOTHANDO, and they went to the programme. Then people started raising hands as to what was going on. They started calling for the passing of a motion of no confidence in management. They were specific. And those were the people that were at that particular committee. They were specific, NOTHANDO, NYANA and SEBOLELO. There was a lot of noise.

COMMISSIONER: So who were the people they were saying they had no confidence in?

MS DITLHAKANYANE: It was myself, NOTHANDO and NYANA.

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COMMISSIONER: And NYANA?

MS DITLHAKANYANE: Yes. That we had a hand in the dismissal of the SABC 8, THABO had already written that particular article about enforcers and that's when the name was entrenched. A lot of things were said about us. There were allegations from - it was a well-coordinated attack, because it was clear that they were consulting with each other from all over the provinces. Because some of the complaints came from the provinces, that management would favour men and they employ men and not women. A whole lot of things. NOTHANDO wanted to respond and I said to her: Just keep quiet, you're not going to win this one, because BESSIE allowed it to happen. After a while MATHATHA took the mic to say: There are labour issues here, this is not a political environment so you cannot just kick out people like that. They wanted to know when NOTHANDO was still acting. There was also follow-up to that. The second one was why was NOTHANDO still acting in that particular position. Why was she still at the SABC? Why were we not dismissed? To my disappointment MATHATHA stood up and took a

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mic to say: From month-end NOTHANDO will no longer be the acting GE. It was the most unprofessional decision that I have ever seen in a very long time, especially coming from someone for who you have high regard. Some of the anchors complained that they were not allowed to talk to certain politicians, certain analysts - the people who mostly came from the SAfm station. He said: From now onwards you interview whoever you want to interview. Because what most of the commercial anchors did was to talk about whatever they wanted, they didn't follow Editorial Policies. Most of them are not journalists, they are just anchors - somebody who can talk beautiful English and is eloquent etc. They say anything that may offend people in the know. Just to give you one example, which is difficult for me to forget, it was a toilet day, remember the UN established a toilet day, where we have to look at hygiene issues. That particular day I was listening to METRO and those two people were laughing about it: How can the whole world declare a day "toilet day"? I was horrified, because it

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is quite clear these people don't know what it means. They didn't even do any research, somebody just maybe saw a newspaper article and then started laughing. They don't know the depth of the meaning of that, what it is 5 that has to be done and what is it that should be observed - what Governments have to do to improve the lives of their own people. There were some kind of restrictions, to say: Certain issues have to be handled by news and 10 more especially the politics that exist before you can take up a particular issue. Contact a political editor to give you advice on how to go about it and what the nuances are of whatever issue you want to talk about. So 15 they complained that they didn't want that to happen. They were given permission on that particular day, to say: You can interview whoever you want to interview, whether it be a politician, an analyst, be it a President - 20 anyone you want to interview you can interview at any given moment. There are no longer restrictions, there will no longer be interference. And they even went on to ask why we were still there. That's the only 25

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thing that he said, no that cannot be done we
have to follow process, if there's misconduct
then they can be dismissed. Then they opened
the channels of communication. You would find
a very junior person writing to the Board to 5
complain that: At a line talk or line
conference they decided not to use my story;
or: They shot down my story saying that it
wasn't a story, and I want that story to be on
air. Or somebody feels that he or she doesn't 10
agree with you they will write to the Board.
In fact, they may complain to you or to the GE
but they would copy almost all Board members,
almost all executives. There was no longer a
sense of respecting protocol at the SABC. 15
That actually took away our leadership and our
management, and our roles and
responsibilities, because we then had to -
okay, I myself decided that I wouldn't say
anything to anybody anymore, because whatever 20
good advice that we would give to anybody was
construed or misconstrued as interference.
I'm actually glad now that we have the new
COO, who has respectfully laid down the rules
that: This is how SABC will run. It has to 25

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go back to what it used to be. This is how we have to do things from now going forwards. Reminding everybody that before we can talk to the media we have to seek permission from the executives and it is up to them. It also has to go through the proper channels from your request from your line manager, the line manager will escalate if needs be, up until it reaches that. There is no one from now onwards who would just go and speak to the media. So maybe there will be some kind of order. I'm actually hopeful that they will start functioning like the professionals we used to be in the past.

COMMISSIONER: What happened after the colloquium? 15

MS DITLHAKANYANE: Nothing.

COMMISSIONER: Did things return to normal?

MS DITLHAKANYANE: People are doing as they please. But NOTHANDO was acting before. The actually said at month-end they were going to remove her. We requested through her to say: Please talk to the Board, we need to talk to them because they need to hear our side of the story. And that never happened. NOTHANDO spoke to BESSIE, that's what she told me. I just spoke

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to BESSIE, requesting a meeting with the Board members, but it never happened up until today.

COMMISSIONER: Why was that colloquium called?

MS DITLHAKANYANE: It was just a colloquium to - because we're not part of the plenary, and we were told: We don't want you to be part of it. The main reason behind it, until today, I still can't get it because it was all about us. I think it took a good thirty minutes before discussions on different topics were entered into, where it was just about us and it was a very - I don't know, but that we are enforcers - all sorts of things. We take decisions and they are sick and tired of us, we give them instructions that are unreasonable. It also became, how can I put it, covertly, it was like these BASUTO people, because at some point we were called the BASUTO something. There was a name, like maybe associating with HLAUDI. It's painful when people come from a point of not knowing. Everybody thinks if you are a BASUTO at the SABC you are from the FREE STATE. You are associated with HLAUDI, and you lived with HLAUDI. Maybe you lived in the same house or you did whatever with HLAUDI.

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A lot of people are surprised when they hear I'm from the VAAL. They get shocked. It's like HLAUDI found me in BLOEMFONTEIN and we had our differences, we fought. At some point we were fine, at some point we fought, just like that on and off, on and off, like any other colleague, or somebody that you work with. So I think we are guilty by association, I don't know, but it happened. 5

COMMISSIONER: You say you fought with HLAUDI in BLOEMFONTEIN. What has your relationship been like, that started from the beginning when you first met him, and how did you change from that to being seen as an informed enforcer of HLAUDI's policies? 10 15

MS DITLHAKANYANE: HLAUDI(?) was a stringer for NOKOMANI*(?) and current affairs shows on LESEDI FM, and then sometimes he would do one or two copies for input in SESOTHO and then translate into ENGLISH. At some point, remember MWASA was still very active then in those days, and the UNION decided to fight for him to come to BLOEM and be permanent. And (indistinct) was there. 20

COMMISSIONER: Was he a MWASA member? 25

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MS DITLHAKANYANE: Yes.

COMMISSIONER: Oh.

MS DITLHAKANYANE: I was a shop steward at some point. The leadership in the FREE STATE and then decided to fight for him to come to BLOEMFONTEIN and be permanent. So I spoke to HELENA. HELENA BOTES was still the regional editor in the FREE STATE and I was a journalist. They brought him to BLOEM, I think it was some three, four or five guys, and then he apparently then went through - I don't know the process of being interviewed or whatever. The problem with that is that this guy doesn't have matric - but I wasn't party to that process. Eventually HLAUDI became part of the team but he was then stationed at the current affairs shows. I don't think he was an anchor then, he was one of the producers. That's how we got to know each other, working together sometimes. I was still struggling to drive and then KOSHANE(?) would assist me in giving me driving lessons. I got my driver's licence. We started fighting when I was acting as an assignment editor and he pushed his way because NTSHIDISENG GWADI was then the

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head of TV news and SELLO THULO was the head
of radio news. Then at some point it merged
and they went for interviews and NTSHIDISENG
became victorious, and SELLO was sent to
MAFIKENG. They were very close. HLAUDI has 5
done a lot of favours to NTSHIDISENG and the
management team then. After NTSHIDISENG was
dismissed, because she had a fight with one of
the technical producers. She was then
dismissed and MASATATA(?) was still at the 10
helm then, and then JAMES BARKHUIZEN took
over. I was then acting assignment editor,
and finally we went for interviews and he got
the position. Our fights started then because
he was now executive producer and he was so 15
used to these kind of favours and not working
and so on. He also started associating with
politicians a lot and inviting them to come
and be interviewed on current affairs shows,
and expected me when I was doing morning 20
shifts, whether interviewing whoever - like
the late EDDIE MATSEPE and others. I must
write a hard copy and I must write stories for
them. I said: No, I'm not going to do that,
it's your story, you do it yourself, or you 25

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assign one of the producers to do it, I'm not here to do your job. That's when our altercations started. JAMES BARKHUIZEN as well, he became very close to JAMES.

COMMISSIONER: I thought they were bitter enemies? 5

MS DITLHAKANYANE: No, they became enemies later. They were very close, with all the skills that were in that particular office. When JAMES was not around he would ask HLAUDI to act as the regional editor. Not any one of us. But then there 10 wouldn't be any (indistinct) for instance. He just left and maybe the two of them just spoke. So HLAUDI would come to me and say: Do this. I told him: I'm not going to do that, who are you? No, I'm acting for JAMES. 15 No, nobody told me that you're acting for JAMES, so I'm not going to do it. Then the following day, or when JAMES was back, JAMES would start communicating to say - in fact he just said: Whenever I am not here, you must 20 all know that HLAUDI is acting regional editor, period. We said: Fine, as long as we know. It's something else. Then they started fighting later, but originally they were very close. JAMES is not the only one who got bad 25

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by associating with HLAUDI; he is not the only one. He had close relationships with a number of people, you can ask OUSE (?) for instance. (?) PETERSON has passed on. You can ask a number of people. The very same in TOKWANE(?). They were very close, as they used to work together. They used to write motivations for him, reports for him. But they fell out. Immediately when he gets what he wants, he just dumps you like that, like a hot potato. 5 10

COMMISSIONER: So how did your relationship then grow?

MS DITLHAKANYANE: It was on and off.

COMMISSIONER: To where it is now?

MS DITLHAKANYANE: Okay, there was a time when I bought a house in BLOEM and he would come. I don't have proof but I suspected that he was selling OBs, in TSWANE when they were doing OBs because he had a lot of money that was unexplained. He would come to my place and say: Don't you want me to buy something. I wouldn't even open the gates for him as he was already irritating me. But he would be persistent and I would never open my gates. At work we would talk, it was okay. But then I went to 15 20 25

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KIMBERLEY, where was he. I think he was dismissed in the process and went to Government, where he got a job in the Department of Local Government. But they decided to bring him back. I think it was DALI MPOFU, it was JIMI - no, wait a minute, not JIMI, PHIL. DALI, PHIL ... 5

COMMISSIONER: PHIL MOLEFE?

MS DITLHAKANYANE: PHIL MOLEFE, yes. MPUMELELE was there. SNUKI wouldn't hear a thing about that guy back in the SABC in news and he stood his ground, but they worked out a plan to have SELLO dismissed for having a plan B for the elections. It was actually sad that you have your plan just to be at the IC Centre and what if it goes wrong and there is no set up at base, then we would be doomed as well. He was charged for that and eventually they dismissed SELLO. 10 15

COMMISSIONER: SELLO?

MS DITLHAKANYANE: SELLO THULO. PHIL was then the - I think it was after SNUKI left because when we got back to the SABC, even his salary came from DALI's office or somebody high up, it didn't come from the news. Even SAP would go directly to them, not to SELLO or to SNUKI. He would go 20 25

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to work calling himself an EP but sitting in
the EP GM's office. The PGM is a Provincial
Judge on Management. He would sit in that
particular office and then he moved over to
the office of the executive producer and 5
refused to leave that particular office. He
was just going to work doing nothing.
Eventually they got rid of the EP, and the
poor guy is here. I'm working with him as a
copy editor on the desk in JOBURG. Then they 10
got rid of SELLO. The two were dismissed but
(?) finally got his job back but after much
suffering for so many years. And SELLO as
well never made it. He got so sick that he
passed away. That's why I'm saying my 15
relationship with him was a very painful
period. HLAUDI just didn't care. It was so
painful because SELLO and PHIL used to be so
close.

COMMISSIONER: What? 20

MS DITLHAKANYANE: PHIL and SELLO used to be very close. PHIL
just decided to go along with - I don't know
what HLAUDI was promising them, that such
things could be done, but it happened, they
brought him here to JOBURG. By the time SELLO 25

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passed on, I think HLAUDI was already a stakeholder or something here. After a while JIMI called me. In fact we used to regularly talk over the phone, HLAUDI, just small talk, but then in 2011, JIMI started telling me that I must come over to come and act as the GM. And I said: I don't want to be in JOBURG, because I have realised over the years that JOBURG was just too fast, and it was no longer what it used to be when I was still at home. Now when I visit I find JOBURG to be different. I don't want to be in JOBURG. So it took a few months. Then HLAUDI also said: We want you to come here. I said: I don't want to be in JOBURG because being in BLOEM for ten years and being in the NORTHERN CAPE for six years you are so used to this laid-back life. I was comfortable with it. Then around March/April they called regularly to say: You have to come over and eventually I said okay. He was saying: Beginning of May, if I'm not mistaken. I said: No, I can't just leave, I will come through in June.

COMMISSIONER: What year was this?

MS DITLHAKANYANE: 2012. That's when I came through. When one

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connects the dots you can ask yourself that one is being called an enforcer, you are seen to be associated with HLAUDI and then the enquiry has to start in 2012. You ask yourself that. I'm not saying but I'm just 5
trying to think exactly what this is all about. What is the motive for all this, especially for the year 2012. So I came through. I acted for two years because our permanent appointment was in December 2014. 10
I went to interviews before then, but it took a while for the announcement to be made because I heard from - I was driving home and somebody called me. I think JIMI and HLAUDI were in PRETORIA and then they said they were 15
going to announce the successful candidates to date. So they wanted to hear my side of the story and I said I didn't know anything about that, up until I received a call from HLAUDI telling me that they had appointed me, that 20
they will be making an appointment. So that's what happened. I've been in this position permanently from December 2014. My contract will expire next year December 2019. It may be because of that kind of relationship. I 25

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don't go about telling people that I had serious fights with HLAUDI, or what kind of relationship I may have with you or whoever. That's why I'm saying people don't know certain things, they form their own opinions in their heads and they think everything is hunky-dory and what have you, whereas they don't know the real truth and exactly what is happening. THABO, went on to call me an enforcer, not knowing the price that I have with that guy, because he called this thing of the SABC not willing to talk to the media and defending their own. It's a serious problem which we highlighted in our editorial meeting to our GE, that we have a serious problem with it. Because I said to TABO - I referred him to KAISER who would always say: We're not commenting on that. Which is not right, because it's what people read, what they hear. The people believe in the media so much that whatever they read or hear is gospel truth, and in the process your integrity that you're creating is destroyed. At the same time there's a policy that says you can't defend yourself, you can't talk to the media. But we

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knew. Even our presentation, our response to the *ad hoc* Committee, it wasn't - okay SABC didn't present it but if you look at the documents that were presented our response is not there. I don't know, they just thought: 5
Oh, these people are just mad. I don't know because they don't deal with money. It's like what we were saying was just hogwash, it's hearsay because it's word of mouth. Maybe you may have documentation at some point, 10
sometimes you don't have because most of our decisions are verbal and, especially when it comes to the editorial space, it's fear. So mostly verbal that this is what we are doing. The last time we made a suggestion: Can't we 15
have a body that will protect the senior management, and I said that I fully concur with that. Management is not protected at the SABC. You find yourself alone, you cannot defend yourself and you have no one to defend 20
you. You have no one to put your side of the story across. It may not be the right one. Whether rightly or wrongly, but your side must be known as well. That's why I was saying people who decided to call us enforcers, they 25

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don't know a lot of what has been going on. That is why one journalist - I can't remember which newspaper but it was THE SUNDAY TIMES, I think, I can't remember the name of the journalist. They even said I was born in PHUTHADICHABA. Do you understand, just because I'm a SESOTHO, so I'm a SOTHO from the BUNDS of the FREE STATE. 5

COMMISSIONER: Do you remember ever relaying HLAUDI's instructions to your staff - instructions you disagreed with? 10

MS DITLHAKANYANE: I think it was after - they were accusing - there was an instance when, during the editors meeting, HLAUDI called me to say ELVIS PRESSLIN was talking nonsense over the phone about the protests, etc. 15

COMMISSIONER: ELVIS PRESSLIN?

MS DITLHAKANYANE: PRESSLIN, yes. Luckily I was listening to that programme that particular morning. I was in bed but just listening to the radio. So I thought whoever called is talking nonsense himself because - and that's when I lost my cool for the first time in many months because I started shouting at him. They were talking about the decision or the policy not to show 20 25

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violent pictures and also about the 90/10 ratio of local content and so on. One editor said: No the decision may be correct, HLAUDI's decisions may be correct, but the approach and how he communicates those kind of decisions may be what is problematic, because he doesn't have tact in dealing with certain things, and the local content increase on stations is going to benefit the local artists and composers. Others were then saying: Where do you take that local content music from? And they were arguing. But also the issue of LOTUS, because LOTUS was badly affected by local music, to the extent that some people in the INDIAN community even opened ...

COMMISSIONER:

Sorry.

MS DITLHAKANYANE:

All line radio stations and it took almost 90% of LOTUS listeners. And I said to HLAUDI: Instead of protecting your managers and your people, SABC staff, you listen to all the nonsense that every Tom, Dick and Harry is telling you about. They just pick up the phone and tell you whatever, they are not even sure which station it was. Luckily this one

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I was listening to and I know exactly what transpired. So I communicated, I think I wrote something here. Yes, after that particular meeting of the 31st, I think there was a meeting where we discussed how we respond to SABC matters, because KAISER's turnaround time of response is longer. A story breaks now and they would rather inform other media houses than the SABC. Sometimes we would be the last to know. For instance, I will just make a recent example of this particular hearing. Whether it was an out of court settlement or the decision with the urgency that wanted the hearings to be open; whether it was done in court or it was done outside court and exactly the details of the settlement have never been communicated to anyone inside the SABC. What we know is what we write in the newspapers.

COMMISSIONER: Which newspaper? 20

MS DITLHAKANYANE: Such things. It's not right what is happening here. Instead of communicating to internal stakeholders first, no, the outside would be the first to know. So those are the kind of things we were discussing. They actually 25

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wanted to know the impact of not going through newspaper headlines, not having the editors, what kind of impact. We discussed it: You know what, this is what we have decided to do. Because right now we don't have a plan to fill 5
in that particular hour and also I don't know what the show is on SAfm that talks about advertising. It was just ...

COMMISSIONER: MEDIA MONITORING?

MS DITLHAKANYANE: Yes, on Sundays. It was an hour only, so at 10
least now it will be much longer. They will have at least two hours, at least. That is what we could come up with, that's what I explained to them. I may not have been happy because remember the notes here, even though 15
I don't have a date, it's after that particular meeting - after 1 May and before 3 June. Because I said that it is my job to protect them, and we also don't even know where the new Editorial Policy is. We've 20
never seen it. They said they would give it to us. They raised an issue about surveillance, that there are people who read their emails, whatever they communicate, other extra individuals are not supposed to be privy 25

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to that information, but they do have it. And I said that happens to all of us. You can hear sometimes when you are on the phone and you really hear some people talking or listening. You can hear somebody breathing. Sometimes you leave your laptop and go to the loo, you come back and you can't log in. Somebody has actually changed your password. So I was telling them that that kind of thing is not only happening to them, but it was raised with the executives to say: This is happening to us, they must look into it. But up until now we still haven't had any response. They also wanted to have a Social Media Policy, which at the time we didn't have. That was between 31 May and 3 June.

COMMISSIONER: Now at this meeting were you seen to be a broad HLAUDI person? What were the circumstances here? Why would they see you as an enforcer if you come to a meeting and you say: This is what we have been told, but this is what we will try and do?

MS DITLHAKANYANE: I can't answer that. I don't know. That's why I say it's a perception and it goes a long way. I don't know. I gave you a background

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of where I come from with HLAUDI. So they probably think that we are the best of buddies and I'm his enforcer. There is that kind of a decision we implemented, it's fine and KRIVANI and FOETA were there. FOETA also removed the newspapers, so I'm the enforcer. If you're given a directive and you're not even protected by your GE, because if your GE can't fight for you guys, who am I to be fighting the executives? 5 10

COMMISSIONER: You said your response to the *ad hoc* Committee. Where can we get a copy of that?

MS DITLHAKANYANE: I think I have a copy.

COMMISSIONER: Can you send us a copy?

MS DITLHAKANYANE: That particular response. No it wasn't a response to the *ad hoc* Committee, it was our presentation. 15

COMMISSIONER: Oh, presentation, okay.

MS DITLHAKANYANE: Yes, what we wanted for them to understand, so that was written. The co-authors would be NOTHANDO, myself, NYANA and SOPHIE. 20

COMMISSIONER: Okay.

MS DITLHAKANYANE: I think I still have it.

COMMISSIONER: If you could please send us a copy of that and the email that you were going to ... 25

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- MS DITLHAKANYANE: And the JOSEPH MOSIA email?
- COMMISSIONER: Yes.
- PANEL MEMBER: Ms Ditlhakanyane, I just want to find out, the allegations regarding the burning of EFF, it appears as if you gave our instructions to some presenters or editors within the radio that they shouldn't even tell or cover the story about the EFF. Do you have any response to that? 5
- MS DITLHAKANYANE: I'm trying to think. I may have. I do not remember everything and I think it may have been with SAfm and not necessarily other stations like SABC 4. The interest was more on SAfm then any other station. I know at some point JIMI was saying we shouldn't cover the EFF, not give them broad coverage. I may not remember the date but it is possible that I may have carried out those instructions. 10 15
- PANEL MEMBER: And the VENDA kingdom issue. It appears as if when the editors and journalists attended to cover the story in VENDA there were certain people who harassed the journalists and the editors during the covering of the stories. Do you still remember that incidence? 20
- MS DITLHAKANYANE: They harassed the journalists, they harassed 25

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the two MASHUDU's there. The EP of PALA PALA apparently there were people who said they were saying they were going to kill MASHUDU or something and we had to step in. And TEBELE was acting then. We called a meeting with the royalty and then came the spokesperson of the king with two others guys. They were extremely rude even to us. No respect whatsoever. They had this superior mentality but we managed to talk them down to say: We cannot have a situation where journalists are being assigned and receive a hostile environment created by you, especially - I can't remember this guy. The spokesperson especially was downright rude and it took a lot of time, something like twenty minutes to calm him down to listen to us. Eventually he did and then we had an undertaking that they would try to speak to their people not to threaten our journalists and also they said our stories on air were not balanced. All in all it was about TONI as the king and this MASINDI. Because MASINDI wanted kingship and unfortunately according to our Government it was given to TONI. But the young lady is

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still fighting for it. So the story was around those two. TONI as the king didn't want anything to be said, they didn't want MASINDI to be interviewed. So that is what we impressed upon them, that we have to balance 5 our stories, we cannot - even the current affairs shows, because sometimes if I don't understand that I will never listen to PALA PALA, because I can't understand a single word of VENDA. I don't know what goes out on air 10 but I don't think they can be that irresponsible to go and carry one-sided stories, which is what they were actually pushing for as well. Why are we talking to this lady when we know very well that the 15 President has conferred the kingship on the particular faction. But we said: No, there is still contestation, so it cannot be that there is a court case and we withdraw a journalist to cover that court case. 20 Eventually they understood where we were coming from unless maybe there is a follow up question to that?

PANEL MEMBER: No. Just to find out do you have any view or opinion on what motivated this rudeness and 25

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entitlement for their story to be aired and not MASINDI's story?

MS DITLHAKANYANE: What I sensed was a sense of entitlement and superiority and power.

PANEL MEMBER: Was it originally from their kingdom or by senior managers within the SABC or politically motivated? 5

MS DITLHAKANYANE: No, it wasn't from management. There were allegations that FAITH MUTHAMBI ...

PANEL MEMBER: Mmm. 10

MS DITLHAKANYANE: I got to know, I heard something that I didn't know before that within the VHAVENDA people there are those that are superior and there are those that are seen to be nothing - I can't think in English, but do you understand what I'm trying to say. There are those that are seen to be of royal or blue blood and those that are not. It's like in the newsroom there are those that are associated with FAITH and them, they are blue blood and there are those that are normal VHAVENDA people that they look down upon. And everything is being said, everything that goes on air - there are people in that particular office that would call FAITH and she would then call, maybe 15 20 25

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MASHUDU, but she has never called me. I don't think she has my number and I have never had her number. Maybe she would call on one of the associates. Because apparently one of her closer - let me pull out those emails because at some time I had some emails from MASHUDU complaining about them. I will forward those emails to you. It was a long convoluted story. I couldn't make sense of it but we just wanted to make sure that we settle the dust and that they understand where we are coming from, how we work and where people are gossiping about others that is not right. It shouldn't happen that way. Just a way of quelling fires. Because we couldn't accompany MASHUDU to open a case, but we pleaded with him to open a case and I think he did. I'm not sure, I don't have proof of that because there were people who were apparently threatening him.

PANEL MEMBER:

And then there are allegations that the harassed journalists were intending to lay criminal charges against TONI or people who harassed them during the covering of the story, and it appears as if yourself and SIMON

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TEBELE attended to influence them or convince them not to lay criminal charges against them. The VENDA ...

MS DITLHAKANYANE: We actually encouraged MASHUDU to open a case.

PANEL MEMBER: Okay. 5

MS DITLHAKANYANE: Because again the editor - yes, we encouraged him to do that. Not to discourage them.

COMMISSIONER: How much influence did MUTHAMBI have on the SABC, either in VENDA or in JOHANNESBURG?

MS DITLHAKANYANE: I don't know, I can't say, but I know that 10
FAITH and HLAUDI were very close. I can't say
how much influence they have, but I know she
had a friend in PALA PALA. Not that I have
proof of that. It's what people have been
talking about, that she has a friend and this 15
friend will tell her everything that is going
on at the SABC and at some point - let me find
out who this friend is. I think the friend is
with current affairs or with the station
itself because somebody was saying FAITH 20
wanted her to have an increment. I will go
back and look at that.

COMMISSIONER: If we have any questions after looking through
the documents you have sent us, we will chat
with you by email or whatever until we are 25

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happy with the information we have, if you don't mind.

