

**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

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**REPLYING AFFIDAVIT**

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I, the undersigned,

**WILLIAM BIRD**

do hereby make oath and state:

- 1 I am the Director of the Media Monitoring Africa Trust, operating as Media Monitoring Africa ("MMA"). MMA is the first complainant in this matter.
- 2 I deposed to the founding affidavit and am duly authorised to depose to this replying affidavit.

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- 3 The facts in this matter fall within my personal knowledge, save where the context indicates otherwise. They are true and correct to the best of my knowledge.
- 4 Where I make submissions of a legal nature I do so on the advice of the complainant's legal representatives. Full legal argument will be advanced at the hearing of this matter regarding the legal issues raised.
- 5 I depose to this replying affidavit to respond to the SABC's answering affidavit.
- 6 I structure this replying affidavit as follows:
- 6.1 First, I explain that it is now clear that the Policy means that the SABC has decided – in advance – that it will not “cover” an entire category of conduct;
- 6.2 Secondly, the central fallacy in the SABC's case;
- 6.3 Thirdly, I submit that the SABC has no power to make such a policy;
- 6.4 Fourthly, I demonstrate that the SABC has failed to supply evidence regarding the assumption that covering or broadcasting footage of violent protests and/or the destruction of public property will incite others to commit similar acts;
- 6.5 Fifthly, I explain further confusion and contradictions in relation to the Policy, which have been made by the SABC or its representatives;
- 6.6 Sixthly, I deal with the issue of urgency; and

6.7 Finally, I reply ad seriatim to the averments in the answering affidavit.

- 7 To the extent that I fail to respond to any factual averment or contention in the answering affidavit, which is inconsistent with what is set out in the founding affidavit to this complaint or in this affidavit, it must be taken to be denied rather than admitted.

**IT IS CLEAR THE SABC WILL NOT “COVER” AN ENTIRE CATEGORY OF CONDUCT**

- 8 The complainants underscore that the SABC has now made clear in its answering affidavit that the Policy does indeed entail a blanket ban – in advance – of an entire category of conduct.

- 9 This is made plain in the following passages of the answering affidavit:

9.1 “[w]hat is sought to be curtailed is the coverage of destructive and regressive conduct on public institutions”;<sup>1</sup>

9.2 “SABC... will not cover people who are destroying public property”;<sup>2</sup>

9.3 “SABC will not cover violent protests that are destroying public properties”;<sup>3</sup>

9.4 the respondents admit that under the Policy it will not provide “coverage of destruction of public institutions”.<sup>4</sup> (emphasis added)

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<sup>1</sup> AA p 109 para 5.1

<sup>2</sup> AA p 112 para 11.2

<sup>3</sup> AA p 122 para 47

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## THE CENTRAL FALLACY IN THE SABC'S CASE

10 It is clear from the SABC's answer that it labours under a serious misconception about its role and obligations. It states repeatedly that it has obligations not to portray violence because this will incite violence. The argument is fallacious:

10.1 It is no part of the complainants' case that violence should be portrayed for its own sake. On the contrary, the complainants contend that where violence is portrayed, it should not be glamorised or sensationalised.

10.2 The SABC's obligations always permit – and indeed, oblige – it to appropriately contextualise the portrayal of violence.

11 Taken to its logical conclusion, the Policy would make it virtually impossible for the SABC to properly cover domestic and international conflict or violent protest of any description.

## THE SABC HAS NO POWER TO MAKE THE POLICY

12 The SABC has – in advance – banned an entire category of coverage.

13 In this regard we underscore that it is now trite that a public body may only exercise those powers conferred on it by law.<sup>5</sup>

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<sup>4</sup> AA p 126 at para 61

<sup>5</sup> See, for example, *Fedsure Life Assurance Ltd & others v Greater Johannesburg Transitional Metropolitan Council and Others* 1999 (1) SA 374 (CC) at para 56 where the Constitutional Court held that the principle of legality expresses the fundamental idea that "the exercise of public power is only

- 14 The SABC has failed to point to any empowering provision which would entitle it to promulgate such a policy.
- 15 The closest the SABC comes to doing so it to cite section 16(2) of the Constitution. Section 16(2) is not, however, an empowering provision. Nor does anything else referred to in the answering affidavit justify the prior restraint of the present sort.
- 16 Our courts have held that where forms of expression are cut off before reaching the public, this is known as a "*prior restraint*" and will be permitted only in truly exceptional circumstances. In the present context, the SABC has inexplicably and unjustifiably imposed such a prior restraint on its own journalists and editors and there is nothing in the relevant statutes which permits this. This will be addressed in argument. In short, the SABC has not been able to point to any empowering provision to justify its policy of prior restraint.
- 17 In this particular case – the complainant's underscore that the Policy is not beneficial. Rather it has a devastating effect – as explained by Julian Brown in an article for the *Business Day* entitled "Hlaudi's take on June 16".<sup>6</sup> A copy of this article is annexed hereto marked "RA 1".

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*legitimate where lawful*"; and, at para 58, that public bodies may exercise "*no power and perform no function beyond that conferred upon them by law*".

<sup>6</sup> Published on *BDlive*, June 15, 2016.

**COVERING OR BROADCASTING FOOTAGE DOES NOT AMOUNT TO  
INCITEMENT**

18 Covering or broadcasting footage of violent protests or the destruction of public property does not amount to incitement of imminent violence. I emphasise two key points:

18.1 that the crucial assumption underpinning the SABC decision (that broadcasting violent protests will result in more violence taking place) is without any logical or factual foundation before this Tribunal;

18.2 that broadcasting visuals of violence is not a monolithic exercise - the broadcaster can, and should, still do so in a responsible way - as demonstrated by the decisions of the BCCSA.

19 These allegations were squarely made in the founding affidavit and, still, no evidence has been provided to demonstrate that covering or broadcasting footage of violence will incite others to commit violence.

20 In any event – even if the conduct that SABC is reporting on constitutes “hate speech” or “incitement of imminent violence” it simply does not follow as a matter of logic or as a matter of law that reporting on such conduct (or broadcasting footage of such conduct) also amounts to hate speech or incitement. This will be addressed in argument by reference to relevant case law.

- 21 The complainants do not suggest that the SABC can or should glamorise or sensationalise the violence or destruction of property – rather it should report it in an accurate and responsible manner.
- 22 What the SABC has produced are articles that apparently show that:
- 22.1 There has been an increase in service delivery protests;
- 22.2 There has been an increase in violent service delivery protests.
- 23 From this the respondents conclude that 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*”.<sup>7</sup> But this is insufficient to demonstrate that covering or broadcasting footage of such violent protests has any material effect on the amount of the violence/destruction.
- 24 The increase in violent service delivery protests might be explained by numerous factors, including – significantly – an increase in the dissatisfaction with the government.
- 25 I underscore that what the SABC needed to demonstrate is more than merely that the number of violent protests has increased – they needed to demonstrate a link between reporting on, or showing visuals of, the violent protests and incitement of further protest action.

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<sup>7</sup> AA p 127 para 63.

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- 26 The article is accordingly irrelevant for the purposes of the present complaint. The SABC has simply failed to put up any such evidence beyond the mere say-so of its CEO.

#### FURTHER CONTRADICTIONS WHICH HAVE APPEARED IN THE MEDIA

- 27 The SABC first attempted to justify its decision on the basis that reporting on or broadcasting violent protests would promote or incite protestors to become violent and destroy property and encourage others to do the same. However, since the issuing of the original statement on 26 May 2016, the SABC has made a number of contradictory and confused statements to the media regarding the reason behind the decision to implement the policy.
- 28 On 31 May 2016, in an article published on the website Filmcontact.com, Mr Hlaudi Motsoeneng, the COO of the SABC, told members of the press that he has taken *"this bold decision to show that violent protests are not necessary"* because the SABC has a *"mandate to educate the citizens... As a responsible public institution we will not assist these individuals to push their agenda that seeks public attention. We would like to encourage citizens to protest peacefully without destroying the very same institutions that are needed to restore their dignity."* I attach a copy of this article as **RA 2**.
- 29 In contrast, responding to questions at an SABC event on 1 June 2016, Mr Motsoeneng told journalists that the media industry should not encourage incitement to burn property, saying, *"[F]or me what is critical is that we as the SABC, or media generally, you can't incite the public to burn property, because*

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*the property that people are burning it is not a ruling party property, it is community property". Mr Motsoeneng went on to state that, "[W]here we are saying we can't encourage that is where people see the cameras of the SABC and journalists of the SABC (and) they go and burn property. We are saying we should not allow that to happen. That is what we are saying." I attach a copy of this News24 article as RA 3.*

30 However, Mr Motsoeneng contradicted these statements during an interview on Jacaranda FM on 6 June 2016. Mr Motsoeneng told listeners that he does not need scientific research to back up his views or policies. He stated that, "*I interact with the audience and it is clear that people do not want to see more violence as it leads to more violence*". Yet on the same day, while speaking on the eNCA television programme, *Maggs on Media*, on 6 June 2016, Mr Motsoeneng advanced different reasons for the decision. When asked what informed the decision, Mr Motsoeneng stated that the media "*need to be responsible and be accountable... and we need to educate and inform people...you see those inform the decision of the SABC*".

31 Mr Motsoengeng went on to say that "*the visuals that we show people they have implication on the youth... you know when you show these visuals young people they believe that this is what they need to do to achieve whatever they want to achieve, but what kind of country are we building, what kind of society. That for me is very important because I know from people who are protesting when they see cameras they are very excited, sometimes they collude with journalists, they call journalists are you coming are you not coming, if journalists are saying they are coming, what they do they wait for the journalist,*

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*immediately when they see there are cameras they start doing all sort of things, burning property in that case..." I attach a transcript of the Maggs on Media interview as RA 4.*

- 32 On the following day speaking at a National Press Club in Pretoria on 7 June 2016, Mr Motsoeneng and Anton Heunis, the SABC commercial advisor, provided even more reasons behind the decision to not show broadcast images of the destruction of public property. Mr Motsoeneng was reported as saying that as a former journalist he was speaking from experience that *"when protestors see cameras, they start burning... For kids, if someone is burning schools they may also like to experience that: they may want to burn schools too. Some people would also want to burn hospitals where people are sick."* Mr Heunis supported Mr Motsoeneng saying that the glorification of violence had a negative impact on children. In addition, Mr Motsoeneng stated that the media did not report enough positive stories and that he believes we *"need to balance negative and positive stories"*. I attach a copy of the IOL article as RA 5.

- 33 Speaking on SAFM's discussion programme *The forum @Eight* on 8 June 2016, Mr Motsoeneng told Sakina Kamwendo that the SABC, as a public broadcaster, has *"a responsibility to show visuals but if those visuals they are not in the interest of the public, they are not in the interests of young people, we can't show such visuals and I said we are going to cover this protest, people have the right to protest but we are not going to show when people see the camera of the SABC and the journalists they start burning any building."*

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34 Speaking after Mr Motsoeneng, Kaizer Kganyago, the SABC Spokesperson, stated that the reason behind the SABC's decision was as to discourage certain behaviour. He stated that, *"we will go and tell people that 26 schools have been burnt in Vuwani but we are not going to show that footage where that is happening because we want to make sure that our children do not get excited and think that is the way of making sure that can solves problems and that part is there in the ICASA Regulations to say we should make sure that we do not encourage a situation where children will think violence is the only way of solving their problems."* I attach a copy of the transcript of the SAFM interview as **RA 6**.

35 Thus, it is still unclear what fundamentally informed the decision to implement the policy and what wrongs the decision seeks to address.

36 This vagueness and lack of clarity demonstrates the SABC's failure to articulate its own policies clearly and the clear irrationality informing the decision.

37 What this also demonstrates, is the SABC's failure to appreciate that it is able properly to fulfil its obligations without imposing a blanket ban. Of course, the SABC's Policy could have extraordinary consequences for its ability to cover regional and international conflict and events such as the Orlando shootings which entail violence.

