

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

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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.

1. 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 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.

Recommendations

1. That the Group Executive: News 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 – 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 to do an audit of the appointments, promotions or sideways shifts of senior news management, particularly Nothando Maseko, Sebolelo Ditlhakanyane [REDACTED] [REDACTED]. 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 Lotusfm, 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.

² When Governance and Ethics Fail: Investigation into allegation of maladministration, systemic corporate governance deficiencies, abuse of power and irregular appointment of Mr Hludi 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

4. On May 31, 2018, the SABC's then Acting Group Chief Executive, Ms Nomsa Philiso, announced the establishment of the Commission 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.

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 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

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 haven'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.

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

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.”

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 Dithakanyane, 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. Dithakanyane 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 Dithakanyane 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. Dithakanyane 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. Ditlhakanyane 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," Ditlhakanyane 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 surname 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

⁶ Title of Ladysmith Black Mambazo song.

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).”

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”.

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. “

7

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

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 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 Dithakanyane 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 report 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 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 Ditlhakanyane:

132. Earlier in this report, we saw a version of Hlaudi, Jimi and Tebele in a meeting railing against Sebolelo Ditlhakanyane (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. Ditlhakanyane 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,” Ditlhakanyane 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 Ditlhakanyane 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 Ditlhakanyane, said: 'Yes, as management we did support this memorandum'.*

"The then COO said: 'Okay, let's adjourn this meeting'.

143 *"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'.*

144 *"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.*

On service delivery protests

145 *"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.

146 *“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.*

147 *“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’.*

148 *“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.*

149 *“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.

150 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?”

151 *“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.*

152 *“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.*

153 *“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.*

154 *“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

155 *“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.*

156 *“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:

157 Maseko seems to be the only news manager who sees nothing wrong in all she did during Hlaudi’s reign as the COO.

158 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:

159 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.

160 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.”*

161 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.”*

162 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.”

163 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.

164 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.

165 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?

166 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?

167 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?

168 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?

169 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

170 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.”*

171 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.

172 *“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.”*

173 Former SABC journalist, Kgaogelo Magogelo, 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.

174 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:

175 *“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.”*

176 She alleges at least one of them catapulted from scale 40-something to scale 120 or 125 after he was made provincial editor.

177 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.

178 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.”*

179 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.

180 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.”*

181 When he got back to the newsroom his line managers, Nothando, Nyana and Sebolelo were surprised – Bessie had not discussed this with them.

182 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.

183 It should therefore be easy to audit the records of newsroom personnel, particularly management, to check the credibility of their appointments.

184 The Commission looked at the personnel files of some of the people who were fingered. Nothando Maseko, Sebolelo Ditlhakanyane, Hlaudi Motsoeneng and [REDACTED].

Nothando Maseko

185 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.

186 The report states that the other candidate's interview was not considered because a different panel interviewed him.

Sebolelo Ditlhakanyane

187 She joined the SABC as a Radio journalist in the Free State and was later appointed as Regional Editor in the Northern Cape.

188 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.

189 In her HR file, there is no verification of her qualifications for the post.

Hlaudi Motsoeneng

190 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.

191 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Freelancers

194 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.

195 “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.”

196 He told the Inquiry that his remuneration has remained the same since 2013.

Editorial Independence and the ANC

198 Among the SABC's values in the extant Editorial Policies is Editorial Independence:

199 *"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*

200 *"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."*

201 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.

202 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."*

203 *"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."

204 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.*

205 *"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."*

206 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?

207 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”.

208 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.

209 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.

Press Statement

210 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 regretfully 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.”

211 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.*

212 *“To date, no evidence has been produced to substantiate such claims.”*

213 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.

214 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.*

215 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”?

216 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.’”

217 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.”

218 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

219 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.

220 *“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.***

221 *“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.*

222 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.

223 *“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

224 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.

225 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.

226 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.

227 *“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.”*

228 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.”*

229 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.

230 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, Dithakanyane, 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.*

231 *“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.”

232 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.”*

233 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.

234 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.

235 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.

236 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.

237 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

238 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:

239 *“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.*

240 *“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.*

241 “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 there were large differences in the newsroom and made recommendations to the editors involved.

242 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.

243 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

244 *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.*

245 *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.*

246 *Responds timeously to complaints raised by members of the public.*

247 *Performs an assurance role on all external complaints and makes recommendations on the corrective actions regarding a complaint to SABC News Management and Board.*

248 *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.*

249 *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.*

250 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.

251 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.

252 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.

253 This Advisory Committee would not adjudicate: merely advise staff and editors. Decision-making would remain firmly in the hands of the editorial staff.

254 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.

255 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.

256 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.

257 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

258 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.

259 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

260 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

261 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.

262 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

263 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.

264 The Inquiry found an organisation crippled by pain, anger and fear; by frustration, anxiety and apathy; and by inattentiveness, detachment and helplessness.

265 A witch-hunt for “enforcers” will not heal the corporation; it will divide an already fractured institution.

266 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.

267 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.

268 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.

Recommendations

269 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.

270 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.

271 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.

272 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.

273 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 Dithakanyane and [REDACTED]. 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.

274 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.

275 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 Ditlhakanyane, 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)

