

**IN THE COMPLAINTS AND COMPLIANCE COMMITTEE  
OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

In the matter between:-

**THE TRUSTEES FOR THE TIME BEING  
OF THE MEDIA MONITORING PROJECT BENEFIT TRUST** First Complainant

**S.O.S SUPPORT PUBLIC BROADCASTING COALITION** Second Complainant

**FREEDOM OF EXPRESSION INSTITUTE** Third Complainant

and

**SOUTH AFRICAN BROADCASTING CORPORATION  
SOC LIMITED** Respondent

---

**RESPONDENT'S ANSWERING AFFIDAVIT**

---

I, the undersigned,

**JAMES BRADFORD MATTHEWS**

do hereby declare under oath and state that:

1.

- 1.1. The facts deposed to herein are, save where the contrary appears from the context, within my personal knowledge and are to the best of my belief both true and correct.



- 1.2. Where I make submissions of a legal nature, I do so on the advice of the legal representatives of the respondent, which advice I accept as correct.
- 1.3. I am the Chief Executive Officer of the South African Broadcasting Corporation SOC Limited ("SABC"), with its offices at Auckland Park, the respondent in this matter.

2.

The parties are as described in the founding affidavit of William Bird in paragraphs 5 to 8 thereof.

3.

**NATURE OF THE COMPLAINT AND RELIEF SOUGHT**

This complaint concerns the decision which was taken by respondent on 26 May 2016 relating to the coverage of destructive protests.

4.

The relief sought by the complainants is set out in paragraph 40 of the founding affidavit and for convenience I quote the same hereunder. They seek an order that:

*"4.1. The decision by the SABC to cease or curtail its coverage of violent protests, as communicated in the media statement of 26 May 2016, is declared to be in breach of:-*

*4.1.1. The Broadcasting Act 4 of 1999;*

*4.1.2. The SABC licences; and*

*4.1.3. The SABC Editorial Policies.*



- 4.2. *The SABC is directed to forthwith reverse the decision concerned.*
- 4.3. *The SABC is directed to engage in training of its journalists and editors regarding the coverage of protests in accordance with the Broadcasting Act, its licences and Editorial Policies and to report to the CCC and the complainants on affidavit within 30 business days as to the steps it has taken in this regard."*

5.

The application for the relief sought is opposed by the respondent on the following basis:

- 5.1. First, if regard is had to the press release, which is the subject of complaint, it is not the respondent's stance that it will cease or curtail its coverage on violent protests. What is sought to be curtailed is the coverage of destructive and regressive conduct on public institutions. The coverage of protests by people to voice their concerns on various issues that they are not happy with continues and will continue to be covered. The statement makes it clear that *"we will not cover people who are destroying public property."* The rationale for this will appear hereunder.
- 5.2. Second, the relief sought by the complainants is incompetent for the following reasons:
- 5.2.1. First, in prayer 1 the complainants seek a declaratory order;
- 5.2.2. Second, in prayer 2 the complainants seek a final interdict; and
- 5.2.3. In prayer 3 they seek a structural interdict.



Independent Communications Authority of South Africa (ICASA or Authority) is established by section 3 of Independent Communications Authority of South Africa Act No. 13 of 2000. The functions of the ICASA are set out in section 4 of the said Act.

6.

Section 17(A) provides that the authority must establish the Complaints and Compliance Committee consisting of a number of members mentioned in that section. The functions of the Committee are set out in section 17(B) of the said Act.

7.

If regard is had to the functions and powers of the Complaints and Compliance Committee (hereinafter sometimes referred to as the Tribunal) none of the listed prayers can be granted by such Tribunal. Its function is merely to investigate and recommend to the Authority what action is to be taken, if any, by the Authority. Consequently, it is submitted that on this ground alone, this application is ill-conceived and ought to be dismissed.

8.

Alternatively to the above, even if it were to be argued that it is competent for the Tribunal to grant the relief sought, which is denied, the complainants have not made out a case for the relief sought in prayer 3. There is no evidence provided by the complainants to prove a lack of training of journalists and editors by the respondent in any respect.

9.

9.1. As I understand it, the complainants' case is pegged on the premise that the statement of the respondent dated 26 May 2016 amounts to a curtailment regarding non-coverage of destruction of the property of public institutions. They contend that it violates all the legislative, licencing and policy provisions relating to the respondent.



- 9.2. The complainants argue that to the extent that destruction of property may not be covered it reduces the knowledge of the extent to which people are dissatisfied with the Government and in some way amounts to a distortion of the news in such a manner as to favour the Government concerned.
- 9.3. They argue that the effect of the policy is to suppress news coverage of the causes of instability and protest against the Government.
- 9.4. They advance further argument that the policy is the hallmark of repressive regimes such as Apartheid South Africa and Burma-where the Government wished to prevent the masses from seeing the extent of the discontent. This, so they argue, is not appropriate in an open and transparent democracy.
- 9.5. They argue further that the policy is irrational on its own in that there is an apparent distinction drawn between covering the burning of a public school and burning of a private school and, for this reason, it bears no rational connection to any legitimate purpose.

10.

It is submitted that the grounds upon which this application is based are ill-conceived.

11.

- 11.1. First, it is incorrect that in the statement a distinction is made between the coverage of the burning down of a public school and the burning down of a private school.



11.2. Second, in the statement, it is made clear that SABC will continue to promote a protest that might encourage other communities to do the same. SABC will continue to cover news without fear or favour but will not cover people who are destroying public property. The statement makes it clear that the respondent is not prepared to continue to provide publicity to such actions that are aimed at destructive and regressive conduct. Such actions are not advancing any complaints against the Government as such, but are merely aimed at inciting violence. SABC is prohibited from broadcasting any material which judged within context contains gratuitous violence in terms of the, the Constitution, the Act and the Code under which it operates.

12.

12.1. It is submitted that the decision of the SABC is consistent with the provisions of section 16(2)(b) of the Constitution which read thus:

*"(2) The right in sub-section (1) does not extend to –  
(b) Incitement of imminent violence;"*

12.2. Consequently, it is submitted that the decision of the SABC cannot be unlawful as contended for by the complainants.