MS DITLHAKANYANE: No, I don't mind. Remember the last time that is what I actually requested that I should at least know what it is that I should prepare and then come prepared. 5

COMMISSIONER: Thank you. You have enlightened us. Thank you.

THE ENQUIRY ADJOURNS BRIEFLY

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THE ENQUIRY RESUMES

COMMISSIONER: It's been a hectic morning.

MS KAPELIANIS: I can imagine. I've had a hectic day too, but
it's fine. Tomorrow is another day. 5

COMMISSIONER: We don't need to reintroduce ourselves but let
me explain why we asked you to come back. The
last time we spoke you gave us a very general
presentation on the decision-making in the
SABC and at the time we didn't ask you if you 10
had any personal submission that you wanted to
make. So this is the time that we say if you
have a personal submission to make you can
make it now, but this time it will be under
oath, if you agree. We will then ask 15
questions largely from what we have heard so
far - essentially what you personally know
about the manipulation of news at the SABC.
Would you like to make a submission? Do you
have any objections to taking the oath? 20

MS KAPELIANIS: I don't know if I have a personal submission
to make. I'm more than willing to take the
oath and I'm more than willing to try to the
best of my ability to answer any questions you
may have. It's not that things didn't happen, 25

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it's just you move on and then every now and then I think things are triggered. But it's not like I kept a record while things were happening. So I don't mind you asking pointed questions or if there's anything that I said the last time that you want clarity on, or if anybody has said something either that affects me or concerns me directly, or that I may know something about, I don't mind contributing or trying to help. 5 10

COMMISSIONER: Thanks.

PANEL MEMBER: So you don't have any objection to taking an oath?

MS KAPELIANIS: No.

MS KAPELIANIS (duly sworn, states:) 15

COMMISSIONER: Firstly, a general question. Do you know of any incidences where there was interference in the decision-making at the SABC?

MS KAPELIANIS: Separate to what I said the last time?

COMMISSIONER: No. As I say, this one is now on record. Remember last time it was an off the record briefing you were giving us. 20

MS KAPELIANIS: So do I know of any interference in news? As I've said there is often - it has taken many forms. It is often not just an instruction: 25

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I tell you to do this, and therefore. It's more often than not if never written. The one that I'm aware of, but I wasn't involved and it wasn't an instruction to me, was ahead of the 2014 elections with regard to not giving weight or coverage to the EFF and that I heard about from one of the executive producers who reports to me, from RSG, FOETA KRIGE. In many instances I was bypassed and overlooked because I would ask questions. So instead of the instruction coming to me to implement, they would then work around me to implement the instruction. Initially I got quite mad because I thought I was being bypassed and undermined and then I thought: You know what, in many ways what you don't know, your hands are not dirty. I know that might sound like a cop out, but if you don't know how can you defend, how can you fight back. I just don't remember the date, but the one was ahead of an ANC founding conference. I work with all the current affairs teams, and when it comes to special broadcasts I choose which team goes depending on location or language, who has had a turn - and they all get turns - and

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inevitably the teams will plan their programming. The bulk of what is happening is live, but they will also do analysis. Our Editorial Policy requires us to do analysis to give depth and understanding to what is happening for the public. I recall the one evening the teams had already left. I don't remember whether it was the EASTERN CAPE or RUSTENBURG. They had already left and then I think acting head of news, SIMON TEBELE came to me at about 19h30 in the evening and said to me: There will be no analysis of the ANC's Founding Anniversary which they called the JANUARY 8 statement. I said to him: There is no way I can tell the team at this eleventh hour that there will be no analysis, especially when the Editorial Policy requires that we should be doing analysis beyond the coverage. I told him that all the teams had been deployed, and they had accredited their analysts. If the ANC didn't want the analysts there, they would not have accredited them. He was adamant. I said: Fine, well, I'm not issuing the instruction on the very email that I had sent telling them about the live feeds

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and who was doing the broadcast. I said: I will tell them that you say there will be no analysis.

COMMISSIONER: Mmm.

MS KAPELIANIS: Whether they complied or not, I don't know. 5
They went ahead. But that angered me terribly because it was taken on a decision, and whether that decision had come from LUTHULI HOUSE and LUTHULI HOUSE was just pretending to 10
accredit the analysts and we were to do the dirty work, whether it was coming from HLAUDI, indirectly through the President, I don't know where that was coming from, but I did find that unacceptable. They put you in a position 15
where you actually can't disrupt the teams. It's like you create a crisis for them when they have to worry about the content, they have to worry about being on air. That one really upset me. Then the other one which I think illustrates that it's not direct 20
editorial interference but it's the way in which people higher up operated. I think it was in October 2015, when we had a radio workshop in PARYS. Sorry, so that ANC thing must have been coming that year already 25

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because that was one of those kind of: There will be no analysis. I had been grappling with this and I know the current affairs teams, and especially the executive producers who lead these teams, had been upset and they didn't know how to talk about it, probably for fear of victimisation. I kind of mustered the courage and the strength to say at the radio workshop and preface everything I was going to say by saying: Please don't give us eleventh hour instructions. Do not tell us at the eleventh hour that we cannot do this and cannot do that. In fact the Constitution, the Broadcasting laws and the Editorial Policy all require that we do the best possible work in service of the public. And I had used the phrase that "I cannot defend the indefensible". I cannot defend the indefensible, the immoral, the unethical, the illegal. I had hardly uttered those words - and I didn't know immediately, but I knew there were some people in the workshop that had probably sent the message straight to HLAUDI. But he never spoke to me and he never interfered. A month later JIMI - I think was

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head of news. Sorry, I get confused because I don't know whether they were acting and in what capacity they were at what stage. I know that message had reached either JIMI and/or HLAUDI before I knew it. And they 5
couldn't take me on on that because it was the right thing to say and to do, but they clearly didn't like it and that's why I think they tried to avoid giving me instructions and were working around it. We put a retired anchor 10
who had been there for seventeen years, KOBUS BESTER, we got a freelance contract for him, to continue to help us because the freelancer for the Sunday radio current affairs programme on RSG was appointed to a permanent position 15
which left a vacancy. Normally we fill the vacancy initially with a freelancer while we try to get permanent appointments and the approval for that. All of a sudden JIMI was telling SEBOLELO, who has just been here, and 20
to whom I report - she's the GM for radio, news and current affairs - to institute disciplinary action against me because I had completely ignored and deviated a business case that we had agreed to not use KOBUS on 25

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any regular basis; that it would be *ad hoc* and standby and what have you. So they came for me. That is how they came for me, and this was before the SABC 8, so this must have been November/December 2015 going into 5
January/February. It was the most miserable four months of my life. I could hardly tell anybody. I had my back against the wall, I didn't know why, I didn't know how, I didn't know who. They tried to take me on something 10
because they couldn't take me on my principles; they tried to say that I had illegally appointed, which was not the case, because for example JIMI had signed off on that business case. So whether HLAUDI used 15
JIMI to do this or whether JIMI did it in cahoots with HLAUDI, I don't know. I had to answer certain questions, which I did, and then all of a sudden it just disappeared and they dropped it. Maybe it's my ability to 20
write better sometimes than I speak, that put them off, I don't know, but I didn't like that. Not many people know about that, that it was happening behind the scenes. So the very things that my colleagues and my team 25

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members questioned, the so-called SABC 8, on that day, I think it was June 2016, I was not at that editorial meeting where they were told that they couldn't cover the "right to know" protest on the SABC in JOBURG. And when they started questioning that, that's how they were targeted, but I wasn't there. What I'm saying is that these things started - that's in the public realm, and that's probably what got the visibility, but there were things happening behind the scenes and they took different forms and you can't quite pin it down that that's in violation or whatever. 5 10

Another example would be that we would put in a proposal - what they call business cases and motivations - to do outside broadcasts. We budget for these. Often we have them impartially sponsored, although there should be no editorial interference, and the person that's paying signs that there will be no editorial interference. They will not expect that we will broadcast anything. So one of them, RSG as well, I think they were very deliberately targeted, has been doing WOORDFEES for about ten years, which is an 15 20 25

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annual arts literary festival at the
UNIVERSITY of STELLENBOSCH. Everything had
been fine, and then all of a sudden it was
like: You can't do this. All of a sudden
there is a policy overnight and SIMON and 5
SEBOLELO were part of that. SIMON came up
with a policy that if something is sponsored
it must be fully sponsored. But that's never
how it worked. They agreed to what they pay
for and we agreed to what we pay for or we pay 10
for everything, or whatever. So all of a
sudden policies are just constructed like
that. We had to go on this outside broadcast
because we had made the commitments, but they
didn't want to support us, they didn't want to 15
give us R1 500 as an advance for newspapers,
for WiFi or for refreshments for the
interviewees. It's a whole week-long
broadcast. It starts on the Monday and ends
on the Saturday and they broadcast literally 20
about fifteen hours in front of a live
audience. It's one of the most dynamic
programmes and events. They wouldn't give us
money and I said: Well, look, we'll go on our
own without the money. I paid for transport 25

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to the airport, I left money with the team.
I normally only go for two or three days. My
sense was that they wanted to scupper that
broadcast, and it was almost like: You'll
see, we'll punish you. So you can't put your 5
finger on it and say this is deliberate and
whatever. It takes many forms. You'll put in
a business case and you won't hear anything
for two weeks and all of a sudden they are
querying the rate of someone. But they don't 10
come to you directly and ask you: Can you
give us a sense of what the other freelance
presenters are getting? Then all of a sudden
the thing starts moving, but somewhere along
the line you're not quite sure if this one is 15
informing this one: I'll sign it but you
block it. I don't know, it's the strangest
thing. It's like mercury, you kind of can't
put your finger on it, but you know something
is wrong. You know that something is being 20
planned or cooked or is deliberate. I'm
trying to think if there are any - I have
always questioned. More often than not they
don't like the questioning and that's why I
think they have worked around me and then gone 25

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straight to the executive producers, for
example, that report to me. Almost sometimes
like a divide and rule policy: We won't tell
her but we'll work here and then when I hear
about it, it's like: I don't know. I can't 5
remember if there are any others. I think
those are the main ones.

The freelancers. I think this was last year,
NOTHANDO was acting head of news. We do our
business cases, then they don't want it like 10
that, then they want it like this, and this is
all under pressure because contracts are
ending and contracts must be put in place and
you must go on air. And we have a combination
of freelancers and permanent staff. All of a 15
sudden your business case is missing and it's
between the acting head of news and the
secretary and they are in the same office, or
literally a wall separating them. You then
get into the habit of photostating everything 20
and keeping track as you go along. Then you
must redo it and you must redo it differently.
So I get a sense it's almost like to wear you
down and to frustrate you. Whether it's a
deliberate instruction coming from higher up 25

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or it was: That one asks too many questions,
get rid of her; wear her down completely so
that she will eventually give up. We have had
instances where an acting political editor,
now a permanently foreign editor, has stormed 5
into our studios instructing our teams what to
do, phoning them, barging in, shouting and
screaming at them, to the extent that I say:
Nobody goes into that production room while
people are live on air and they have to do a 10
two or three hour broadcast. I don't care
what the complaint is, we deal with it offline
and we deal with it away from the pressure of
a live microphone which is broadcasting to the
public. We've had instances like that. 15

COMMISSIONER: Do you have names?

MS KAPELIANIS: In that case there was an instance, SOPHIE
used to go barging into the SAfm radio current
affairs studio while they were live on air, or
phone them and harass them incessantly. She 20
has also done that in the RSG current affairs
studio. We're on the second floor, we occupy
quite a big space and the SAfm current affairs
studio, not station, is here. We've got a
spare one now. It used to be the PM LIVE one 25

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and then the RSG one is here. So it is
literally within walking distance. Not even
I go barging in. If there is a technical
problem I will go and I will say: Guys there
is something technically wrong with that item, 5
lose it quickly, move on, it's disturbing on
the ear. Or: The cellphone quality or the
line quality of that interviewee is not good,
kind of wrap it up. If they are on air and
they are missing a question, kind of WhatsApp 10
and say: Ask about this. But it's to build
the interview, it's to build the conversation,
it's not to harass, frazzle, you must do this
now, you can't do this while you are live on
air, because that rattles people. Then I 15
think probably the more recent one is the
decision to cut SAfm radio current affairs'
broadcasting hours. It's not a direct
editorial interference but I think it's driven
by commercial interests and I think it's 20
driven by someone's own agenda that: This is
the way radio is done, this is the way public
radio is done and this is the way public radio
current affairs should be done. The
listenership on SAfm has been dwindling for 25

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years and years, and my view is that it's because it didn't have a proper identity, it didn't have a proper DNA for branding. I know from the station side they cut down a lot on the production staff, so a lot of it was live 5 and I think that people think that you can just get behind a microphone and talk. You can't. In order to sound smart, you need to be produced seamlessly, so that people don't even know there are little busy bees behind 10 the scenes. Already in July last year we started having discussions with the GM of radio, strategy GM or manager from radio, programmes and innovation manager. We butted heads and we didn't agree with what they were 15 saying. They wanted to turn SAfm into a music radio station 1980s and we said: No, SAfm is not RADIO 2000 or GOOD HOPE and finally this was while BESSIE TUGWANA was still acting COO. Finally we agreed that we would collaborate, 20 we would do, I think it was, 06h00 to 09h00 in the morning a collaboration between SAfm station and current affairs. It would be a serious news anchor and then, not to diminish a DJ or a station presenter, they would do the 25

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lighter stuff, the entertainment and that.
Then they didn't want MIDDAY LIVE. We would
then replace MIDDAY LIVE, which is from 12h00
to 13h00 with ten minute segments and then we
would extend the PM LIVE, which used to be 5
from 16h00 to 18h00, from 15h00 to 18h00 and
the same principle would apply. We would have
a serious news anchor and then the lighter
shades through a station presenter.
Everything was fine until the end of February 10
when they started changing their minds and
disagreeing. In November they brought in a
new acting station manager from marketing and
sales. But something happened in February,
and I don't know what it was that changed the 15
plan. Then they reduced our hours to one hour
in the morning and one hour at lunch time, one
hour on a Saturday and Sunday. So they
literally reduced us from thirty-five hours a
week to twelve, by two-thirds and I'm not sure 20
why they did that. I think they are hoping to
make money, they want to grow the audience,
but I think we've missed an opportunity to
reimagine a better SAfm. SAfm has always had
a small loyal listenership and I think has 25

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been distracted by more diversity and choice available in English. Whereas you wouldn't say that of UKHOZI for example or UMHLOBO, the competition to those huge radio stations and current affairs programmes, I think is less than it is in English. So that was maybe driven by money or maybe it was driven by someone's idea that: This is how we're going to turn around public radio. That had a huge impact on staff morale. We're now sitting with excess staff and we're wanting to kind of get direction from HR, Employee Relations, the head of news, as to what we do with the extra staff. It was a blow to all of us because we couldn't tell the staff what was not concluded and then rumours started spreading. When we asked for meetings, for the heads of radio station that side to come and talk to the staff, they said no, they would not come and talk to the staff, we must talk to them. So decisions are made, and what they are based on, or how they are arrived at - it's not like we didn't fight. We fought every single step of the way. I don't know if the fight higher up in news was enough, but I also think

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advantage was taken in gaps of leadership between us not having a permanent head of news. We had an acting person and that acting person only got involved towards the end, when it was almost too late and there was talk that we were being obstructionist and we were not wanting to compromise and make this work. There was also some leadership gap, probably between the acting COO, BESSIE and then CHRIS MAROLENG coming in. So I don't know whoever's plan this was, whether it was deliberate or it was just a question of timing. Is that a direct form or indirect form of interference? I think it is, because I think news is there to serve a purpose. We're not an island, but at the same time we need to - I used the phrase - be bullet proofed. You need to see what we're doing, we need to be transparent, but we need to be protected to do what we need to do. I would rather have that than have instructions coming left, right and centre. So when I send out emails, for example, to the current affairs EPs, they don't report directly to me, except for the SAfm ones and RSG, and I guide the others editorially.

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never say to them: You will do this. For
example, tomorrow is the BRICS Business Forum.
We have the CHINESE leader, BRAZILIAN
President, MICHEL TEMER, MODI, PUTIN, we know
what's coming. I organised editorially that: 5
We are going to take this live, if you want
it, technically they will make the plan. If
you want it, you take it live. You speak to
your station. If station wants it they take
it live. If you just want to dip in and out 10
or you just want to record, you know your
audience, you know your needs. So I have
always been opposed to instructions, and
therefore I probably don't give instructions.
Those are the immediate broad strokes that I 15
can think of. The editorial ...

COMMISSIONER: My immediate question is, is it interference
or is it sheer incompetence?

MS KAPELIANIS: No, it's not incompetence, it's manipulative.
I don't think it would be incompetence, no. 20
I think what happened is people were
appointed, not necessarily through the right
procedure, and maybe - I don't know, but I
will give them the benefit of the doubt - they
didn't understand when they were put in those 25

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positions what was required of them, but
there's no free lunch. If you do not get
there on your own merits and through hard work
and open transparent processes, I think we
could see, and have seen, how things can be 5
manipulated for all the wrong reasons. And
maybe at certain times there was this, but:
I put you there, you will instruct them, you
will do this, you will make sure that happens.
I don't think it's incompetence. I don't 10
necessarily think they're the right people for
the job but I think those that did not go
through due process of proper job interviews
were put there to do something and maybe not
at that point, but later. Whether they 15
realised it or not, I don't know. I think
they'll tell you now that they weren't and it
wasn't like that but there should have been
due process and that's why I've questioned
that all appointments that maybe from the 20
start of the enquiry 2012, when I think things
started changing - 2013/2014 - all
appointments I still think need to be audited.
And if that means my appointment too, as the
head of radio current affairs, so be it. I 25

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know how I applied, I know who was on the panel, I know the questions they asked, which ones were tough. I know how I did because there was a feedback session, and I know who was earmarked for the position before me. 5
Although I shouldn't know, I do know. I don't think it's incompetence, I think you do have some people that shouldn't have been there, that were put there.

PANEL MEMBER: What would be the motive of putting those 10
people in those positions?

MS KAPELIANIS: That you can control and that you can control news. And news we know is probably the most powerful - I don't know if "weapon" is the right word. You can't dispute facts, you can 15
dispute fiction. I don't think we've ever had an easy space in society, as the fourth estate, so I think it's about control and then I don't think the bigger thing is about controlling us, it's probably about 20
controlling the public because that's what we do. So when the newspapers were withdrawn, I'm sure you've heard that. I don't know if I mentioned that our newspapers were summarily withdrawn like this. Each news team would get 25

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newspapers and it's one of the sources. This was a long-standing practice, it wasn't that we copied the news from others, but it was that we would read, we would watch TV, we would listen to radio and we would say: But 5
we're not on top of that story, how come we're missing it and what can we do? In withdrawing the newspapers they used the excuse that we didn't have money. We fought hard, and it took a whole long year to get limited 10
newspapers back. It's very different - for example, the MAIL & GUARDIAN might publish a breaking story on a Friday but on social media or the website they will only show you the first paragraph. Only two or three days later 15
would the full article come online. I think that was an attempt to control. One of the excuses was that we are not here to promote newspapers and therefore they wanted to cut the headlines. So they cut it on SAfm, they 20
didn't get it right on RSG, and we were fighting many battles on different fronts. We lost the editors because they were apparently critical of the SABC, which is not true, they just didn't want a diversity of voices. For 25

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me the public broadcaster is the overarching
media. We must be able to report on 702 if
something is wrong there, we must be able to
report on community radio, we must be able to
report on ourselves, with this kind of arm's 5
length distance. And I know it's hard. So
yes, there's a newspaper headline, the
editors, the newspapers themselves.

To come back to your question, I think it was
about control and not just control of us but 10
really controlling what we're telling the
public. Because journalists are questioning
by nature, we were born with "why" in our
mouths.

COMMISSIONER: And the question is, who is the puppet master 15
here?

MS KAPELIANIS: It's someone very powerful, and I think it was
either LUTHULI HOUSE - I don't know who in
LUTHULI HOUSE or the Presidency. Because in
no normal world would someone like a HLAUDI go 20
from being a stringer - and excuse my lack of
clicking, but as a stringer rise to be COO,
acting COO, without going through the ranks
and building and not even having a matric or,
I don't know. But we have all these post 25

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other qualifications. Not in a normal world. So who put him there, is one example? Did they put other people, or were the other people that he put there part of that plan too? I don't know who was pulling the strings. I told you the last time about when I was still doing the profiles and obituaries and MIKE SALUMA had asked me to try and get an interview with NADINE GORDIMER, because nobody does the HARDTALK interview. Then I got the interview and did a stunning piece, and my one colleague was telling me: Your story is travelling everywhere, and I didn't even have time to go and search who was broadcasting or who was using elements of the story in the other media, because I had moved on to doing a profile on MARY ROBINSON, because she was going to be the NELSON MANDELA guest lecturer. I said to MIKE, via email - and I can't remember if I copied JIMI or he copied JIMI, who was head of news at that time: If you were happy that I got the interview, I think you can be happier now because it's travelling around the world. Then I suggested to one of the senior producers on SAfm current affairs,

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who is not there, as he has resigned subsequently: Look, if this did so well, if you want to rebroadcast it on the weekend programmes feel free, and whatever. Then when I checked the debriefs, which is like the programme feedback running order, two days later, after the weekend, I was like: They didn't broadcast it, I wonder why, because they seemed excited about rebroadcasting it. That's when the senior producer told me the person that was in my position at the time, SOLLY PHETOE, who is now general manager of CHANNEL AFRICA, had gone - because I think I had sent them the script, so they could actually see what was in the script and the sound bytes are transcribed - had actually gone into the studio and was listening to the story again, and, from what I was told, was trying to edit out NADINE GORDIMER's critical bits about ZUMA. This was at the time of the spear painting, at the time of the censorship laws - I can't remember which one. I don't know if it is PAIA or something was going through Parliament. She was really very critical, but she had every reason to be

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critical. She was Nobel Literature laureate, had her own books banned, was outspoken, always stood in defence of freedom of expression and they never came to me and said: Angie, you can't rebroadcast that, or we've had complaints, or so-and-so has phoned that you can't criticise ZUMA. So was it editorial people and higher up executives acting on behalf of and on the assumption of a President ZUMA or the ANC, or I don't know. That really upset me, but I didn't raise it. I didn't think it was my place to raise it and confront SOLLY and say: But why did you do this? He didn't last very long. He was very sickly that year as well and got out of news and got a promotion, but I think he applied to CHANNEL AFRICA. MIKE SALUMA didn't last long, but I remember MIKE saying: Whatever you do protect current affairs. Sometimes I feel like I have failed, because it has been a really hard slog.

COMMISSIONER:

An area we're trying to look at is the so-called enforcers. Do you have examples of enforcers - or let me say the people who are manipulating the controls?

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MS KAPELIANIS:

I know the SABC 8 team members and colleagues used the word "enforcers" in their testimony and submissions to the Parliamentary *ad hoc* Committee and enquiry. For me it would be the people that gave the illegal, immoral, 5 indefensible and unethical instructions in whatever form that took. NYANA, for example, I don't report to him. We're more or less on par. I know he's been named as one on TV. NOTHANDO was acting head of news, so some of 10 our business cases had to go to her, and all of a sudden she lost the things and then we had to redo them. And we did that under a lot of pressure and under a lot of stress and a lot of peoples lives were at stake. You know, 15 there is no certainty. Linked to those business cases for the freelancers, our editorial assistant was looking for them, I was looking for them and when we found the copies then they said - someone like SEBOLELO, 20 who was with NOTHANDO said: Oh no, don't worry about them you can shred them. Immediately my editorial assistant's ears pricked up like: Why would you want to shred a copy of a business case which was signed off 25

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up to a point, and then pretend it's lost, it's gone? SOPHIE would be regarded as an enforcer for the way she has instructed, mainly on ANC, and then also on the coverage of stories on EFF. Whether that is regarded 5
as opportunistic or whatever, or that's how we survive, it tends to be the ANC and the EFF when there are stories going down about them that we must cover this - it's not how we cover it. JIMI. He would say in front of 10
you, would kind of diss HLAUDI but would go running when HLAUDI clicked his fingers. Like this he would go running across the road from the TV building to the radio building. I had a feeling MIKE and SOLLY took a lot of 15
pressure, and I think really tried to protect us and keep that ...

COMMISSIONER: MIKE?

MS KAPELIANIS: SALUMA. He was head of radio. I think he left in April 2013. I can't recall when he 20
started with us. I think they took a lot of pressure and tried to keep a lot of things away from us.

COMMISSIONER: That was MIKE and who else?

MS KAPELIANIS: SOLLY PHETOE. 25

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COMMISSIONER: Oh, SOLLY PHETOE.

MS KAPELIANIS: He was the head of current affairs, the position I now hold, and he is now CHANNEL AFRICA. But there were instances where I don't know if you remember when MAC MAHARAJ was still ZUMA's spokesperson and they were talking about NKANDLA being a compound. We had a whole discussion about that, and we were told: No you can't use the word compound, it's not right. And that's also a form of, what is it, is it a homestead, is it a home, private home, private residence? But that compound word was loaded, kind of politically, and I know where we come from the mining background and everything but who didn't like that word, I don't know. That was one of the things that was discussed at an editorial meeting, that we shouldn't use that word, we should rather use something else. For me an enforcer would be anyone who did somebody else's bidding.

COMMISSIONER: Mmm.

MS KAPELIANIS: And was not true to the Constitution, the Broadcasting law and our Editorial Policy. ALWYN KLOPPERS was used to defend and protect

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HLAUDI. Why, I don't know. Did he testify at
the Public Protector? But anyway he had
worked in news earlier on and ALWYN also kind
of jumped and got these senior positions.
What's the other guys name? ANTON HEUNIS. He 5
didn't like RSG, didn't like Afrikaans. I
know FOETA was directly - at one stage, and I
am sure you've heard from KRIVANI and FOETA,
they were called to the 27th or 28th floor and
it was with HLAUDI and JIMI. I think ALWYN 10
was there - sorry, I'm not sure about ALWYN,
ANTON. That was the incident where: You do
what we say, and if you're going to do
otherwise there's the window. In other words
go and commit harakiri, or suicide or 15
whatever. So what people had on each other,
I don't know. It's not direct, it's not black
and white, it's not clear.