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**URGENCY**

38 The respondents mysteriously appear still to contest the urgency of the present complaint. In this regard I submit as follows:

38.1 The Chairperson has already ruled on the matter. This ruling was made after the respondents had a full and fair opportunity to make submissions regarding urgency. The Tribunal is now functus officio on this score and the matter must be treated as urgent.

38.2 In any event, the question is now moot since the urgency of the complaint dealt with the speed with which the complaint should be heard and the time periods for the filing of affidavits and argument as well as setting the date for the hearing. All of this has already been resolved, and the SABC's special requests accommodated.

39 And I submit, moreover, that the complaint is manifestly urgent. First, news is always a perishable commodity. In the present case the SABC is presently applying its Policy in relation to violent protests which are occurring. Moreover, it is common cause before this Tribunal that these violent protests are on the rise.

40 If the SABC's approach is impermissible then it must be addressed urgently – as there are likely to be numerous protests which would fall within the ambit of the Policy. All the while, the South African viewing public is not presented with a fair and accurate account of matters that vitally affect them.

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## AD SERIATIM RESPONSES

### Ad paragraphs 1 to 4

41 The averments set out under these paragraphs are admitted.

### Ad paragraph 5.1

42 The averments set out under this paragraph are denied. The SABC appears to be attempting to escape its own policy. I submit that this is a tacit admission of the broad and unreasonable terms on which the SABC decision is couched as well as its unlawfulness. In relevant parts the media statement states the following:

42.1 *"SABC will no longer broadcast footage of destruction of public property during protests";*

42.2 *"We are not going to provide publicity to such actions that are destructive and regressive."*

42.3 *"We will not cover people who are destroying public property."*

42.4 *"The SABC would like to make an appeal to other South African broadcasters and the print media to stand in solidarity with the public broadcaster not to cover the violent protests that are on the rise and in turn destroying public institutions."*

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- 43 From this it is clear that what will not be broadcast is not just the “destructive and regressive conduct on public institutions”. It is all violent protests considered to be “*actions that are destructive and regressive*” by the SABC. In any event even in this paragraph the SABC makes it clear that it will not “cover” a particular category of conduct.

**Ad paragraphs 5.2 - 8**

- 44 I deny that the relief sought by the applicants is incompetent. The CCC is empowered by section 17C of the Independent Communications Authority of South Africa Act 13 of 2000 (“ICASA Act”) to hear and make recommendations on allegations of noncompliance with the Broadcasting Act;<sup>8</sup> and the SABC licences. In doing so it must seek to align broadcasting with the democratic values of the Constitution and to enhance and protect the fundamental rights of citizens.<sup>9</sup>

- 45 This Tribunal’s remedial power flows from section 17E(2) of the ICASA Act which envisages wide remedial powers including:

45.1 directing the licensee “to desist from any further contravention” (section 17E(2)(a);

45.2 directing the licensee “to take such remedial or other steps [not] in conflict with this Act or the underlying statutes” (section 17E(2)(c)).

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<sup>8</sup> Act 4 of 1999


<sup>9</sup> Preamble to the Broadcasting Act

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- 46 Further legal submissions will be made at the hearing in this regard.
- 47 As regards evidence "*to prove a lack of training of journalists and editors by the respondent*" – the complainant's contend that the existence of the Policy itself is a sufficient basis for this Prayer. Put differently, if the complainants are correct that the Policy is a severe breach of the various empowering provisions then it stands to reason that all those persons who might have had a hand in formulating, publishing or implementing the Policy should undergo training. Moreover, the Policy comes from the top. It is critical that subordinates are educated as to the correct position.
- 48 The references to the ICASA Act to the extent that they are direct quotations are admitted.

**Ad paragraph 9**

- 49 The SABC is straw-manning the complaint to suit its argument, and to that extent the averments are denied. The complaint is about the SABC decision to stop coverage of violent protests as evidenced by the media statement put up by the SABC on 26 May 2016.
- 50 I admit that the complainants aver that the decision violates the Broadcasting Act; the SABC licences and the SABC's news editorial policies. The validity of the SABC's news and editorial policies is not admitted and the applicants' rights to challenge it in future should they so determine remain fully reserved.

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- 51 To the extent that they are direct quotations from the founding affidavit, the rest of the averments under this paragraph are admitted.

**Ad paragraphs 10**

- 52 The averments set out under this paragraph are denied. Legal submissions will be made at the hearing in this regard.

**Ad paragraph 11.1**

- 53 The complainants never suggested that the statement expressly made a “distinction between the coverage of the burning down of a public school and the burning down of a private school”. The words “private school” do not appear in the statement. This misses the point. The effect of the Policy is that the “non-coverage of destruction of the property of public institutions” plainly and irrationally draws a distinction between covering destruction of private property and public property.

**Ad paragraph 11.2**

- 54 I assume the sentence has a typographical error and should have read “*it is made clear the SABC will **[not]** continue to promote a protest that might encourage other communities to do the same*”. There is simply no evidence placed before this Tribunal for drawing this causal link. It is for the SABC to justify the rational link between the purpose of its Policy and the means for the





Policy by providing this evidence. The mere say-so of the deponent is completely insufficient.

- 55 The claim that “[s]uch actions are not advancing any complaints against the Government” is also based on conjecture and is, in any event, plainly irrelevant. Further legal submissions will be advanced at the hearing of this matter.

**Ad paragraph 12**

- 56 The averments set out under these paragraphs are denied and I repeat what I have said above regarding the lack of evidence to demonstrate that covering or broadcasting footage of violence will incite others to commit violence.

**Ad paragraphs 13 - 15**

- 57 I admit the averments to the extent that they are direct quotations from the sources cited. However, I deny the interpretation which the SABC seeks to ascribe to the quoted provisions. The SABC decision does not constitute an editorial policy, it is a prior restraint and an infringement on the right to freedom of expression as well as the Broadcasting Act, the SABC licences and the SABC news editorial policies (subject to the complainants’ reservation of rights).

**Ad paragraph 16**

- 58 The averments set out under this paragraph are denied. The SABC is on a

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slippery slope from *"not going to provide publicity to such actions that are destructive and regressive"* to now protecting its journalists from "stray bullet blows", and to protecting itself from liability for civil suits. No evidence at all is presented to support these wild and far-fetched claims. This further illustrates the overbreadth and irrationality of the decision. The SABC has to clutch at straws to try and defend it.

59 The reference to SAPS having their own cameras demonstrates a concerning lack of appreciation by the SABC of its Constitutional and statutory obligations and the pivotal role of the SABC as public broadcaster. This is especially concerning coming from the CEO as a deponent.

60 The SAPS is not and could never be a substitute for the media in general and for the SABC in particular. The SAPS are not journalists and certainly do not have a public broadcasting platform. The mere suggestion that the SAPS could replace the public broadcaster is deeply unfortunate.

**Ad paragraph 17**

61 The averments set out under this paragraph are denied. These averments highlight the SABC's fallacy in drawing a link between reporting on criminal conduct and "promoting" such conduct. Reporting on criminal conduct neutrally and in a responsible manner could never amount to "promoting" this conduct. The SABC has not produced a shred of evidence to demonstrate the contrary.

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**Ad paragraphs 18**

62 The averments set out under this paragraph are denied. By its own admission the SABC has taken the decision in order not *"to provide publicity to"* the likes of the EFF who "sometimes hijack" service delivery protests. This is a concerning admission which might well be interpreted as being done to protect the government of the day (which it claims has been *"in turn [unfairly] accused"* of *"having caused some fires and having burnt certain tyres"*).

63 The SABC is required to be an independent public broadcaster discharging its constitutional responsibility in the public interest. It is deeply concerning that its CEO would depose to an affidavit and make such concessions while at the same time imploring the CCC to leave it be to implement its Policy. I submit this is a grave violation of the Broadcasting Act and the licence conditions that the CCC cannot take lightly.

**Ad paragraph 19**

64 These averments are denied. The SABC is making wild allegations without any substantiation. The SABC presents no evidence to support its alleged link between its coverage of protests and the protests turning violent as a result of the SABC's coverage. It refers to research that it does not specify, let alone place such research before the CCC.

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**Ad paragraphs 20**

65 The averments set out under this paragraph are denied. The SABC once again fails to place any evidence before the CCC to support its bald claims.

**Ad paragraphs 21 - 23**

66 The SABC seeks to deny that there has been a national outcry and that a wide range of groups has condemned its decision by citing a single interview with the president of COSATU. I stand by the averments made in the founding affidavit and further state the following:

66.1 Mr Dlamini is not COSATU, a copy of the statement issued by COSATU is attached hereto marked **RA 7** and, to date, it has not been retracted.

66.2 The groups I referred to in the founding affidavit, include, but are not limited to the following:

66.2.1 The South African National Editors Forum;

66.2.2 The IFP; and

66.2.3 The Right 2 Know Campaign.

67 These statements are attached marked **RA 8** to **RA 10**. I note that this is the list I have been able to put together in the limited time within which this replying affidavit had to be prepared.

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68 The extent of the outcry cannot detract from the legality (or otherwise) of the Policy, which is the central issue to be decided.

**Ad paragraphs 25**

69 I note the contents herein.

**Ad paragraph 26**

70 Save to repeat what I have said above regarding urgency, I note the contents herein.

**Ad paragraph 27**

71 I admit that there was a typographical error in the Complaint and that the reference to "national elections" was intended to be a reference to the "local government elections". As regards urgency – I repeat what I have said above.

**Ad paragraph 28 – 30**

72 The averments herein are noted.

**Ad paragraph 31**

73 I deny the allegations herein and repeat what I have already said about urgency as well as the relief sought. Further legal argument will be advanced in this regard at the hearing.

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**Ad paragraph 32 – 33**

74 I deny the contents in these paragraphs and repeat what I have said above regarding urgency. I submit that the respondents take note of the Chairperson's ruling on urgency, have not challenged it, and accordingly are bound by it. Moreover, the Chairperson is functus officio in this regard.

**Ad paragraphs 34 – 37**

75 The averments in these paragraphs are noted.

**Ad paragraph 38**

76 I deny that the SABC has complied with its licenses and repeat what I have said in the founding affidavit to this complaint in this regard.

**Ad paragraph 39 – 41**

77 The averments herein are noted.

**Ad paragraph 42**

78 I note that there is no denial proffered whatsoever regarding the complainants' allegations of concern regarding the manner in which the Editorial Policies were adopted (and the lack of public participation around them). One would have expected the respondents to have squarely dealt with this and to have provided

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information demonstrating why the Editorial Policies were adopted according to the proper procedure.

- 79 I submit that this absence is telling. Instead the deponent merely obfuscates by claiming that the complainants' complaints on this score are "ill-founded" because they "blow hot and cold", not (importantly) because the complaints are incorrect.

**Ad paragraphs 43 and 44**

- 80 Section 16(2)(b) of the Constitution is not self executing. I also deny that such provision is triggered by the media reporting on protests – even where the protests damage property. Further legal argument will be advanced on this score at the hearing.

**Ad paragraph 45**

- 81 The content of this paragraph is noted.

**Ad paragraph 46**

- 82 I admit the averments in this paragraph insofar as they correctly set out the Editorial Policies – I deny, however, that such provisions support the contentions of the respondents. Legal argument will be advanced in this regard.



**Ad paragraph 47**

83 I deny the averments in this paragraph. I underscore that the Policy expressly provides that the SABC will not – and indeed calls on other media to “*stand in solidarity with the public broadcaster not to cover the violent protests that are on the rise and in turn destroying public institutions.*”

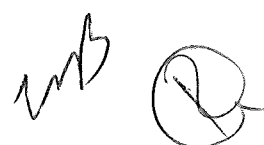
84 In any event the complainants have contended that even on the most generous construction of the Policy (that the SABC will still report on violent protests, but will do so through second-hand accounts rather than broadcast live or pre-recorded footage) it is impermissible under the Broadcasting Act and the Constitution. Television is a visual medium. The SABC’s licence conditions require it, inter alia, to provide fair “coverage” and its editorial policy requires it to “disclose all the essential facts” and not “to suppress available facts.