13.

Furthermore, in terms of clause 14 of the Code of the Broadcast Complaints Commission of South Africa:

*"Licensees shall not broadcast any material which judged within context:*

- 1. Contains violence in any form i.e. violence which does not play an integral role in developing the plot, character or theme of the material as a whole.*
- 2. Sanctions, promotes or glamourizes violence."*

14.

Furthermore, in terms of the licences granted to the SABC and in relation to the news and current affairs, it is stated in clause 4.5 thereof that:

*"The licensee shall in the production of its news and current affairs programming:*

*4.5.1. Exercise full editorial control in respect of the contents of such programming."*

15.

Consequently, the SABC has an obligation to edit and control the flow of information and current affairs programming in respect of the contents of any such news.

16.

- 16.1. Besides the fact that an item of news may be of such interest to the public, the SABC always has to be careful in publishing all the information obtained as this may result in it being liable in civil suits by certain persons and/or organisations or institutions. It is therefore necessary that the information received is controlled so as to avoid any such eventuality.
- 16.2. Furthermore, the respondent has a responsibility not to expose its journalists and/or photographers to dangers of being hit by stray bullet blows and/or being affected by violent actions of protesters as has happened before.
- 16.3. Furthermore, where there are members of the South African Police Service ("SAPS") in protests, especially violent protests, the police have their own photographers and cameras to cover the situations as this conduct is criminal in its nature in terms of the law.

17.

Furthermore, it is submitted that it is not in the public interest that when protests are being conducted, criminal conduct of property destruction should be promoted.

18.

Moreso, experience has it that protests are not only confined to the people affected by a lack of service delivery or the cause of the protest. Some protests are sometimes hijacked by certain political organisations so as to advance their political image. This is so especially if regard is had to the article published by Mail & Guardian dated 4 February 2015 annexed hereto marked annexure "**JBM1**", wherein it is reported that as the residents of the area concerned were complaining about water and electricity supply the EFF took over the protest and burnt down municipal properties after blocking all roads and entrances into the area preventing the community from being able to go to work. The EFF in turn accused the ANC of having caused some fires and having burnt certain tyres. I refer the honourable Tribunal to the article concerned on pages 1 to 2 thereof where it is clearly evident that the protest was not that of residents but of political parties.

19.

The Mail & Guardian had also, in the article published on 12 February 2014, a copy of which is attached hereto and marked annexure "**JBM2**", revealed that a total of forty three (43) protesters were reportedly killed by members of the SAPS in 2004 and 2014 in violent protests. It is reported further that the number of annual service delivery protests in South Africa has increased since 2004, and that since 2009 more of them have turned out to be violent. Furthermore, research has revealed that service delivery protests have been labelled as attempts by political factions to destabilize the Government. I refer the honourable Tribunal to the said annexure.





20.

I do not know whether the complainants enjoy watching the destruction of property but this has been condemned in certain quarters. I refer to the article, also of the Mail & Guardian dated 5 June 2015 a copy of which is attached hereto and marked annexure "**JBM3**", and quote from the relevant paragraph where peaceful protests are encouraged and violent protests are discouraged. It is said that *"disregarding an existing labour law has become a major striking point in our labour relations discourse. Trade Unions should learn that destroying property and preventing others from going to work does not achieve the most desired living wage."* By the same token destroying public institutions where people are protesting either about education or service delivery does not yield the desired effect, as tax payers' monies have to be spent in rebuilding those institutions and may actually cause a draw-back in the service delivery and/or advancement of education timeously.

21.

- 21.1. The complainants further contend that the decision of the SABC has given rise to a *"national outcry"* and a *"wide"* range of groups have condemned the decision, including COSATU.
- 21.2. After the Spokesperson of COSATU had released a statement, Mr Sdumo Dlamini ("Mr Dlamini"), the President of COSATU was interviewed by the Mr Peter Ndoro ("Mr Ndoro"), an employee of the respondent to verify the veracity of that statement. Mr Ndoro, whose confirmatory affidavit is attached hereto as annexure "**JBM4**", conducted the interview with Mr Dlamini.
- 21.3. The relevant transcript of the interview is attached hereto as annexure "**JBM5**" and I refer the above honourable Tribunal to the responses of Mr Dlamini.
- 21.4. The upshot of the responses of Mr Dlamini, is that COSATU actually agrees with the SABC's position, as is evident from the second last paragraph of the transcript of the interview.



22.

Consequently, it is not correct to say that COSATU condemns the decision of the SABC.

23.

In the premises, and in light of the above, it is submitted that there is no merit in the complaint and that as such it ought to be dismissed.

24.

I now wish to deal with the affidavit of William Bird *seriatim*.

25.

**AD PARAGRAPH 1 THEREOF**

I do not take issue with the contents herein.

26.

**AD PARAGRAPH 2 THEREOF**

Save to deny the urgency of the matter, I note the contents hereof.

27.

**AD PARAGRAPH 3 THEREOF**

27.1. I deny that the matter is extremely urgent.

27.2. It is not correct that the national elections are to be held in just over 2 months. To the best of my knowledge it is the local government elections that are to be held on 3 August 2016.



- 27.3. I deny that the public access to the news regarding protests and service delivery has been curtailed in any manner by the respondent.
- 27.4. From this paragraph it is clear that urgency is based on the fact that the complainants may have some knowledge of imminent destruction of public property during the run up to the elections which may or may not have an impact on the ruling government in a particular area. If this is the case, then the complainants are challenged to produce such evidence so that the police could be informed of the impending intention to destroy such properties which, according to the complainants, ought to be covered by the SABC. If there is no such property to be destroyed during the run up to the elections, then in that event the urgency falls away.
- 27.5. I am aware that the Chairperson has already ruled that the matter is urgent. The ruling appears to be based on the uncertainty that the decision made by the SABC has caused, although the learned Chairperson accepts that the complaint is not an election complaint in terms of the elections rules. The SABC submits that the complaint in fact relates to the elections being imminent and therefore is aimed at advancing political interests of certain parties. My understanding of the ruling of the honourable Chairperson is that the matter is not an election complaint as contemplated in the rules. The ruling that it is urgent, however, seems to be connected with the upcoming elections and that the so-called uncertainty should be resolved as soon as possible before those elections.