COMMISSIONER: And it's not been directed at you?

MS KAPELIANIS: No, except for the one where they tried to 20
come for me, which was with KOBUS BESTER's
freelance contract, where everything had been
signed off to JIMI and then they tried to
insinuate that I had done something illegal
and wrong. I was like: No, I haven't, we 25

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agreed to this, these are the circumstances,
here's the emergency, everyone signed off on
it, I haven't lied, I haven't been a crook or
a criminal. Then how they would go around me,
which leaves you in a very cold place. Also 5
the specifics, that's why I'm saying, it's
hard. You learn to function, to deal with
something there and then. It's not like I
spent my life - I mean we have hours to put on
air, your focus is ensuring that you're 10
delivering the best under these horrible
circumstances to the public, that they don't
even begin to know that there's a crisis,
although they did land up knowing that there
was a crisis. It wasn't like I was note- 15
taking or note-keeping. I mean if I had to go
and search for stuff it would be like
searching through a mine dump. But yes, I
think anyone who did the bidding of - and
those are the ones closest to me. There may 20
have been others. If you speak to someone at
TV, they would say: So-and-so stood before
the bulletin was going to air and said: No
drop that story, drop that story. MORNING
LIVE - if you had to speak to some people at 25

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TV they would say they would get the phone
calls and people would be shouting in their
ears. No drop this, do that, don't do this,
but it was never for the right reasons,
editorially sound, or to strengthen the 5
programme or to strengthen the interview. I
think the biggest concern is that people
pretend nothing has happened and there's been
no consequence, and if there's no consequence
you can't fix something. I'm not saying you 10
must punish someone, like you burn a witch at
the stake, it's just that there must be a
consequence. If we're to fix things, whether
we're fixing the country or fixing the SABC as
the public broadcaster, you must know that - 15
and it's not because you operate in fear, but
don't do that which is wrong. The reason I
joined the SABC and why I've stayed so long -
and it's going to be twenty-six years now on
1 August - is because I really do believe that 20
the public, rich and poor, black and white,
rural and urban, those who have the least
deserve the best and the most. And for me for
that public space to be abused and violated
really hurts. But every day we fight the 25

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fight in different forms and in different ways.

COMMISSIONER: Is there anything else? Okay thank you. If you remember anything please let us know.

MS KAPELIANIS: Okay. And then you had in the first email but 5
I know you didn't ask about it the last time, you had asked if there were international examples of upward referral.

COMMISSIONER: Oh yes, I've found those.

MS KAPELIANIS: Have you got them? 10

COMMISSIONER: Yes.

MS KAPELIANIS: Oh, okay, because I did some searching and for me the best one was probably the BBC. So our Editorial Policy is kind of based on that but there was more meat and there's more very 15
specifically who is responsible for what, and under what circumstances.

COMMISSIONER: I picked them up, the AUSTRALIAN, the BBC.

MS KAPELIANIS: So if there's anything more pointed and direct that you want clarity on, even if it requires 20
some searching, please feel free to ask. I don't think we also want to punish and hurt people, but people need to know that you can't do the wrong things in the name of whatever. You can't. You can't hurt colleagues and team 25

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members, think it's okay and that you can get away with it. So I don't know how, what, why, but please look at the appointments or get the SABC to look at who was appointed and how they were appointed, because that was another form 5
that it took, that people were appointed, allegedly in the right way. Who was promoted, who got those salary increases - that's another way of kind of manipulating and controlling what you want to execute for why, 10
for whatever reason.

COMMISSIONER: Thank you.

MS KAPELIANIS: Sure. Thank you very much. Good luck.

THE ENQUIRY ADJOURNS

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JNT002 – EVIDENCE 12

VOLUME XIII

SOUTH AFRICAN BROADCASTING CORPORATION

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COMMISSION OF ENQUIRY IN TERMS OF THE DECISION MAKING**PROCESS IN THE NEWSROOM**

PANEL MEMBERS: MR JOE THLOLOE - Commissioner
MR STEPHEN TAWANA

10

25 July 2018

THE ENQUIRY RESUMES

CHAIRPERSON: I don't think it will be necessary for us to reintroduce ourselves. The reason we called you back is because we have a few questions and we need to know from you if you would be happy to answer those questions under oath. I think the first time we just wanted a general briefing on what was happening in the newsroom, but this time we're asking you to make your specific submission on this particular subject. Would you be happy to make a submission and under oath?

MS MASEKO: Thank you very much, Chairperson. I must put

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it on record, I would have expected that I would get those particular questions so that I can prepare accordingly because I believe that the work that you are doing here is very important for the SABC, and for the future, and I would like to contribute meaningfully. And the minute something is under oath I guess it's a legal process, and I would have also expected that that kind of detail or rather information is shared, but I don't mind, I'm willing. I don't mind answering those questions under oath, but I'm a bit concerned that the communication should have been better so that we prepare ourselves accordingly. In terms of a submission, even the last time I did say that I would like to bring some information or documents and more, and I would like to ask that I still be afforded that opportunity. It's quite a lot of work because I'm working with what I think is important. I'm not sure, because I'm not privy to what other information you have or those questions, so I would ask that I still be given that opportunity, that it is still open so that I can come with all the documents that I think

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are important.

CHAIRPERSON: Let's say that whatever you are not able to give us today, you will still have a chance to submit it after this.

MS MASEKO: Okay. Thank you, and any other conditions. 5
That's why I'm saying I would like to believe when one is under oath, it's a legal process and you don't want anyone's rights to be violated. But I'm more than happy, I'm fine.

PANEL MEMBER: So, do you confirm that you don't object to 10
taking an oath?

MS MASEKO: Yes. I confirm that I don't object but I would like to be given an opportunity to then - I mean I'll maybe write down some of the questions so that if I don't have information, 15
I would love to be given the opportunity to give that information of what TATA JOE has confirmed.

MS NOTHANDO MASEKO (duly, sworn, states:)

CHAIRPERSON: As you know what we are doing at this point is 20
to investigate whether there was ever any interference in the editorial decision-making at the SABC. In your personal experience have you seen any such interference?

MS MASEKO: Yes, I would say so. I'll make an example, 25

because in terms of the interference that I'm personally referring to, I have never personally received a call where I was being directed as to how to tell a story from maybe a political party or so, however, I have been given instructions from my seniors. I personally think it is something that is political interference, because as much as your seniors would editorially still have control by virtue of them being senior, those kind of examples were very rare, when you were doing a story on, say, arts and culture. That's why I would definitely say yes, if I am to make an example. One example which comes to mind is when I was an executive producer of MORNING LIVE, I think around 2011 or 2012, there was a breakfast broadcast. I'm not sure whether at that stage it was a TNA breakfast but we had a broadcast with PRESIDENT JACOB ZUMA and one of the producers of MORNING LIVE had arranged for different analysis in terms of inviting analysts. On that morning one of the analysts that was invited was PRINCE MASHELE. What normally would happen is at the beginning of the show the presenter would say:

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Welcome to MORNING LIVE, you're watching SABC2
and what is coming up today is this and that.
They would promo the events. In studio at the
time, I think it was LEANNE MANAS but one of
those presenters would then have promoted that 5
PRINCE MASHELE would come through and that we
were having this special broadcast with
PRESIDENT JACOB ZUMA and that PRINCE MASHELE
will be one of our analysts. I was at the
venue which was either WOODMEAD or MIDRAND. 10
I received a call that morning from a furious
JIMI MATTHEWS, who was head of news or acting
head of news at that stage, asking me why we
had invited PRINCE MASHELE. I told him that
he was one of the analysts that was available 15
to come and do the analysis before we could go
into the actual event with PRESIDENT JACOB
ZUMA. He simply said to me: Well, you will
have to reconsider and perhaps not do analyses
at all and just cancel him. I was like: This 20
is a live show, we have just promo'd that we
are going to have this analyst and he's
probably on his way, and why. He simply said:
No, I don't think it's a good editorial call,
just make sure that he's not on. It was very 25

difficult because we had already invited the guest.

CHAIRPERSON: Was he already in the studio?

MS MASEKO: He was coming to the event. I don't remember and will probably have to check again with the 5
presenter in terms of what exactly we did. I think I had to call the producer that arranged for him, who had the numbers at that stage to tell him. In any case all I can say is that he didn't go on air that morning. The reason 10
from the head of news was that he did not think it was a good editorial call. There's a lot happening, there are guests at the event who we can speak to where we can get time for our analysis. That was the one incident. 15
Another - personally, as I said, things that relate to me, again still on MORNING LIVE - and it's these ones in particular because they were quite embarrassing. Again there was the former NPA boss. Help me, as the name has 20
gone ...

CHAIRPERSON: Which one?

MS MASEKO: Not BULELANI, after BULELANI.

CHAIRPERSON: After BULELANI, who led?

PANEL MEMBER: MPSHE? 25

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NOTHANDO MASEKO

MS MASEKO: No, not MPSHE, before him?

CHAIRPERSON: Before MPSHE?

MS MASEKO: Just before MPSHE, he wrote a book. He was removed, I think, by PRESIDENT MBEKI or ZUMA at that stage. Okay we'll remember later. 5

CHAIRPERSON: You'll remember that later.

MS MASEKO: I thought you would know, we can't both forget. He would kill us if he were to find out that we can't remember his name. Just before MPSHE. 10

PANEL MEMBER: If it was before I would know.

MS MASEKO: The man who came before MPSHE.

CHAIRPERSON: We will remember it before we finish this exercise.

MS MASEKO: PIKOLI, okay. There was another incident 15 with MR VUSI PIKOLI. He had just written a book and I had invited MR PIKOLI to come to MORNING LIVE. I can't remember but was probably acting executive producer. When I was in that role, acting as an executive 20 producer, I was also short producing, meaning I would be in control of the show in the morning, as an editor. I would sit on the chair and be able to speak to the presenters or just give direction of the show. Again it 25

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was LEANNE MANAS and when MR MATTHEWS probably
heard again that we have VUSI PIKOLI, he
called me. I think I missed his first two
calls and by the time he got hold of me,
literally it was about three or four minutes 5
before MR PIKOLI was to go on air. He said to
me: Why did you invite VUSI PIKOLI. And I
said: Well, we review books and it's a
Monday; he has also released a book and we
think it's an important or interesting book 10
that people have an interest in hence we've
invited him. Then he said: No, he must not
go on air. At that stage, because he had
asked who invited him, I said: I, NOTHANDO
invited VUSI PIKOLI. So I am the one 15
responsible here and there is no way that I'm
going to tell the man to go back. I am not
going to do that. Also it was not possible as
we had already promo'd that he was coming. I
literally like - when we have a phone like 20
this speaking to him and have the coms, which
means this would be a microphone that is open
to your presenter, she could hear. LEANNE
MANAS could probably hear the conversation.
On my side and I called LEANNE and told her 25

that I had just got a call and was instructed not to put MR PIKOLI on air. Because this is television, again it is live, but it was during an ad break or so, meaning he was being mic'd sitting down. Then he said: What are we going to do: I said: We are going to have continue and maybe talk to him about anything and everything under the sun. Maybe we can ask him what he had for breakfast. It's not a joke but a very embarrassing situation in the sense that when it comes to editorial matters, there is often no wrong or right. We could debate and you could decide if the story is important or not and the person that has the last word would have the last word. But when you're not given a reason, I don't think it's a good editorial call from somebody senior, and it's the caution in that is basically it, we will discuss it later but just don't do this. I remember one of the guys sitting next to me, just went: Yo, so you're risking - are you going to have this man on? I said in this case there was nothing I could do, he was on. And this was embarrassing to me, but also, you can imagine

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the person who now has to sit with VUSI PIKOLI because it is also about her credibility - as in LEANNE. At that stage she was the face of the show. So when you don't ask important questions that are expected of you, you also 5 feel for the viewer who is at home, who doesn't know what could have possibly happened in the background, and they would look at you as somebody who is not prepared, somebody who - I'm just saying that in terms of the 10 credibility. Even us as producers, because it would look like we were not prepared and that we had just wasted such an important guest and not asked the questions that we ought to have asked. I don't even remember how that 15 interview went because I remember having to go outside and calling up some other friend, well somebody that I would engage with when I'm frustrated, more of my mentor. I don't even remember how it went. It was a very 20 embarrassing situation and when that interview was happening, MR MATTHEWS then called again to say: But I told you not to put this person on air, and I said there was absolutely nothing that I could do. He said: But why 25

were you not answering your phone before? I said: I was busy, as I was in the middle of a large show and there was a lot happening and there was absolutely no way that I was not going to have MR PIKOLI. I guess I was too embarrassed to speak to MR PIKOLI after the interview, but I know that he knows that something went wrong. I think somebody - it could have been crew members, as the SABC is quite huge, or even LEANNE there could have told him he was not wanted here. So he knew, and he actually said - first of all he was surprised that he was invited. He just came because he didn't expect the SABC to invite him, but he came anyway and that interview turned out to be nothing because the hard core things that needed to be asked weren't asked.

PANEL MEMBER:

MS MASEKO, before you proceed I just want to find out, when you do all this preparation, inviting analysts and then setting up for cameras, is the head of news not put in the loop?

MS MASEKO:

In our case it depends on what is happening. In fact it is a good question that you are asking as we were expected to send what we

call a handover as an email to - at that stage when I was at MORNING LIVE, I would send it to the national editor, NYANA MOLETE and copy MR MATTHEWS as well, who was acting head of news. We would send an email, and that is why I would say that there would be certain pressures at some stage because you would have expected that he would have seen the stuff that you sent through. 5

PANEL MEMBER: Exactly. 10

MS MASEKO: But then something somewhere, sometimes changes and you just get that call. Sometimes the call would be in advance, as you've just asked. Maybe we send the handover or the programme and they would look at it and call you if there are any other concerns. I'm now head of TV, I would still do that if you allow people to do what they need to do, but if there are things that I pick up as well, I would ask who else they had invited or how were they planning to carry this - and I think you must also bring one, two, three, four or whatever. I would be in communique. But the reason I've mentioned those two examples is that you can imagine, it's almost like it is - 25

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I mean how do you - I'm talking live television here.

PANEL MEMBER: Three minutes before?

MS MASEKO: At that stage for me, yes. But whether it's three minutes or that morning, for you to be told, when you say the guest is here, you don't - maybe radio but television, in the morning it's MORNING LIVE, it's awkward that you would have somebody already, they are there in the studio and we say: Stop, I don't want them. Perhaps the next question or something that I should say is what that meant. I think that sometimes also created a self censorship in a sense because you are being threatened here. It went to a level - I remember another broadcast as well where MR JIMI MATTHEWS said to us - it was an inauguration, probably PRESIDENT JACOB ZUMA, maybe not an inauguration, I will just have to try and remember because there is a colleague of mine who has documented that particular incident. We were at the UNION BUILDINGS, however, and it was a live broadcast. I had arranged for analysts again, like your SOMADODA FIKENI, I remember and so forth. He

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then called in the morning and again the broadcast was planned because it was a big event, and it had gone through. We had submitted the planned broadcast and my broadcast plan was clear in terms of the 5 guest. Maybe I had not put the names but it was clear that we had an opening from the UNION BUILDINGS and my presenters, the roving reporters and so forth, and that we would have analysis from - a sort of analyst. Because 10 sometimes when you put an analyst, you don't know who you are going to find. Sometimes you can say: We are going to try and get an expert, maybe a journalist - let's say you're doing CODESA, you would say: We will find 15 somebody who reported on CODESA. We might not have a name for you because you don't know who is going to be available. Again that morning MR MATTHEWS called to say: Why did you have this analyst. I think at that time it was 20 SOMADODA FIKENI said, we do have our own contributing editor, you could have used VUYO MVOKO. He was more comfortable with VUYO MVOKO at that stage. I remember saying that VUYO wouldn't get me into trouble as he is 25

clear and will give a balanced view but why are you using people that might not necessarily add value to the conversation. And of course we differed. On that day he was so strict that he then said: We need to write a report, meaning corrective measures had to be taken. And I was not the only executive producer. We have what we call special projects, so the special projects executive producer was equally in trouble. In fact I think he was in more trouble than me because by the time his show came through as well, unlike me, who had lovely inserts and so forth and had colour, I think in his case he was told that he didn't even prepare for the show, that he relied on this analysis. I will try and see if THABO MPHUTHING still has ...

CHAIRPERSON:

THABO MPHUTHING?

MS MASEKE:

MPHUTHING, if he still has his submission of either DC or whatever that we were threatened with. It never took place but we were very scared and for me it was going to be my first kind of DC, but it never happened. But it was there. I'd say it was my first experience with that kind of threat, that: This is a

risk and you could just lose your job if you
continue to do that. Because I remember when
I responded, I said: But I have a broadcast
plan approved by you, Mr Matthews. I didn't
respond in many ways and I was just left alone 5
and I think THABO's was something that dragged
on. I'm not sure for how long, whether it was
three days or something, but mine was very
simple because I had a leg to stand on to say:
But you were fine with this broadcast plan. 10
Those are basically the things at that level.
Then again I got myself a job. I applied for
group executive for news and was informed that
I got the job but they felt I was young. I
was going to be part of their developmental 15
programme, meaning a succession plan, to fill
JIMI MATTHEWS' shoes, so I was then put in as
head of television news. Now in that role the
seat was even hotter. If I knew then what I
now know I probably would not have looked at 20
it in that way, but I was excited, thinking:
Yay, the SABC had announced their plan to
empower women and the youth as well and I
thought: Wow, as at that stage I had been
with the SABC for about fifteen years and I 25

thought: Yes I'm ready to serve, it's going to be a lovely thing to be doing. But it became something else that I kind of regretted, although on other days I would wake up and think that maybe it just comes with the territory, and I continued to fight on. I got to put on that face and kept fighting because it became and still is - it's almost as if I had to fight four times harder, the fact that I am a woman and the fact that I'm Black, and the fact that I am young. Maybe that is also subjective but it doesn't matter that I have twenty years' experience at the SABC, I'm still being called this junior, that I've been called from day one, since I arrived at the SABC. I am still called that, and you have to learn how to actually work with being called that junior because there are positives as well. All my life I've realised that those who are keen to empower you will take you under their arm and think: Oh come here, this baby, let me show you this and they're not threatened. But then you get a lot of other people who feel: I can't report to this junior, and your decisions are undermined.

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You are just this junior, just this child. We would joke about some of the guys that we've worked with to say: Even when they speak to you they change, they smile and say: Hello my baby, how are you? They still do that and it happens across. There was a guy who was a driver. I'm from PRETORIA and he recently retired and he would just say, (mother tongue). And the way he would treat me. He was very fond of me but then he became different when you have to have a BABA KHUMALO (indistinct) in an editorial position who thinks but they saw you enter that door here at the SABC and today you want to tell them how to do things, or you think you know better. Those were challenges that then opened themselves up, in terms of how people would hide their own agendas or how people who don't necessarily like you will use the fact that we were managers under HLAUDI MOTSOENENG. We were then seen, or are still seen, as - in fact I'm not even sure how that happened, where I was now placed under HLAUDI MOTSOENENG, because I think for a long time I was not called an enforcer, in terms of the

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records, when I was reading records. I would actually wonder why my name was not on as management, because I would think they were looking at news management. I think it started now in 2016 that all news management 5
were then seen as HLAUDI MOTSOENENG's enforcers. HLAUDI MOTSOENENG's - whatever names or labels that had been given. We started seeing those. It's so funny that even another colleague of ours, KENNETH MANATEES, 10
who acted for six or seven months, last year in 2017, he got the taste. He was nowhere near AUCKLAND PARK when HLAUDI MOTSOENENG was in AUCKLAND PARK, but he came to act as a group executive for news, and as soon as he 15
fell out of favour with certain people, he was called a HLAUDI enforcer. Unfortunately when we raised our concerns with management around correcting some of those things, fixing some of those things - because there is a policy 20
within the SABC not to go and correct certain aspects. We would be ignored, we'd be told: Oh, you're going to make things worse and so forth. But as you know, when things are being said over and over, they gain a certain 25

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character. They become the truth because they are being told every day. I still joke and laugh at KENNETH and say - because it's like: Why didn't you warn me. I said: It's that chair, it has nothing to do with you. There's a press release or a petition that was written and it named him as a HLAUDI enforcer. 5

CHAIRPERSON: Is that the FEBRUARY petition?

MS MASEKO: Probably, yes. I'm just writing my notes so that I also get that petition. Yes, so as I said when I got to the chair, things got quite hectic. I had realised that I had inherited a newsroom that was very divided. A newsroom that, as I said, in itself - I mean knowing the SABC in some provinces it got worse where the people themselves even aligned themselves politically - who would sort of - certain people - I shouldn't say they aligned themselves, but if you are a manager they will assume that it means you are with a certain group or a section within the ANC or whatever political party that they will place you with. For instance before I make some examples, just to elaborate on this, when you go to LIMPOPO, you will find that the division is a bit 10 15 20 25

concerning, because it even goes with, it's ethnic. It's that they would say: No, so and so is a VENDA-speaking person, so it means (mother tongue) either MOTHAMBI(?). And if you are maybe a certain - I think there are 5 different groupings even within the VENDA ethnic group itself and there would be people that are seen to be with the King. I remember I was getting confused trying to figure out if they were not all VENDAS and they would say: 10 No, this one is this kind of VhaVENDA, or this. When you would go there you would feel the tension in the newsroom. It was bad. Where people would question things like: So and so is the station manager, and therefore 15 the next station manager or the next manager that must come into this position must be either PEDI or something different. And you think: What the hell is happening here, where people are that divided? But it got to that 20 level. There was also an incident with one of the reporters, KGAOGELO MAGOLEGO. The then manager had first called me, in fact a month into my position of head of TV news in January 2015, I got a call where they complained that 25

they had this reporter who they were having trouble with, like absenteeism and so forth and he now wanted a cellphone sponsored contract, and they were not giving it to him. And I said to them: No, the SABC policy affords him that he must get that contract. In fact he had also written to me complaining that he was being discriminated against, that the managers wouldn't sign for his contract. I then instructed the managers to say: No, he qualifies so they must sign. Then they said that he was also problematic, and I said: Look, you are managers and are put there to manage him, so use the internal processes to deal with whatever problems you have with this person. To my surprise I learnt about three months later that I was perceived to have been protecting this KGAOGELO because I had a different view, I said they must sign for his cellphone and if they have other problems they must deal with them, they must document them and use the processes to say on such and such a day he didn't come to work and manage that process. They didn't have that so they couldn't go ahead at that particular stage

with any corrective measure, whether it was a DC or other. So he went on and then he worked. I'm not sure whether it was 2015 or 2016 one of the incidents that I felt was politicised. I received a call from the same manager, saying: You see, that person of yours that was the word, that you've been protecting. And I'm like, who it's like (mother tongue). No this KGAOGELO is problematic. What did KGAOGELO do? KGAOGELO is refusing to package a story. KGAOGELO had gone to a story that involved the then Minister of Communications, FAITH MUTHAMBI. It was an IMBIZO and the day before he had gone to the story. If I'm not mistaken it was a Friday, but we had sent an SMS to the POLOKWANE office to say there was this IMBIZO that was taking place and KGAOGELO went to cover this story. When he got there he asked the Minister a question about DTT, and the Minister refused to answer. She said: No, I'm not here for that, I'm not going to talk about IMBIZO. It was then reported that KGAOGELO decided that there was no story there and he left, and we were expecting the story.