**Ad paragraph 48**

85 I deny the averments in this paragraph and repeat what I have said elsewhere in this affidavit and the founding affidavit regarding why the Policy is in breach of the legislative, licensing and policy provisions governing the SABC.

**Ad paragraph 49**

86 I deny the averments in this paragraph. I again emphasise that the Policy expressly provides that the SABC will not – and indeed calls on other media to

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*"stand in solidarity with the public broadcaster not to cover the violent protests that are on the rise and in turn destroying public institutions."*

87 In any event the complainants have contended that even on the most generous construction of the Policy (that the SABC will still report on violent protests, but will do so through second-hand accounts rather than broadcast live or pre-recorded footage) it is impermissible under the Constitution, the Broadcasting Act, its licence conditions and editorial policy.

88 I emphasise, moreover, that the events regarding the burning of schools in Vuwani and its coverage occurred before the introduction of the Policy. The fact that the sole example that the SABC draws on occurred before the implementation of the Policy cuts against the SABC rather than for it. In this regard I attach news articles as "RA 11" which demonstrate that the reportage of the Vuwani occurred before the Policy was adopted. Indeed, if the position of the SABC has not changed then it is unclear why the Policy was required in the first place.

89 I further deny that the public's right to know of public violent protests is limited as suggested – even assuming that the burning of public property during a protest amounted to "*incitement of imminent violence*" (which is denied). The SABC here conflates incitement of imminent violence with the right to know and report about the incitement of imminent violence. Further legal argument will be advanced in this regard at the hearing of this matter.

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**Ad paragraph 28.3**

90 I note that the SABC confirms that its principal function is to keep the public informed of what is going on (not a censored version of it).

91 Significantly, there is no express denial of the allegation that “the effect of the policy is to suppress news coverage of the causes of instability and protest against government. The policy therefore inevitably reduces public knowledge of the extent to which people are dissatisfied with their government”.

92 The respondents cannot seriously “*deny that the policy reduces public knowledge*”.

**Ad paragraph 28.4**

93 I emphasise that the respondents have merely provided a bare denial regarding how the policy underplays the amount of dissent in a country as well as such policies being the hallmark of repressive regimes such as apartheid South Africa.

**Ad paragraph 54**

94 I note the bare denials in this paragraph. Moreover, the Policy – in order to function correctly – is intended as a prior restraint on its journalists and editors. The very purpose of the Policy (whatever its precise meaning) is to ensure that certain kinds of conduct are not “*covered*” by the SABC. The SABC has not

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pleaded any discretion which will be left to the individual journalists or editors to deviate from the Policy or the criteria for such deviation. Rather – the Policy applies in all cases and regardless of the particular circumstances. This is the hallmark of a prior restraint.

**Ad paragraph 55**

95 The Complainants never suggested that the statement expressly made a “distinction between the coverage of the burning down of a public school and the burning down of a private school”. The words “private school” do not appear in the statement. This misses the point. The effect of the Policy is that the “non-coverage of destruction of the property of public institutions” plainly and irrationally draws a distinction between covering the destruction of private property and public property.

**Ad paragraphs 56 - 60**

96 I deny the allegations in these paragraphs and underscore that they are mere bare denials (save for the apparent distinction drawn between the case law relating to open justice in the context of broadcasting court proceedings).

97 Irrespective of the subject of the reportage – whether court proceedings or protests or something else – the precedent and commentary make clear that there is an important distinction between a mere second-hand report and visual footage or photographs by which the public can see for themselves the nature and extent of the particular event.

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98 In the context of the Marikana killings, for example, the video footage taken at the scene of the killings was a material factor in debunking the official version proffered by the police. In this regard I attach two short extracts from the Marikana Report marked "RA 12" which articulate the value of video footage over a mere second-hand report:

98.1 *"The Commission was, to a certain extent, assisted by video footage in getting a better picture of what took place at Marikana on 13 August 2012. This is helpful especially if regard is had to the fact that some witnesses may have perceived the events differently, some may have been mistaken, some may have been reluctant to reveal the truth for various reasons and some may have feared reprisals after giving evidence."*<sup>10</sup>

98.2 *"The video evidence summarised above refuted the SAPS allegations in respect of 'incidents 1 and 2'."*<sup>11</sup>

**Ad paragraph 61**

99 I deny the allegations in this paragraph and underscore that (as set out above) it is in contradiction with the words of the Policy as well as what has been said in its answering affidavit.

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<sup>10</sup>Marik ana Report p 132 at para B(1). The full report – of 660 pages – is available at: <http://www.thepresidency.gov.za/medialib/downloads/downloads/Full%20Report%20of%20the%20Marikana%20Commision%20of%20Inquiry.pdf>

<sup>11</sup> Marikana Report p 213 at para E(9)

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100 Moreover in this very paragraph the respondents admit that under the Policy it will not provide "coverage of destruction of public institutions". The apparent distinction drawn between "violent protests" and "protests at which there is destruction of public institutions" actually cuts against the SABC since the complainants do not suggest that the SABC can or should glamorise or sensationalise the violence or destruction of property – rather it should report it in an accurate and responsible manner. It may be that there are rare instances in which particular visuals are so graphic that broadcasting them would require a warning to be placed on the broadcast. And in even rarer cases where the visuals will not be shown.

101 But the SABC has failed to demonstrate why there is necessarily anything graphic about destruction of public property. For instance, if there are visuals of a school that is on fire there is nothing necessarily gratuitous or graphic about that. Yet the Policy has a blanket rule about showing such footage.

#### **Ad paragraphs 62 - 63**

102 I deny the contents herein and underscore again that the onus of demonstrating the apparent link between covering, or broadcasting footage of, the destruction of public institutions and further violence was squarely raised and rests on the respondents. Accordingly, its bare denial on this score is patently insufficient. The bald reference, moreover, to "sufficient evidence that violent protests have escalated throughout the country and that public institutions have been violently destroyed in the past few months" is insufficient to demonstrate that covering or broadcasting footage of such violent protests



has any material effect on the amount of the violence/destruction. That is the link that the SABC was required to demonstrate – and that is the link it has failed to provide a shred of evidence for.

**Ad paragraphs 64 - 66**

103 I deny the contents herein – and in relation to the contradictions and confusion of the SABC I repeat what I have said in the founding affidavit and above.

**Ad paragraph 67**

104 I deny the allegations in this paragraph and underscore that (as set out above) it is in contradiction with the words of the Policy as well as what has been said in its answering affidavit.

105 Moreover, in this very paragraph the respondents admit that under the Policy it will not “broadcast the violent destruction of public institutions in the name of protests”.

106 I deny that such broadcasts are prohibited by its legal prescripts and further argument in this respect will be advanced at the hearing.

107 As regards the claim that the SABC and its journalists and editors are not confused about the Policy and its stance I repeat what I have stated above.



**Ad paragraphs 68**

108 I admit that the reference to "national elections" was intended to be a reference to the local elections that are being conducted across the country. I deny the remainder of allegations in this paragraph and note that, even to the extent that representatives of COSATU subsequently altered their position, COSATU has not retracted its statement. Indeed the interview put up by the respondents makes this clear.<sup>12</sup>

109 In any event I deny that it was merely one organisation and have attached statements by other organisations above.

110 I repeat what I have said above in relation to urgency and again take umbrage with the suggestion that the complainants have knowledge about institutions that have been targeted to be burnt down.

**Ad paragraphs 69-70**

111 I deny the allegations in this paragraph and repeat what I have already said above in relation to why the remedy is competent.



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**WILLIAM BIRD**

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<sup>12</sup> Annexure JBM5 to the AA at p 138

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I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of her knowledge both true and correct. This affidavit was signed and sworn to before me at <sup>PAPROE</sup>SANDTON on this the 23 day of June 2016, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

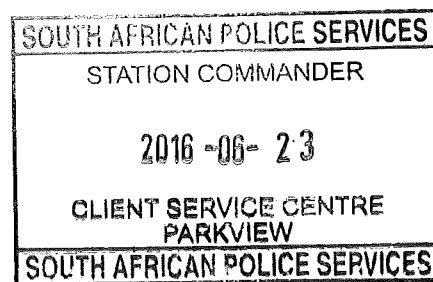


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# Hlaudi's take on June 16

Jun 15, 2016 | Julian Brown

SABC's new guidelines for protests would result in the same sort of reports as state-supporting papers' in 1976, writes Julian Brown

ON THURSDAY, June 17 1976, readers in Johannesburg would have picked up a copy of a local daily, Die Transvaler, and been confronted with a story told in four photographs.

They were aerial shots of a burning truck, two side-on images of white men with bleeding ears and bloodied faces, and one glossy memorial portrait of Dr Melville Edelstein, the only white man to die in Soweto on June 16. The story these photographs told was one of black violence and white victims, of a desperate and cruel mob that killed good men.

For the readers of Die Transvaler, this was obviously the story of the Soweto uprising: a story of anarchic black violence, which, in turn, required the use of state violence to restore order to the township. The black participants in the uprising were reduced to a faceless mass. White policemen and bystanders were identified as individuals and as victims.

Of course, the other violence of the day — of the police, which had converted a peaceful march into an insurrection, that had already killed children in the streets, and that had covered the township in a cloud of teargas and smoke — was not depicted on Die Transvaler's front page.

This month marks the 40th anniversary of the Soweto uprising, and the story that Die Transvaler sought to tell has long since been debunked and rejected. It is barely remembered.

Instead, what we remember is a different set of images: Sam Nzima's photograph of Hector Pieterse being carried through the streets; students running from dogs and clouds of gas; overturned vehicles, and burning government offices. And the excited faces of children before the bullets began to fly; their faces in the weeks afterwards; rows upon rows of coffins.

Other newspapers showed some of these images in the days and weeks after the uprising, telling a different set of stories about the events. Students were actors in these stories: young men and women who faced terrifying police brutality and rose up. They were shown as both heroes and victims, and a complex image of their struggles was depicted in the years to come.

We may never be able to see the like of such pictures again. Not on the national broadcaster, at least.

...

IN THE last week of May, Hlaudi Motsoeneng, the chief operating officer of the SABC, announced the national broadcaster would exercise greater control over the kinds of images that it used to illustrate news stories.

The public broadcaster would avoid showing images of damage to public property in the context of protest, apparently to avoid encouraging protesters to further such acts.

This announcement was greeted with praise from Communications Minister Faith Muthambi, who said this "will go a long way to discourage attention-seeking anarchists". Unsurprisingly, most responses — except the minister's — have been critical. The decision has been characterised as censorship, and litigation is being threatened to prevent its implementation.

Beyond this, though, the announcement suggests the SABC is choosing to explicitly limit the kinds of stories it can tell



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about popular protest, local insurrection and political dissent in this country. This is compounded by the more recent announcement that the SABC's news readers will not discuss newspaper headlines in their reports, cutting off alternative voices. These limits suggest the broadcaster intends to control the stories it tells ruthlessly.

What will these stories look like? One hint of the future can be found in a brief report played by the SABC during the week of Motsoeneng's announcement. It purported to report on the clash between residents of an informal settlement near Hammanskraal and the "Red Ants", men working for a company tasked with evicting the residents, tossing their belongings out, and demolishing their shacks.

The segment shows cars slowing down as they passed a burned-out shell of a large bus, a burning tyre in the middle of the highway, and clouds of smoke. It shows trucks filled with men in red overalls driving to the settlement.

As these images are shown, the reporter describes the scene as "complete mayhem" as "protesters barricaded roads". She says "pandemonium broke out" as the Red Ants evicted "illegal occupiers" from their shacks. The residents, she adds, were "scavenging" from "the wreckage" as traffic "was delayed".