28.

**AD PARAGRAPHS 4, 5, 6, 7 AND 8 THEREOF**

I note the contents hereof

29.



**AD PARAGRAPH 9 THEREOF**

Subject to what I have already stated hereinbefore, I take note of the contents hereof.

30.

**AD PARAGRAPH 10 THEREOF**

To the extent that the statement is correctly quoted, I admit the contents thereof.

31.

**AD PARAGRAPH 11 THEREOF**

31.1. I deny that the decision of the SABC is in breach of the provisions of the Broadcasting Act or its licences, in any manner or at all, and I refer the above honourable Tribunal to what I have already stated hereinbefore.

31.2. As already indicated hereinbefore, I further deny that the Tribunal has authority to grant the relief sought in this matter.

32.

**AD PARAGRAPH 12 THEREOF**

I deny that this matter is urgent. However, I take note of the fact that the Chairperson has already made a ruling in regard to urgency of the matter.

33.



**AD PARAGRAPH 13 THEREOF**

Save to deny that there are any grounds for complaint or that the matter is urgent and that the complainants are entitled to the relief sought, I note the contents hereof.

34.

**AD PARAGRAPH 14 THEREOF**

Save to deny that the SABC has contravened any of the legal prescripts referred to in this paragraph, I note the contents hereof.

35.

**AD PARAGRAPH 15 THEREOF**

I admit the contents hereof.

36.

**AD PARAGRAPH 16 THEREOF**

To the extent that section 10(1)(d) of the Broadcasting Act is correctly quoted, I note the contents hereof.

37.

**AD PARAGRAPH 17 THEREOF**

I do not take issue with the contents hereof, to the extent that correct reference is made to the Broadcasting Act.

38.

**AD PARAGRAPH 18 THEREOF**

Save to state that the SABC has complied with its licences, I note the contents hereof. I have already dealt with the relevant provisions of the licences hereinbefore.

39.

**AD PARAGRAPH 19 THEREOF**

Save to deny that the SABC has breached any of the provisions referred to in this paragraph, I note the contents hereof.

40.

**AD PARAGRAPH 20 THEREOF**

I note the contents hereof.

41.

**AD PARAGRAPH 21 THEREOF**

I note the contents hereof and the complainants have in fact relied on the SABC's revised Editorial Policies.



42.

**AD PARAGRAPHS 22 AND 23 THEREOF**

Save to state that the policies referred to herein have been designed to be in line with the legal prescripts under which SABC operates, I am unable to deal with the allegations contained in paragraph 22 in that although the complainants express reservations, they still go ahead and rely on the very provisions of the policies in paragraph 23. Therefore, the complainants blow hot and cold and their complaints are ill-founded.

43.

**AD PARAGRAPH 24 THEREOF**

The provisions of section 16(2)(b) of the Constitution expressly exclude the incitement of imminent violence. Accordingly, it is submitted that in the interpretation of the rights enshrined in the Constitution in line with section 39(2), the Constitution does not promote violence in the expression of freedom of expression.

44.

**AD PARAGRAPH 25 THEREOF**

In line with section 39(2) of the Constitution, section 16(1) must be read in context and without excluding section 16(2)(b) as the deponent seems to do in this paragraph. The rights enshrined in section 16(1) are limited by section 16(2) of the Constitution. It is submitted that the limitation of those rights is in accordance with the Constitution and this is reasonably justifiable in an open and democratic society based on human dignity, equality and freedom.

4

45.

**AD PARAGRAPH 26 THEREOF**

To the extent that the statement of the SABC is correctly recorded, I note the contents of this paragraph.

46.

**AD PARAGRAPH 27 THEREOF**

I deny the contents of this paragraph. I have already stated hereinbefore that the SABC's statement accords with the Constitution, the licences issued to the SABC, the Code of the Broadcast Complaints Commission of South Africa and the Broadcasting Act, including the SABC's revised Editorial Policies dated 2016. In terms of clause 3 (b) of the Editorial Policies, *"In addition to the requirements of the code, the SABC's policy aims to:*

- *avoid portraying dangerous behaviour that children could easily imitate;*
- *use scenes of violence or cruelty to animals prudently and with adequate warning as viewers are disturbed by such material.*

*The SABC's aim is not to see how much violence will be tolerated, but how little is needed to achieve honest ends without undue dramatic or editorial compromise."*

47.

**AD PARAGRAPH 28 THEREOF**

The statement does not say that SABC will not cover violent protests. All it says is that SABC will not cover violent protests that are destroying public properties. The SABC does, and will in any event continue to, inform the public of the news relating to such destruction. What the SABC aims to achieve is not to show visuals of the violent destructive conduct against public institutions.



48.

**AD PARAGRAPH 28.1 THEREOF**

The correctness of the contentions stated herein is denied and I refer to the Tribunal what I have already stated hereinbefore.

49.

**AD PARAGRAPH 28.2 THEREOF**

It is not correct that SABC is refusing to report on violent protests. What we aim to achieve is merely not to show visuals of violent protests destroying public institutions. If regard is had to what recently happened in Vuwani where 24 schools were burnt down, it is clear that SABC reported fully on what happened there. Through the SABC's report, people are aware of the protest actions that took place in Vuwani. Furthermore, the right to know of public violent protests is limited in terms of the prescripts quoted above. I deny, therefore, that the SABC has effectively self-censored these issues and that the conduct of the SABC is unlawful.

50.

**AD PARAGRAPH 28.3 THEREOF**

50.1. I confirm that the SABC does disseminate the news to the public in order to keep the public informed of what is going on.

50.2. I deny that the effect of the policy is to distort the news in a way that favours the Government and put the complainants to the proof thereof.

50.3. For the reasons stated hereinbefore, I deny that the policy reduces public knowledge. The case referred to in this paragraph is not applicable in the present circumstances.



51.

**AD PARAGRAPH 28.4 THEREOF**

For the reasons stated hereinbefore, I deny the allegations contained herein.