The manager then said to KGAOGELO: Kgaogelo, go back, you will do this story. They then called me to say he was being rebellious. I called him myself to say: What is wrong. He said: No, he didn't think there was a story there. I said: Look, it happens all the time that we go to press conferences, we ask Ministers certain questions that we want and they either go that way, or they tell us that they don't want to. So just use that answer and say when the Minister was asked on DTT, this is what she had to say. She said, No, I don't want to answer, but just do the story. KGAOGELO refused. He said no. Then I said to them once again: I am not going to get involved and tell you how to handle this thing. If you have all these things that you are saying about KGAOGELO, I hope you have documented them and you have managed his situation, because it was a long story about him the day before not having come through, or gone to a march or this and that. I don't remember the details, but there was a DC that then took place and it was again politicised. The report was that MUTHAMBI had instructed

the SABC to deal with KGAOGELO. I must just find where there is, because I don't remember the wording exactly, in terms of how it was put. But basically a lack of, I would say, a disciplinary or mismanagement or whatever of that became politicised. It became political. I believe the whole case went to the CCMA and labour law. Unfortunately he still didn't win the case, but the damage again around how people would say this was about politics, when it was a simple task like that, of somebody who was just refusing to take a simple task from his line manager. You get some of those examples, but then you wake up and you read about yourself in newspapers. Then in terms of how things got tasked, for instance in 2014 during the elections, I was not head of television news. But recently even now during this commission I had to listen to a political party representative, in this case the EFF saying that there was a campaign against the EFF, which was led by NOTHANDO MASEKE and (inaudible). And you're thinking: How was I to do that? I was so far from those parts, because I was not in the newsroom at that

stage. But because we don't correct it - and in this case I had again voiced my unhappiness with management to say: How come SABC doesn't allow - if I am not allowed to go to the media, can the SABC at least not release a press statement that corrects some of the things, to say I was not there. I could be wrong but even in 2014 if you look at somebody like ZWANDILE MBEJE, I think SIMON TEBELE was the political editor, and you ask yourself how on earth. However, in his case I think for the elections he was appointed to oversee the elections and maybe that's how his name came about. But you wonder. And again on the same platform that the EFF for instance makes, they then say: But we are happy with the 2016 elections, because probably those who were in charge did the right thing. Then I'm like, Ah, I'm happy because I'm the one then who was in charge, so I can't respond on their 2014 elections because I was not even part of the election core team. Because the truth is that, yes, they were not recognised. JIMI MATTHEWS has said that in public. It's not a secret to say that he had taken a decision

that EFF is not a big player and even certain visuals he didn't want to be seen. He is on record saying that he had taken that decision, so it is true that 2014 must have been very difficult for them. However, the question becomes: uNothando ungenathi - because she wasn't there. It's one of those things, as I said. It still happened, was it last week - and I still did not have a platform to say anything for myself. The response that we received from management was that they have taken it up to the CEO and that's where it ends. It's been the story of our lives. Either it is taken to the CEO or the SABC will decide that there is no need to respond, because in their view they will create an unnecessary backlash or bad PR publicity. This current management did not say that. Our GE said, no, she's taken the matter up with the executives. But in the past we would be told all sorts of things, that certain things that would be corrected. Again, as an individual, personally I felt so attacked. In July 2017, I think - I will have a look - but it was EFF's birthday, and they called out my

name and said that I was a GUPTA puppet and that I had brought the TNA breakfast to the SABC. I was the one running - because I was the executive producer for MORNING LIVE. I think that is how they linked me to the NEW AGE, the TNA breakfast and they then said I am the one. It was before the SABC terminated the contract. There was already a public outcry around the TNA, probably for a year. I think since the GUPTA lending people have questioned us about why we continue having the TNA broadcasts. As an executive producer for MORNING LIVE, my answer was: I work for the SABC, the contract was not even approved by us, it was approved by Group. At that stage the contract was signed by the Group CEO, it was requested by then acting GE of news, MIKE SALUMA and the final approval was at CEO level. We were just going with the contract that the SABC had committed itself to. I felt personally attacked when I know - again I went to the SABC to say: Can we not correct this, we've just had the *ad hoc* Committee, and the people who were involved in drafting this contract and how it came about, whether it was

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DR BEN NGUBANI and PHIL MOLEFE debating how this TNA came through, said in public: You have your own documents, you have your own contracts, you know how it happens. How does my name get dragged like that and not be corrected? I wanted that to be corrected again, because for the public of course I was the executive producer of MORNING LIVE and these TNA broadcasts were sitting on my programme as an executive producer for MORNING LIVE. It is therefore easy for a public member out there who sees my name in the credits at the end of the show to believe that indeed this is my project. But why is the SABC not correcting it? Or at least if I can be given an opportunity to go up there and say, no that is rubbish. I also felt intimidated because political parties in their nature - if a leader like JULIUS MALEMA speaks your name on a public platform like that, it's dangerous. You end up getting insults from your public as well, so I felt unprotected. At that stage I felt I was being associated with the GUPTAS, and it's like somebody is burying you. SOUTH AFRICANS were very angry

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towards the GUPTAS, and everything to do with state capture, so for anybody to now drag you into it and say you are part of the team that brought these things - I don't know how they put it, whether you are a curry eater, or something, but they assume you must have been paid a certain amount of money to bring these things to the SABC. It didn't sit well. The worst part is that when these things happen and it's in the newspapers, it's how it affects your family. My dad actually got sick. I think it all happened because he was just watching and hearing how my name was being dragged around and he fell on that day. He hasn't recovered. So when you see how some of these things affect your own family, it's pain. You can take the insults and take comfort from knowing that your hands are clean, anybody can investigate you, do a lifestyle audit or whatever, but the damage at personal level is costly. That incident, by the way, came after a story that the political team had been doing. As I said, it was basically the week leading up to their birthday, or EFF's birthday fell during the

week and the celebrations were to take place over the weekend. During that week, I think on the day of their actual birthday, when I was acting group executive of news, the political team decided to cover a story on their birthday and to review how the EFF started. They went for the founding members of the EFF and one of the founding members or somebody who was very active was KENNY KUNENE. So they went and interviewed JULIUS MALEMA and interviewed KENNY KUNENE. JULIUS MALEMA was not happy with KENNY KUNENE being interviewed. He called SOPHIE MOKOENA, and I don't know what he said to her. He called MZWANDILE MBEJE, and I know that he even asked them why they had KENNY KUNENE. SOPHIE said: Hey, (mother tongue) NOTHANDO, if you are unhappy. And she came to the office saying that EFF called and said they were unhappy. As I said, when you are on that chair you are used to complaints. It's okay, I don't mind people complaining when we've done certain stories. Sometimes their complaints are genuine, sometimes not, so I am used to getting calls. JULIUS then called me on my phone to say I

must have an agenda against EFF. Why on our birthday are you allowing a story to be aired that has KENNY KUNENE, and by the way it's not the first time that you are bringing KENNY KUNENE. The first time that he was referring to, it was me who had invited KENNY KUNENE. It was on MORNING LIVE. Even then he had called me and I had said: Yes, it was me who had invited him. I told him: But you come and answer back; KENNY has been everywhere else, in certain media houses; he's not banned at the SABC but it would be nice to hear - we will give you the same right of reply. He still wasn't happy and he said no, it was fine, he was not going to come and answer to the allegations that KENNY had made. So now a few months later KENNY KUNENE is on SABC platform again and I think it was either him who had decided or - but I have a strong belief that he might have been told by others: NOTHANDO must be with with KENNY KUNENE. I had nothing to do with inviting him. It was a story done by MONTLENYANE DIPHOKO. As I said, it was the EFF's birthday and they went to the founding members. while I was trying

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to explain to MALEMA: but there's nothing wrong, it is just about the views and I don't have any agendas, I didn't plot a KENNY KUNENE on that story, it's the team, and that is how they planned to cover that story. He got so 5
angry that he actually dropped the phone on me. I then sent him an SMS: I've been trying to get VODACOM, to say, I'm not sure what is happening but if there is anything that he is unhappy with he must let me know, as I will 10
always give him right of reply. He didn't respond and since that weekend the allegations about me having brought the team - because it was like: There is a woman there by the name of NOTHANDO at the SABC, a young lady - and I 15
thought (mother tongue) that he is calling me this young lady, but anyway he still did. She's very junior. That's why I say he repeated words that I have heard before, and in exactly the same way, where you think I'm 20
sure it's this person that has spoken to MALEMA, because as I said it was the junior. I'm not sure whether he also said I'm a HLAUDI enforcer or not, but he then said I'm a GUPTA 25
curry eater. I'm certain I would have lived

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with a HLAUDI enforcer, but a GUPTA curry eater - whew, as I said it was at a time when SOUTH AFRICANS just didn't even want to hear that name. I'm sure that people are still angry now, but then the timing was just bad. 5
Anyway, all that I'm saying is that you get intimidated to that extent. I'm still trying to collect money to see how I can still get justice for that particular incident, personally. Again it was then a few days 10
after that in Parliament, it was repeated, and in Parliament they would say: Oh they are protected - whatever they say are protected It was again repeated that I'm a junior. This time by MR NDLOZI - he repeated. I think the 15
SABC management was giving back a report or they were appearing in front of the Communications Portfolio Committee and again BESSIE was the acting CEO. And I thought Mam BESSIE could still have responded, as she knew 20
she had the information at her disposal. I had already a few days before told her about my unhappiness with the event. I think it was MPUMALANGA, at the rally. And when it is repeated - well, I don't think in Parliament 25

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they used the GUPTA thing, they just said an inexperienced person or junior that is acting as a GE. Still again I felt naked and realised we are on our own. It was at a time when - it's like now these managers that served under MR MOTSOENENG are seen as HLAUDI enforcers. As I said I'm here to - because one of the things that I've always wanted was an explanation of what is a HLAUDI enforcer. Who gets this name? Who gets to be labelled and why a certain group only? Meaning what are the criteria used at the SABC if there are managers? Is it for all the managers or is it for certain people, and what exactly does it mean? Because my assumption is that you are enforcing HLAUDI's policies. I'm not sure whether it's HLAUDI's policies or it is the SABC's policies. Whether it is something that has driven the newsroom crazy, for instance the protest policy. You ask yourself whether you are suddenly now the owner of this policy or what. Are they suggesting that you are the one that is enforcing it in the newsroom while everyone is saying, is it you? You ask yourself: Are they suggesting that as

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NOTHANDO you are the only person that is probably enforcing this policy, while everybody is saying no? Is that why people would say you are this enforcer of this policy? You ask those kind of questions, and again even with your protest policy, when you see those - this process is the first time that one has an opportunity to actually perhaps say some of these things, because we've never been given that opportunity, even when we've asked for it. We've asked Mam BESSIE, to say: Look, we're even going to have the new Board, and there are things that have been said about us, can we put these things into perspective? You know the truth yourself. So people might not know things like the fact that the very morning that the protest policy was announced people don't know that I actually got a call the evening before at about 23h00 or midnight from SOPHIE MOKOENA, who was then acting political editor, saying: Nothando, social media is mad, there is this protest policy that apparently the SABC has put in place, what the hell is it? And in my sleep I said: Sophie, wait -

because anyone who knows SOPHIE would know as well that she's very dramatic. She didn't even say hello. It was just someone calling in the middle of the night and she's already going (mother tongue). She's shouting at you and you're trying to figure out what she is talking about. Indeed I also went to social media and I was shocked. The first thing I then did, because she said to me: Nothando, I'm helping you with this project, you've asked me nicely, and if that's how the SABC is going, I also won't help. Very early the next morning we went to the then COO, HLAUDI, and I said to him: I think this is sabotage on my behalf because I just feel I've been let down. No one has spoken to me about something that is definitely going to affect the credibility of our newsroom, and most importantly we are not in agreement with this policy as a news division. Then he said: No, it's not what we meant, this press release wasn't written properly, what we are saying is that you must practice caution and be responsible when it comes to pictures of violence. And we thought: Really? Okay can we get KAIZER now,

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today, to come and correct this thing on air?
He agreed and called KAIZER there and then.
KAIZER went live on television to say: No,
you see, the SABC is not saying we are banning
- he was trying to explain this protest 5
policy. Then we defied it on the basis that
we had a leg to stand on, because they said to
us that is not what they mean, and even KAIZER
came through. So we were able to continue
covering protests and "fees must fall" and all 10
of that, because the COO had said to me: No
I didn't say you guys must ban this thing or
stop this thing. However, if you read the
press release it is something that is probably
something we need to get as well, you would 15
see that that is what it meant. Again the
message that went throughout the country, and
I'm sure even today - because it was not
corrected - is that there was a total ban.
Anyone can interpret it whichever way, but the 20
reality is that it intimidated our reporters,
it messed up our newsroom environment and it
created a lot of unhappiness. I remember the
people who were just there covering the
stories, CHRISELDA LEWIS and MANGOPA. MANQOPA 25

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came to me to say: Hey boss lady, you know even our lives are in danger now when we go into the streets because they say the SABC is not balanced in telling these stories. This was like your "fees must fall" and so forth, 5 and people are often aggressive towards us. You can imagine. Forget even about the credibility, but as a reporter, reporting for the SABC, carrying that mic, they didn't have the confidence and the pride to carry that mic 10 because of what was happening. So literally we were killing the newsroom, if it was still alive, if it was still breathing. But I'm talking about the morale here, because one thing that we must never forget is the fact 15 that in the midst of all of that the SABC newsroom continued to deliver on quality news stories under difficult circumstances. I will speak for myself because during that time it was in 2016, it was an election year, in fact 20 when the SABC 8 were fired - whether it was in July or so - we were a few weeks away from the elections. I personally had to meditate and use everything in my powers to remain focussed because there was a big project ahead of me 25

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for which I was responsible, which was the 2016 elections. But it was tough, and in terms of the plans it included having to find people to replace say, VUYO MVOKO, who was supposed to be our lead anchor, who was also the contributing editor and very involved with the planning of the elections. So to lose people basically two weeks or so before such a project was a killer. As I said, I was acting as a GE for news and then on the first day that we were coming out of PRETORIA, MR MOTSOENENG came to announce that I had been replaced, that I would be removed and was going back to head of television news, and that SIMON TEBELE is now the GE for news. It was very tough. Again, I still had to be focussed because it was not like I was removed from my responsibilities of taking care of the 2016 elections, but I am just telling you the things that were then happening at that stage. It was tough but I'm very proud to say that the 2016 elections, when I acted as the GE elections before the elections, while it was tough there were little things that I can gloat about, and say, at least I tried. As I

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said, I inherited a space where for the EFF indeed, as they said, we were not allowed to use certain visuals, like "pay back the money" and so forth. We were able to reverse that. Basically what had happened is again the then 5 acting political editor, SOPHIE MOKOENA had said to me - look, she actually used gender. She said NOTHANDO you're suddenly acting as a GE for news, it's a very high position and I'm also acting as a political editor, meaning we 10 were both firsts in terms of women in those positions. We need (mother tongue) we can do things differently. That was the attitude. She then set up meetings with almost all political parties so that we could discuss 15 their concerns, and tell them our approach in terms of how we were going to distribute our resources, because there are always complaints or debates around who gets more time and who gets less time. I think that project helped, 20 because that's when we met with EFF and they raised their concerns. We had the meeting with the executives of the SABC and we were able to tell them then and agree with them that it was wrong for the SABC to take that 25

stance. And now we were coming in as new players, and we were not going to have that. So we were able to reverse such. We also worked in an environment where it is true if you've ever heard of things like: You either 5 have the door or the window. If you have ever heard of that. It is true, it is not a lie. You would sit in a meeting and if people raised their concerns, that was the kind of attitude with which we were dealing. Or 10 threats which were not just threats, because in my view if you went and fought harder you could risk losing your job. It was literally true that they had the door or the window.

PANEL MEMBER: Did it happen during HLAUDI or before he 15 became the COO?

MS MASEKO: You mean the door?

PANEL MEMBER: The door and the window, and whatever?

CHAIRPERSON: It came again - it was a group of reporters - I was not at that meeting but the radio senior 20 management had raised their concerns around the protest policy.

PANEL MEMBER: Again, I'm talking about the ...

MS MASEKO: The door, yes ...

PANEL MEMBER: The situation whereby the senior manager can 25

- give you an instruction and if you resist you are being told that you can be fired any time.
- MS MASEKO: Look it's been the card at the SABC.
- PANEL MEMBER: Even before HLAUDI?
- MS MASEKO: Even before HLAUDI. I'd like to believe - 5
TATA HLAUDI worked at the SABC. Maybe it got to another low, or it was not as sophisticated and even the politics of the country. You know when you didn't have as many players in the politics it was easier. 10
- PANEL MEMBER: Before.
- MS MASEKO: Before, where it was more at the level of the sophistication. I think it went to another low, but the culture of that kind of authority, of people - you know, during the *ad hoc* Committee THANDEKA GQUBULE mentioned an incident, saying that she was almost fired for the planning of the 2014 elections where she was just a scribe. Then she said LUTHULI HOUSE had to intervene to save her from not 15
being fired. She didn't say who at LUTHULI HOUSE. Well, I was not in the newsroom at that stage but I can imagine, or believe that it could have been possible that somebody at LUTHULI HOUSE might have called in. So those 20 25

are things that happened before. In fact the article that got VUYO MVOKO into trouble, with writing an article about the SABC without permission, that he published, I think it captures the essence of the history of the SABC and political interference very well. Because he starts from either SISULU days and he goes on and explains how - in fact I remember one of the things that he said there was that HLAUDI or JIMI is what SNUKI was to MBEKI, meaning HLAUDI is something like that to ZUMA and SNUKI was that to MBEKI.

CHAIRPERSON: To MBEKI.

MS MASEKO: Something like that, if I remember how that article was captured. He brings it back home by starting from the top in terms of ...

PANEL MEMBER: So you concur with that, in your opinion?

MS MASEKO: In my opinion. You know these things depend on the level that you are at in the corporation as well. So when you are at a certain level you don't get to feel the wind. The taller you are is when you feel it, but then you can see again from far as well and you remember how you covered certain stories. You would remember there was the blacklisting

of analysts during SNUKI, so this SABC saying no to analysts was not new. It's not new it's just a different script, a different cast.

CHAIRPERSON: Let me ask you about Parliament. Did you make a submission to the *ad hoc* Committee? 5

MS MASEKO: Not as an individual.

CHAIRPERSON: Mmm.

MS MASEKO: What happened basically was that after the *ad hoc* Committee occurred before Parliament, as a news division for people like me, whose names were mentioned, I felt strongly that I needed to respond. So we did go to management then to say we needed to respond and in writing. We did write a submission. There was a team put together by the SABC at that stage - not SABC news *per se*, but by the SABC to respond. Because you would know that the *ad hoc* Committee raised a number of things. There are a lot of people that appeared before it, whether it was your HR or your procurement bosses. What happened was that as News we then put our response, that it went as part of the SABC's response. 10 15 20

CHAIRPERSON: So it wasn't a submission by the so-called enforcers? 25

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MS MASEKO: No, in fact remember before the *ad hoc* Committee we - I don't remember if we were necessarily invited or if we even knew that there were allegations at that stage, because initially it was a project that was initiated 5 by the so-called SABC 8, to say they wanted to appear before Parliament - meaning it was their initiative and their event. I do remember that about two days before it started SOPHIE MOKOENA demanded that she also wanted 10 to go there so she could be heard. I don't know what happened, whether Parliament said no or whatever, that we would get an opportunity to respond after these guys had told their side of the story. We did that, and again I 15 was personally not happy with the entire process because I felt - well, I could be wrong, but again I wished we could have been given an opportunity to respond, also on camera or in Parliament to any of the 20 allegations that were made. You would know that not even HLAUDI himself, who was the centre of the whole thing, was called in to respond.

CHAIRPERSON: I think he declined, didn't he? 25

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MS MASEKO: They said in Parliament, if I remember well -
and I stand to be corrected - he had an
opportunity as management at the SABC. There
was an incident that happened in Parliament
where management of the SABC walked out. They 5
staged a walk out or something like that. I
think they used that to say they declined.

CHAIRPERSON: Okay.

MS MASEKO: Maybe they had a point, but watching from home
as a person I would have loved to have seen 10
him on the chair still, as somebody who - I
mean each and every person that sat there
mentioned HLAUDI. I'm sure even with us
coming here everybody will have a HLAUDI
experience. It was just awkward for me that 15
HLAUDI was not called in. I then thought:
Oh, it's fine if I am submitting in writing.
So we put down a report with that team, and
again I still felt bullied because the SABC
had a team of people that were in charge of 20
that particular process. As a result I am not
sure of exactly what they submitted, or even
if they thought our input mattered or not. It
was dealt with at a very high level. I was
still not happy. I thought this was just 25

something else that was going to take me through another process that I was trying to block, as I was going through a lot of stress. I am even going through a process where a lot of things I just don't want to remember, 5 things that personally hurt me or traumatised me. What people don't know is the personal embarrassment or humiliation that we experienced ourselves as management, and I don't know if I would now say it's the culture 10 at the SABC in terms of how people would abuse power, or if, as I made an example, you go back. When a lot of those things were happening to me I would ask myself: Is it because I am being perceived as young that 15 people think they have a right to speak to me in that tone or manner? Is it because I'm a woman that I'm just being rubbished and humiliated? I was once called in - there was a workshop that was taking place on politics. 20 I was not at that workshop, but I was called in by HLAUDI MOTSOENENG just so that I could be embarrassed in front of a group - I don't even know who I got the call from, but I was called to that meeting simply to be told that: 25

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You are no longer in this acting position, someone else is going to come through, and I'd like you to - there were no processes or whatever, you were just called. The interesting thing is that the then group executive for HR was also called in, so we drove all the way from MPUMALANGA to VAAL to be told. As I said it was during a workshop, to be told that: With immediate effect your are removed from your acting position. 5 10

CHAIRPERSON: Was this during the inauguration? Was it the inauguration or the elections?

MS MASEKO: No, this was in 2016. I'm trying to remember. Yes, it was in 2016.

CHAIRPERSON: I thought you said while you were doing the elections HLAUDI came in and told you that you are no longer ... 15

MS MASEKO: Yes. You see, I said I was acting. So I would act today, maybe for a month or two, and then if whoever was acting there also fell out of favour, I would go back to an acting position. 2016 was a little bit like that. Because, remember, I'm the head of television news, so to act as a group executive for news. NTATA TEBELE was now made official, I think it 25

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was on 1 August.

CHAIRPERSON:

At the workshop?

MS MASEKO:

No, not at the workshop. At the workshop I was just told that I would no longer acting in that position. You would be treated like 5
that. I don't know if they told us then who was going to act, maybe they did, but it was one of those things where I'm saying in terms of humiliation or a show of power it would be thrown at us or portrayed. I now look back 10
and I think: Wow, with everything else that has happened since 2016 as in the SABC 8, we have all been empowered, we're all stronger. Speaking for myself I'm a little bit fearless but there is still that anxiety. For me I 15
know that I'm empowered in the sense that if there are things that I am uncomfortable with I can stand up and say: No, I'm not going to do that. There were times when we - there are lots of things that might not necessarily be 20
editorial, again, where I would like to believe that they also put me in an awkward position - well, not an awkward position, and let me not say the bad books but say that I fell out of favour because NOTHANDO was not 25

doing certain things that I had been asked to do. For instance JIMI MATTHEWS in the very same year, 2016, had instructed me to terminate VUYO MVOKO's contract. There was VUYO MVOKO's show "ON THE RECORD", and he had told us that he didn't want that show anymore, and we must stop the show. He then said MVOKO also likes to Tweet, so I must speak to VUYO MVOKO about his Tweets, warn him and actually stop scheduling him. With MVOKO it was easy, as he was a freelancer, an independent contractor. I then confided in NYANA MOLETE to say: There's this thing and I would never live with myself. Because as management one of the things we had discussed was that while the seats were hot we needed to try and protect the teams, so that we take the heat and hence protect them where possible. NYANA MOLETE said: No, why don't you go and chat with the COO. NYANA MOLETE is a man with a lot of jokes, and interestingly enough he said: Why don't you go and check with the Alpha and the Omega. The reason being HLAUDI that at a workshop HLAUDI told all of us that he was the Alpha and the Omega. That was the

term that he used: Go and check with the Alpha and the Omega. I then called the Alpha and the Omega and he told me he was not aware of that and what was I talking about. I took the then political editor, SOPHIE again - I think it was a holiday. I called VUYO MVOKO and asked him to come, and he said yes he would come. But then that morning he was stuck in CAPE TOWN with work, he had to do an interview and so he couldn't come. We then went with SOPHIE MOKOENA to MR MOTSOENENG and asked him why there was an instruction to remove MR MVOKO at that stage. He said he knew nothing about it, and we said, no. He asked us why, and then I told him that JIMI had told me to remove him. Then he said: Go and speak to JIMI but no, that instruction didn't come from me, and besides why are you guys here. We said: We value MR VUYO MVOKO, we value his work and we think he is doing well for the SABC. To our surprise MR MOTSOENENG said: I concur with you guys and asked us what the problem was. He actually said: Sophie, if Mr Vuyo Mvoko is giving Jimi Matthews problems, maybe you should work with

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him more, maybe go and work with him, do your
OUAGADOUGOU that you normally work with him
at, because they used to work very closely
together. MR MVOKO was not only doing just
politics, he would do the AFRICAN side of 5
things and international news. So I left
there and was a bit confused but then I knew
that the Alpha and the Omega had spoken. The
relief was: Okay, at least I don't have to
terminate MR MVOKO's contract. So that 10
contract wasn't terminated, and instead,
because he was reporting to MR MOLETE, who had
also received that instruction from JIMI, what
he then did on his own, is he dealt with the
issue of a Tweet on behalf of the SABC that 15
went on VUYO MVOKO's Twitter account and
almost like a progressive - because for
freelancer, an independent, you can't use the
internal disciplinary processes. So he did
that and then MVOKO was basically saved, until 20
he wrote that article in solidarity of our
colleagues, of the SABC 7 in this case,
because he is the eighth member. He wrote the
article basically after, either the three or
the four were suspended or fired. Somewhere 25

there he published that article.

CHAIRPERSON:

Can I ask you, was there ever a time where you were instructed by HLAUDI or JIMI to do something or not do something and you disagreed with that view, but you actually carried it out to the point where people see you as enforcing? 5

MS MASEKO:

Many times, yes, there would be. I'm just trying to think. For instance HLAUDI MOTSOENENG was very particular about how he looked on television. Many a time when there was a story where he was featured, he would call me to say: I see on those visuals (mother tongue), if he looked like he was shining or something. We would laugh and say: In terms of the expectations, if you are filmed shining, I can't change that. But it would be like: Go and look at it and fix it, try and find a different shot and so on. In most cases I would personally, if I had to change a shot of him sitting at some conference, I would get to a point where I would do it myself. I'm certain that people thought - sometimes a call would come in, you were with the team, and they knew they would 10 15 20 25

look at those things and in terms of - most
calls I got from JIMI MATTHEWS. I'm just
trying to think in terms of what would be
different. Oh yes, actually for instance, in
this case the story then went on air. There 5
was a time, it was an ANC conference on
JANUARY 8, I think, in the NORTHWEST. VUYO
MVOKO had interviewed the President. JIMI
MATTHEWS called me and put me under a lot of
pressure to say: No, that interview must not 10
go on air, we must remove - I don't remember
the detail. But it was just to edit it. I
had already left, where they were going to
either edit the events and so forth. I called
VUYO MVOKO, telling him that I was under 15
extreme pressure because JIMI had been calling
me about that interview, because I was not
present when they did the interview. It was
basically at a different spot, but JIMI was
not entirely happy with the entire interview. 20
I said to him but we can't. And VUYO also
told me, he said - look, he was very angry.
He said: At the end of the day you guys have
the final word, but it would be ridiculous.
We were the first as SABC to get the 25

interview, where other media houses had done the same interview, but for us either not to air this thing or to edit it, whichever way, to take out certain questions that other media houses would have asked, would make us look 5
funny. I then convinced JIMI MATTHEWS, and I think when he realised that everyone had probably asked that question, he eventually said: Okay, it's fine we can go ahead with that interview. But it was such a close call 10
that if he had missed me on my phone, maybe that interview would not have gone, because I would have gone with the last word, which was that that interview must not go. In other instances, we differed with his decision that 15
we shouldn't show certain visuals, like of the EFF. The painful thing is that most people in the newsroom knew that we differed with that view, but for some reason the narrative would go out. And that's why I always wonder why we 20
end up with these labels. However, my final answer is always that I guess because we're the top management - because when you look at all of us in terms of top management, the most senior in the newsroom have been labelled as 25

the enforcers by virtue of our positions. Yes, I have been asked not to - we differed with that but we still went ahead. If I have to speak for my colleagues, there's an example that is very publicly documented and everybody, before a name was even mentioned, knew who they were talking about. Again when one of the reporters decided that actually he was going to use the visuals regardless, that was LUKHANYO CALATA in Parliament. NYANA MOLETE called him to say: Ntata, you want to get me into trouble, risk my job. It's a well documented thing. As I said, before his name was even mentioned, I could tell which manager LUKHANYO was talking about. I know how NYANA felt about that decision, but he still took the instruction. I guess like all of us. I'm trying to get another example, but I can't think. It would be - how can I say this? That is why I said it's very important that we remember that the SABC did a lot of good work. With the 2016 elections, I think it came out, we did ourselves proud there. There are many other projects, whether it was big conferences or - while that was happening you would also

have this monster, where once in a while there were these examples that we are making. Because it was not like every day. It was not something that happened every day in the newsroom, but once in a while there would be an incident where you just wouldn't agree in terms of how it should be done, but you would do it anyway. I gave an example for instance with PRINCE MASHELE. It was not that we agreed, I actually tried to fight it off but it happened anyway. PRINCE MASHELE was not on air.