A witness is then interviewed to speak about the disruption to traffic. Next, a police officer is called on to explain that he does not know why the residents were protesting. While he is speaking, the news shows images of a man, clearly one of the Red Ants, being treated by paramedics. The police officer suggests the residents might move from their homes towards the local mall. The segment ends over a second image of a burned-out bus.

There are some striking absences from this report. First, there are no scenes of the eviction. We do not see the residents being forced out of their homes. We do see their shacks being pulled down by the Red Ants. Second, there are no scenes of the clash between residents and the Red Ants. We cannot see what kinds of violence were in play. We cannot see how the forces stacked up against each other. We cannot see how people were killed — if, indeed, they were killed in this clash, which has been disputed.

...

THIRD, we never get to hear from, or see, a single resident of the settlement. Instead of someone who might be able to explain why they acted as they did, we are presented with a police officer insisting on the impossibility of understanding the residents' actions. Instead of being able to put a face to the individuals most likely to be affected, we see cars.

It is easy to imagine a report on the Soweto uprising told in this manner, in line with the guidelines set out by Motsoeneng, and acclaimed by the minister. The report would focus on the disruptions to the major roads. It might show pictures of burned buses or burning tyres on the road. It might show the faces of one or two of the apparent victims of the violence. It would rely heavily on the police, and present their account as the facts.

It's also easy to imagine what it wouldn't show.

It wouldn't show life in Soweto — the relentless policing of everyday activities. It wouldn't show the faces of the student protesters. It wouldn't show the clash between protesters and the police. It wouldn't show police dogs biting children. It wouldn't show Hector Pieterse's violent death.

Actually, it isn't necessary to imagine this report. It's the one that Die Transvaler published in 1976.

• Brown is the author of a new history of the Soweto uprising, *The Road to Soweto*

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## SABC's Hlaudi orders censorship of protest coverage

Home (/) / SABC's Hlaudi orders censorship of protest coverage

31 May, 2016 - 08:20



The SABC's controversial boss Hlaudi Motsoeneng has ordered the immediate censorship of the public broadcaster's news bulletins saying SABC TV news will no longer show any visual of the destruction of property during any public protests. by Thinus Ferreira

Motsoeneng says he has taken "this bold decision to show that violent protests are not necessary" because the SABC has a "mandate to educate the citizens".

With looming elections just a few months away, the SABC in a statement says it has "made a decision that it will not show footage of people burning public institutions like schools in any of its news news bulletins with immediate effect" and that "we are not going to provide publicity to such actions that are destructive and regressive".

Instead of reporting the news as it happens, the SABC is now taking an editorial censorship approach to covering the news, saying people have the right to "protest and voice their concerns on various issues that they are not happy with but we also do not believe that destruction of property is the best way to voice those grievances". According to the SABC "we will not cover people who are destroying public property".

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"As a responsible public institution we will not assist these individuals to push their agenda that seeks public attention," says Motsoeneng. "We would like to encourage citizens to protest peacefully without destroying the very same institutions that are needed to restore their dignity".

Besides censoring its own news offering with immediate effect, the SABC is calling on other South African broadcasters and print media to stop broadcasting the destruction of property during protests with the SABC saying it wants other media to "stand in solidarity with the public broadcaster not to cover the violent protests that are on the rise and in turn destroying public institutions".

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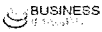
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## SA media 'censors' good news: Motsoeneng

By News24Wire June 1, 2016 8 Comments

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South African media are censoring good news stories about the country, says the chief operations officer of the SABC Hlaudi Motsoeneng.

Motsoeneng, on the sidelines of a SABC event in Johannesburg on Tuesday that awarded production contracts to local players, was responding to News24's questions about allegations of censorship at the broadcaster.

Critics have lashed out at the public broadcaster's decision this month not to broadcast footage of people destroying public property during protests.

Opposition parties, analysts and editors have slammed the SABC move by calling it censorship.

But Motsoeneng hit back at these criticisms on Tuesday.

"You know English is nice. What is the interpretation of censorship? How do you understand censorship?" Motsoeneng responded to News24.

"I can also twist that question to say that media generally – they don't show good stories. For me it is censorship."

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"I can say that because you are censoring what is good; you don't show what is good, but you just show this bad element," he added.

Motsoeneng went on further to say that local media fails to showcase "the many people who are doing well" in South Africa.

#### Media 'incite' public burnings

Explaining the SABC's decision not to broadcast burning of public property, Motsoeneng told News24 that the media industry in South Africa should steer clear of inciting this activity.

"For me what is critical is that we as the SABC, or media generally, you can't incite the public to burn property, because the property that people are burning it is not a ruling party property, it is community property," Motsoeneng told News24.

"To be honest, media encourage people to commit this certain crime of burning and so on.

"Because you know yourself as a journalist that sometimes when people see you, they rush and burn because they realise media is among them," Motsoeneng added.

However, Motsoeneng explained that SABC journalists will still go to scenes where property is being burned.

"People will always cover, our journalists will go and cover," said Motsoeneng.

"Where we are saying we can't encourage that is where people see the cameras of the SABC and journalists of the SABC (and) they go and burn property. We are saying we should not allow that to happen. That is what we are saying," he said.

News24

#### More on the SABC

SABC channel will have 80% local content by July: Motsoeneng

SABC to censor "violent" protests in South Africa

SABC accused of censorship

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**INTRODUCTION**

JM: The SABC has caused a huge outcry by banning television images of violent protests, is the decision justified, does it run counter to its mandate and is it legally defensible. That informs a special edition of Maggs on Media as we debate the public's right to information and the media's responsibility in this regard.

**INTERVIEW COMMENCES**

JM: The SABC says it is sticking to its decision to stop broadcasting footage of violent protests despite widespread criticism and even possible litigation. The public broadcaster announcing the adjustment saying its decision was informed by the need to educate the public that vandalism of public property and infrastructure was not an acceptable means of protest. Well we are going to debate that today with Media Lawyer Dario Milo from Webber Wentzel, Dr Glenda Daniels Senior Lecturer in Media Studies at Wits University and Hlaudi Motsoeneng Chief Operating Officer for the SABC. To all of you, thank you very much for joining us. Mr Motsoeneng to you first of all, it is a hugely controversial decision you have made, it has caused all sorts of debate, what fundamentally informed it.

HM: controversial to a few people, within SABC that is what we need to do, but what is more important to me, we as media people generally we need to be responsible and be accountable because the visuals that we show people have implications on the youth. You know when you show these visuals young people they believe that this is what they need to do to achieve whatever they want to achieve, but what kind of country are we building, what kind of society. That for me is very important because I know from people who are protesting when they see cameras they are very excited, sometimes they collude with journalists, they call journalists are you coming are you not coming, if journalists are saying they are coming, what they do they wait for the journalist, immediately when they see there are cameras they start doing all sort of things, burning property in that case...

*JM interjects*

JM: That is your view, Glenda Daniels let's move on to you, does the presence then of cameras at a news event necessarily incite violence as the SABC is suggesting?

GD: I don't think so at all I think what Mr Mots is now talking about what kind of society are we trying to build. We are trying to build a society according to the Constitution, the free flow of information, freedom of expression and to stay faithful to those values and in fact Lennon said, was a very clever man even for the failures of socialism around the world, he said that the formally oppressed tend to imitate their oppressors. Now we seeing this with the SABC this is exactly what happened during the apartheid days when the SABC censored material. Now this is

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my big issue, it's censorship, it's stopping freedom of expression and it is stopping the public's right to know about the right to know about the reality of the situation in South Africa and it is happening just before elections

JM: Let's get to the censorship issue in just a moment, Dario Milo legally in terms of the remit and the mandate of the SABC does that decision run counter to it?

DM: Absolutely Jeremy, I think it runs counter at a broad level its censorship of political speech and I might come to that, but more narrowly it breaches in my view the Broadcasting Act which says that the SABC has to abide by the highest standards of journalism and has to report fairly and accurately, it breaches in my view the SABC licenses that have been issued by ICASA which say much of the same thing and specifically it breaches the SABC's own editorial policy passed just a few months ago where they say that they are not when they report news to suppress available facts and that is exactly what this policy does.

JM: So Hlaudi Motsoeneng you have heard all of those arguments, before you counter them did you take legal advice on this

HM: This is the editorial decision within the organisation and actually when he refers to the Broadcasting Act the Broadcasting Act is very clear that any content that we put on air should not incite people, community and when we report we should be responsible and accountable. it does not hold any water what he saying, actually we are doing exactly what the BC Act says we should do

JM: is it not being irresponsible by not showing the public those images and giving them the right to decide

HM: It depends what kind of visuals are you talking about. I think we are clear on what we are saying, we are saying our journalists they will go and cover people who are protesting, there is no doubt about what we are saying

JM: But at what point would they stop covering, what images would offend you as the SABC

HM: Immediately when our cameras arrive and journalists, SABC is here, media is here, let's burn this property, we are saying no because that itself incites people to make sure that they burn property and the fact of the matter is media influence people whether we like it or not. Some of us who come from poor people where we were staying in one shack, ten people staying in one shack, I can't tell you the history what happens when adults and children stay in one room. It is a reality so we should not mislead each other and people who are saying censoring, what are we censoring when we report fairly and we report about the facts. Actually...



*JM interjects*

JM: Let's flesh that up, Glenda Daniels back to you, where does censorship come into this?

GD: Honestly it's censorship because it must show a deep deep desperation of people of people if what you say is true that they suddenly start acting up or wanting to burn things because the media is there, it might well be happening I'm not sure to what extent but if that is what is happening there must be a deep sense of frustration about the lack of service delivery in certain areas. Why are people...that's the issue, why are people doing what they are doing and if the only kind of attention they are going to get is when the cameras are there, well then shouldn't they be getting that kind of attention if their lives are in poverty and they are not getting the kind of delivery they want. Do we honestly think we can fool people and South Africa about what's going on by doing sunshine journalism. I mean do we honestly believe that.

JM: Hlaudi Motsoeneng back to you in a moment but Dario Milo how can this be challenged, if at all, I know that some media organisations including the Freedom of Expression, Media Monitoring Africa already consulting legally?

DM: ...<sup>1</sup>

JM: and that is the point Hlaudi Motsoeneng, is that by making this decision surely you are not going to cover the essential parts of the story as Mr Milo has just pointed out.

HM: You see editorially the SABC we are independent and we run SABC according to our discretion guided by the Broadcasting Act by ourselves, but what is more important, you know these two partners of mine they are not responsible by saying what they are saying you can see these people really, I don't know what kind of parents they are...

*JM interjects*

JM: Let's push with that parental analysis you have just made, why would the SABC see itself in a parental role that's not your job is it

HM: Our job is simple...

*JM interjects*

JM: You have just made the link between the two though haven't you?

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<sup>1</sup> As discussed with DM, considering the time constraints, the transcript only records HM's responses from hereon.



HM: No no no no no... That is part of our job as the public broadcaster. You see we are not like any other media. When we report we need to be responsible and accountable and we need to educate and inform people you see [that] informs the decision of the SABC but what he is saying he is misleading the public, the Broadcasting Act is clear they say when you report you can't incite people about violence, you can't incite people by burning property. I want to deal with property, property it is our property, it is not the ruling party's property, it is taxpayers' money. Just imagine you wake up in the morning there are no schools, one day these people are going to burn them (*HM pointing at Dario and Glenda*) in their own cars because that is the mind set we are building South Africa and as a public broadcaster...

*JM interjects*

JM: Dario the SABC says you are misleading us.

DM: ...

JM: Well Hlaudi Motsoeneng this is what COSATU says, that the smacks of autocracy is deeply patronising and assumes that South Africans are imbeciles.

HM: You see I can't talk on behalf of COSATU...