52.

**AD PARAGRAPH 28.5 THEREOF**

I have already referred to the SABC's licences and other relevant prescripts according to which the SABC acted. The SABC's statement is in line with the provisions thereof. The SABC keeps the public informed in accordance with the legal prescripts applicable to it. Consequently, I deny the allegations contained herein.

53.

**AD PARAGRAPH 28.6 THEREOF**

I deny each and every allegation contained in this paragraph.

54.

**AD PARAGRAPH 28.7 THEREOF**

I deny that the Court case referred to herein had anything to do with the present circumstances. Further, in any event, I deny that the SABC has imposed any prior restraint on its journalists and editors.



55.

**AD PARAGRAPH 29 THEREOF**

I deny the allegations contained herein and refer the above Tribunal to what I have already stated hereinbefore.

56.

**AD PARAGRAPH 30 THEREOF**

Save as aforestated, I confirm that the SABC does, and will continue to, report on violent protests and that it is doing so on a daily basis.

57.

**AD PARAGRAPHS 30.1 AND 30.2 THEREOF**

I deny the allegations contained herein and I refer the Tribunal to what I have stated hereinbefore.

58.

**AD PARAGRAPH 30.3 THEREOF**

I refer to what I have stated hereinbefore and deny the allegations contained herein and further state that the complainants have not substantiated the contentions stated herein.



59.

**AD PARAGRAPH 30.4 THEREOF**

The allegations contained herein are irrelevant for the present matter. Furthermore, there is no violence to be shown in Court.

60.

**AD PARAGRAPHS 30.5 AND 30.6 THEREOF**

The reference to case law in this regard is irrelevant because the context in which these remarks were made referred to what happens in a Court room.

61.

**AD PARAGRAPH 30.7 THEREOF**

I repeat what I have already stated hereinbefore that it is not the stance of the SABC not to report on violent protests. Its stance merely pertains to the coverage of destruction of public institutions. Consequently, I deny the allegations contained herein.

62.

**AD PARAGRAPH 31 THEREOF**

For the reasons already stated hereinbefore, I deny the contents hereof



63.

**AD PARAGRAPHS 31.1 TO 31.4 THEREOF**

As already stated hereinbefore, the SABC maintains that in terms of its legal prescripts, it is prohibited from broadcasting any material which viewed within context, sanctions, promotes or glamorises violence, in any form. There is sufficient evidence that violent protests have escalated throughout the country and that public institutions have been violently destroyed in the past few months. These violent protests escalated throughout the country and the broadcast of the violent behaviour linked thereto is not in the public interest. The SABC maintains that it has complied with its legal prescripts in reporting these violent protests and has done so responsibly.

64.

**AD PARAGRAPHS 32 AND 32.1 THEREOF**

I deny that the SABC is confused about the impact of its decision and that the media statement is inconsistent with its heading.

65.


**AD PARAGRAPHS 32.2 AND 32.3 THEREOF**

To the extent that my interview of Mr Hlaudi Motsoeneng with 702 is correctly stated, I take note of the contents of this paragraph.

66.

**AD PARAGRAPH 32.4 THEREOF**

To the extent that the clarification referred to in this paragraph is correctly stated, I note the contents thereof.



67.

**AD PARAGRAPHS 32.5 AND 32.6 THEREOF**

The SABC reiterates that it will continue to report on violent protests as it is currently doing on a daily basis. It will simply not broadcast the violent destruction of public institutions in the name of protests, as this is prohibited by its legal prescripts. There should be no "*chilling effect*" produced by complying with the legal prescripts which bind the SABC. The SABC's journalists and editors are not confused about this stance and continue to report on these violent protests within the parameters of the said legal prescripts.

68.

**AD PARAGRAPHS 33 TO 39 THEREOF**

68.1 The allegations contained herein are denied. I have already referred to the statement of COSATU to demonstrate the complainants' exaggeration and alarmist remarks. There is no such national outcry as alleged in paragraph 35. One organisation which has condemned the decision cannot be classified as a national outcry. In any event, these facts from paragraphs 33 to 39 are meant to be dealing with urgency which the Chairperson has already ruled on and.

68.2 Therefore, I deem it not expedient to deal with each and every paragraph contained herein. Save to state that there are no national elections which are due to be held in just over 2 months as alleged in paragraph 38. Consequently, being aware that urgency has already been ruled on, the contention of the SABC has always been and still is that the matter is not urgent unless the complainants are in a position to state to the above honourable Tribunal which institutions are due to be burnt down before the elections in 2 months' time.

68.3 This important information is required as the burning down of public institutions amounts to criminal conduct in respect of which members of the SAPS will have to be alerted.. If there are no plans to burn down any institutions, then the SABC does not see its way clear in agreeing that the matter is urgent.

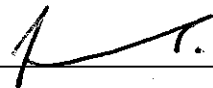
69.

**AD PARAGRAPH 40 THEREOF**

I have already stated hereinbefore that the above honourable Tribunal is not competent to make declaratory orders and mandatory interdicts referred to in this paragraph. I am advised that the Tribunal is a creature of statute and can only operate within the parameters of the powers conferred upon it in the statute and does not have inherent powers.

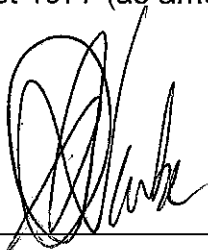
70.

Accordingly, in the premises, it is submitted this complaint ought to be dismissed.



**DEPONENT**

I **CERTIFY** that the deponent has acknowledged that she knows and understands the contents of this affidavit, has no objection to taking the prescribed oath. Thus done, signed and sworn to before me, at ROSEBANK on this the 22<sup>ND</sup> day of **JUNE 2016**, in terms of the Regulations contained in Government Notice No. R.1258 dated 21 July 1972 (as amended) and Government Notice No. R.1648 dated 19 August 1977 (as amended), which have been complied with.