CHAIRPERSON: The relationship between JIMI and HLAUDI, did you get the impression that JIMI was acting on instructions from HLAUDI, or was he was in fact using his own editorial judgment on some of the issues that he raised?

MS MASEKO: You know if you ask me that question ...

CHAIRPERSON: Which I have done.

MS MASEKO: Yes. Say the names are different, when it's somebody that you know very well, I would confidently answer and - this is my view. With JIMI, like most of us, I feel he got to a level where he censored himself, and obviously if he censored himself there must

have been pressure that he was under. I wouldn't know whether it was external or internal, but what I can tell you is that HLAUDI was a very powerful man, and maybe still is. He's a very powerful person, extremely confident and overpowering, and even when JIMI was acting as the CEO, HLAUDI was the kind of person where you got the sense that he was the one in control. If you even listen to the *ad hoc* Committee, people were saying they didn't even think the Board was in control of HLAUDI. I wouldn't want to make an - I understand when somebody has a very strong personality, people can also confuse it because HLAUDI has a strong personality. Yes, for instance, the examples that I made, JIMI didn't sound like somebody who owned that decision, and hence he wasn't able to engage further. Therefore, based on my personal experiences in terms of how he would communicate some of these things, I would say that he must have also gotten pressure. There were times where, as per the EFF example, he said it was his decision, and I could have gotten it wrong, I was thinking it wasn't his

decision. In fact I never thought it was his decision until he came live on television to say he was the one who decided on that. I was actually shocked, because all along I thought it must have come from somewhere. The same 5 applies to another example, this VUYO MVOKO example that we have made. The reason why we had gone to the Alpha and the Omega was because again we thought maybe it was not JIMI. That's why I'm saying that place 10 changed him, and maybe I changed as well, to a level where he also self-censored himself and maybe didn't want people who might give him problems. Let me give an example of an incident. Currently we have a political 15 editor and a foreign editor. Before that, a political editor was in charge of international news as well - politics and so forth. SOPHIE MOKOENA is the foreign editor for a news editor. Then when JIMI went on 20 holiday or on leave, he would normally make me act as well, or, if not me, he would either put SIMON TEBELE - There are GMs in news, SEBOLELO, at the same level. So if he was not available he would choose any of the GMs to 25

act. But if you are a television GM, like me, often it's almost automatic that they would make you acting. Most of the GEs would. Even my current GE now, when she goes on leave, she...

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CHAIRPERSON: She has kind of gone on leave already.

MS MASEKO: She's also gone on leave.

CHAIRPERSON: She's too new to have gone on leave.

MS MASEKO: Well, not too long - recently she was in ZIMBABWE, but it was also for the preparation of the elections, so she just left me with the ropes. She's not too new.

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CHAIRPERSON: I'm just joking.

MS MASEKO: Yes. Then what JIMI did was, he instructed HR to make SOPHIE MOKOENA political editor and foreign editor, meaning permanently, with immediate effect, but then halted the whole thing. What he had done was, he was going on leave so I was then to come in and authorise that move. I looked at it, I thought: Yo.

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The political editor position is a highly-contested position, so if you were to do that without following your processes - I mean, the SABC policies allow us to deviate if we wanted to. They allow us to headhunt and so forth,

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but the way he had done it, for me at that stage I thought: Why is this being left to me? Fortunately an HR person, MANNIE ALHO, had already written to Corporate Affairs to tell them to put it on intercom to announce that from today SOPHIE MOKOENA is the political editor, meaning that the roles of the foreign desk are now one desk and it's with immediate effect. It's like what? So the HR person called me to come and sign this thing. I said: Mannie, no, it's not happening, stop it. He said: No, but Jimi said it must happen, it's quite urgent. I said: No, but I'm acting now and he's not here, and if it was urgent he should have then done it, so you stop it right now. When Corporate Affairs called, I think they were about to press the send button to make the announcement. Fortunately it had not gone, and it was reversed. I looked at this thing, I went to the Head of Group HR, JABULANI MABASO, and I said: Mr Mabaso, I've got this problem now. I was fairly new, and it might have been my second acting or maybe first. I said: I don't have experience and I'm very

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confused, I'm uncomfortable with this move and I don't understand why the owner would decide to go on leave and leave me to do it. Then he also looked at it and said: No, wait for him to come back, he can do it himself. After two days the HR manager MANNIE called me to say, they've checked whether you've done this; JIMI has called to check if you have authorised that or not. I said: No, let me call him. And I told him I was not going to do that as I was uncomfortable, and I raised all my concerns around why I was uncomfortable and why I felt it was something that we shouldn't do. I had the backing or the support of the HR Group who said: No, don't do it. And I asked if this was a decision of - because JIMI had said at that stage that this was from the editor-in-chief. Remember, HLAUDI was the editor-in-chief and then JABULANI helped me. We went to HLAUDI together, where I said this thing was going to create problems, we must follow the processes. Again HLAUDI said to us: Oh, okay, no it's fine, go and sort it out. Just like that. So you would get confused around where JIMI would

have gotten some of these instructions. Because HLAUDI often, if they were his decisions, he was very aggressive, he would not mince his words, he would be like: It must happen now, and he would put everyone under pressure. So when you then go there and you find that he doesn't care, and that you are even wasting his time, he's with other people, you start to wonder how JIMI could have come up with such. That was just one of those other things where you wonder if he got some of the things wrong by himself, or if he was acting under pressure. At the same time, as I said, when somebody doesn't own some of the instructions, you can tell that he is not telling you where it is coming from. You can either hear it in their voice as well, if they are speaking to you on the phone, or sometimes as I've given some of those examples, it would be the stories that were not matching up. Then you would be like: No, somebody is not telling the truth. It is also true that a lot of times people did hide behind - well anybody. I mean I'm a manager as well, and people hide behind my name. I have heard

people say: It's NOTHANDO who decided on this or that. Then when I was called, it was: What are these people talking about? When certain managers don't want to take certain decisions or they don't want to look bad, they would use your name. I'm sure it also happened to HLAUDI a lot of times where people must have used his name as well. There is no doubt about him not mincing his words on many other things if he didn't want something.

CHAIRPERSON: Any questions?

PANEL MEMBER: I just want to find out if there are allegations regarding the covering of the EFF story. It appears as if the editor and the journalist intended to cover the story, but by the covering of the story you gave out the instruction for the story not to be aired. What would be your response?

MS MASEKO: Yes, I would want to be told which story that was. There is that allegation that people went to an EFF story and I ...

PANEL MEMBER: So you don't remember that incident?

MS MASEKO: There are many decisions that one makes around: Let's cover the story or let's not cover the story, or let's rather go for this

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one.

PANEL MEMBER: Okay.

MS MASEKO: So I must know what story, so that I can think, because it could be that you are choosing in terms of resources. 5

PANEL MEMBER: Okay.

MS MASEKO: If there are two big events, maybe there's a funeral or there is another ANC rally that is bigger, a YFP or whatever. Yes, I would want to know what the circumstances were or which story this was in particular. If you say an EFF or an ANC story, even if you were to say an ANC story, or there was a time that a reporter says: You said to us, we mustn't go and cover that story. The ANC probably get's covered every second or third day, and I would want to know which particular story so that I can find the reasoning why on that day, a story like that - because I don't myself remember. The EFF stories that I remember I think are the two examples that I've already given. The first example was where I was the one who called on KENNY KUNENE, but it was not a story, it was an interview on MORNING LIVE. And then the one about the EFF and the party. 10 15 20 25

So it's not that people didn't go to the story, people actually went to the stories, but it's how the stories were covered. With EFF and telling journalists not to go and cover a story, I would want to know the circumstances. There is no way that that can happen without a political editor also involved, because it's a rare occasion when I would myself have to speak to a reporter and say: Let's not do this. I'm not saying it would never happen in terms of an example, but it would be under different circumstances. Because stories are first discussed at an editorial meeting, and I don't attend any editorial meetings. In fact normally I attend when the national editor is not available. If It has been decided at an editorial meeting that a story gets done, and then we decide not to do it, there would have to be a very important reason for us to say: Let's no longer do that, we are now doing one, two, three, four.

CHAIRPERSON: Shall we send you a note on the specific one, just to jog your memory?

MS MASEKO: Yes.

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CHAIRPERSON: I think we will do that.

MS MASEKO: A note, yes, please. Let's have that note so that I know why on that particular day we would have said: Don't go and cover that particular story. 5

PANEL MEMBER: Do you confirm that there are instances where a story can be covered, but when it's about to be aired there is a decision made to say: You know what, let's not cover this story, let's cover this? 10

MS MASEKO: When a story is about to be aired, there's a difference between a story that has now been covered, meaning - that's why I was talking about resources. If you've already deployed people and people have come through, if you stop a story from being aired, the chances are either the story is not balanced. Maybe there are editorial questions. For the longest time, when I was again actually on MORNING LIVE, now that you've actually mentioned it, there would be stories or calls again where I had not even watched the insert. I don't even know what the insert is about, or the story. And JIMI MATTHEWS would call and say: Last night there was a story that we covered, there 15 20 25

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have been complaints on that, please don't repeat it. I would automatically also call a bulletin editor and say: Hi, there's a story, one, two or three, from home maybe, or from wherever, please don't use it; they say we must stop it, as there are editorial concerns. It could be different things, not just political. Sometimes it would be: Oh, you've shown a picture of a child - I'm saying in terms of stories. So, yes, I am confirming that it's not out of the ordinary that one would call a newsroom and say: There's a story, please don't use it. Or sometimes it would be: On this particular story, apparently we used a bite that says this, we didn't balance it, can you add another bite from somebody to balance the story. So, yes, it does happen. That happened a lot. But perhaps in light of this particular Commission, yes, there are stories, as I said - whether I had watched them or had not watched them - where they would just call us and say: Please call the newsroom and drop that story. Again, whether again you agreed or not, what I mean is where it would in a

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sense be politically motivated, that maybe there was a story that was played, they were not happy with it and we were being asked to drop it. That also happened.

PANEL MEMBER: And what about whereby the lines were full. 5
I don't know what they call it, but ...

CHAIRPERSON: The line conference.

PANEL MEMBER: There are certain allegations that say HLAUDI called you to cover a story which was not discussed during the line conference. The 10
line-up is full of stories, which were discussed and agreed upon during the line conference. Have you ever received such a call whereby HLAUDI said: The line-up is full but please just cover this story, air this 15
story?

MS MASEKO: I think again you are confusing - I'm assuming, I'm not sure in terms of the example or the allegation, because now you're using the line-up it would probably be on a 20
programme. It won't be a story, it would probably be an interview where it has happened again. I think I've done that myself, where it's not out of the ordinary that you would call in the morning or in the evening and say: 25

Guys, I want us to do this story because stories break on any day and at any time. So it's not out of the ordinary that I would get a call from either the national editor or sometimes the political editor, or whoever, to say: This story has just broken and we have not discussed it - meaning the day before - on MORNING LIVE, because I can imagine if someone says a line-up is what they are talking about, a problem like that. Yes, it was not out of the ordinary that you would then say: Guys I know we haven't discussed this, but this is very important, let's have this.

PANEL MEMBER: And the other one was an interview with GENERAL NHLEMEZA. I haven't captured the date, but everything was set up for the interview with GENERAL NHLEMEZA to be interviewed, but it appears as if you proceeded to stop the interview.

MS MASEKO: Yes, it is something you have to tell me again. I don't personally remember that incident, but I would want to know which show they are talking about. If they say GENERAL, what was GENERAL NHLEMEZA talking about. That is very important - how do I say this. I've

done it myself without any instruction from anyone, where I've sought certain interviews in favour of others, when stories are broken, where I would postpone and I would say: Who did we have? I would feel this topic was now more important than the other, let's have this other person. So when you say GENERAL NHLEMEZA, or if you say there was a day where it was stopped, it could be anyone. You could say: You stopped MALUSI GIGABA. I still need to know what the issue was, because if today for instance somebody has prepared an interview - and I'm giving an example and I'm going to use this name. If I have to go back now and I find that there's an interview and the guest is say, PRAVIN - let's say he was still the Minister of Finance and they want to talk to him about, and say about the rent, or the economy. Then I get to the office and I say: No, let's cancel or postpone PRAVIN because just today four people have died or have done this and there is this breaking story, so I would prefer us to do this. So it is very easy for anyone to say: There was a day you stopped PRAVIN, but there must be

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context to it, so that I can answer why I would have stopped PRAVIN for what.

PANEL MEMBER: In generalising it's possible for somebody in your position to cancel or stop a programme, even if the line conference has agreed in covering or airing that? 5

MS MASEKO: Yes, a line conference does not decide on what programmes are going to be covered. That's why I think there is confusion there.

PANEL MEMBER: Okay. 10

MS MASEKO: At the line talk we don't discuss - current affairs works differently. However they have their own editorial meetings. Let's say you work for a programme like MORNING LIVE, you would find that maybe there are six or seven producers who would sit in the morning and discuss: What are the stories that we are going to do. But come 20h00, things change or we get an offer or a scoop. Maybe somebody who is not necessarily SOUTH AFRICAN, we think: Wow, if I don't get this person today I am never going to get them, I want to wake up with this person. So, yes, you do that, you would change the show. I actually produced MORNING LIVE or worked on that show 15 20 25

for about fifteen years. I'm known - I'm a very live person. Anybody who has worked with me knows how I would get guests even in the morning and move things around, depending on what I thought for that morning was key. 5
There were guests that when you work around the show you would end up having certain people who would wake up for you if you would call them at 05h00 and say: Please can you be there at 07h00 in the morning and they will be 10
on a show. So the GENERAL NHLEMEZA, I'm not sure in which capacity I was ...

PANEL MEMBER: I think we will send you a note, as the Chair has said.

CHAIRPERSON: Setting out the context of the show. 15

MS MASEKO: Alright.

PANEL MEMBER: I think I'm covered with that. Thank you.

CHAIRPERSON: You might remember things that you wanted to talk about or examples you wanted to give us and we would also send you the context of some 20
of the questions you were asking, and then we will continue the conversation.

MS MASEKO: Okay, thank you very much. I think what I will do - because then I will submit, as you said. Because I didn't prepare a submission 25

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and you said that I can still do something like that where I can come up with documents. Because there were some, but anyway I will take this with me, and I will submit it when I submit certain things. But maybe I can - 5
because I still have a copy, because I did mention sometimes our political parties will interview. This is one of the memorandums that I picked up, which came from the DEMOCRATIC ALLIANCE. Again, with this one - 10
what was I trying to do here? I was just trying to show how even political parties will work with the divisions or factions within the newsroom or create them. Because here one thing that shocked me was for a political 15
party to say: We support four of the SABC 8 fired by HLAUDI MOTSOENENG. Meaning, out of the 8, we only care about the 4. And they mentioned them. They say: We only care about JACQUES STEENKAMP, KRIVANI PILLAY, FOETA KRIGE 20
and SUNA VENTER. Secondly, we acknowledge these journalists as hard-working, committed journalists. And I am sure when one submits -
and just to make my strong view again about how political parties would also come in and 25

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work, and then you would have certain people, these people in the newsroom would be seen as your right-wingers or ...

PANEL MEMBER: And heroes.

MS MASEKO: Of the DA. 5

PANEL MEMBER: Oh, DA, yes.

MS MASEKO: Because, remember, you have 8 people and a political party comes and says: Out of the 8 we are only supporting 4. You also can't ignore the fact that those 4 are not your 10
black AFRICANS. Because it means LUKHANYO CALATA, THANDEKA GQUBULE, VUYO MVOKO and BUSI NTULI are not covered. It's only those. You can go and read and you will see even at the end they would continue to so that they demand 15
the immediate reinstatement of the 4 of the SABC 8, fired for no other reason but for standing up for their integrity at the SABC. And then they say: But drop disciplinary charges against all of them, all of the 8, but 20
reinstate only 4. But yes, you can drop the 8.

PANEL MEMBER: This is so contradictory.

MS MASEKO: No, it's not contradictory, it's saying we are fighting for our people, or creating that 25

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impression that these journalists are - those
other ones can be fought for by - we've had
LUTHULI HOUSE coming for me. It's those
things that I'm saying in the newsroom - it's
signed, it's a Memorandum that was signed by 5
PUMZILE VAN DAMME. They even say in terms of
their demands, that: You must reverse the
canning of the editors on SAFm, reverse the
canning of KOMMENTAAR on RSG and so forth -
the solidarity groups etc. It's fine I can 10
leave this with you because I can make another
copy, but when I present I will come with
certain documents. That was for me in terms
of the political interference.

CHAIRPERSON: Can I just point out that the DA has every 15
right to choose who it supports or who it
doesn't support. But if they actually said:
These are our representatives in the SABC,
that would have made us jump up and down.

MS MASEKO: I totally agree and that is why I say then the 20
impression or the - you see, they didn't say
that, but you cannot ignore the impressions
that it then leaves in the newsroom for those
particular people. In my view, I would like
to believe I don't think those people were 25

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even consulted. Maybe for their names. I'm saying let's say they didn't even know that their names were there, what it does in the newsroom is perpetuate the perception. It gives that impression again, which is there already. As I was saying when you go to our newsrooms they are so divided. There are factions and people are made to be - they would say: Oh this one is friends with so and so, meaning this is a DA faction, they are here to protect the interests of the DA and that's why even the DA will go public and say: We are defending them. But it doesn't mean that those reporters are actually their people necessarily. We don't know. I would say it's the role of political parties. Whether we like it or not they do have a strong voice in public, so when your name gets to be written at that level it goes out on social media. That is why you have people being called stratcom journalists. We get these labels. We live with them, they are our reality. With the advent of social media it's worse, it doesn't help. It works on our credibility and makes it very difficult to then convince

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somebody who doesn't understand, who sits at home, how a newsroom operates, to understand that that actually means nothing. Here one of our reporters, THANDEKA QUBULE is accused of being a stratcom journalist. This was after 5
WINNIE gave an interview about how she worked on stories. You know, because you worked in the newsroom. I'm sure you read that story and then just - or listened, and just went, okay, where is the evidence? You were not 10
going to come out of the kitchen immediately, like an ordinary person would. Those are the realities then that ordinary people would do and it comes with our space and our environment, but it happens. Unfortunately 15
even in the newsroom as we speak there are people who see those people, because of their names being there, as having been looking after the interests of the DA, and that is why the DA would protect and defend them. 20

CHAIRPERSON: Thank you so much for your contribution. I hope we will still converse until we find some solutions.

MS MASEKO: Thank you very much.

THE ENQUIRY BRIEFLY ADJOURNS

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THE ENQUIRY RESUMES

- CHAIRPERSON: I don't know if you need me to introduce myself. I am JOE THLOLOE, I'm Chairperson of this panel, and we are looking at whether there was or wasn't any interference in the decision-making processes at the SABC. I am with my colleague here, who will introduce himself and then you can then introduce yourself. 5
- PANEL MEMBER: Thank you very much. My name is STEPHEN TAWANA, and I'm a Director at MMM Attorneys. 10
- CHAIRPERSON: Thank you.
- CHAIRPERSON: And now you can introduce yourself.
- MS KOBUE: My name is PORTIA KOBUE, I'm the news editor at KAYA FM at the moment. I have previously worked at the SABC. 15
- CHAIRPERSON: Stephen?
- PANEL MEMBER: Do you have any objection to taking an oath, Ms Kobue?
- MS KOBUE: No, I don't. 20
- MS PORTIA KOBUE (duly sworn, states:)**
- CHAIRPERSON: Portia, we have read your written submission but we would like you to summarise it for us and we can then ask questions.
- MS KOBUE: As I said in my submission, I worked at the 25

SABC from May 2007 until January 2016. I was firstly employed as executive producer of MORNING LIVE, and later on I was moved to another television current affairs programme called INTERFACE. For the purposes of what this hearing is all about, in my experience there was political interference in my work as the executive producer of both MORNING LIVE and INTERFACE. The interference came in a variety of ways from telephone calls, sometimes to SMSs - instructions from whoever would be senior to me at the time. They ranged from mundane things like: Don't use this term, but use this term. I remember there was a time when there was a Parliamentary hearing or one of the Committees had actually appeared in front of Parliament, and Parliament sent whatever report there was - I can't remember what organisation or what arm of Government it was that had appeared before a Parliamentary Committee of some sorts, and I was instructed not to use the words:

"The committee has returned the report to the particular department."

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I remember at the time I questioned why I could not use those words, because it was true. I even told my manager at the time, who had called me and that was TOMMY MAKHODE, who I did not mention.

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CHAIRPERSON: TOMMY?

MS KOBUE: MAKHODE.

CHAIRPERSON: How do you spell that?

MS KOBUE: M-A-K-H-O-D-E. He was in charge of television news at the time. MORNING LIVE was divided into two units, if you like. There was the news part and the current affairs part. I was ultimately in charge of both units because they formed the whole programme in the morning. I was also an overseer of whatever was going on in the news bulletin on the show. So in the morning I would be looking at the news bulletins to check for facts, to check for ethical issues and things like that, and it was in that context that I would receive those kind of instructions to change certain words, or to alter a meaning to suit whatever my boss - or whoever instructed him - wanted to do. I remember in this particular case I did raise that issue with MR MAKHODE and said:

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But that is actually what happened and news is about facts; it is factual that the report was returned. But I was instructed to modify that so that it didn't sound bad for whatever that Government organisation was. There were a lot of those little interferences, to bigger ones. As I said earlier, they came in so many myriad forms, and my impression was that often when I was instructed to do something it was always after the fact. Like something would go on air and then I would get a call immediately to say: Don't do this, or alter this. There was also a time that I was reprimanded for playing a sound bite in the news bulletin in the morning. It was on the occasion of former PRESIDENT NELSON MANDELA's birthday, I think, and the news video of messages of support on his birthday I played on MORNING LIVE. In the clip or in the sound bite, the first sound bite was that of former PRESIDENT FW DE KLERK, and we were reprimanded for playing a sound bite and making DE KLERK the first person to be wishing PRESIDENT MANDELA a happy birthday. So it was really sometimes from people's own personal views

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about whatever was in the news, as opposed to
real consideration for what the purposes of
news and information was. There were a lot of
those subtle things where, in my view, someone
in higher office would be annoyed or offended 5
by how the news was framed or presented, and
they would then call someone in higher office
at the SABC and we would get some sort of
admonition for that. This went on to really
big things, as I outlined in my submission. 10
One of which I can remember was the ADVOCATE
DALI MPOFU issue, when he won the labour case
against the SABC for dismissing him unfairly.
We took a decision, as MORNING LIVE, to invite
both the SABC and ADVOCATE MPOFU to come and 15
have a conversation with us on MORNING LIVE
regarding that. We sent out a request to SABC
Corporate Communications and they turned down
the invitation which ADVOCATE DALI MPOFU
accepted. We then made arrangements for him 20
to come on the show. While he was on air, on
live television, I got a call from my manager,
who at the time was MR AMRIT MANGA, who
admonished me and we entered into a screaming
match for about ten minutes. He instructed me 25

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to go to his office as soon as he got in,
because he was not in the office at the time.
It was early morning, because MORNING LIVE was
from 06h00 in the morning, until 09h00. Later
on, after about ten or twenty minutes he 5
called me back, he was much calmer and he said
I must please write him a report and explain
the rationale behind inviting ADVOCATE DALI
MPOFU to the show. I really welcomed that,
because it would be an opportunity for me to 10
explain to him why it was important for us.
At the end of the show, which was 09h00 I sat
down in my office and I wrote a report to him.
One of the things I mentioned in the report on 15
why I decided to go ahead with the discussion
on MORNING LIVE, was because the SABC is
accountable to the public, and therefore the
public has a right to know what is going on at
the SABC. Therefore that story, or that event
was critical for the public to understand. I 20
also stated in my report that the SABC turned
down MORNING LIVE's invitation to come on the
show, and I questioned whether that was a way
of censoring us from discussing the issue on
the show. I asked that question because it 25

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was common for our bosses not to want to come on the show to speak about issues, especially those issues that in their view put the SABC in a bad light. We would be sanctioned for having those kind of discussions on the show. 5

Further, in my report I asked MR MANGA to clarify whether we should not broadcast or produce news that is related to the SABC and its performance of its functions. MR MANGA never responded to me in writing, or to my 10 report in writing but he came into my office later on, obviously after reading my report, and, as I explained in my submission he looked at the SABC's Code of Conduct, which was hanging on my wall and said: Portia, this 15 thing does not work in this company, or something to that effect, that the Editorial Code of Conduct does not apply at the SABC. At which point I engaged him on the difficulty that I have with that, because that was why we 20 were doing news, because we are obliged to produce news that is unbiased, that is factual and that is fair. I therefore expressed my frustration, but I was also in a way relieved that MR MANGA actually admitted that I was 25

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doing my work, and that the system did not allow me to do my work, because that was my interpretation of the issue at the time. And I was to have many of those kind of discussions or disagreements with MR MANGA and 5 with my other bosses. It was always an issue around how we structure news, how we choose to frame our news. There was also a pervasive practice of Government people. One person that I remember very clearly, may his soul 10 rest in peace, was MR RONNIE MAMOEPA, who would just call the studio line while we were on air on MORNING LIVE. He would call directly into the studio and say: I have this statement. At the time I think he was with 15 the Department of Home Affairs. He would say: I have this statement, you need to put it in the news. I also remember that following the POLOKWANE ANC conference, MR MANTASHE came into MORNING LIVE that morning and made some 20 statements that made me worried about my future - something to the effect that he wants to see those people who were supporting PRESIDENT THABO MBEKI. There was really a lot of subtle intimidation going on, and, as I 25

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previously said there was a time during MR HLAUDI MOTSOENENG's tenure, right at the beginning, because I was still at MORNING LIVE, when DR GWEN RAMOKGOPA, who I think at the time was the Deputy Minister of Health or 5 some official in the Government, was launching a health walk. She was just brought to the studios in the morning, she was not scheduled and she was not part of our plan. I called MR JIMI MATTHEWS, who was in charge of news at 10 the time, and I expressed my dissatisfaction at that. He just said: Please go ahead and accommodate her. I only found out that it was an instruction that came directly from MR MOTSOENENG. So there was also that kind of 15 practice, where whoever the boss was would either be instructed or would take it upon themselves to invite Government officials, especially, to our programmes and expect us to accommodate them. I always viewed that as 20 taking away our editorial independence. Often we were also told to drop stories or to drop certain discussions that we had already planned for the show. There was one time an AFRIKANER gentleman, who is seen to be racist 25

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and had a website that was just really racist
- I can't remember his name. We invited him
to the show because we wanted to challenge him
on his racist rhetoric and his views on Black
people. Again a similar thing happened, we 5
received a call: Take that person off, we
don't want to see that person on air. So
sometimes it was direct political interference
and, as I said earlier, sometimes it would be 10
someone just being offended, not taking into
account the fact that news is news. It is not
dependent on people's personal views or
personal discomfort with an issue. My
impression was that our bosses were not in
control, and they got instructions from 15
somewhere. Also whenever my bosses called me
because someone was unhappy or they were
unhappy about how the news was framed, or
whoever we invited to the show, I was never
asked: What happened, can you explain? It 20
was always like a shouting or screaming match:
Why did you do this, take this person off air.
It was never: What was your rationale for
framing the discussion this way, or for
bringing these people onto the show? And I 25

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would often ask, when I was attacked like that: Did you watch the show? Often they did not watch it. They were just reacting to someone who had called and who was uncomfortable with something that we ran on the show. It made me feel very powerless most of the time. I also felt powerless because sometimes our bosses would speak directly to our subordinates or people who report to us and ask them to place news or interviews on the show, without consulting us. Often I felt that I was disempowered and didn't have the power to decide. It was very painful because the integrity and the credibility of our news programmes suffered.