*JM interjects*

JM: I am asking you to respond to respond to what COSATU said

HM: I don't want to respond because people have different views, here I am putting the views of SABC is to say we as SABC we have a responsibility and we stand by that responsibility and we are not apologetic about what we stand for. They may go to court, we will find them in Court its fine we are ready, we always enjoy to go to court because the court will guide us how to deal with the issue because I think it is a good move for those who want to take SABC to Court will go there and defend the organisation accordingly, but let's talk about this censorship. You know it supprises me most of the time when you have good stories example it is not censorship from my partners here because their mind-sets is all negativity you know and it is important that for me if they are saying this is censorship I mean media is always censoring good stories to tell and they are not making noise, I mean there are good stories that are happening in South Africa I have never [heard] people talk about such issues

JM: ...

GD: ...

JM: ...

WP  
(8)

DM: ...

JM: ...How are your journalists going to do that? (*When protests turn violent*)

HM: We are clear about the people who are protesting and they have the right, we agree that the people if they are not happy. We as a public broadcaster it is our duty to inform the audience but also it is our duty to be responsible when we inform our audience. We are not saying that we are not going to show if the buildings are burning but where people they wait for SABC example and wait for media to come and they start burning we say no, for example...

*JM interjects*

JM: Mr Motsoeneng who makes that call though? That is the important thing, do you make the call? Does the duty editor make the call? Does the journalist him or herself make the call? In the heat of the moment and you know how this works at what point do you switch the camera off.

HM: Our journalists at the scene are clear and they need to adhere to the policy and they need to adhere to the instruction within the organisation. I mean when they are there they represent the SABC. When I am here I am not representing Hlaudi as an individual, it is a decision of the organisation. That decision binds all of us and when we talk about content, such events, my concern is tomorrow you have young people, tomorrow 20 schools are not there, there is no property. It doesn't matter who will lead tomorrow the issue is the future of this country if we allow that we as SABC we believe that we can't report such matters because we are inciting people to go and vandalise whatever that they need...

*JM interjects*

JM: Mr Motsoeneng very quickly the decision to do this, was it an instruction from government or one that you took yourself?

HM: There is no way where government will instruct SABC and I have been very vocal to say we as SABC we take the decision within the SABC, there is no way that the ruling party get involved in these matters it is the decision of the SABC. We are independent and we use our discretion I'm happy, you know discretion even the judges use discretion all of us we use discretion, what is the meaning? How do we interpret discretion? Discretion is what I believe I should do and I believe I am right. I use my own discretion and the editorial policy gives the SABC that discretion.

JM: ...

DM: ...



JM: ...

GD: ...

JM: Mr Motsoeneng respond to that, was that a decision taken to coincide with the upcoming municipal election?

HM: I think such a decision within the SABC is not the first time where people question SABC we have been doing this even whether elections or no elections and we are not pushing any political we don't have any agenda...

*JM interjects*

JM: But the timing does seem remarkably coincidental does it not?

HM: It doesn't matter the timing, I mean I can't allow a situation when I know that this car is going to hit my child, my child is going to die and wait because the time is not right, for me the time is right for the SABC so I don't have a problem but you see I am debating with people who know nothing about journalism here. They talk about theory, they said themselves they have never been on the field to cover stories...

JM: I don't recall this...

HM: They said to me they are not sure about what I'm saying when I said actually protesters they wait for the cameras to come and when the cameras are there...they said...she said she is not sure about what I'm saying, I'm saying I'm sure because I have been there, I know when protesters see cameras they burn whatever that they need to burn.

JM: But that is your experience that is not always the case, people will have different experiences. I have been into scenes where there have been protests and the cameras have been there and it has been okay. That is your perception.

HM: But where it is okay that is what we are going to cover. If people are protesting in peace we are going to raise those issues we are not going to hide anything but immediately when they see our cameras and then they burn, we are saying no that is wrong and a protest we will come and cover but immediately when you burn because you see those cameras forget.

JM: ...

GD: ...

JM: ... Mr Motsoeneng is this an irrevocable decision are you prepared to revisit it? or is this now cast in stone?

HM: There is no way that we can visit what we believe is right and it is the responsibility of public broadcaster, it's fine, people have got the right to go to court, we will see them there it's fine.

JM: Are your journalists happy with this decision? Is the SABC news happy with this decision? Was he consulted when this decision was made?

HM: The SABC...

*JM interjects*

JM: ...

DM: ...

JM: ... You don't see that as suppression?

HM: You see it is how you interpret English, it's how he interprets English which is good you can have different interpretation when...because I can also contribute to that editorial policy within the SABC and people that contribute. I interpret it differently for me the Editorial Policy is clear that we should use our discretion where there is need to use the discretion and we should also report responsible, we are responsible in this case.

JM: ...

GD: ... *(commented on how SABC journalists are unhappy with the decision)*

HM: You see the problem is in her mind she just thinks about politics, we are not dealing with politics here...

*JM interjects*

JM: But it is an inherently political decision...

HM: No no no no...It is not political decision, it has nothing to do with politics, you see it has nothing to deal with politics but what is more important if people are not happy at the SABC they should go where they will be happy there are many people here at e.tv they want to work at the SABC and other broadcasters and those people who believe in the editorial policy of the SABC they should work there and those people who don't believe I mean there are many companies to go and work where they believe they will do as they please because even here at e.tv there are rules here, people adhere to those rules, print media there are rules here, even print media.

GD: ...

Handwritten signature and initials in the bottom right corner of the page.

HM: You see you always there in our platform, I don't even know that you go there, I'm not even involved people are free to go to SABC [inaudible]

JM: ...

DM: ...

JM: ...the sense one gets from this debate is that possibly we are moving closer to a state broadcaster rather than a public broadcaster, is that true?

HM: It has nothing to do with state broadcaster, we are a public broadcaster, we understand our mandate and we understand that we need to be responsible and we are responsible.

GD: ...

DM: ...

JM: ...

*Ends*

mb  
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## SABC boss dares critics to challenge protest ban

POLITICS / 08 Jun '16, 07:57am

RAPULA MOATSHE

Pretoria - SABC boss Hlaudi Motsoeneng has dared those who believe the public broadcaster is wrong to not air visuals of violent protests to complain to the Broadcasting Complaints Commission of South Africa (BCCSA).

"Those who believe the SABC is wrong can go and complain. I can assure you that they will not succeed," Motsoeneng said on Tuesday night during a discussion hosted by the National Press Club in Pretoria.



SABC commercial adviser, Anton Heunis, the public broadcaster's chief operating officer Hlaudi Motsoeneng, veteran journalist and Press Council director, Joe Thloloe, and Beeld photo editor, Alet Pretorius, discuss the SABC's decision to no longer show footage of the destruction of public property during protests. Picture: Phill Magakoe.

Credit: Phill Magakoe

The discussion was about the SABC's recent decision not to broadcast certain

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visuals of violent protests.

He appeared alongside veteran journalist and Press Council director Joe Thloloe, SABC commercial adviser Anton Heunis, and Alet Pretorius, pictures editor for Beeld newspaper.

Motsoeneng emphasised that the public broadcaster ought to exercise accountability and responsibility in its news reporting.

"I have been a journalist. I am talking from experience.

"Immediately when protesters see cameras, they start burning," he said.

"For kids, if someone is burning schools they may also like to experience that; they may want to burn schools too. Some people would also want to burn hospitals, where people are sick."

It was unfair to compare the apartheid era and democratic era, Motsoeneng said.

He was aware that the media in general did not support positive stories. "I believe we need to balance negative and positive stories."

He hit out at South African journalists, saying they only knew about South Africa. "Because when they are reporting they are saying that in South Africa there is more poverty, but if you go around the world, you will realise there is also poverty.

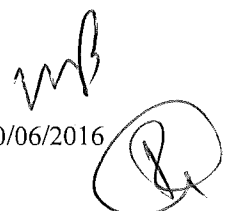
"But the way we report it here in South Africa, it seems as if people in South Africa are not doing very well. I believe that if you go around the world you will realise South Africa is a better place to live in."

Motsoeneng berated those raising concerns about the ban on visuals, saying they were in the minority. "They are fewer than 10. We are not apologetic at what is happening at the SABC and the print media cannot tell us what to do," he said.

Motsoeneng also lashed out at those claiming to represent certain organisations while they were actually "an individual operating from home".

"They are fewer than 50," he said. The SABC chief operations officer said citizens needed to condemn the violence that was happening in country. He was supported by Heunis, who said the glorification of violence had a negative impact on children.

However, Thloloe slammed the SABC decision, likening it to the one taken by the National Party government in 1985, during the apartheid era.

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“When the National Party had a state of an emergency, one of the conditions was that the media should not take pictures where there were riots. Some of us have been in that space before. We didn’t like it; we hated it,” the former press ombudsman said.

The public broadcaster was in breach of the BCCSA code that stated that news must be presented in the correct context and that facts not be distorted in any way, he said.

According to Thloloe, the SABC was running the risk of endangering the lives of its own journalists.

He expressed concerns about the patronising tone to decide for viewers, instead of providing them with information and leave them to make their own decisions.

Pretorius, meanwhile, said the big problem was not about showing pictures of protests, but how it was going to be covered. “When the media are not at the protests it won’t make them to go away; the protests will still go on,” she said.

In his parting shot, Motsoeneng said: “Freedom of expression is the foundation of our democracy.

“Without that we don’t have democracy and that is something we should guard with our lives.

“We need to express ourselves but we need to also be accountable.”

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(/news/world/us-to-lift-lid-on-florida-gunmans-911-calls-2036311)

Britain’s rival EU camps resume campaigns

mb

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**DISCUSSION ON SA FM THE FORUM @EIGHT REGARDING THE SABC'S DECISION TO NOT BROADCAST VIOLENT PROTESTS**

*Programme commenced with playing a recording of the National Press Council debate regarding the SABC's decision to not broadcast violent protests, of which the Hlaudi was part of the panel.*

Hlaudi is recorded saying the following:

HM: I am not apologetic about what is happening within the organisation and journalists can't tell us or print media or any commercial radio station, they can't decide for SABC. We are there to do our job and we will always do our job, we are not apologetic about what is happening in the SABC and actually people who are complaining are in minority, those who are raising concerns they are in minority, they are not more than 10.

HM: Freedom of expression, we need to express ourselves but we need to be responsible and be accountable because it does not mean that you [can] just do everything because of freedom of expression.

*Discussion on SA FM with Hlaudi commences*

SK welcomes HM to the programme

SK: Now Mr Motsoeneng there has been quite a bit of, you know, eruptions around some the decisions that the SABC have taken of late. While many have welcomed the call to 90% local music being played on SABC platforms, there are other decisions that have not been met with the same optimism and Dennis Bloem there for example pointing out the idea of not covering, you know, certain news events which show public property being destructed, also the programme *The Editors* on SA FM weekend and basically saying that some of these decisions are tantamount to dictatorship on your part

HM: *Laughs* Dennis Bloem is confused as always, we are not dealing with politics here we are dealing with reality. I think he should concentrate on building COPE not interfering with the process of the SABC, SABC we are a public broadcaster, we are guided by the Editorial Policy of the SABC, we are guided by the BCA SABC is unique and SABC can't act like any media and we are not in competition with any media. Dennis Bloem is confusing issues here, you can't compare a [democratic] country and an apartheid country, those are two different matters they don't make sense. If he knows and he reads, he should go and read the editorial policy of the SABC and he should go and read the ICASA Regulations because what we are doing is saying ICASA Regulations SABC can't show visuals that those visuals that can harm the community, SABC can't show the visuals that have huge implications for the kids, we are building the nation here, we are not just politicking. If he wants to politick this [inaudible] and actually by the Act he should not even try to influence the organisation.

SK: and when you talk about you should visuals that would harm the nation, how would you define 'harming the nation'?

HM: You see Sakina, we are a public broadcaster, we have a responsibility to show visuals but if those visuals they are not in the interest of the public, they are not in the interest of young people, we can't show such visuals and I said we are going to cover all this protest, people have the right to

*WLB*  
*(Signature)*

protest but we are not going to show when people see the cameras of the SABC and the journalists they start burning any building. One day they will burn the hospitals. Which means people who are saying that SABC should be very excited and cover all these people who are burning building, they are not leaders, same with Dennis Bloem he is not leader, I don't know who will vote for Dennis Bloem, he is also an adult, a parent, I don't know what kind of parent he is.