**COMMISSIONER OF OATHS**

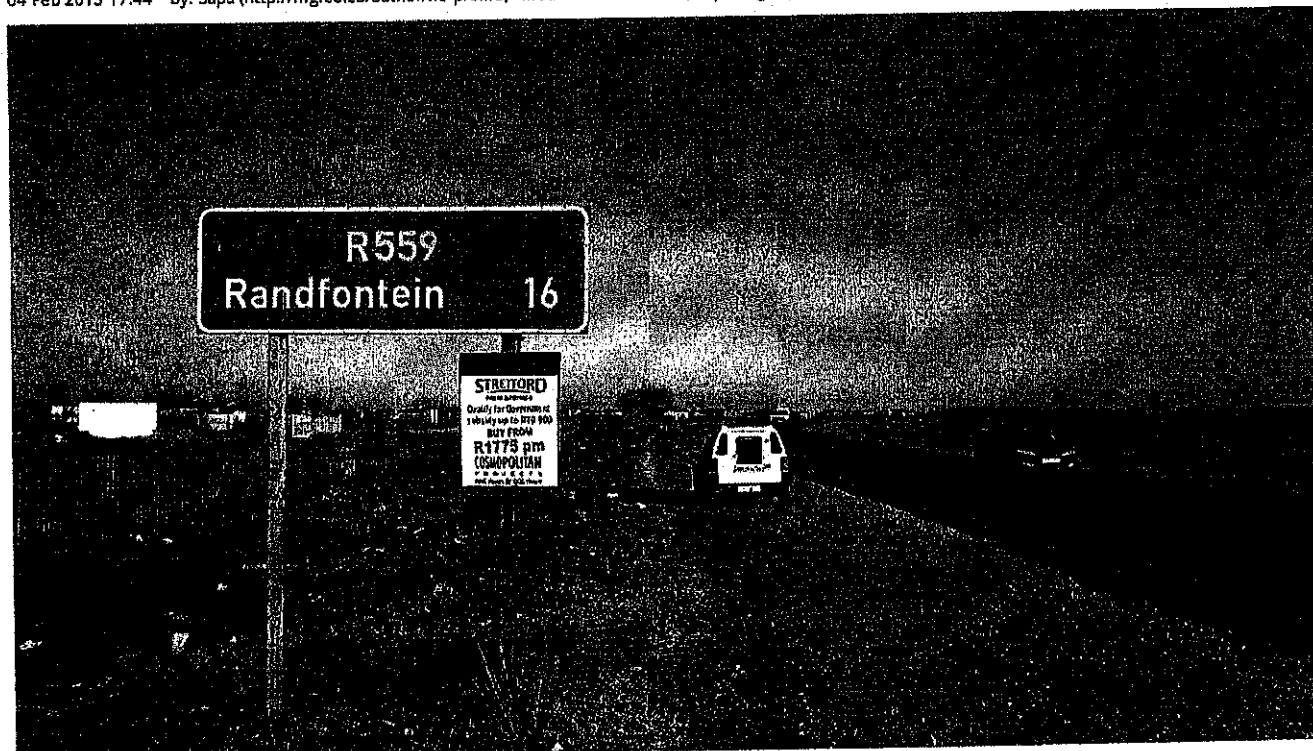


"JBM 1"

130

# EFF accused of wreaking havoc in Mohlakeng, N4 closed

04 Feb 2015 17:44 by: Sapa (<http://mg.co.za/author/no-profile>) filed under: National (<http://mg.co.za/section/news-national>)



The EFF says local ANC members started the fires in Mohlakeng outside Randfontein. (Oupa Nkosi, M&G)

(<http://mg.co.za/article/2015-02-04-eff-wreaks-havoc-in-mohlakeng-n4-closed>)

**Party members have been accused of setting municipal buildings in Mohlakeng alight as protesters stoned motorists and barricaded the N4 near Mooiooi.**

Economic Freedom Fighters (EFF) members had set fire to municipal buildings during a protest in Mohlakeng outside Randfontein in Gauteng, co-operative governance and human settlements MEC Jacob Mamabolo said on Wednesday.

"The EFF members went on a rampage and burnt down municipal properties after blockading all roads and entrances into the area, preventing the community to go to work," Mamabolo said.

Mayor Sylvia Thebenare's house and car, the library, municipal offices and hall were among the burnt properties.

Mamabolo said protesters had looted shops owned by foreign nationals and condemned the violence.

"This is a cowardly act and a total disregard for our democracy. In fact, the EFF is saying 'away with democracy' and advocating for a chaotic society characterised by violence, civil strife and general disorder."

Residents embarked on a service delivery protest on Wednesday, barricading roads and burning tyres.

Mamabolo said the EFF was granted permission to march, but did not deliver a memorandum to anyone.

EFF West Rand regional chairperson Christina Mabala said local ANC members started the fires.

"Some people within the ANC decided to use the opportunity to burn properties and loot. We as the EFF distance ourselves from the violent acts and damage to property," she said.

<http://mg.co.za/article/2015-02-04-eff-wreaks-havoc-in-mohlakeng-n4-closed>



Police fired rubber bullets at the marchers after they stopped next to the traffic department to regroup, she said.

"We also received calls that people were burning buildings in the township after police fired rubber bullets at those who decided to turn back.

"Mamabolo was not there ... he should stop making false accusations against the EFF."

The marchers handed a memorandum to municipal officials, Mabala said.

#### N4 blocked

Police fired rubber bullets at protesters in Majakaneng village near Mooinooi in North West on Wednesday.

"They were continuing to block and take charge of the roads. Minimum force had to be meted [out] to bring the situation under control," said spokesperson Brigadier Thulani Ngubane.

He said protesters had barricaded parts of the N4 with gates, stones, trees and burning tyres.

Seven people were arrested and would face charges including public violence and malicious damage to property.

Ngubane said the protests started on Monday when a bus was set alight and two shops owned by foreign nationals looted. Residents complained about water and electricity supply in the area. ||

Earlier, Methodist Bishop Paul Verryn said he and a colleague had stones thrown at them as they tried to speak to Majakaneng residents.

He said he and his fellow priest, who was from the area, walked away unharmed.

Several main roads were closed after protesters threw stones at vehicles travelling between Rustenburg and Pretoria. This led to traffic officials closing the road between Mooinooi and Brits.