As I also outlined in my submission when I was moved from MORNING LIVE, I was never told, there was no HR procedure or process that was followed and I had heard rumours in the corridors that I was going to be removed. Initially I didn't take those rumours seriously, but finally that's what happened. I was removed, and there was no proper process. I was not told why I was moved, I just got a letter. Firstly, I was called by

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MR NYANA MOLETE, who I reported to at the time, who told me that I was going to be moved. He could not explain to me why I was being moved. I just got a two-line letter that said: You will be reporting to MR SEFAKO NYAKA at INTERFACE from such and such a date. I am of the view I was removed because I had become a thorn in the side of my bosses, because I was not relenting. I wanted to hold them accountable for the political interference on news and current affairs. We really operated in an environment where we felt that our news and current affairs shows did not have any credibility, and we were always not sure from one day to the next - we wouldn't be sure what we were going to be told to do the next day. When I was at INTERFACE, under MR SEFAKO NYAKA, there was a day that I was actually on the road travelling. INTERFACE was broadcast on Sunday evenings, and at the time it was a live show. When I was travelling from BLOEMFONTEIN from a family funeral, throughout the afternoon while we were driving back I was in conversation with MR NYAKA, because they wanted to place some

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discussion on the show. Again it was a Government event, but there was no proper planning. He kept on calling me to say: We need your show tomorrow - it was a Saturday when I was driving back - so you need to cancel whatever you have planned for your show, because we are going to do something else on the show. It was a Government event, but I can't remember what it was. Throughout the journey he would call and say: No, your show is back on, and then call again: No, your show is off now, we're going to do this other programme. There was a lot of that as well. A lot of uncertainty. The impression I got was that our bosses in the news division were working with the ANC or the Government, to give them priority. In fact more than priority, to really give them the platform to do what they wanted to do with the SABC news division. We were so often at the mercy of the Government, or of the President, or whoever wanted to use our programmes for their work.

When I was at INTERFACE one of the biggest disagreements that I had with MR NYALA was

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around a programme that I had put together, where I had invited MR HERMAN MASHABA, who is now the MAYOR OF JOHANNESBURG, FREE MARKET FOUNDATION at the time. He was proposing a section of the Labour Act that was going to be amended. It was some sort of bargaining section of the Act that gave big employers the leeway to negotiate in a bargaining situation, and whatever the outcome of that would be binding on smaller businesses. The FREE MARKET FOUNDATION was against that. On the other hand, I invited MS LIV SHANGE, who was a member of the Socialist Party at the time and who was very involved in organising the workers in MARIKANA - but that was before the massacre. I put the show together, and as per practice I would send my plan to MR NYAKA for approval. He did not come back to me or come into his office and say: I have a challenge with your show, or I disagree with you in regard to the guests that you have invited. He sent a colleague of mine - we were on the same level - to tell me to cancel the show, or to cancel the guests. I said, why? He said: MR NYAKA said so. So I asked for it in

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writing. and of course it never came in
writing. I therefore wrote to MR NYAKA at the
time, I sent him an email and I said: I hear
that you have concerns regarding this show.
Please let me know what the concerns are. He 5
never responded to my email. So on Thursday -
because the show was live on a Sunday - on
Thursday he called me into his office and he
ordered me to cancel the show. I said: Why
do you want me to cancel the show? We got 10
into an argument, and what was shocking to me
in that disagreement that we had, he said to
me: LIV SHANGE is a European woman who is
coming into SOUTH AFRICA to destabilise the
workers. I remember at the time that those 15
were exactly the words that MR GWEDE MANTASHE
had previously said when he was criticising
the Socialist Party for organising the workers
of MARIKANA. It shocked me that someone who
is a news executive could quote someone who is 20
totally unrelated to news and use that
argument as to why I should not invite MS LIV
SHANGE to the show. He even said that MR
MASHABA was a non-entity, so there was no
rationale that was based on news judgment that 25

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I was given for the cancellation of the show.
At the end of the day he dismissed me from his
office and he said: You need to find another
discussion and cancel that one. I told him I
was not able to do that, because I was not 5
being stubborn or obstinate, I was just
refusing to be instructed and not be engaged
with as a news person. I wanted someone to
engage and help me to understand why my news
or my story was not good enough, and not to 10
intimidate me or use arguments that were
unrelated to what news and current affairs is
all about. What subsequently happened is that
on a Friday - then he said to me: I will then
find someone else to do your show. I thought: 15
Well, then, that's probably better because
then I don't have to cancel my show, I will
just have to let my guests know that the show
is no longer going ahead. It was also very
often embarrassing for us to have to call 20
guests and inform them that the show was
cancelled, and we could not give them reasons
why shows were cancelled. It reminds me of
another instance when I was still at MORNING
LIVE, that as part of our year-end programming 25

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we looked back on the year and looked at interesting people or interesting conversations and brought them back. We invited ZAPIRO, the artist and political commentator, to come onto the show as one of the few people we had invited. We had a pre-recorded show with him. And he obviously read some issues. He was very forthright. He would criticise the Government and things like that. What then subsequently happened was I was instructed to submit the show to my boss to have a look at. At the time my boss was ABIE MAKWE. I submitted the tape to him, he viewed it, and after he had viewed it he said: You know, if it was in any other place, there is nothing wrong with this programme that you have put together, but I'm sorry we can't air this programme. He was the political editor at the time, and he even said to me: I wish you had not shown it to me. By that I understood him to mean that he wished that he didn't have to be the one who made that decision for the show not to go ahead. As a result of that I had to let ZAPIRO know that the show was canned, and as usual I could not

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give him a reason. The following day after I had communicated with ZAPIRO, the story was on the front page of the now defunct TIMES, the daily newspaper. That morning when the story came out, I remember I was driving from home to work and I got many calls from all my bosses, calling me and requesting this tape. I then handed the tape over to them and that was the end of that broadcast that we had planned.

In short I can say that I really experienced political interference at the SABC. It was overwhelming, it was demotivating, it was demoralising, and, as I said in my submission, I believe that I was targeted because I was outspoken and I was challenging my bosses on a lot of things.

PANEL MEMBER: Do you think all these instructions that the senior managers were giving you were politically motivated?

MS KOBUE: Yes, absolutely, because the nature of the complaints would have mostly to do - I think the ZAPIRO example for instance, was when ZAPIRO started to make fun of PRESIDENT JACOB ZUMA, but would back up his cartoons with

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fact. Yes, I think it was that year where ZAPIRO came out with that cartoon of the PRESIDENT raping Lady Justice, or something like that. However, the subject of our conversation with ZAPIRO did not have anything 5
to do with that, but he was very vocal about whatever he thought was going wrong in the Government at the time and that is why that show was pulled off. Similarly with the HERMAN MASHABA and LIV SHANGE one, it was 10
because HERMAN MASHABA worked for the FREE MARKET FOUNDATION and it was seen as a thorn in the side of the ANC, and also because LIV SHANGE was very vocal and was organising the workers in MARIKANA at the time. I think 15
that's why that show was pulled as well.

PANEL MEMBER: Do you have specific names of the people from political parties who manipulated or controlled the senior managers?

MS KOBUE: I can't say specific people but it was very 20
clear. Most of the time when we were reprimanded or shouted at it was linked to the ANC. It would be an ANC thing to say - it would either be a Government official who was complaining about something, or it would be an 25

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instruction to put some news material that had links to the Government or the ANC. So the ANC and the Government were always getting priority. As I said earlier, it was almost as if our bosses here would get instructions from the ANC and then instruct us to do exactly what the ANC or the Government wanted. 5

CHAIRPERSON: Do you have any direct evidence that says: This was not this individual's editorial judgment, because you might differ in your judgment of a story? 10

MS KOBUE: No, I don't have any evidence. As I said earlier, for instance, on the day that MR NYAKA wanted me to cancel that show with him and MASHABA and LIV SHANGE, I wrote to him and I said: Can you please let me know. He would not put that in writing. There were always those kind of instructions as well that would be communicated verbally, so we wouldn't necessarily have proof that this was how this person was making this decision. We would just be told: Pull this show off. 15 20

CHAIRPERSON: And every time it used to be NYAKA on INTERFACE?

MS KOBUE: Yes. And when I was on MORNING LIVE. 25

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Sometimes the instructions were also not straightforward. Sometimes I would get the instructions from MR MANGA, sometimes directly from ...

CHAIRPERSON: What is MANGA's first name? 5

MS KOBUE: AMRIT.

CHAIRPERSON: Oh, AMRIT, yes.

MS KOBUE: And sometimes I would get the instructions from JIMI MATTHEWS and NYANA MOLETE.

PANEL MEMBER: To your knowledge were all these people you were reporting to legitimate managers who were supposed to give you instructions? 10

CHAIRPERSON: Yes, I reported to them.

PANEL MEMBER: So you don't question their legitimacy?

MS KOBUE: Well, I do question but at the end - I remember once I told MR MANGA: I don't agree with you but you're my boss and you're instructing me, so I'm going to do as you instruct me, but editorially this does not go well with me, this is not how we do news. And MR MANGA knew because he was a journalist. I also found it easy to talk to him about these things because I knew his background. I knew he was a journalist, so I would just tell him: I disagree with your instruction but you're 15 20 25

telling me to do it so I will do it.

PANEL MEMBER: So what is your take on him mentioning that the Editorial Policy was not being used within the SABC?

MS KOBUE: That it was non-existent. It was what I had 5
always suspected. In a way it took the wind
out of my sails because I was going to
challenge him on that as he came into my
office, and he immediately just put it forward
even before I could say: But I am only doing 10
my job. I was only following the practices of
journalism and the Editorial Code of the SABC.
That's what I was doing. Even before I could
tell him that he already put it forth and
said: This Code of Conduct in this place does 15
not work.

PANEL MEMBER: So as far as the overview, can somebody
conclude that in fact the Editorial Policy
within the SABC is not adhered to?

MS KOBUE: At the time when I was there, yes. 20

PANEL MEMBER: Up until you resigned?

MS KOBUE: Up until I was fired.

MS KOBUE: You were fired.

PANEL MEMBER: The Editorial Policy was not adhered to?

MS KOBUE: No. And for me the difficulty was always that 25

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also, as journalists, it compromised our ability to do our job. How can I say this? Often people would be employed who were not sufficiently qualified, because it was easy to manipulate those people and undercut us. As I said earlier, I would be undermined by someone who was junior to me because they really didn't know much about journalism and how it works. They would just be instructed: Do this and that on this side, and then before I knew it some interview had been placed on my show without my knowledge. There was also a lot of that.

CHAIRPERSON: But how does that happen that a junior gets material onto your show, without you knowing?

MS KOBUE: It's difficult to explain but it happened a lot, because our bosses would speak directly to them.

CHAIRPERSON: Right. And then the journalist comes to you and says: I've got this material?

MS KOBUE: That would be a producer.

CHAIRPERSON: Yes, the producer.

MS KOBUE: Yes. And they would say whoever has told them to put it in there. The danger of that as well was that it allowed people to even place

their own subjective material on the shows.
It really undermined the whole integrity of
the news as well because anything could go.
I could mention so many things.

CHAIRPERSON: Let's take the first time this happened. What 5
were the circumstances, who was involved and
what was the final reaction to that?

MS KOBUE: The one example that I can make, although I
can't remember the dates, is when DR GWEN
RAMOKGOPA came on to the show without my 10
knowledge. She just walked in on the morning
of the show and we prepare our show the night
before. So the night before we would call
guests, confirm with them, give them all the
information that they need to get on the show. 15
On this morning I just saw DR RAMOKGOPA
walking in, and I was told to put her on,
although she was not scheduled for the show.

CHAIRPERSON: Who told you to put her on?

MS KOBUE: As I said earlier, I can't remember who 20
instructed me to put her on, but when I saw
her there I then called JIMI MATTHEWS, very
irritated and very angry and I said: I just
saw DR RAMOKGOPA walking in here. I think at
the time I did ask: Who brought her and 25

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stuff, and I was told it was HLAUDI. I then called JIMI MATTHEWS and said: You know this is what is happening. He said to me: Please just allow her to go on.

CHAIRPERSON: Which producer had invited her to come through? 5

MS KOBUE: I really don't know, I can't remember which producer had invited her. As I said, sometimes all that needed to happen was that HLAUDI probably spoke to DR RAMOKGOPA and made that arrangement there and just said to her: Come onto MORNING LIVE. So it doesn't have to... 10

CHAIRPERSON: And then who did he then tell at MORNING LIVE to say she is coming? 15

MS KOBUE: I just saw her walking in, ready for this interview, even though I didn't know anything, as the executive producer. Also, for me I needed to find out how this happened, who arranged this interview. That's when I called JIMI MATTHEWS and I think he said to me he would get back to me and he would make a call. Then he made the call and came back to me and said: Portia, you just have to accommodate her. He didn't say anything or do anything 20 25

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about my complaint that I just got this instruction to put someone on the show.

CHAIRPERSON: That's scary. And your experience of that happening?

MS KOBUE: There were many experiences. I can't think of 5
all of them but there were many. All I can
tell you in the documents is that in most
cases I just felt disempowered, demoralised,
even depressed and I could never tell -
sometimes I would just be hanging around in 10
the office waiting for an instruction. I
remember also there was a time when something
had happened in Parliament, and MINISTER JEFF
RADEBE had made some remarks. We then invited
MINISTER RADEBE on the show. They had asked 15
for questions, so we sent the questions - I
can't remember what it was because I wasn't
making reports about these things. Then the
Minister did not come on the show because he
did not like the questions, and he cancelled 20
his appearance on the show. I was called into
MR NYAKA's office and was reprimanded for
being disrespectful to the Minister. It's a
pity I can't remember what the issue really
was, but again it was just one of those things 25

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that was controversial, that didn't put the Government in a good light. There were a lot of those kind of things, that when the Government was put in a tight corner because of some controversial issue, we would be asked 5
not to run that story or not to invite anyone to come and talk about the issue. There were a lot of those.

PANEL MEMBER: You mentioned that managers often attacked you. When they attacked you, it appears as if 10
they were not aware of your business plan for the programme. My question would be, when you compile a business plan for the programme, do you inform them, or do you put them in the loop, or make them aware? 15

MS KOBUE: Yes. There was always a plan for the show. When I was at MORNING LIVE or at INTERFACE, there was always a plan that I would send to my manager to approve.

PANEL MEMBER: So when they attack you, they attack you after 20
they'd approved your plan and then when the plan was aired?

MS KOBUE: Yes, but approving could also mean that they probably didn't see the plan for the day, or it could mean that they saw it and there was 25

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nothing wrong with it until someone complained.

PANEL MEMBER: So it is your opinion that okay, they approved the plan at first but after receiving calls, either externally or internally, that's when they would say: You know what, cut the ... 5

MS KOBUE: Yes.

PANEL MEMBER: Okay.

MS KOBUE: And I must also add that it was not always that they would approve the plan or they would see the plan. I would just go ahead with the plan. 10

PANEL MEMBER: Whether they approved or not?

CHAIRPERSON: Yes, because it is a morning show, we prepped for it the day before, I would send them the plan, and it was common practice for them not to see it at all. 15

PANEL MEMBER: So what if they would come and say: You know what, you proceeded with this plan but we haven't approved it, and it is a practice that we approve it before. 20

CHAIRPERSON: Then there's no show that morning.

MS KOBUE: That would mean that - also the nature of news is, as an editorial manager of the show I have editorial control, so I decide what goes on 25

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the show. For my manager it is just to have a look at it and perhaps raise some issues. But I could never really just wait for my manager to say: Oh, I approve of your plan because then I would never have a show. It's 5
even difficult with a television show because something happens now and I need to prepare for tomorrow, so I get on with preparations, I make plans, I do research, I contact people that we want to interview on the show. I do 10
all those things, so I need to have a level of autonomy, and also my craft as a journalist gives me that autonomy, that independence that says I make editorial decisions based on news judgment. 15

PANEL MEMBER: Are you saying that a person in your position is not open to be manipulated or to be interfered with as compared to your senior managers?

MS KOBUE: Well, the ethics of journalism are very clear, 20
that news is independent from any kind of interference from political interference, from other powerful people, whether it's business, whether it's people in communities and even from my own personal opinion or personal 25

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preferences. That is what guides us as journalists. That is what I use in my work to determine whether the material is relevant for my viewers.

PANEL MEMBER: But can somebody come and accuse you as an anchor, to say: No, Portia? Does somebody give you instruction to air this story? 5

MS KOBUE: If that happened then the accusation must be supported by what the code of good practice of journalists are. If I put on material which is news and it is unfair to someone or it is factually incorrect, or it is probably defaming someone, then I can be challenged. But I cannot be challenged on a news item or discussion that is - for example if there's a debate between the ANC and the DA over an issue, if I invite both of them to the studio and they both have equitable time to talk about the issue, and the presenter works as a moderator, who makes sure that the debate or the conversation is fair and balanced, that is my job and I cannot be accused of having been instructed by someone. Except of course that's what happened at the SABC. 10 15 20

PANEL MEMBER: So the fact that GWEDE MANTASHE mentioned that 25

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MS LIV SHANGE is somebody outside ...

MS KOBUE: Is a European woman who came here.

PANEL MEMBER: A European woman who came here to destabilise this country?

MS KOBUE: Yes.

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PANEL MEMBER: And one of the SABC's senior managers came and maybe verbatim, repeated that, it raised some concern according to you?

MS KOBUE: Exactly. Also it's unprofessional for a news executive or manager to use that as an excuse or as a reason for me not inviting LIV SHANGE to the show.

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PANEL MEMBER: So was it going to be different if it was only that senior manager who said that, without you hearing from MR MANTASHE?

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MS KOBUE: Even if I did not hear it from MR MANTASHE - you see, if my manager disagrees with me in terms of the guests that I choose or the framing of the news, then he needs to disagree with me based on the standards and ethics and the code of conduct of journalism. It must either be the way that I framed the conversation is unfair, or is not balanced, or not factual, or some ethical issue that may arise.

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CHAIRPERSON: You left the SABC in 2016? Why did you leave it then?

MS KOBUE: It's a long story, but I will cut it short. Basically what happened is that I had been offered a scholarship to do research on the media and citizen participation in democracy at the CAPITOL(?) FOUNDATION in DAYTON, OHIO. According to the SABC's Learning and Development Policy, employees are entitled to ask for time from work to go and study. I used that to apply for permission to go and study for six months and come back to my job. I applied around September 2015, and the fellowship was starting in January of the following year, 2016. From September to January, the day that I was supposed to leave, I had not received any response from the SABC on whether they agreed or did not agree that I should go. That is the long and short of the story. But within that time I spoke to MR NYAKA, when I realised that I may not get an answer from the SABC before I left in early January. I told MR NYALA: If I don't get a response, I am going to resign and take up the fellowship, because I believed that it was

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very important and critical to my career. MR NYAKA tried to help me to sort this out. We went to HR, we tried to go to MR MATTHEWS' office and to the overall HR department, but without luck. On the day that I was supposed to leave for the UNITED STATES, I then went back to the SABC, met with MR NYAKA and then we went to our HR division, and still there was no written response to my request. MR MANNIE ALHO, who was in charge of news HR, at the time, told us verbally that my application was not approved. At that point I left to go home, still pondering what I was going to do. My thing was that I would then just send an email of resignation and then leave for my fellowship, because I was scheduled to travel on that very same day. Then MR NYAKA called me when I was already on the freeway, going home to finish my packing and to wrap up my business, and he said: Come back and apply for all the vacation leave that you have, and I will sort out your issue while you are away. I did that, and I left with the understanding that MR NYAKA would resolve my issue. Then when I arrived in the US, he then denied that

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he ever instructed me to do that, and that's how I was fired.

CHAIRPERSON: Was SEFAKO in charge of INTERFACE only, or was he in charge of current affairs?

MS KOBUE: He was the head of TV current affairs programmes, so he was in charge of INTERFACE, LEIHLO LA SECHABA, CUTTING EDGE and all the other language television current affairs. 5

CHAIRPERSON: So you reported directly to him?

MS KOBUE: Yes. 10

CHAIRPERSON: But his responsibilities extended to other programmes?

MS KOBUE: Yes.

CHAIRPERSON: If you assume that SEFAKO was a seasoned journalist, why do you think he behaved in this irrational fashion? 15

MS KOBUE: My view is that MR NYAKA was very close to the ANC and he often mixed up words. Sometimes he would not even make a distinction between the ANC and the SABC when he spoke to us. In my view I don't think he could separate his support or allegiance to the ANC from his editorial responsibilities. 20

PANEL MEMBER: Most of the people, when they come to these proceedings, mention MR HLAUDI MOTSOENENG a 25

lot. I just want to find out from you what your experience was before HLAUDI MOTSOENENG's tenure and during his tenure?

MS KOBUE: The experiences that I have shared here, most of them happened before HLAUDI MOTSOENENG's time. 5

PANEL MEMBER: Yes.

MS KOBUE: Except the DR GWEN RAMOKGOPA example that I gave. That was directly an instruction from him, or he organised that interview. Also, at the time of HLAUDI MOTSOENENG I was reporting to MR NYAKA and I had all these challenges, let alone HLAUDI MOTSOENENG. But there was just that kind of sentiment that HLAUDI MOTSOENENG was not fit for the job and was making all the wrong calls. I've never had to engage with MR MOTSOENENG, but I do remember that when I was struggling to get HR and MR MATTHEWS to respond to my request for a sabbatical, I wrote to his office and I called and I sought council with him. I asked to see him. It never happened, he never invited me to come and explain or rather talk to him about my challenges. But I never had any contact with him. In my view HLAUDI 10 15 20 25

MOTSOENENG didn't have to do much to destroy the credibility of the newsroom, it was already destroyed even before he got there.

PANEL MEMBER: Are you saying that's how you compare the era of HLAUDI and ... 5

MS KOBUE: I think one of the things when I was at the SABC, that I can say I have heard about HLAUDI MOTSOENENG, is that he placed his unqualified people that he knew, people he favoured; he put them in positions, but I have no independent knowledge of that because I didn't know those people's qualifications, and in most cases I didn't really know those people, but I heard that about him. Except for his sometimes erratic and ill-advised statements that he made about - I remember when he instructed the SABC news to stop calling the President's residence a compound, and also instructed SABC journalists to stop filming scenes of protests. To me, I would say, it was probably the extreme, but those things would have happened anyway. 10 15 20

PANEL MEMBER: So there has always been interference at the SABC?

MS KOBUE: He didn't come to the SABC and find this credible news organisation that had integrity. 25

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He probably just made it worse than it was.

CHAIRPERSON:

When you wanted to interview this guy who ran the racist website, who called you, what actually happened? Did you actually drop the story?

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MS KOBUE:

He was already sitting. As I explained earlier, he was already in studio on live television, just like ADVOCATE MPOFU, so those are the two instances where I got called. With the racist person, I can't remember who called me to take him off air, but it would have come from one of my bosses. I just don't remember who it was.

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CHAIRPERSON:

And what actually happened, did you stop the interview?

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MS KOBUE:

The interview was already on, so we concluded the interview. Because the interviews on MORNING LIVE were very short, by the time anyone called us to say: Get that person off air, the interview was almost finished anyway.

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CHAIRPERSON:

And what comeback was there?