SK: Does that mean then that over the years the SABC were actually contravening the Broadcast Act, the SABC Editorial Policy, the Constitution and other documents that regulate this entity in showing all of these visuals as we had been over years?

HM: Sakina...you must know as an SABC employee, and when you talk there you need to talk like an SABC employee, what I mean in this case is read the Editorial Policy, you as SABC people need to know what the Editorial Policy is saying and it is important for you as journalists of the SABC to represent the public, to represent the SABC and Dennis Bloem is talking about us removing certain editors forum...we are changing all the programmes within the SABC, why is he concerned about the Editors Forum and even print media editors coming to the SABC, we don't go to print media, we don't dictate to them how should they cover stories. Actually, if we talk about fairness, let me define fairness, fairness is you cover negativity stories and positive stories. In any editorial news room in South Africa when journalists sit down and discuss stories they just discuss negativity, even at the SABC I said that can't happen and I am not apologetic about those issues because if we are saying fair and balanced stories which means you need to reflect the positive stories, you need to reflect the bad stories

SK: Mr Motsoeneng I believe you don't have much time with us so I am going to bring as many listeners so that you can answer their questions because some the questions we have been unable to answer

*Listeners called in with comment/questions.*

SK: ...Basically there Mr Motsoeneng the callers that have come through saying that the public has the right to know, they don't want a sanitised version of what the news may be and whatever needs to be done has to be in the public interest and from those callers at least it seems as though this decision is not in the public interest.

HM: Those are certain people because we went all around the provinces, we did consult our own people, actually the majority of our people they are saying SABC should not [violence] they are not interested in crime and other matters but we are operating within our regulations and governance and ICASA Regulations so there are no issues. We can't operate outside those regulations we are operating within those regulations but it doesn't mean when people call they represent the majority of the people.

SK: So tell us about these people that you say represent the majority then, the ones you've spoken to who said that they don't want to see all of this on television

HM: Look I was in other radio stations including SABC radio stations, I mean we have been engaging our people many many years, even now we are still engaging our people. When it is SA FM it doesn't mean other radio station other people have the same views. I was in Kwa-Zulu Natal all people are very excited about what [inaudible] all the bishops, the churches they are very happy

because they know the responsibility of the SABC as a public broadcaster. Here we not talking about politics, people should not compare a [democratic] society and apartheid, those are two different animals

SK: but does it stop one from actually drawing parallels when one sees them?

HM: Look Sakina any media house they have their own policy they have their own regulations. SABC we have our own regulations and our own policy and we will stick to those policy within the organisation, when people call saying SABC is wrong, when actually what we are doing is exactly what we are supposed to we are not going to change that. We have a responsibility we are a public broadcaster.

Hlaudi had to leave because of an emergency and Kaizer Kganyago, the SABC Spokesperson was now on the line

SK welcomes Kganyago to programme

SK: ...People feeling that they don't quite understand the rationale behind the canning *The Editors* programme that used to air on Sunday morning and also the reasons for no longer doing the daily newspaper headlines on the show

KK: Let me start by saying that unfortunately people have made up their minds about the reasons behind this and from where we are sitting it is purely a matter of making sure that we revamp our [inaudible] and people must appreciate that radio is dynamic, we change our programmes all the time and in this particular instance it is worrying because this particular programme is the one that becomes targeted why do you want to change it. I don't know whether people know this programme has been there even before 1994, it was started in the 80s it has been there for many many years and we came to a position where the station believed that they needed to revamp the programmes and remove it and I know that or I suspect that the reason why it is so much in focus is because it was profiling what was in the newspapers and what was coming over and that was free publicity for them that is what I suspect is the reason for the specific attention on this particular one. We change programmes on all our 18 radio stations all the time and I have never have heard people saying why are you doing it. The newspapers themselves, they have got features that they change all the time and nobody is asking them why did you change it and therefore it is something that is really amazing that it is getting this attention and I know the attention was brought about by some of the editors in the newspapers because they were getting the mileage of the stories that are in their papers.

SK: and just looking at Act because Mr Motsoeneng was very clear that we need to be clear about the SABC's mandate and looking at the Broadcasting Act and it does talk about being responsive to audience needs and many people are asking the question on my feed this morning Mr Kganyago about whether there was any research done, whether there is any empirical evidence that would actually go along with the sort of decision making that we have seen of late?

KK: No definitely, we did engage our public, people who listen to our radio stations will know that when we have changes of line ups and whatever we go out to people and we...each and every radio station deals with their audiences but we also as management go out and engage communities, we go into public meetings, I will just give a simple example of a meeting that we had now with people



in Durban on Friday where we going there and engage people and understand what the whole thing is about but also we need to be responsible as a broadcaster because when certain [inaudible] happen, you are able to understand the causes of these things because sometimes people think that research is when it is done by scientific people in a [inaudible] somewhere, making whatever the decisions they make how they go about it. We also engage, people know for example, when we are dealing with the issue of Editorial Policy, we went to all the provinces we engaged people, they raised those issues, they are there, we have got them on record and we are able to sit around and say these are the issues that are at play.

*SK takes more calls*

Ms Van Damme made comments regarding the COO taking instructions from Luthuli House and that there was no public consultation regarding the Editorial Policy

KK: It is very unfortunate that Ms Van Dam is able to speak about things that she doesn't know anything about maybe because she wasn't there at the time. We have got proof where we met all political parties about the Editorial Policy there [are] records of all of that. All of them even made submissions to us, we went to all the provinces and we met political parties separate in that process. For [her] to say that we are misleading the public to say we consulted on the policy it's just that when they don't agree with what is in the policy then they say we did not consult but the consultations happened, people in this country who were part of it, I was part of it I went all over the country with the team that was doing it and it has happened. Therefore, for her to come and say that we are misleading the public maybe she wasn't there maybe at the time.

SK: Well that is the response to Ms Pumzile Van Damme of the DA.

*SK takes more calls*

One of the callers commented that the SACP was not consulted therefore it cannot be said that all political were consulted

SK: ...Mr Kganyago

KK: When I said that we have consulted all political parties at that particular moment we were dealing with political parties that are represented in parliament. Maybe I should say yes I can remove 'all' if it is on the basis of what he is talking about but from where we are sitting we have got to make it clear that people, maybe I don't know whether people have read this thing that we issued when we were talking about the footage that we are not going to show because an impression that I am getting is that people are saying that we say we are not going to show violent protests and that's not what we are saying. We are saying that we are going to continue to show the protests but if there is where people are burning property we have taken a stand that says we are not going to be [inaudible] to encourage that kind of behaviour by exposing it out because proof is there that people then want to showcase that and do what they are supposed to do in front of cameras and some of the journalists will tell you that people would call and say to certain site as a tip off we are going to be burning whatever because they want that to be seen as a way of attracting attention.

*SK takes more calls*

*mb*

*(R)*

SK: ...What does this mean for the SABC? Does this mean that you're going to go back to people, at least let's take the people on this platform saying that they were not consulted, what happens from here on then?

KK: The unfortunate part is we are not going to be able to consult each and every individual but at the time I was responding to Miss Van Dam who was also saying that we have not consulted anyone and therefore the issue of not consulting anyone as opposed to everybody saying, the people as individuals saying I was not consulted but it doesn't move away from the fact that we went out on a road show all over and unfortunately it is not possible to consult each and every person in this country but also the other interesting part is there was a guy from the Eastern Cape who phoned earlier on and then he says that we have banned talk shows and that cannot be real he is speaking on a talk show, he is speaking on a talk show as he is speaking now and he says we have banned talk shows I don't know where he is getting that from and from where we are sitting it is things like that where people make general statements without looking at facts and most of the people sometimes misinterpret what we are saying and make it whatever that they want it to be to suit whatever agenda they want to. From where we are sitting as the SABC we believe that the decision that we have made is right and if people keep on saying ja it is not right, you have gone against your editorial policy and whatever, and we say in this country there are processes you can go to the BCCSA where these things can be adjudicated on and we will go and put the oppositions there because [inaudible] the SABC to go and cover the protests, marches and whatever that are happening we will continue to do it without fear or favour and we will then be in a position to say we are not going to encourage people who are going to be burning property. If they want to raise their issues we will put them on camera and deal with those issues and make sure that the public of South Africa knows, we will go and tell people that 26 schools have been burnt in Vuwani but we are not going to show that footage where that is happening because we want to make sure that our children do not get excited and think that that is the way of making sure that we can solve problems and that part is there in the ICASA Regulations to say we should make sure that we do not encourage a situation where children will think that violence is the only way of solving their problems

*Ends*

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## COSATU rejects SABC's decision to sanitise the news

30 May 2016

The Congress of South African Trade Unions is troubled and rejects the South African Broadcaster's decision to cease showing images of property destruction during service delivery protests. We call on the SABC board to reconsider this decision and allow the public broadcaster to tell the South African story uncensored, warts and all.

While the federation totally condemns violent protests and wants all perpetrators of such anarchy and vandalism to be investigated, prosecuted and sent to prison; we do not want the sanitisation of the news to hide the reality. It is not the public broadcaster's mandate to mask the challenges that this country is facing and gag itself from exposing people's anger including their criminality.

This decision smacks of autocracy and its deeply patronising because it assumes that South Africans are impressionable and imbecilic citizens, who need to be protected from some barbaric visuals lest they copy and repeat them.

We are not a nanny state and therefore do not need an overprotective public broadcaster to take care of us. What we have seen and learned is that, once censorship starts it never stops because those who are empowered to censor and impose blackouts, start to develop bottomless sensitivities and discover more activities that they feel should not be flouted on television. The fight against apartheid was also against censorship and news sanitisation and this decision cannot be allowed to stand.

If this decision is not reversed it will signal the journey into the unknown, when public broadcaster mandarins are empowered to manipulate news coverage and blacklist organisations, individuals and communities without any transparency and accountability. The SABC needs to deepen its accountability to its audiences and to the general public.

The SABC, as a public broadcaster, must be able to operate independently from all major vested interests including party political, factional and commercial interests. South Africans deserve to have access to all the available information including the negative stories so that they can be empowered to reach their full potential as active citizens.

Issued by COSATU

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#IndustriALLmining The Bento Rodrigues dam in Mariana, Brazil collapsed in Nov 2015 flooding valley destroying villages&killing 19 people

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## SABC to stop showing destruction of property on TV news bulletins, May 27, 2016 – News – Sanef

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### SABC to stop showing destruction of property on TV news bulletins, May 27, 2016

The announcement by the SABC that it would henceforth not broadcast footage of “destruction of property” during news bulletins is unfortunate and shocking. Whilst it is every media house’s prerogative to formulate editorial policy about what to publish or broadcast, such policy, in line with the public mandate of media, has to be in the public interest.

Thus, many media houses would not publish or broadcast pictures and footage of dead bodies or what the Broadcast Complaints Commission of SA calls “gratuitous violence”. However the stand taken by the SABC amounts to censorship and must be condemned.

No right thinking person would support the destruction of public facilities in the name of protest, and all media houses in this country have condemned such vandalism, but reporting on such acts in their fullest possible way by the media allows South Africans to know what is happening. What the SABC has decided to do is sanitise the news and is a disservice to the South African public.

This country has been here before, when the apartheid regime blamed media and particularly TV cameras for the spreading nationwide uprisings of the time. It ended with the police barring journalists from areas where protests were taking place. A picture of false peace was being manufactured. The SABC followed the government dictate at the time.

They failed then to mislead and hide information as people lost all confidence in the news provided by the SABC and instead turned to newspapers and foreign media for a true picture of what was happening. The SABC changed from being the mouthpiece of government when democracy dawned, and this unfortunate decision returns the broadcaster into a past it should not be associated with.

Sanef consulted with the Acting Group CEO Jimmi Matthews and expressed our shock and displeasure at the decision. We also indicated that we believe the decision should be rescinded without delay.