The North West community safety department said three trucks and a light motor vehicle were set alight on Tuesday night. All four drivers escaped unharmed and no arrests had been made. – Sapa

**492**  
SHARES

LinkedIn

Twitter

Google+

Facebook

More

#### MORE COVERAGE

Situation in Majakaneng remains tense after protests (<http://mg.co.za/article/2015-02-04-situation-in-majakaneng-remains-tense-after-protests>)

Malamulele school in Limpopo set alight, despite lockdown (<http://mg.co.za/article/2015-02-03-malamulele-under-lockdown>)

#### We recommend



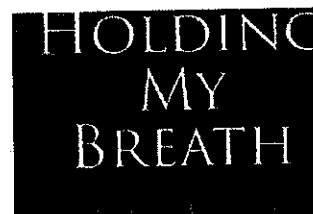
**Makhaya Ntini appointed as interim Zimbabwe cricket coach**  
(News)  
(<http://mg.co.za/article/2016-06-01-makhaya-ntini-to-take-over-as-zimbabwe-cricket-coach>)



**Shell supports farmers through the Agrisa Drought Relief Fund**  
(News)  
(<http://mg.co.za/article/2016-06-17-shell-supports-farmers-through-the-agrisa-drought-relief-fund>)



**Van Rooyen and family living in 5-star luxury hotel**  
(News)  
(<http://mg.co.za/article/2016-05-27-00-van-rooyen-parked-off-in-luxury-hotel>)



**I have to break the silence, Ma**  
(News)  
(<http://mg.co.za/article/2016-06-17-00-i-have-to-break-the-silence-ma>)

#### From around the Web

<http://mg.co.za/article/2015-02-04-efw-wreaks-havoc-in-mohlakeng-n4-closed>

*Handwritten signature or mark.*

## Research shows sharp increase in service delivery protests

12 Feb 2014 16:36 by: Laura Grant (<http://mg.co.za/author/laura-grant>) filed under: National (<http://mg.co.za/section/news-national>)



At least four protesters were killed during service delivery protests in Mothotlung, near Brits, earlier this year. (Gallo)

(<http://mg.co.za/article/2014-02-12-research-shows-sharp-increase-in-service-delivery-protests>)

**Research from UJ says there's been a sharp rise in the number of people killed in service delivery protests in the last decade.**

There's been a sharp rise in the number of people killed in service delivery protests, according to research conducted by the Social Change Research Unit of the University of Johannesburg.

A total of 43 protesters were reportedly killed by police between 2004 and 2014, said researcher Carin Runciman on Wednesday at a presentation of the research findings. This does not include the 37 miners killed during the strike at Marikana in 2012 but does include seven people that have been killed this year alone.

The unit has been compiling a database of community protests since 2004 from media reports and other sources, including the South African Local Government Association.

The number of service delivery protests annually in South Africa has been increasing since 2004 and, since 2009, more of them have turned violent, said Runciman.

But these statistics do not tell the whole story, said another researcher Trevor Ngwane.

The unit also conducted 250 interviews around the country to find out more about the communities that take to the streets.

### Exhausted

Most community protests are peaceful, Ngwane said. When protests get disruptive it often means that peaceful means, such as imbizos, local councils, and even the president's hotline and the public protector, have been exhausted.

//between political factionalism and community protests is minimal, the researchers said.

"Such characterisations of these protests serve to de-legitimate the grievances and agency of ordinary working-class people," Runciman wrote in a research paper.

133

Although some protests may be linked to political factionalism, the people are not stupid and are not duped into participating, said Runciman.

There also appears to be no clear relationship between elections and protests, said Runciman. Community protests leapt from 162 in 2008 to 314 in 2009 — although most of the protests happened after the April elections.

This could be explained by people feeling that they now had "their man" (Jacob Zuma) in office, therefore they wanted to press their demands, she said.

The protests spiked at 470 in 2012 – more than a protest a day. They dropped to 287 last year.

#### High unemployment levels

From the interviews, the researchers found that anger and frustration lie at the heart of these protests. The high level of unemployment among young people is a big factor.

Unlike workers who can go on strike, these people have very few choices about how to express their grievances, said Ngwane. The levels of frustration can be so high that they are willing to lose something for their cause.

The reasons for community protests were varied. According to UJ's research, the top five grievances were about service delivery in general, housing, water and sanitation, political representation and electricity. Corruption, municipal administration, roads, unemployment, demarcation, land, health and crime also featured.

The number of protests since the beginning of this year is not exceptional, but the number of killings of protesters is significant, said Professor Peter Alexander, the research chair in social change at UJ.

Authorities need to change the way they interact with communities and listen to them sympathetically, not bureaucratically, he said.

"Repression is not the answer. It merely intensifies people's bitterness and alienation."

The rising levels of protests are a warning that the problems of poor people need to be addressed. "There is a ticking time bomb in South Africa," he said.

178  
SHARES

LinkedIn

Twitter

Google+

Facebook

More

#### MORE COVERAGE

Malema promises to back up Moretele protesters (<http://mg.co.za/article/2014-02-12-malema-promises-to-back-up-moretele-protesters>)

Defiant residents keep protesting (<http://mg.co.za/article/2014-02-07-defiant-residents-keep-protesting>)

ANC to take 'firm stance' on violent protesters (<http://mg.co.za/article/2014-02-06-anc-to-take-firm-stance-on-violent-protesters>)

#### We recommend

<http://mg.co.za/article/2014-02-12-research-shows-sharp-increase-in-service-delivery-protests>