MS KOBUE:

There was no comeback. Except for being intimidated and often feeling sidelined. As I say, I was removed from MORNING LIVE. There were never any official repercussions, like a written warning or anything like that, for any

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of those things that I was accused of.

CHAIRPERSON:

When you were told to drop the story, when you were driving from BLOEMFONTEIN, did they actually go ahead with a different programme? What actually happened again?

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MS KOBUE:

As I remember, what had happened was there was a Government event somewhere, so there was a request or an instruction for that Government event to be featured on INTERFACE. Sometimes also at the SABC it was also common practice for any show to be pushed off air because there was a decision to take a Government event live. There were a lot of those instructions, so I think it must have been one of those. I just can't remember what the event was, but it was either a live event or it was a discussion after a major Government event had taken place - just as a way of recapping or giving Government a platform on a news programme to talk further about whatever the event was all about. But as I remember it was cancelled. The reason I remember is that also for me, on a personal basis - I worked on Sunday evenings, so if my programme was cancelled, it often meant that I didn't have to go to work on Sunday

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evenings.

CHAIRPERSON: Why do you think there was the on-off, on-off?

MS KOBUE: Sometimes it would be because the people who were planning the event together with the SABC news management could not get the plan together. Either the President could not make it, or whoever was supposed to do that interview or do that event could not make it. Then it would be cancelled on that account as well. In my view it wouldn't be so much about what the public had the right to know but what the Government or the ANC wanted to put out there. 5 10

CHAIRPERSON: But you don't remember the actual ...

MS KOBUE: I really can't remember what the actual event was about. All I know is that I kept on going back and forth with my boss, the whole day of travel. We are on now, we are off and then later on we are off, we are on and then ... 15

CHAIRPERSON: And the interview with SHANGE and MASHABA, did that go on or was it cancelled? 20

MS KOBUE: What subsequently happened, after my boss said to me: I will find someone to do your show. I thought: Okay, that's fine then. That was on Thursday. Then on Friday he appointed the executive producer of the TSHIVENDA television 25

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news programme, ZWA MARAMANI. He has now retired. He then gave him the instruction to plan my show, but on Friday BERYL(?) called me and said: MR NYAKA says you must arrange for your presenter to do something. I said: 5
Well, I'm not producing the show this weekend. MR NYAKA said you're the one whose producing the show. Then he said: Well, you know, I'm travelling to VENDA, I'm going to a funeral, please do this. And I was like: No, I cannot 10
do this show, because I made it clear to MR NYAKA that I was not going to change my show, and he has appointed you to do the show. Then MR NYAKA called me an hour later and instructed me to do something. I said: But, 15
Mr Nyaka, you told me I'm not doing the show this weekend, so why are you now instructing me to do the show? I can't remember how that conversation ended, but it ended with me and my whole team being called to JIMI MATTHEWS' 20
office at the time he was the group executive for news - I think he was acting. He was still head of television news but he was acting as group executive of news. I got called into his office, and when my team and 25
I got there - firstly, I got called into his

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office and I went up there and I waited for
thirty minutes. After thirty minutes I told
MR MATTHEWS' secretary that I needed to do
some work and to call me when they were
finished. MR MATTHEWS and MR NYAKA were 5
inside his office. I said: Please call me
when they are ready for me and I will come up.
The next thing my whole team, including myself
were asked to come to their office. When we
got there MR MATTHEWS started asking us about 10
a plan he had asked us to put together, which
was how to revamp the show, but it had nothing
to do with the show of that weekend and it was
on a Friday. We had not put the plan
together. He had spoken to us perhaps four 15
weeks before and said that we needed to have
a workshop to think about how we could revamp
our show. On this particular day he called us
and then started asking what we had done to
revamp the show. I said: I didn't think I 20
was here for this discussion. He just shut me
down, and said something like: Portia, you
always have to - I can't remember what he said
but then I just kept quiet. I said: Well, I
don't know what this meeting is all about, I 25
thought we were called here to discuss the

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show. It was a Friday afternoon and there was no clarity. Even my team had no clarity about what was going to happen on the show, because I had been taken off it and it was given to someone else to produce for that weekend. So 5
my team was also concerned about what they must now do. Anyway I just kept quiet and the conversation went on about this revamping of the show. Then in the end MR MATTHEWS said: Then this means I will have to decide what 10
happens to INTERFACE, since no one has done anything about it. One of the producers then asked: What is happening to the show this weekend? MR NYAKA started talking down to me and demeaning me in front of the team: Your 15
executive producer is doing this. I just said: But, Mr Nyaka, that is not right, you cannot talk about me like that. As soon as I said that MR MATTHEWS dismissed the meeting and said: It seems like there is a problem 20
here, we need to iron out this problem. Then he told all my producers to leave the meeting and I was now left with MR NYAKA and MR MATTHEWS. I can't remember how the conversation started after my team left, but 25
I objected to being intimidated and being

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demeaned in front of my team, and I further objected to being intimidated and bullied, instead of just - I said to both of them: I just want you to engage me. If you don't agree with how I have structured the show, with the guests that I have invited, you need to engage me, but you can't bully me and then demean me in front of my team. Then MR MATTHEWS uttered something to the effect that he was shocked that I though I was being bullied and demeaned in his office. Then MR NYAKA said: Well, PORTIA has to tell us whether she is producing the show this weekend or not. I said: Well, I'm not because you've taken me off the show, so I'm not producing the show this weekend. With that I left. So they put up another show. My show never happened and I had to write a message to MS LIV SHANGE and MR HERMAN MASHABA to apologise that we couldn't go ahead with the show.

CHAIRPERSON: Again, do you think the problems in both of your positions were personality problems or did they go much deeper than just that?

MS KOBUE: I think there was also a lot of patriarchy and sexism, which is something that I've come to - it's part of my history of working, that

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sexism is rife, and as a woman I was seen as someone inferior, who couldn't make decisions. So there was also that. I also think, especially on the part of MR NYAKA, that it was a cultural thing. I mean, I look small 5 for my age and people always assume that I'm very young. It is my experience that elder men, who might be my age - but because I don't look that old, they tend to address me like someone who is young and not an experienced 10 and skilled journalist, which is why I was working at the SABC. There was that whole part of that as well, that women were just generally undermined.

CHAIRPERSON: Was there a possibility of using the grievance 15 procedures on any of these occasions?

MS KOBUE: There were two incidents with MR NYAKA especially. One day I forgot to attend a meeting, and I did not apologise for not going to the meeting. I met MR NYAKA as we were 20 getting into the lift together and he said: Why didn't you come to my meeting. And I said: I'm so sorry MR NYAKA, I should have apologised. Then he called me to this office, and in the office he really 25 intimidated me and just lost it, and told me

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how violent he was and that he could make my
life miserable as he is a very violent man.
I was really shocked and was shaking. After
that I just kept wanting to say: But MR NYAKA
you can't say that. In the end I just stood 5
up, went to my office, shut my office door and
I cried. I immediately wrote him an email and
said: I'm shocked at the manner in which you
addressed me; you basically threatened my
life in the workplace and you have undermined 10
my rights as an employee. I asked for a
meeting to discuss this, and he called me
immediately, probably within three minutes or
so, because I was still seated at my desk.
Then I went to his office and he apologised to 15
me. That was one event. The other one, again
MR NYAKA just did not - like I say for me, he
just could not accept that I could challenge
him, which I did most of the time. I think he
just got frustrated with me and sometimes 20
didn't know how to handle our interactions.
When I was still at INTERFACE, we had
scheduled a meeting with him and my team
because there were some issues that we needed
to discuss. They were issues of 25
(interruption).

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CHAIRPERSON: Skill set? Any more questions?

PANEL MEMBER: No, thank you, I'm covered.

MS KOBUE: I was responding to you.

CHAIRPERSON: Where did we stop?

MS KOBUE: You were asking me about examples of why I 5
could not lodge a grievance.

CHAIRPERSON: A grievance, yes.

MS KOBUE: So for the one that I spoke to you about
earlier, I didn't lodge a grievance, we just
resolved it between the two of us. There was 10
another incident which I had started to
relate. We were in a meeting with my team.
The purpose of the meeting was to discuss the
viewership figures that had come out, and the
viewership figures were very low. This 15
sentiment was shared by many colleagues in the
television news division, around the fact that
we had no control of the material that we put
on air most of the time and yet we were made
responsible for the failing listener/ 20
viewership figures. So we had a meeting with
MR NYAKA about the viewership figures of
INTERFACE, which were very low. I remember in
that meeting one of the issues that we raised
was the fact that we had no control of what 25
went on our show, so we couldn't be held

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accountable for the viewership figures, because we got instructions to do this or not do that, etc. Firstly, the meeting was moved by MR NYAKA to the canteen. He offered to buy us lunch, and I thought this was strange for such a meeting to happen in the coffee shop. But I went with my team anyway. While we were in the meeting and I was speaking and sharing my opinion about why our viewership figures were low, MR NYAKA just butted in while I was talking and said to me: You know, Portia, you are so arrogant. I don't know why you are so arrogant. That is why you were removed from MORNING LIVE. I still feel pain that he said that to me. For me I was never even told why I was removed from MORNING LIVE, and to hear him say that made me think that there was no legitimate reason to remove me from MORNING LIVE except that I was the thorn in the side of my bosses. After that I then lodged a complaint, a grievance with the HR department. We then went to the hearing and in the hearing MR NYAKA accepted that he attacked me and demeaned me in front of my team. I raised my concern about how would I now be able to lead my team and be effective in my job because he

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had already undermined me. The conclusion was that he apologised to me in writing. His apology was about two lines to the effect that: I have spoken to your team and they say they will always respect you. I just felt that the apology was inadequate, it was not sufficient and I refused to sign it at HR. So MR TEBOGO ROKO(?), who was the HR consultant for news, put pressure on me to sign that document. I refused. And he said to me: Portia just sign, MR NYAKA is going to retire, he will be out of here in a short space of time. Which actually never happened, he was there for two more years or something, I think. It was also my view that HR was really just toothless and often sided with management rather than with us, the employees.

CHAIRPERSON: Aren't there appeal mechanisms within the grievance and disciplinary procedures?

MS KOBUE: There are, but it was often just so draining to - and I often find it time consuming and emotionally taxing to always be a loggerheads and not really getting the support from even units of the organisation that are supposed to be there for us, like HR. I felt defeated and so I just let it go.

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CHAIRPERSON:

I don't have any more questions at this point.
If I have I will send you a message and either
ask you to come back or perhaps ask you to
clarify some things. In the same way, if you
remember things, please drop us a note because
we are determined to get to the bottom of what
is happening at the SABC.

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MS KOBUE:

Thank you very much.

CHAIRPERSON:

Thank you.

THE ENQUIRY BRIEFLY ADJOURNS

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DUMILE MATEZA**THE ENQUIRY RESUMES**

- CHAIRPERSON: My name is JOE THLOLOE, I'm the Chairperson of this panel here and we are enquiring into whether there is in fact political, commercial or other interference in the editorial decision-making at the SABC. I will ask my colleague to introduce himself and then we will ask you to introduce yourself. 5
- PANEL MEMBER: Thank you, Chair. My name is STEPHEN TAWANA, I'm a Director at MMM Attorneys. 10
- MR MATEZA: My name is DUMILE MATEZA, I'm a producer at SABC News, producing PRIME TIME news in the afternoon.
- PANEL MEMBER: Mr Mateza, do you have any objection in taking the oath? 15
- MR MATEZA: I'll take an affirmation.
- MR DUMILE MATEZA (duly affirms:)**
- CHAIRPERSON: Mr Mateza, we have read your written submission but would appreciate it if you would summarise it for us and then we will ask questions thereafter. 20
- MR MATEZA: Thank you very much, Mr Chair. Thank you for the opportunity to present my submission here at this Commission. Without denigrating the commission I fear that it is my duty to come 25

and share my experience of prejudice, lack of understanding of its role as a public broadcaster, and it would be remiss if there was no one who would emphasise this fact that if these things are not done, it would render this Commission a charade. Presently I am a producer on the SABC programme called THE FULL VIEW, in the news department of the SABC. One would like to believe that the management at news themselves would have been here, or I see some of them were here at this Commission, to explain how they understand the SABC's role as a public broadcaster and not as a State broadcaster. First of all, as a public broadcaster the SOUTH AFRICAN BROADCASTING CORPORATION is expected to be one of the pillars of our democracy. It is thus incumbent on us to provide news that is credible, accurate, fair, free of political interference and commercial interference and bias. The Broadcasting Act, the Code of Conduct for Broadcasters and the SABC's Editorial Code set out essential requirements for news and current affairs services that are to be studied and understood by every member

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of the news department. I've been associated with the SABC intermittently for the most part of thirty-eight years. I say intermittently because I have at times left the SABC and have come back in various capacities. The period of association starts from 1980, the days when this organisation was a State broadcaster by the National party, through what was then known by you and me as the AFRIKANER BROEDERBOND - a secret organisation in the mould of the imperialistic Freemasons secret society. As a person who comes from that era, and having a keen interest in the history of the AFRIKANER BROEDERBOND, I have a good idea as to what the difference between a State broadcaster and a public broadcaster is. I'm acutely aware that I might be at a point where my colleagues are saying I'm beginning to burn bridges for somebody whose contract with the public broadcaster is coming to an end at the end of August. I've been inspired by the words of PRESIDENT NELSON MANDELA and I quote:

"I have fought against white domination, and I have fought against black domination. I have cherished the ideal

of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal for which I hope to live for and achieve.

But if needs be, it is an ideal for which I am prepared to die.” 5

The SABC has not been able to shake off the mantle of a State broadcaster, because we're incapable of doing so. This especially if we treat those who work with us with disdain and complete disrespect. In the period leading to the Parliamentary SABC enquiry we are all aware as to what was happening at this public broadcaster. The conflation of the public broadcaster and the notion of being a State broadcaster became evident in the time leading to the 54th ANC elective conference, the public broadcaster, the news department for that matter was squarely behind a certification of the AFC. Our programme right to recourse was interrupted, not for breaking news but to bring a certain faction in the ANC on air to denigrate another faction, without giving the other side the right of reply. There is also another issue that the public 10 15 20 25

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broadcaster cannot discern, and that is, what is in the public interest. On Friday, June 1, 2018 - and I'm trying to summarise - SABC news embarked on commemorating International Children's Day. In full view we were allocated, amongst others, Minister BATHABILE DLAMINI, a Minister in the Presidency. It will be recalled that previously Minister DLAMINI was in charge of the Social Development Department. I was informed by NYANA MOLETE that I should expect a call from the Minister's office before the interview. That afternoon, at around lunch time, I received a call from an official from the Minister's office requesting something to the effect that the Minister will not be able to respond to questions about her previous portfolio, and intimated that we undertake not to delve into that area. I requested an email to that effect, but the email was not forthcoming. In fact the official refused to despatch the email as requested. We eventually settled to agreeing that the official would be part of an advance party, and we would meet prior to the interview.

However, this meeting did not materialise as the Minister had to be rushed into the studio, almost immediately upon her arrival. There was never any agreement entered into with the official attached to the Minister's office. 5

Before the interview we approached management at news, namely MS NOTHANDO MASEKO, MS SOPHIE MOKOENA and MR NYANA MOLETE for guidance. They were of the view that we should conduct the interview as per normal. Cabinet 10

Ministers are required to exercise the executive authority vested in them by the Constitution and have due regard for the Constitution. And everyone in SOUTH AFRICA, in turn the National Assembly, must be a 15

reliable guarantor, ensuring absolute accountability on the side of the Cabinet. Accordingly the electorate can only hope that the new Cabinet Ministers will fully embrace the constitutional values of accountable, 20

responsive and open Government as required by the Constitution. But if they do not, the National Assembly must act decisively in terms of the Constitution and in the best interests of those who they represent - the people of 25

SOUTH AFRICA. One does not quite understand the assertion whether the Minister's constitutional rights are violated or not by myself or MS FRANCIS HEARD, the presenter. It is common cause that Minister BATHABILE was the Minister of Social Development and could not escape questions related to her role in that department, which, amongst others, dealt with foster grants for children in foster care and those in child-headed homes. As such the Minister was fully qualified to respond to questions about children in her present portfolio. A week before the interview with Minister DLAMINI, Minister MOKONYANE was also on the programme and responded to questions about her previous portfolio without any problems. It is also surprising that the Minister intimates in her correspondence to the SABC that we are hoping to extort money out of her, not to ask her difficult questions. This, in my view, is preposterous to say the least. If the Honourable Minister has been asked before to pay for sweetheart questions, it is something we would not favour. Chairperson, we are not about to

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entertain the insinuation if the Minister pays money to be asked sweetheart questions. We take exception to being lumped with Rand seekers in pursuing their jobs. This happened at the time the SABC had announced its investigation into political interference in the news department. This, in our view, was a classic case of political interference with how interviews should be conducted with Minister BATHABILE DLAMINI. During the meeting with the Minister, her Chief of staff PALESA MPHAMO, and her spokesperson, vilified me in the presence of MS MPHAMO's daughter to request the SABC to investigate how an interview was conducted with the Minister, is really getting herself directly involved into the editorial space of the SABC. The Minister, in our view, is a representative of the voting public and should be familiar with the editorial independence of the SABC, as per the Broadcasting Charter and Act. It is our view that as the Minister of women in the Presidency, Minister BATHABILE DLAMINI should be able to deal with questions around the fact that many children were affected by all the

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issues associated with SASSA, which was and is administered by her previous department. It would seem that the Minister is not used to being subjected to a robust interview style. We hope that the Minister will reflect on the interview, and, as the representative of the voting people of SOUTH AFRICA, act in their interest. That's the summation of my submission.

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PANEL MEMBER: So this letter or complaint - perhaps I should call it a letter to NYANA MOLETE - was a complaint by the Minister?

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MR MATEZA: Yes.

PANEL MEMBER: Regarding whatever had transpired in your submission?

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MR MATEZA: In the interview, yes.

PANEL MEMBER: She mentioned an oral agreement and when you started you spoke about the meeting with the Minister's staff on how to conduct an interview.

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MR MATEZA: There was never an oral agreement. I got a call and I requested an email. The email never arrived and I never went into any agreement with anybody. When I heard that she had arrived I went to management at news and

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asked for their guidance. They said to me: Do the interview as per the normal. Per the normal is incisive and robust. That's per the normal. There was never an agreement.

PANEL MEMBER: Okay. So is it not the practice of the SABC 5
to agree with an analyst or somebody who is being interviewed on what questions should be asked or not?

MR MATEZA: No, it is not a policy of the SABC to give 10
questions to anybody, because we accept that people are experts in their own field. Therefore they will be able to deal with any question asked of them.

PANEL MEMBER: Okay.

CHAIRPERSON: You characterise this as a form of 15
interference in the decision-making processes of the SABC?

MR MATEZA: It is in a sense a form of interference and 20
intimidation by a politician who happens to be a Minister, when she's asked to account for what her portfolio is supposed to be doing.

CHAIRPERSON: Is it not within her right to say: I will
come on set on these conditions, or I am prepared to come under other circumstances?

MR MATEZA: I think when you send a request for an 25

interview, you explain in the interview: This is the request for the interview; this is the ground we are going to cover in the interview, and not necessarily give her questions. In my view the issue of not wanting to respond to questions around what happened at Social Development is neither here nor there, because as Minister of Women in the Presidency one of your primary objectives is to see to it that children are treated humanely and children are taken care of. Therefore you are going to be asked those questions. When you were in another portfolio dealing with children, amongst other things in that portfolio, now you are at another department you can't then say: I cannot be asked those questions from that department. I made an example that Minister MOKONYANE was our guest a week before her, she was asked about issues at Water Affairs and she answered those questions. Whether or not she was deflecting them, she answered those questions.

CHAIRPERSON: All I'm saying here is that isn't it within her right to follow MOKONYANE's precedent and answer questions about her previous portfolio.

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But if she's not willing to answer questions about her previous portfolio, it's entirely up to her. She has the right to decide.

MR MATEZA: It is true she has the right to decide, but that agreement is the agreement she makes with the presenter and not with the executive producer or the producer. 5

CHAIRPERSON: Now at the end of it you mentioned that she vilified you - you said here.

MR MATEZA: Well, she did. 10

CHAIRPERSON: What exactly did she say or do?

MR MATEZA: She belittled me and said I've been in cahoots with FRANCIS HEARD in trying to make her out not to be fit to be a Minister. And what concerns me is that she said all of this in front of a young girl who was sitting there, who was the daughter of her Chief of Staff. 15

CHAIRPERSON: Again can I ask if you think she was not within her rights to do that? We've got freedom of expression in this country, which we as journalists cherish. 20

MR MATEZA: Yes, freedom of expression, as the Constitution says has limits. Every right in the Constitution has its limits, and to be taking on a journalist and attacking a 25

journalist simply because a journalist dared ask a question, for me that is not freedom of expression.

CHAIRPERSON: How would you limit that freedom there, because she has the right to express what she feels and what she thinks at that particular time? So how would you say freedom of expression should be limited there? 5

MR MATEZA: I think one of the primary issues around freedom of expression is the fact that we have to agree to disagree, both myself and the Minister. But if I feel that I am being vilified and I do not take kindly to the issues that she's raising about me, and what she is saying, I have a right to take those issues further. Because I also have a right to my dignity and space. 10 15

CHAIRPERSON: No, what I'm trying to suggest here is why do you characterise that as interfering in the decision-making of the SABC? 20

MR MATEZA: It is interfering in the sense that if you are going to come to the SABC and say: We have reason to call you and say: These are the questions and this is what we want you to respond to - in other words, let us discuss 25

this issue. Then you come and you say: This is how I want the questioning to be done, to me that is interference. You can't tell a journalist: This is how I want you to ask me the questions, and these are the questions I want you to ask me. It doesn't happen in any journalistic field that the interviewer comes around and says: I want you to interview me but these are the questions you must ask me. It never happens. It is interference in the extreme.

CHAIRPERSON: All that the journalist does at that point is to say: Sorry, then we are not interviewing you; we don't accept your conditions.

MR MATEZA: There were no conditions, Chairperson. There were absolutely no conditions. They made the request, and then we said we could not accede to that request.

CHAIRPERSON: So there was no agreement about that interview?

MR MATEZA: There was no agreement. Whether verbal or written, there was never an agreement.

CHAIRPERSON: No, what I'm suggesting here is that there wasn't an agreement but you can't accuse her of interfering in the decision-making at the

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SABC.

MR MATEZA: Well ...

CHAIRPERSON: She was expressing her view of how the interview should go.

MR MATEZA: I think, Mr Chair, let's make a distinction 5
here. If you are objecting to the questions that are asked of you, you do that in the interview, and she did that.

CHAIRPERSON: In the interview?

MR MATEZA: In the interview, she did that. 10

CHAIRPERSON: Right.

MR MATEZA: Therefore you cannot then - she had already left the SABC and came back from reception to come and confront me in the newsroom. Then I requested we go to a certain room, and in that 15
room she really poured everything over me. And that is my argument, you cannot then - that is interference with the Editorial Policies of the SABC, that is my view.

PANEL MEMBER: So when you asked the question that the 20
Minister alleges that you guys were not in agreement with, did she answer during the interview?

MR MATEZA: She never answered that question. She went on a tangent and threw in a whole lot of things 25

in her response when I said to her there was never any agreement with anybody before the interview.

PANEL MEMBER: I'm talking about during the interview.

MR MATEZA: I was not conducting the interview. 5

PANEL MEMBER: Oh, okay.

MR MATEZA: She was responding to the questions but she was objecting to some of the questions as the interview was going on.

PANEL MEMBER: During the interview? 10

MR MATEZA: During the interview.

PANEL MEMBER: She objected?

MR MATEZA: Yes. At a certain stage - I think it was the spokesperson who wanted to stop the interview, but I said: You can't stop the interview as 15 you will be interfering with the Editorial Policy of the SABC, because the Minister is responding to the questions. As a result he stood back. I think the spokesperson wanted to go and stop the interview. 20

PANEL MEMBER: What is the practice? I asked you this question before, regarding the practice. When you invite somebody or they are appearing for an interview, what is the practice? Do you sit down, do you have pre meetings with that 25

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particular person, or do you just set up a date and time and say: Come on this day, or what is the process?

MR MATEZA:

The process of inviting a person for an interview is to send that person a brief. 5
This is the brief for the interview; this is what we are going to be talking about. If there are many issues that you want to cover, you list them in that letter. We never send anybody any questions, at any time. When that 10
person arrives we then sit that person down and take them through the process. In other words, let me give you an example. If I were to interview somebody on the land question, the land question has six or seven legs, and 15
I will place those six legs of the land question under the things that I want to talk to the person about. I say: those legs are reform, expropriation, security of tenure, food security. I will list all of them. And 20
then when that person arrives I explain to them that we are going to take all of those issues one-by-one and we're going to dissect all of them. That is the only thing I do, I don't give the person any specific questions. 25

- PANEL MEMBER: A specific question?
- MR MATEZA: No, no specific question because I believe you are an expert in your field and you should be able to answer any question.
- PANEL MEMBER: So in your view did the brief that you gave to the Minister at the time comprise the question that she was asked during the interview? 5
- MR MATEZA: Firstly, I should have explained this at the beginning. The national editor and the research department were sourcing the guests for the topic of the day, International Children's Day, and we did not source the guests. We were only given the guests that were going to be on our programme and the Minister was one of them. 10 15
- PANEL MEMBER: Given by who?
- MR MATEZA: By the national editor, and the Minister was one of them. Then we structured our questions the way we understand the questions that befit Internal Children's Day. 20
- PANEL MEMBER: So when the national editor gave you the name of the Minister as the person to be interviewed, did the national editor give a condition or terms on how to conduct the interview? 25

- MR MATEZA: No. The conditions and terms of how to conduct an interview solely rest with the producer of the day and the executive producer of the day.
- PANEL MEMBER: Of the day. 5
- MR MATEZA: For instance, you can't control follow-up questions from the presenter because you don't know what follow-up questions are going to come up.
- PANEL MEMBER: Are they allowed to say: You know what, I'm 10
not going to answer that question, you can proceed to another one? Are they allowed to do that?
- MR MATEZA: It's a normal trend in broadcasting: I am not going to answer that question. Then we go 15
ahead, we go to the next question.
- PANEL MEMBER: Do you have any view or opinion why, because it appears as if you asked the Minister a question that you had not agreed upon, and it was an issue. So were you not shocked to 20
learn that the Minister was laying a complaint against the SABC?
- MR MATEZA: I was not shocked because I was grilled by the Minister after the interview.
- PANEL MEMBER: Do you have any information on what motivated 25

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the Minister to confront you? In fact, what motivated the Minister?