For Inquiries:

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Sanef Secretary General Katy Katopodis 0828057022

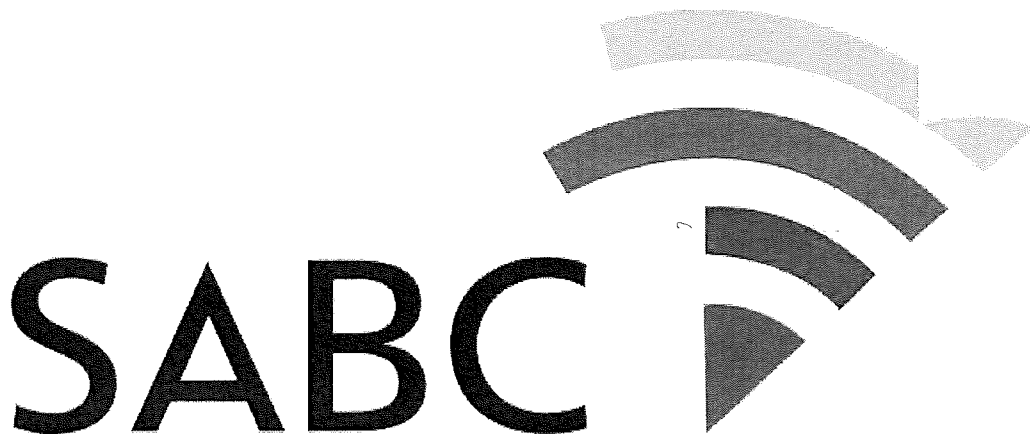
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27 MAY, 2016 • PRESS RELEASES

## IFP Condemns SABC's Self-Censorship Decision

The IFP condemns the decision by the South African Broadcasting Corporation (SABC) that it will no longer show footage of violent public protests, because they are no longer willing to "provide publicity to such actions that are destructive and regressive."

The Broadcasting Act, which guides the work of the SABC, aims to, inter alia, align the broadcasting system with the democratic values of the Constitution and to enhance and protect the fundamental rights of citizens.

One of these fundamental rights is, without doubt, the freedom of expression and the freedom to protest.

The Act also requires the SABC to provide news and public affairs programming which meets the highest standards of journalism, as well as fair and unbiased coverage, impartiality, balance, and independence from government, commercial and other interests.

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A handwritten signature in black ink, appearing to be 'R'.

This decision clearly flouts both these provisions of the Act.

Furthermore, the SABC's argument, that covering these protests will only lead to more protests, does not hold any water. Violent protests often happen before the media arrives in a troubled area, as was the case in Vuwani recently.

What the SABC, in essence, is telling South Africans through this alarming decision today, is that it is no longer willing to adhere to the Broadcasting Act, but it will instead apply self-censorship in order to protect the ANC from bad publicity ahead of the local government elections. It will also abandon its principles as public broadcaster, by no longer airing issues which deeply and profoundly affect the South African public.

The IFP, like many other opposition parties, have over many years expressed concern that the SABC is fast losing its credibility as a public broadcaster. Disturbing incidences in the past, such as the "canning" of politically sensitive programming and the banning of certain political commentators, were case in point. Today's decision just further weakens the SABC's credibility as a public broadcaster.

The IFP calls on ICASA to urgently intervene in this matter. ICASA is tasked with ensuring that broadcasters covering the upcoming local government elections, do so fairly.

**Issued by:**

Ms Liezl van der Merwe MP

IFP Whip and Spokesperson on Communications

082 729 2510

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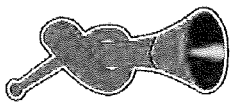
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## R2K Statement: SABC stop self-censorship!

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Posted in: [Media Freedom](#) | [May 28, 2016](#)

The Right2Know Campaign is highly dismayed by the SABC's decision not to show footage of people burning public institutions in any of its news bulletins. This is a form of self-censorship and it's unjustifiable.

As a national broadcaster, the SABC is mandated to broadcast the realities of everyday South Africans. Protests, violent or otherwise are our everyday reality. If they are newsworthy then they must be broadcasted regardless of the implications.

Airbrushing our community struggles will not make them disappear but will remove liability from those who should be held accountable for poor service delivery. Keeping the public in the dark will not stop communities from protesting because for most communities protest is the only tool available to them to get their voices heard.

The SABC is reverting back to being a propaganda machine for the government and failing its mandate of being unbiased. We demand accurate and objective news that reflects what is happening across the country. The SABC must promote freedom of expression by broadcasting all community news without being biased to the ruling party especially around the upcoming local government elections.

Statement by the SABC's Chief Operations Officer, Hlaudi Motsoeneng that this is done "to educate the citizens" is flawed. Filtering the news will leave people on the ground less informed and oblivious to the failures of the state.

Motsoeneng must not treat the SABC as a private entity to please those who are in power but a public broadcaster that serves the people. This decision is a camouflage to protect the failing state in order to paint it in a good light. What happens when the violence is perpetrated by the police against civilians like they did in Marikana?

We call on the SABC board, the SABC editors and the Media Workers' Union to put pressure on management to reverse this unconstitutional decision. As it contravenes the objectives of the Broadcasting Act. We also call on SABC reporters to take courage and resist these acts of censorship and interference in your right to tell South Africans the whole truth. South African citizens must protest against this decision at SABC offices across the country.

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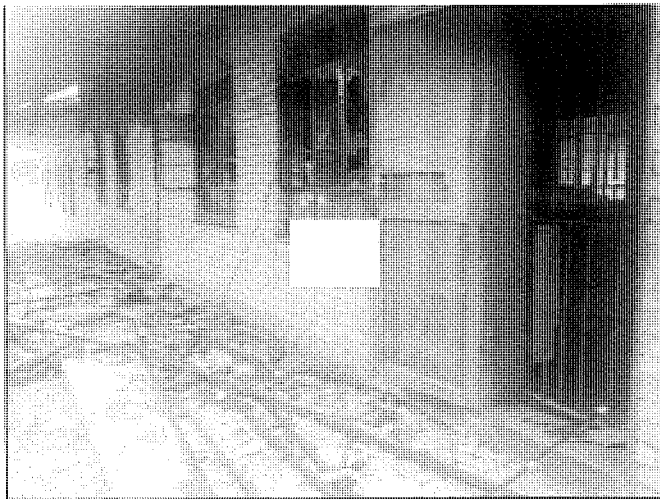
mb

11 comments

## UPDATED: Thirteen schools damaged by protestors in Vuwani, Limpopo

SOUTH AFRICA Wednesday 4 May 2016 - 8:55am

Contributors: Lenyaro Sello



Several schools have been torched in Vuwani, Limpopo, as residents demand to remain in the Makhudo Municipality. Video: eNCA



**VUWANI** - A provincial task team is currently meeting in Polokwane to discuss the way forward, following violent protests in Vuwani.

They're reviewing the findings of a technical team, which has assessed the situation on the ground.

The team is made up of representatives from Cooperative Governance, Public Works and Safety and Security and they will report back to national government.

On Wednesday police confirmed that 13 schools have been set alight in Vuwani, Limpopo, this week as violent protests in the area continue.

Schools remained closed on Wednesday morning.

### TRENDING

- 1 Checkpoint: Show me the money MMM
- 2 AU battling to find a worthy successor to Dlamini Zuma
- 3 Why are the Tshwane protests so violent?
- 4 eNCA crew robbed in Tshwane
- 5 LIVE BLOG: Tshwane turmoil

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Allister Coetzee's  
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Community protest in South  
Africa: then and now



2016 Municipal Elections

Family speaks out on death  
of first Tshwane unrest  
casualty

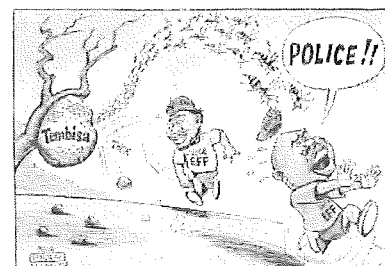


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Handwritten signatures and initials at the bottom right of the page.



**Lenyaro Sello**  
@lenyarosello

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PIC: #Vuwani the CBD is on lockdown. Police have set up barbed wire around. @eNCA  
8:50 AM - 4 May 2016

14 2

Residents are protesting against plans for Vuwani to be included in a new municipality.

The Municipal Demarcation Board announced in July 2015 that Malamulele would get its own new municipality, to be known as Malamulele-Vuwani municipality.

However residents say they want to remain under the Makhado municipality.

Local roads are blockaded and police are stationed at every corner between Vuwani and Malamulele.



**Lenyaro Sello**  
@lenyarosello

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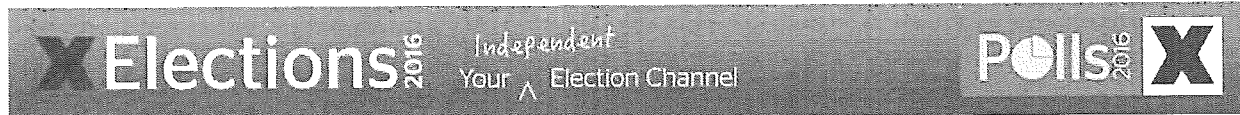
PIC: a burnt out classroom #Vuwani @eNCA  
7:43 AM - 4 May 2016

17 4

The Limpopo provincial education department predicted that the cost of repairing burnt schools could run into millions of rand that was not budgeted for.

*MB*

*(R)*



1 Comment

## Government calls for calm after violent protests in Vuwani

SOUTH AFRICA Wednesday 4 May 2016 - 11:21am



Limpopo, 04 May 2016 - A provincial task team is currently meeting in Polokwane, to discuss the way forward following violent protests in Vuwani. Cooperative Governance Minister Des van Rooyen has called for restraint in the Limpopo town. Video: eNCA



**VUWANI** - A provincial task team is currently meeting in Polokwane to discuss the way forward following violent protests in Vuwani in Limpopo.

Cooperative governance minister Des van Rooyen has called for restraint in the Limpopo town. Van Rooyen urged residents to work together with the demarcation board in its bid to turn the area into a viable and integrated municipality.



**Lenyaro Sello**  
@lenyarosello

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### TRENDING

- 1 Checkpoint: Show me the money MMM
- 2 VIDEO: Petrol attendant assaulted
- 3 eNCA crew robbed in Tshwane
- 4 Why are the Tshwane protests so violent?
- 5 Didiza to go public for first time since unrest

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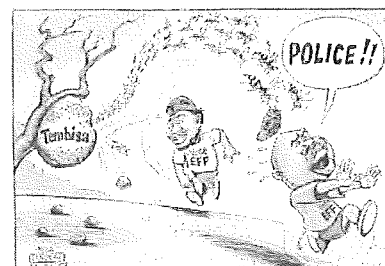
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PIC: #Vuwani some of the roads this morning @eNCA @UvekaR

6:22 AM - 4 May 2016

7 2

"Violence is not the best option in this situation. We'll continue to urge our people in Vuwani to continue to be law-abiding, to refrain from participating in violent actions but then also to refrain from intimidation and inciting violence in that area," said van Rooyen.



Lenyaro Sello  
@lenyarosello

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#Vuwani @DBE\_SA @ElijahMhlanga : school records get destroyed due to the deliberate burning down of schools. @eNCA

10:33 AM - 4 May 2016

6 3

Meanwhile the Department of Basic Education will urgently meet with provincial authorities in Limpopo to find a solution for thousands of learners, who were left stranded after 13 schools were torched during the ongoing violent protests.

Spokesman Elijah Mhlanga said his department was "appalled and shocked" by the increasing attacks on schools by the anti-demarcation protesters.

We have always maintained that community properties such as schools should not be used a bargaining tool by protesters. The setting alight of schools goes against the fight for better service delivery," said Mhlanga.

"We sent the provincial team yesterday [Tuesday] to assess the situation in the area. We are shocked to learn that the number has risen to 13. We need to urgently make a plan for learners and see if they can be relocated or temporary learning centres provided for them."