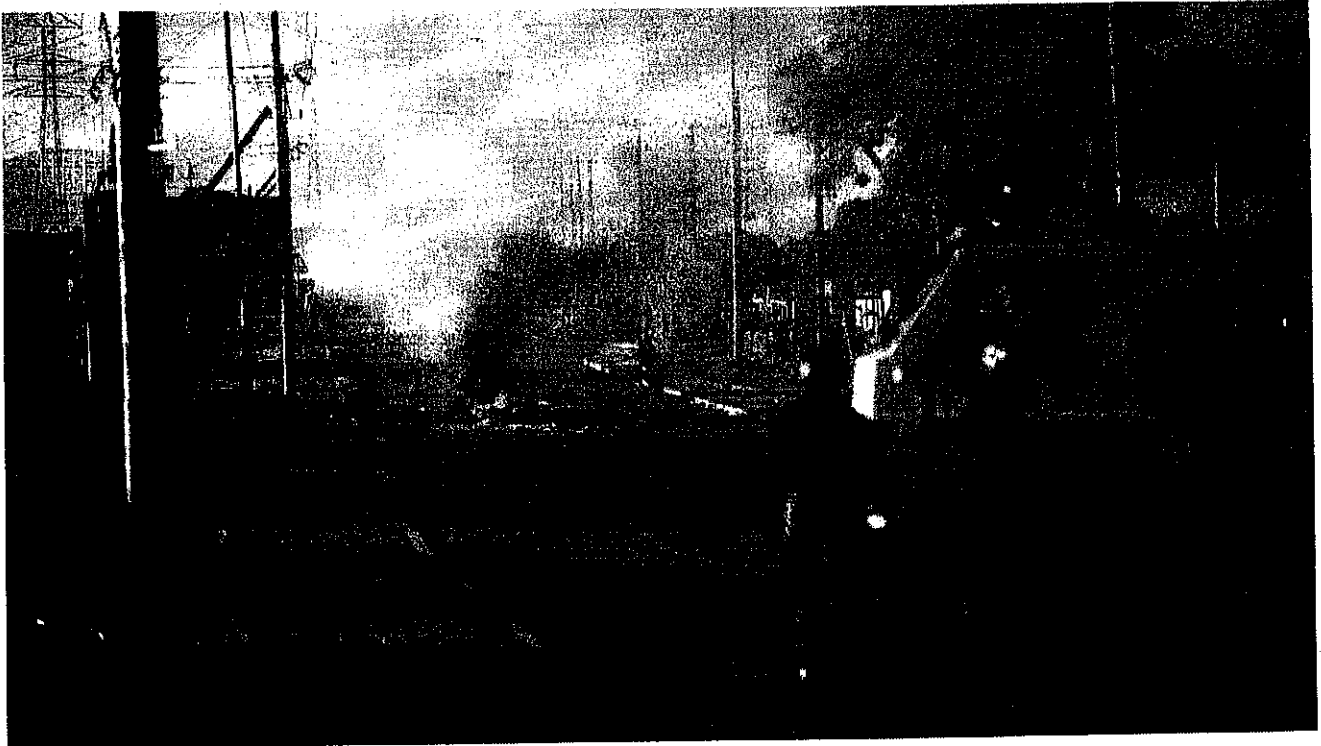
2/9

H 433

"JBM3" 134

## Cosatu set the right tone in its public-sector wage negotiations

05 Jun 2015 00:00 by: Siphwe Mgcina (<http://mg.co.za/author/siphwe-mgcinaxxxx>) filed under: Opinion (<http://mg.co.za/section/opinion>)



Violent protests need to be avoided at all costs, argues the writer. (David Harrison, M&G)

(<http://mg.co.za/article/2015-06-04-cosatu-set-the-right-tone-in-its-public-sector-wage-negotiations>)

**Trade unions should learn that destroying property doesn't achieve the most desired living wage.**

Public sector unions, particularly those led by Cosatu, must be commended for demonstrating leadership and maturity during the wage negotiations with government last month that resulted in a 7% pay increase for their members.

Notwithstanding the fact that the parties were initially far apart – given difficult issues such as medical aid and housing subsidies – sanity prevailed after months of negotiations, preventing unnecessary strike action. The union and worker negotiation teams demonstrated how wage negotiations should be conducted to take both public sector and state interests forward.

This should serve as an example of good leadership, reflecting how unions and the state can reach settlement without adversarial attitudes.

One hopes all other trade unions in the private sector – and municipal unions – will learn from public sector unions how best to negotiate and find amicable settlements with maximum benefits for workers and employers, without crippling strike action that would have a negative effect on our economy.

Municipal unions and the South African Local Government Association (Salga), currently in negotiations, should find an amicable solution without disrupting service delivery and affecting ratepayers. The trashing of rubbish can't be a tactical negotiation tool.

Disregarding existing labour laws has become a major sticking point in our labour relations discourse. Trade unions should learn that destroying property and preventing others from going to work doesn't achieve the most desired living wage. Employers should recognise the role of workers in ensuring productivity and, likewise, unions should recognise the need to produce to the maximum to grow the economy and deal with the Achilles heels affecting our country: unemployment, poverty and inequality. 135

Trade unions should respect the lockout clause, the rights of other workers and civilians' need to be protected during the strikes. It is crucial to ensure that our laws are respected. Countless properties have previously been damaged and human lives lost in situations that could have been averted if trade unions and employers had stuck to the rules – to follow our labour laws and bargaining council procedures to the letter.

Violent strikes that characterised our labour relations, such as the transport and freight strike, the security strike, Johannesburg's metro bus strike and the platinum mine strikes in the North West need to be avoided at all costs: South Africa is a constitutional democracy. Employers and unions must co-operate to prevent such incidents from recurring.

Labour relations and stability are key tenets to economic growth that will result in job creation. Employers' and trade unions' co-existence is vital for investment that will propel the economy's growth.

As workers' month ends, trade unions and employers must ask themselves critical questions about their contribution to ensure investment, economic growth and job creation. The government has a responsibility to ensure institutions of social, economic and political dialogue are reconstituted and strengthened.

This includes the National Economic Development and Labour Council, which has been a critical platform for stakeholders to negotiate and reach consensus. Today, Nedlac is a shadow of its former self, an indictment of government, business and labour leadership. Social good is key to any developing country as it tries to find solutions to its problems.

I'm elated that our premier in Gauteng, David Makhura, announced during his State of the Province address earlier this year that strengthening engagement with stakeholders in the province was of paramount importance to ensure consensus around the transformation, modernisation and reindustrialisation of Gauteng – and around other major socioeconomic and political trajectories the province seeks to undertake.