MR MATEZA:

Let me give you an example about this very same Minister. Three weeks ago there was a funeral of MEC GEORGE MASHAMBA in LIMPOPO. In LIMPOPO we only have a DMNG. DMNG is equipment we can use to take the pictures and send them directly live back to JOHANNESBURG, but it has a limited time that it can use. After some of the main speakers had spoken, it was the Minister's turn. Unfortunately we couldn't continue covering that speech by the Minister. There was a huge brouhaha: Why do you not pick up when I am going to be speaking as President of the ANC Women's League. You see, this Minister has a penchant for this kind of thing, that she challenges what the media can and cannot do, as we have seen her do during the SASSA debacle.

PANEL MEMBER:

Can you say if this particular Minister is demanding special treatment from the SABC. Would you agree with me if I say that, to say this Minister in fact demands special treatment, she doesn't want to be treated like any other?

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- MR MATEZA: I wouldn't go as far as saying that, but it would seem to me on the day - I don't know whether, or I sense there must have been something, as she mentioned something about having been interviewed by MS HEARD before. 5
So they had had another clash before, but I don't know anything about that. I didn't know before the interview that they had clashed before.
- PANEL MEMBER: So was it proper for the Minister to have a 10
pre-meeting with the producers before she can be interviewed?
- MR MATEZA: It's neither here nor there. You do not tell the producers what it is that you want to be 15
asked. For instance when you want to be interviewed, you calmly say: These are the issues. We will go and research those issues and then we will ask the questions as we see fit - how the questions should be asked.
- PANEL MEMBER: So in fact the brief is ... 20
- MR MATEZA: The brief is needed, you do a brief first. You debrief a person and give them a scope of how the interview is going to go.
- PANEL MEMBER: I'm saying the brief is the proper way to go.
- MR MATEZA: Exactly. 25

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PANEL MEMBER: I am giving you the brief. This is the brief, go and research. Regarding the specific questions it is me, the producer or the anchor, who is going to come back and ask you questions on whatever aspect is encapsulated in the brief. 5

MR MATEZA: Exactly.

PANEL MEMBER: So the person who is being interviewed cannot come and say: I'm going to come on this day but please ask me these questions? 10

MR MATEZA: No, they can't. That doesn't work in broadcasting, even in journalism. For instance if you read the REUTERS GUIDE OF TELEVISION, especially when it comes to commercialisation of news, commercial aspects, they say: You must guard your territory as the editor and not allow anybody to play in your space. If they are providing the sponsorship for that programme, the editorial is your baby, it is not theirs. They don't get involved in the editorial. 15 20

PANEL MEMBER: So you think the Minister was interfering?

MR MATEZA: Well, the Minister was interfering in a sense. She wanted to get her way, not to be asked certain questions and those questions are 25

related to her present position, even if she was now in another portfolio.

CHAIRPERSON: If we are to accept the premise that politicians, like every other SOUTH AFRICAN, have the right to make suggestions to the SABC to sell their stories to the SABC, but the right to decide on what actually happens remains with the SABC. 5

MR MATEZA: That is true, that is very true.

CHAIRPERSON: Now, in this case, how far is this complaint that she sent through? 10

MR MATEZA: Well, I'm not sure. The attachment there is my response, which I handed over to the GE of news and in an email to me she said she was going to deal with it. I don't know how she is dealing with it. 15

CHAIRPERSON: Okay. And you're also suggesting that her carriage during this process is an example of the type of political interference that we get at the SABC? 20

PANEL MEMBER: No doubt. Let me give you a example. There were two shows. You have probably heard the story before, RIGHTS AND RECOURSE, which I was producing and anchoring, and QUESTION TIME. Let me speak about RIGHTS AND RECOURSE. Their 25

brief was to look at the Constitution and how it's applied, legal issues and how they are applied - in other words how the Court functions. How the issues of Court work, and also look at human rights issues. We delve into these things. A lot of the things we did during the time of former PRESIDENT ZUMA were to look at specifically the cases in which he was involved, which all had to do with the Constitution: the removal of a sitting President, the issues around the state of capture report. We were analysing all of those reports and all of those court cases when he challenged the State Capture Report. And all of a sudden two members of the news department, executives, were called to the Presidency. This is a theory because it's not true, as I will not be able to back it, because it's a theory that we are talking about. All of a sudden those shows were removed from the schedule.

CHAIRPERSON:

Both shows?

MR MATEZA:

Both shows were removed from the schedule, and we believe there must have been something. That meeting must have delivered that blow.

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CHAIRPERSON: Do you have the names of the two executives?

MR MATEZA: Well, the two executives were KENNETH MAKATEES and NYANA MOLETE.

CHAIRPERSON: Was KENNETH acting at the time?

MR MATEZA: He was acting GE. 5

CHAIRPERSON: GE, okay. And when did the shows end?

PANEL MEMBER: RIGHTS OF RECOURSE ended abruptly at the end of February, and I think QUESTION TIME ended a month or two months later. I'm not sure. For instance on 7 January I was in CAPE TOWN 10 interviewing a Professor from MASSACHUSETTS, who was a SOUTH AFRICAN who is now teaching at MASSACHUSETTS. The interview was around traditional courts, a big talking point in SOUTH AFRICA today. Because traditional 15 courts, similar to the NGONYAMA TRUST, fall slam bang into the role of traditional leaders in a democratic SOUTH AFRICA. On that day we were going to have a repeat of one of our programmes around the former President. That 20 programme was never aired, it was replaced by news, because that programme was supposed to be aired between 14h00 and 15h00. It was never aired, it was taken off air.

CHAIRPERSON: And when MAKATEES and MOLETE were called to 25

the Presidency, was it under the current President or the ...?

MR MATEZA: No, it was the Presidency of former PRESIDENT ZUMA.

CHAIRPERSON: Did this happen this year, because you gave me 5
February ...

MR MATEZA: It happened in January/February.

CHAIRPERSON: Okay. The visit was January.

MR MATEZA: I think her visit was January and the 10
programmes were taken off air immediately
after that.

CHAIRPERSON: And at the time that they went to the
Presidency, who was President then?

MR MATEZA: It was PRESIDENT ZUMA.

CHAIRPERSON: Oh. I'm trying to remember when he left the 15
UNION BUILDINGS.

MR MATEZA: He left in February.

CHAIRPERSON: Okay. When the two shows were stopped what
happened to you and your staff?

MR MATEZA: Well, it took a full month for us to be placed 20
elsewhere and even then management pretended
to us that they were doing us a favour. It
goes back to what I was talking about earlier,
about treating people who are called in this
industry "freelance employees". They don't 25

exist. They have no rights, despite the laws of this country making it very clear in terms of the Amendment Act of 2015, especially Section 200, which talks about basic conditions of employment. That says if you 5
have been a freelancer for more than six months, you go to work everyday and you are given a laptop by the company, or a computer, or any material that you are using in the fulfilment of your job, then you are just as 10
good as a full-time employee. And those things are not happening at the SABC. It boggles my mind if the SABC is now going to want to look at political interference within the SABC, which is a good thing to do, because 15
we want to cleanse ourselves. But we are not cleansing ourselves inasfar as our employees are concerned, which in some places are seen as a very important cog in the wheel of the company. But not at the SABC. 20

CHAIRPERSON: So when you found a new home, which one was it. Is it the current one?

MR MATEZA: Excuse, Mr Chair?

CHAIRPERSON: You say when the two shows were closed, you were shifted to a new home. 25

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- MR MATEZA: I was shifted to where I am now at PRIME TIME NEWS, the ENGLISH news.
- CHAIRPERSON: And the rest of your staff?
- MR MATEZA: The other staff were shifted to other programmes but where current affairs. They 5
were shifted to another - the TECHNICRAFT programme. What do they call it? It's the one which deals with cellphones and data and those things. They were moved to that show. Remember all the shows that deal with 10
political issues were taken out of the system.
- CHAIRPERSON: And you make the assumption that this was all a result of the meeting at the Presidency?
- MR MATEZA: It's a theory that we have been working around, because one of the things that 15
concerns us is that we were told the programmes have been reviewed and were found to have come short in terms of audiences, in terms of I don't know what else, and the structure of the show - how the show was 20
conducted. But surely when you do a review you write a review and you share it with the people who do the show. That was never done. Up to today we ...
- CHAIRPERSON: They're supposed to be part of that review? 25

- MR MATEZA: Exactly. Up to this day we have never received a review.
- CHAIRPERSON: Were there any other shows that were canned because of this review?
- MR MATEZA: We are not too sure. There is talk of some shows being canned. There is talk of some shows being revamped and prepared for them to be able to draw from the advertising pool. I'm not sure whether there were other shows that were earmarked to be pulled off air, but those two shows were immediately pulled off air. 5 10
- CHAIRPERSON: And when you asked for explanations, did you also ask about the visit to the Presidency?
- MR MATEZA: I did not ask about the visit to the Presidency, Mr Chairman, because this theory was configured. We configured this theory afterwards. After we appealed to senior management I made an impassioned plea to the COO and the Acting Group Chief Executive in the presence of MR MAKATEES, who was supposed to have given us the review, but none of them wanted to hear anything. The shows were off the schedule, just like that. I remember in that meeting I was the only person to provide 15 20 25

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a written submission to say: This is my submission, I want to know where the review for the show is. I never received any answers.

CHAIRPERSON: A newsroom is a very strange place. It is 5
both a democracy as well as an autocracy. Ideas are supposed to be discussed and to be debated and that's how you become creative and innovative. But in the end there is one person held accountable for the outcome of 10
that deliberation. Now to what extent is this factual debate within the SABC?

MR MATEZA: Mr Chairman, if I were to tell you - you probably know this yourself. Normally what we do is, we meet every morning to talk to all 15
regions. The SABC is the only broadcaster that has regions from CAPE TOWN to LIMPOPO, across SOUTH AFRICA. So we sit down and we go through all the stories, and we believe we help the regions to think out of the box. For 20
instance, a region would send you a story and say: The DA is going to check on service delivery at such-and-such a place. And then you ask: But why don't you investigate that yourself? Why do you have to go there with 25

the DA? You then say: Approach the story this way. Let me give you an example. The SIYONI person who has been arrested, together with the guy who had his wife killed in UITENHAGE in PORT ELIZABETH, was a State witness - a Section 205 witness. A Section 205 witness is a person - and probably you will help us - who is asked to give evidence for the State. 5

CHAIRPERSON: Yes. 10

MR MATEZA: So: After you've given us the truth you will then be free, you can go home. But in the process of giving evidence, SIYONI's evidence actually helped the defence. The prosecutor then turned around and said to the Court: 15
This witness is a hostile witness. After the case had been concluded, PAYNAYIOTOU had been sentenced with the others and they went to jail. Now the charges were brought back to SIYONI. SIYONI, we are charging you for being 20
an accessory to murder. On top of that we are going to charge you for defeating the ends of justice and for perjury. The office in PORT ELIZABETH then said to us: No, he is being charged for the murder. We said: But you 25

must add two more charges to that: one is perjury and the other is defeating the ends of justice. So there are two charges now. Because the SABC does not believe in specialisation, you don't have people who understand how a court functions, you don't have people who understand something called case law, you don't have people who understand the Criminal Procedure Act or the Superior Courts Act. People don't understand those things, so they are not supposed to sit and study. For instance, when KARIN MOORE was still at eNCA, she was an expert in dealing with court cases. We don't have that at the SABC.

CHAIRPERSON:

But to what extent is debate stifled?

MR MATEZA:

Debate is stifled to a greater degree. That's where I was coming to. What happens is there is one meeting that is held at 08h30, and that meeting involves all the regions. But that meeting also has radio people in it. We are therefore not all able to attend that meeting. We were having a meeting at 10h00 where we were discussing the regions and then we have these debates. But we don't have those

debates anymore because when we meet at 11h00, the regions are not there. We are just told: That region is doing this, that region is doing that. You can't influence the way the story that you are supposed to be using in your bulletin must be done as a result. 5

CHAIRPERSON: But can you blame that on outside interference?

MR MATEZA: I am not too sure, because I don't understand. I can't blame it on outside interference, but I'm not too sure how you change a system that has been working and want to do it the other way around - a way that does not help you. You are then forced as an executive producer or as a producer to phone the region and then say: I need to speak to a journalist who is going to do this and that story. On many occasions we have phoned journalists, and the journalist will be at home and say: No, I'm at home now, I'm finished. Therefore I don't understand where this thing comes from, that we cannot now have this discussion with people in the regions. It takes away what you were talking about, this debate that needs to be in the newsroom. But at the end of the day there 10 15 20 25

is one person that must take that decision - the national editor, or the executive producer when it comes to a bulletin.

CHAIRPERSON: When was this system changed?

MR MATEZA: The system was changed about three weeks ago. 5

CHAIRPERSON: Three weeks ago?

MR MATEZA: Yes.

CHAIRPERSON: We have been given the impression that the line conference still takes place.

MR MATEZA: It does take place, but it takes place at 10
08h30, which means if you are going to be at
the SABC for a bulletin slot that starts at
06h00 and ends at 09h00 and you're going to
come in at 08h00 in the morning for that
meeting, you are going to be at the SABC for 15
twelve to fourteen hours. Because you can't,
when you are there, go back home and come back
again for the 11h00 meeting. The 11h00
meeting is now only attended by the
JOHANNESBURG-based executive producers, 20
without input from the provinces, because the
provinces now go to the 08h30 meeting.

CHAIRPERSON: And the current affairs programmes? We've
been told that the meetings that they used to
have, have now evaporated. 25

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MR MATEZA: That's true. I think only yesterday I spoke to the head of current affairs, who is the newly-appointed acting head of current affairs. He was attending the first meeting, where they were going to discuss ideas around current affairs programmes. And it would seem to me that the SABC has grown to lessen the current affairs programmes and tried to build in interviews in the news. For instance, if you were to build in interviews in the news about issues that are supposed to be current affairs you are not able to do justice to the issues that are at hand. For instance, earlier on I spoke about the land issue, I spoke about the role of traditional leadership in a Constitutional democracy. You can't deal with that because the interviews in the news are about ten or fifteen minutes. You cannot deal with that issue in fifteen minutes. 5 10 15

CHAIRPERSON: So the new system hasn't kicked in yet? 20

MR MATEZA: I should say the new system is being introduced gradually, to the benefit of the GE.

CHAIRPERSON: If the system worked well and you had this debate, ultimately with the SABC's Editorial 25

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Policies as the guidelines for these meetings, would there be any space for political interference?

MR MATEZA:

I believe there would be no space for political interference. For instance, I'm 5
actually surprised that there is this process. There's also the process of the Editorial Policy that is going on at the same time, and you would have thought that that process - because this process here impacts on the 10
Editorial Policy. That process would wait for this report and then that process will kick in. What we did on our own with the SABC 8 is, we congregated as a group and tried to influence the Editorial Policy, as people who 15
deal with the issues that are in the Editorial Policy. One of the biggest drawbacks for the SABC is the fact that there is no Legal Department at news that you can refer to almost immediately for a view on whether you 20
have covered all bases of a story, you have given everybody the right of reply and there is no legal part that is part of the news department.

PANEL MEMBER:

Are you referring to a media lawyer? 25

MR MATEZA:

A media lawyer, who sits there and is always there, who you can talk to. We only have corporate lawyers. Surely something like that would help. For instance, one of the other things you should probably highlight is that the SABC is going backwards in terms of this whole issue around the delays in implementing the migration from analog to digital. It's drawing the SABC backwards, because the SABC is losing out on state-of-the-art technology, losing out in a cut-throat business like television in terms of advertising. Losing out in a cut-throat business in terms of viewership, even though the SABC has the biggest viewership. But they are losing out in terms of advertising, sponsorship and cutting-edge technology that is used today. Even though they do have, it is limited. This whole thing is caused by this delay in implementing what could be a big revolution in this industry. The migration from analog to digital is going to open up space for you to have a multi-channel television, where you can take some of the channels and some of them can become current affairs channels and others can

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become news channels. That is the direction in which the world is moving now. If you look at MULTICHOICE they have what they call a pop-up channel. For instance if there is an issue, you can then say: Okay we will deal with this issue, let's create a pop-up channel because we have the space. The SABC can't do that. We are presently discussing the issues around land and all the things with the people interested in what is happening in that space, to create a programme that would be a pop-up channel on MULTICHOICE, because the SABC just doesn't have the space to accommodate something like that. They don't have the money to pay for something like that. I dare say that if the SABC was self-sufficient there would be no need for pandering to some politicians or some political grouping, some Ministers, some huge person sitting somewhere, if they were self-sufficient.

CHAIRPERSON: After listening to the submissions we have received, we are asking ourselves the question: Is the crisis at the SABC a result of a personality, or is it because of a structural fault somewhere?

- MR MATEZA: It's both. I dare say that you have people in positions in which they are not supposed to be. One of the biggest drawbacks for the SABC in all spheres is a lack of strategic capability. People can draw up strategy and that strategy is implemented. What you do find is the regurgitating of old strategies, without people sitting down and rethinking the strategies themselves. Because if I'm appointed in a position, that's what I love, I would be given three months' grace, and after three months I must bring a strategy and say: This is my strategy to take us out of this hole. That is not happening. 5 10
- CHAIRPERSON: You were saying it's both. 15
- MR MATEZA: It's both. Oh, you want me to explain. Well, I did say people are put into positions where they are incapable of functioning.
- CHAIRPERSON: Perhaps I should tell you that the written submission we have doesn't have the preamble that you read. 20
- MR MATEZA: The written submission? Oh, yes, I can send the preamble that I was reading. Yes, I will send the preamble. I had meant to print it.
- CHAIRPERSON: It goes straight on to the complaint of the 25

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bad treatment.

MR MATEZA:

I will send the preamble. I thought I should give a preamble, because there are a lot of things that I skipped that are in the preamble which are very important to this discussion. 5
Even though it might not be in the terms of reference of this Commission, I think this Commission should be the shining light that says to the SABC: Your structure is wrong, the way you approach things is wrong - and 10
that is why it opens - because people cannot take decisions. It opens you up to interference, because people can't take decisions. Let me give you an example. The former President contemplates before he 15
resigns that he needs to give a Press Conference. But he doesn't give the Press Conference, he does a PW BOTHA. He calls the SABC and the SABC goes running to do an interview with the President - what they call 20
an exclusive. How can you have an exclusive with the President, because the President is the President of the country. He must speak to all media and not only to one media. We ran there, and now we are sitting with egg on 25

our faces because we were called, as PW BOTHA did when he called FREEK ROBINSON and said: Don't do that interview. Those are some of the things for me that open themselves up for interference, because you do not have people who can take decisions. 5

PANEL MEMBER: What if the SABC has those people in positions who are capable of taking decisions but those people are being threatened? They are being told: You know what, I'm the one who put you there. Do as I say, as a politician. What would the situation be? 10

MR MATEZA: Well, that's exactly why I said earlier one of the first things you do when you are appointed in a position is to put together a strategy about why you are going to take the SABC out of the hole. I haven't seen that strategy - whether at group, whether at news, whether at sport. For instance sport has no leadership now. That's another area that is fraught with editorial interference. Sport with internal editorial interference where a journalist would be taken off air because he said something about some soccer club. 15 20

CHAIRPERSON: Then he orders the removal of that journalist? 25

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MR MATEZA: Some chairman of such soccer club who will remain nameless.

PANEL MEMBER: But we don't have a senior person within sport?

MR MATEZA: There's nobody senior there. The person who is there is leaving. She's acting. She's leaving and is going to take up a position elsewhere. I don't know who is in charge. I haven't been to sport, but there is nobody in charge. For me that should be the biggest cash cow of the SABC. Sport should be its biggest cash cow. Across the world broadcasters make money out of sport but SABC doesn't make money out of sport because it goes back to what I said, the dirth of being able to put together a strategy. I hope this Commission will look into that area of sport as well, where a journalist, who was removed from air because he said something about a certain club, died about a year ago. I'm not saying he died because of that, he might have died of natural causes, but he died. Many others are out in the streets. For instance I was recently told - and I should probably say this is off the record - the reason why

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there are problems around ROBERT MARAWA's contract is the same person I was referring to is stalling that contract.

CHAIRPERSON: So there are forces with power ...

MR MATEZA: Exactly. 5

CHAIRPERSON: ... in sport generally and then there are tentacles in the SABC?

MR MATEZA: Tentacles inside the SABC, yes.

CHAIRPERSON: Do you have occasion to discuss these things, the strategies, etc, internally? 10

MR MATEZA: Strategies in my view. I grew up in an era - as I said earlier, I have worked for the SABC for thirty-eight years intermittently and I'm happy that happened to me. I was able to write, and I am probably the only journalist 15 at the SABC who has gone from sport to news, current affairs and now I'm producing. The issues for me are very simple. When you draw up a strategy you involve a whole team, you don't just sit in your office, lock yourself 20 up and come up with a strategy like GEORGE FRIDERIC HANDEL did when he composed the MESSIAH. You bring your team together because people have different views, so that when the strategy has to be implemented everybody is in 25

on it. That is not happening at the SABC. There is a dirth of people who can develop and write strategy. We don't have those people. I would have expected this huge issue about land expropriation without compensation to be a current affairs show on its own that would run to five years for the SABC, without spending money on it. Because what you do is you bring all the people who are effected by this thing: AGRI SA, JOHN DEER, the game farmers, the dairy farmers, the banks and all the support groups together and you say to them: Here is a programme we can drive. We will give this programme space on our television, and every evening for thirty minutes we will talk land. Nobody is putting that together. We are now putting that together with AGRI SA and LANDBOU WEEKBLAD and other interests - banks. And the right wing agricultural union the TRANSVAALSE LANDBOU UNIE to develop this programme, especially when it comes to security of tenure, to involve the workers of those farms, to talk to their bosses across the table, so that that becomes an exhilarating discussion around this

issue. All of the other noise that is taking place is not helping the situation, because the Constitution doesn't say: You can't have expropriation without compensation. It doesn't say so, it actually says the direct 5 opposite. You can have expropriation without compensation, only if it is in the public interest. Is the fact that black people don't have land not in the public interest? It is in the public interest. The way that message 10 comes across at the SABC, is that the hearings that are taking place around the country are about the land, and the hearings that are taking place are about the Constitution. And that is the distinction we are not able to 15 make. Similarly, we are not able to make the distinction between a public broadcaster and a State broadcaster.

CHAIRPERSON: Full circle. Isn't that where you started?

MR MATEZA: Well, I started - I'm still there ... 20

CHAIRPERSON: No, I'm saying ...

MR MATEZA: Oh, I've come full circle, yes. It really is a fascinating industry. For instance, I normally say to Government when they talk unemployment, I asked the Statistician General 25

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the other day: When you count unemployment do you count the soccer players, the rugby players, the golfers, the athletes? You count all of those people, because I think this figure of 35% unemployment is wrong. Because 5
all of those people are working. They don't go to work for somebody else, they play rugby, they get paid, they go to gym on Monday and those are employees. They are employed. And we are not investing in that for our children. 10
We are just not investing in it for our children. Those opportunities are taken up by white people. For instance I am told if you are at a private school, or these huge public schools like PAARL GIMNASIUM - if you are the 15
captain of the cricket team you are sure of a bursary to go to University. It doesn't happen at our schools.

PANEL MEMBER: No, it doesn't.

CHAIRPERSON: Mr Mateza, if you think of anything else, 20
please drop us a note.

MR MATEZA: I will do. I'm a very studious person, I don't know where I got this studiousness from. Many people thought when I was doing that show that I was a lawyer. 25

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CHAIRPERSON: You sounded like a lawyer.

MR MATEZA: Because I read. One of the biggest problems we sit with is we have a crop of anchors - and this is also an area I need to address - a crop of television anchors who do not read. 5
You cannot be an anchor for a top news show if you don't read, because you must know the issues beyond that issue. You can't just say: I'm going to read this piece because I'm going to deal with it tonight. Then somebody raises 10
something and you can't take part in that discussion because you have not read beyond what you have been given. That is the biggest drawback for journalism in this country, that people don't read. I came across a book this 15
afternoon, because somebody had this book and I said: Can you give me that book? And they gave it to me.

CHAIRPERSON: Who was it?

MR MATEZA: TEMBEKA NGCUKAITOBI. 20

CHAIRPERSON: Oh, I've seen that one.

MR MATEZA: And if you read this book, it doesn't really talk about land, it comes from a totally different angle. That is why we decided in putting this series of programmes together 25

with our AGRI SA and LANDBOU WEEKBLAD, is to involve lawyers who are experts on these issues. For instance one of the tricks - there's a GHANAIAN born AMERICAN who wrote about the restitution issues in SOUTH AFRICA. 5
I left her book at home - what is it called - but she says the biggest stumbling block for land reform in this country were the Courts. The Courts stopped the process and said: No, no, this process is wrong. Also, as the 10
KGALEMA MOTLANTHE report points out, it's incompetence in the Department of Land Affairs or Land Reform. It's not that somebody is refusing. Yes, there were those if one goes to the LAND BANK, which I had a couple of 15
friends work for, who told me stories where farmers in MPUMALANGA would sell a farm and go up the road and divert the water to another farm. Those are the things you can discuss in this programme. That is what you say, that an 20
SABC that is a public broadcaster is supposed to be doing things that are in the public interest.

CHAIRPERSON: Thank you very much.

MR MATEZA: I hope I added something to this debate. 25

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CHAIRPERSON:

You certainly did. Thank you.

MR MATEZA:

Even though when you were asking me I failed - probably you are right, there is nothing the Minister has done interfering - I think the Minister has done a lot to interfere. I just want to close this.

5

THE ENQUIRY ADJOURNS