For the third day running, protesters have barricaded roads, stoned passing cars and battled riot police.

Several vehicles, a post office and a tribal office were also set alight.

Police said more schools were burnt on Tuesday night in Vuwani and Levubu areas, bringing the number of schools destroyed to 13. Three other schools were partially damaged.

Violence broke out after community leaders announced that they had lost a high court battle to have their area excluded from the new municipality in Malamulele.

Vuwani residents had launched a high court bid following an announcement by the Municipal Demarcation Board (MDB) in 2014 that one municipality in Limpopo's Vhembe district would be demarcated to fall under the Malamulele municipality.

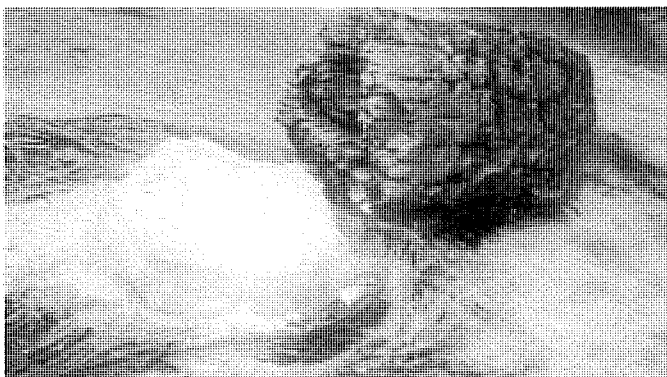
With school records possibly destroyed in the carnage, the department faced a serious problem of starting afresh with the identification of thousands of learners, said Mhlanga.

"The second thing that worsened the situation was the poor performance by most students in the area last year. These protests have been ongoing for months, resulting in disruption of schooling ... this has had a deep impact as learners performed badly, some could not finish their curriculum last year, so we are moving from bad to worse."

Limpopo police spokesman Lieutenant Colonel Malesela Ledwaba said several roads remained blocked by protesters. No arrests have yet been made.

*rub*

*(8)*



**Lenyaro Sello**  
@lenyarosello

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PIC: more roads blockaded #Vuwani @eNCA

6:51 AM - 4 May 2016

6 3

- Additional reporting ANA

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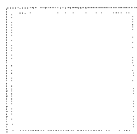
**RobFisher**

May 5, 2016

Why must the 'people' take government all the way to the constitutional court every time to get action. Not everyone has Jacob Zuma's facility to spend millions of someone else's money going to one court after the other. Why doesn't this idiot just listen to what people want.

Like Reply

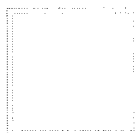
#### RELATED STORIES



**UPDATED: Thirteen schools damaged by protestors in Vuwani, Limpopo**

04 May 2016

Residents of Vuwani, Limpopo have damaged local schools during a violent protest against plans for the area to become part of a new municipality.



**UPDATE: Rubber bullets, teargas amid voter registration protest in Vuwani**

09 April 2016

Protesters say they won't register to vote this weekend – meaning they won't be able to vote in the local elections.



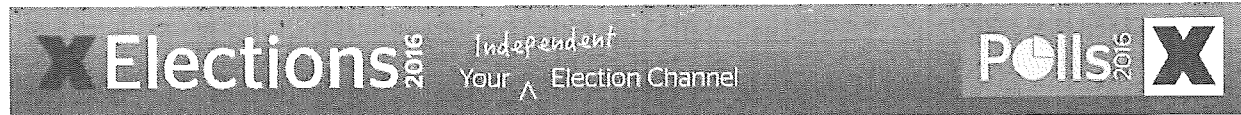
**Protesters in Vuwani say they won't register to vote**

08 April 2016

Shops, schools and public transport have been severely affected, amid fears of violence.

*Handwritten signatures and initials:*  
mb  
R





2 comments

## Task team to meet Vuwani community after protesters razed 17 schools

SOUTH AFRICA Thursday 5 May 2016 - 6:30am



Limpopo, 5 May 2016 - eNca brings you the latest on the situation in Vuwani, Limpopo.  
Video: eNCA



LIMPOPO - A Limpopo task team is expected to meet with the community of Vuwani on Thursday.

Authorities are trying to find solutions after 17 schools were set alight during protests against the rezoning of the area.

Residents don't want the town to be merged with Malamulele and surrounding areas, under a new municipality.



### TRENDING

- 1 Checkpoint: Show me the money MMM
- 2 VIDEO: Petrol attendant assaulted
- 3 eNCA crew robbed in Tshwane
- 4 Thokoza political violence haunts youth
- 5 AU battling to find a worthy successor to Dlamini Zuma

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Who will make the Springbok squad?



Protest Nation  
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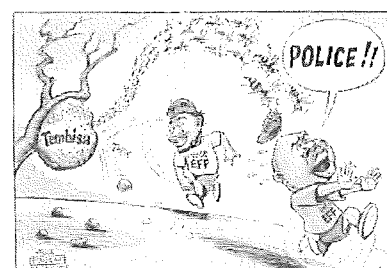
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*mb*



**Lenyaro Sello**  
@lenyarosello

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Some of the roads in #Vuwani this morning @eNCA

5:56 AM - 5 May 2016

8 7

Learning has come to a halt in the Vuwani area of Limpopo, as authorities count the cost of the damage caused by a night of anarchy and mayhem.

Thirteen schools, thousands of books and furniture, were torched by angry residents on Tuesday evening.

The Department of Basic Education says it now has to make temporary arrangements for the many pupils who'll have to write their mid-term exams soon.

The destruction is a massive setback.



**Lenyaro Sello**  
@lenyarosello

Follow

PIC: more police nyalas arriving #Vuwani @eNCA

6:32 PM - 4 May 2016

"It's destruction of untold damage. At the moment we are still assessing the damage. And for the school that have been completely destroyed it cost R10-million to R30-million to build a school. And that money is not available," said the Spokesperson for the Department of Basic Education Elijah Mhlanga.

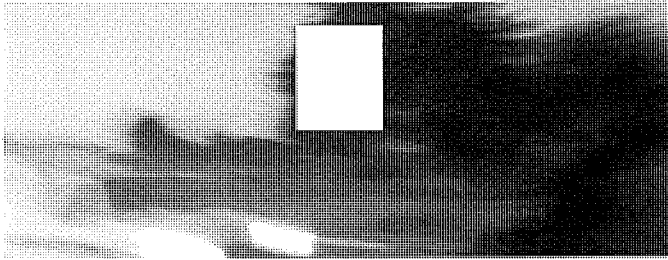
The Limpopo government says while it recognises residents' right to protest, the destruction of property is unacceptable.

"One of the reasons to move into the particular area is to ensure that we allow learners to go to school and those that involved protest can continue with protest... we don't just want to deploy the police to the area without us interacting with the community we really believe that through interaction we can find a solution," said Limpopo Government Spokesperson Phuti Seloba.

Police have stepped up security in the area. They're appealing to community leaders to help identify those behind the arson attacks.

*MB*



**Lenyaro Sello**

@lenyarosello

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VIDEO: rubber bullets fly in #Vuwani @eNCA @MikeMarillier

@maggsomedia

5:55 PM - 4 May 2016

The Minister of Basic Education Angie Motshekga has condemned the destruction of school infrastructure.

In a statement she said "the issues of protestors become obsolete when they resort to criminality that has a devastating effect on the future of children in these communities".

A satellite police station and a post office were also torched during the protests.

Click on the above video for an update on the latest developments in Vuwani and an understanding of the reason the residents do not want to be part of the Malamulele community.

eNCA

2 comments

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PAYATTENTION

May 5, 2016

I HAVE ONE QUESTION!!!!!! WHY DID IT TAKE THE POLICE SO LONG TO RESPOND..... AFTER THE FIRST TWO SCHOOLS WERE BURNT, WHY DID THE POLICE NOT POST POLICE AT THE OTHER SCHOOLS????????

INEFFECTIVE POLICE FORCE!!!! POLICE COMMISSIONER NEEDS TO ANSWER FOR THIS, AND WHY ARE THERE NO ARRESTS!!!!

Like Reply



MasivuyeBafanaWebs

May 5, 2016

The ANC Government nxa..

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MARIKANA COMMISSION OF INQUIRY: REPORT ON MATTERS OF PUBLIC,  
NATIONAL AND INTERNATIONAL CONCERN ARISING OUT OF THE TRAGIC  
INCIDENTS AT THE LONMIN MINE IN MARIKANA, IN THE NORTH WEST  
PROVINCE

TO THE PRESIDENT

MAY IT PLEASE YOU MR PRESIDENT:

WE HAVE THE HONOUR TO SUBMIT HEREWITH THE REPORT OF THE  
COMMISSION

SIGNED AT PRETORIA ON THIS 31<sup>ST</sup> DAY OF MARCH 2015

I G FARLAM (CHAIRPERSON) .....

P D HEMRAJ SC (MEMBER) .....

B R TOKOTA SC (MEMBER) .....

WB

&

up a route for the strikers from the koppie in an easterly direction, toward the neutral area and, if they wanted to go there, to Nkaneng.<sup>325</sup> As will become apparent later the moving of Nyala 6 was to have inadvertent but fatal consequences for 18 strikers.

- 10) As is set out in Chapter 21 of this report, Mr Mathunjwa did not go to the koppie at 09h00 and only went there at about 12h35. He and his colleagues left the koppie at about 13h25 and returned to the JOC at about 13h50 when the 13h30 JOCCOM meeting was still in progress. At about 12h25 Captain Dennis Adriaao, the SAPS liaison officer, informed the two SAPS video operators, Warrant Officer Masinya and Warrant Officer Ndlovu, who were on the koppie, that the strikers had identified them as police spies and that they might be killed if they remained in the general media group. He told them that they should withdraw from that place. They accordingly left and went back to the JOC.<sup>326</sup> Why they went back to the JOC and did not go to the neutral area or into one of the Nyalas, where they would have been safe and able to take video footage of the strikers and their actions, was never explained. The absence of SAPS video footage of all phases of the operation has significantly hampered the Commission in its work. On 20 July 2012, just under four weeks previously, the National Commissioner had issued a national instruction, entitled „Police Order Policing (POP): Use of Force During Crowd Management“, in paragraph 3.3 of which POP Operational Commanders were instructed to ensure „that video footage is

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<sup>325</sup> Day 135, Scott, pp 14335 - 14336

<sup>326</sup> Exhibit L, slide 170; Exh HHH8, W/O Masinga



further alleged that two water cannons on the scene started spraying the strikers to prevent them from entering the neutral zone, whereafter POP members applied non-lethal force in the form of stun and tear grenades and rubber bullets. As a result of this application of less than lethal force Nyala 4 had, so it was alleged, time to close the gap with the remaining barbed wire. It was also alleged that the strikers fired bullets at the police Nyala, described as „Papa 5“, which caused damage which can be seen in Exhibit L, slides 201 and 202.

- 9) The video evidence summarised above refuted the SAPS allegations in respect of „incidents 1 and 2“. In addition not a single SAPS witness gave written or oral evidence to support the SAPS version as set out in Exhibit L as regards „incident 1“. As far as „incident 2“ is concerned, the evidence of Captain Loest, Lieutenant Colonel Classen and Captain Thupe was that they were not aware of any confrontation between the police and the strikers at the point where Nyala 4 reached the kraal. The absence of teargas, stun grenades or water cannons at „incident 2“ was put to Brigadier Calitz on the basis of the video evidence provided by the Rowland Headgear Camera, Exhibit KKK9. The SAPS were invited to traverse the issue in re-examination if they found any basis to dispute that the video footage referred to showed that there were no stun grenades or teargas used at „incident 2“. They did not do so. As regards the assertion that bullets were fired at Papa 5, videos of Papa 5 arriving at Marikana on 15 August were shown,<sup>354</sup> from which it appeared clearly that the damage in question was there already on

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<sup>354</sup> These can be seen in the Evidence Leaders' presentation, Exhibit JJJ 194