It is not in the interests of the ANC government that we should have so-called sweetheart trade unions that cosy up to government at the expense of their members. As the ANC, we will strive to have revolutionary, robust and progressive trade unions that will fight for their members' rights, ensure that the workplace is conducive to a healthy relationship between employers and workers, and that workers enjoy maximum benefits through that cordial relationship while ensuring that the economy develops and jobs are created.

Key to that will be to have trade unions and employers partnering government to ensure investment and job creation so that Nelson Mandela's dream of a "better life for all" is realised.

Workers' Day should be celebrated every day as we seek to ensure investment, living wages, job creation and fight against poverty and inequality.

Siphiwe Mgcina is former provincial secretary of Cosatu in Gauteng and convener of the ANC Gauteng legislature caucus

150  
SHARES

LinkedIn

Twitter

Google+

Facebook

More

#### MORE COVERAGE

Service delivery is a priority (<http://mg.co.za/article/2015-05-29-00-service-delivery-is-a-priority>)

Putin authorises delivery of missile system to Iran (<http://mg.co.za/article/2015-04-14-vladimir-putin-authorises-delivery-of-missile-system-to-iran>)

Research shows sharp increase in service delivery protests (<http://mg.co.za/article/2014-02-12-research-shows-sharp-increase-in-service-delivery-protests>)

Cape Town protesters: It's not about politics but delivery (<http://mg.co.za/article/2013-10-30-cape-town-protestors-we-are-angry-at-helen-zille>)

<http://mg.co.za/article/2015-06-04-cosatu-set-the-right-tone-in-its-public-sector-wage-negotiations>

136 "JBM 4"

**IN THE COMPLAINTS AND COMPLIANCE COMMITTEE  
OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

In the matter between:-

**THE TRUSTEES FOR THE TIME BEING  
OF THE MEDIA MONITORING PROJECT BENEFIT TRUST**

First Complainant

**S.O.S SUPPORT PUBLIC BROADCASTING COALITION**

Second Complainant

**FREEDOM OF EXPRESSION INSTITUTE**

Third Complainant

and

**SOUTH AFRICAN BROADCASTING CORPORATION  
SOC LIMITED**

Respondent

---

**CONFIRMATORY AFFIDAVIT**


---

I, the undersigned,

**PETER FARAI NDORO**

do hereby make oath and say that:

1. I am an adult male employed by the Respondent as News Anchor at Henley Road, Auckland Park, Johannesburg.

*PN*   
*PN*

2. The facts herein contained fall within my personal knowledge, unless stated to the contrary, and are to the best of my knowledge and belief, both true and correct.
3. I have read the Answering Affidavit of **JAMES BRADFORD MATTHEWS** to which this affidavit is an annexure and confirm the contents thereof insofar as same relate to me.

P. Ndlovu

DEPONENT

I CERTIFY that the deponent has acknowledged that she knows and understands the contents of this affidavit, has no objection to taking the prescribed oath. Thus done, signed and sworn to before me, at ROSEBANK on this the 22<sup>ND</sup> day of **JUNE 2016**, in terms of the Regulations contained in Government Notice No. R.1258 dated 21 July 1972 (as amended) and Government Notice No. R.1648 dated 19 August 1977 (as amended), which have been complied with.

[Signature]

COMMISSIONER OF OATHS

## SABC TRANSCRIPT

**Peter Ndoro:** We have Sdumo Dlamini, thank you for joining us this evening, perhaps you can't start telling us what exactly you are rejecting as Cosatu about the SABC's decision.

**Sdumo Dlamini:** Thank you very much Peter, at the first instance Cosatu hearing the decision that the SABC took we initially saw what would call the self-censorship by the SABC and we were then saying if we were going to allow that type of a situation it would mean workers struggles can never be shown by the SABC should they be reviewed by SABC as violent that's was the main departure point from what the SABC took as a decision. However, the SABC raises in society a fundamental issue are we going to sit and watch television showing scenes of destruction and violent which in adversely encourage the next group of people to go on the same route of destroying the properties and also destroying the future of the children in the country just because they are not happy with that issue or this issue.

The SABC raises that fundamental question and Cosatu indeed does accept that, that is the problem we have to deal with it may be that it was raised quickly by the SABC giving the emergency that is unfolding right now and then a decision was taken when we needed to have a debate about the correctness of not showing we not necessarily rechecking that position that we held but we are raising the point that what the SABC is raising in the country is very important can we allow scenes of destruction and violence destruction of community, property because for the sake of showing and people getting excited because they have seen a universities being burnt down and they are going burnt down that other university that is very very fundamental point the SABC is raising but we should be saying that balance let's not be seen to be censoring rather lets encourage responsible television, visuals in our country which are orienting society to a developmental mode of stores as the ANC has said so ....

**Peter Ndoro:** Mr Dlamini if I understand you correctly you are not retracting the statement but you certainly taking a little bit of the softness stunts my question to you may be is did you have an opportunity to speak with the SABC management before you issued the statement yesterday.



**Sdumo Dlamini:** Not at all, not all even after we really don't do that ordinarily we issue a statement as we see seeing then there will be a reaction as it is now and it give us an opportunity to say we acknowledge we realise the point the SABC is making the country is burning and ..... is playing its role....

**Peter Ndoro:** Sir, I suppose the SABC had been trying great pains to get some clarity that the stories will be reported but some of the visuals will not been shown was that not enough

**Sdumo Dlamini:** It should be enough it should be enough really because I think the point SABC is making is valid we cannot be encouraging violence through television in South Africa and we should recommend them for that balance that the right of society to see positive things because no one wakes up in the morning and say I want to see negativity no one would to have that type of the situation lets be positive about our country the SABC is reminding South Africa to do exactly that

**Peter Ndoro:** So what would you say to those that are saying that we shouldn't take this line.

**Sdumo Dlamini:** Look people must look into the point I said SABC may move in too quickly to raise the debate sharply the way they have raised it but the debate is very very important can we have a society that is said violence on a day to day basis through television and the media the SABC seem to be saying no and Cosatu agrees with that position

**Peter Ndoro:** Okay we gonna to leave it there and thank you very much indeed for clearing that point.

