

29 November 2021

SABC Board
Mr. B. Makhathini
Ms M. Mohlala-Mulaudzi
Prof. S. Cooper
Adv M. Lekalakala
Ms M. Papayya
Mr DK. Mohuba

Dear Board Members

RE: GRIEVANCE AGAINST SABC GCEO, MR MADODA MXAKWE, AND BOARD CHAIR, MR BONGUMUSA MAKHATHINI

It has taken a lot from me to get to a point where I have had to take this step. I am quite resilient when it comes to workplace prejudices, but the environment has become extremely corrosive and unbearable. While I have chosen to ignore similar atrocious and aggressive treatment previously, this time around, judging by the extent of disdain with which I am treated, bordering on constructive dismissal, it is blatant that Mr Mxakwe does not want me here. I am sending this letter to the Board Chair, Mr Bongumusa Makhathini, as my line manager Mr M Mxakwe accounts to the board he chairs; Deputy Chair, Ms Mamodupi Mohlala-Mulaudzi, as the matter involves the Board Chair; Prof. Saths Cooper and Mr DK Mohuba as part of the Governance and Nominations Committee, and Adv M Lekalakala who chairs the HR Committee.

I am still not quite sure where this wave of intense antagonism and vindictiveness comes from, but I am going to confine myself to just a few issues as follows –

1. ABUSE OF AUTHORITY AND ADMINISTRATIVE OVERREACH

1.1 Mr Mxakwe sent me a message on Tuesday, 02 November 2021, at 08h36 asking me to submit a report on the circumstances leading to the airing of the interdicted Special Assignment episode as they needed to respond to lawyers. Due to the pressure I was under at the IEC's ROC, I got to read his email on Wednesday, 03 November 2021 at 12h45 and responded immediately, citing the pressure and what I needed to prioritise. At that stage I had not slept for a solid 48 hours, and I made this point in my response to him, but he insisted. This was exactly a day after I reported the confrontation by Ms Jessie Duarte to him, but even at that point there was nothing from him about what was to be done, not even

a passing reference to it. It was as if it never happened. He never even bothered to follow up on the steps to be taken. His doggedness to use the Special Assignment incident against me was blatant right from the start even before I could submit the report he had asked for. I found it curious that he had copied the HR Group Executive, Dr Mojaki, on the matter while his communicated intention was to get the report and respond to the lawyers. Revealingly, all prior communication around this matter had involved Adv Vanara throughout, who together with his team were dealing with the lawyers. It is this inclusion of Dr Mojaki and the exclusion of Adv Vanara which gave me a clear indication of a preconceived malicious intent to charge me even before I could submit the report, which I did under excessive pressure while managing complexities of the elections coverage. At that point Adv Vanara was working with News facilitating an agreement with the lawyers which we agreed to, in the same manner News had committed and adhered to not airing the interdicted episode.

1.2 I am quite perplexed by the charges relating to allegations levelled against me regarding the erroneous airing of the interdicted Special Assignment episode on 26 October 2021. During a virtual meeting called by Mr Mxakwe with Adv Vanara on 27 October 2021 at 08h00, a day after the airing of the interdicted episode, I indicated that the Group Executive responsible for free-to-air channels including S3 needed to be part of the meeting, Mr Mxakwe unequivocally rejected my suggested expressing that there was no need for him as he had nothing to do with the issue, and that I was the one responsible. This was the clearest indication of the outcome being predetermined. I was the intended target and there was no other person to be considered. When Mr Mxakwe asked me to submit a report, all my authority and responsibility to deal with the matter within the divisions was completely stripped from the word go. He effectively took over to run the News division because he had a predetermined intent to nail me for the erroneous airing of the episode, despite a clear instruction from the Special Assignment story editor to an S3 scheduler regarding the repeat episode entitled, Still Waiting, with a story code provided, that was to be played that evening. I remain puzzled as to why the interdicted episode was broadcast, and only S3 schedulers and management can explain this. Even shocking, is the fact that I am being held responsible for something that was carefully managed by News until the point where repeat episode was scheduled for airing on S3.

The point of abuse of authority and administrative overreach is blatant in this case because Mr. Mxakwe is single minded about persecuting and hounding me out of the SABC for reasons known only to him. Comparatively, in a similar incident in 2019 regarding the airing of an incorrect clip of the President's

speech, despite the statement being issued by the Corporation, the corrective process could only be handled by the News division where the problem emanated. What has changed? There are three management levels below me that would have dealt with this Special Assignment matter, but in Mr. Mxakwe's haste to get rid of me he overlooked that and chose to flout administrative governance. As a result, the relevant editors have been stripped of their responsibility to maintain performance discipline in their areas, and I have been rendered a passive observer as Mr Mxakwe has suddenly taken over my responsibilities in his quest to destroy me. I am hoping to have this cleared so that I can understand if he is going to run the News divisions and all its processes from now onwards.

2. ABUSE OF AUTHORITY AND EDITORIAL INTERFERENCE BY MR MXAKWE

On Sunday 24 October 2021, Mr Mxakwe called me about the ANC's Mr Pule Mabe who wanted to set up a radio interview for the ANC President who was campaigning in Limpopo that day. The idea initially seemed to be about the SABC going to a private radio station to cover an interview that was being set up there for the ANC President. I objected to this because SABC News is a public news service with a national footprint servicing 18 radio stations, and allowing this would have made a mockery of the SABC's own radio stations and undermining the capacity of its journalist to do the same. Also, editors were aware of a pending interview with the ANC President that SABC News had asked for like we did with other political parties. From that point the focus shifted to the interview being done on the SABC radio platform/s in Polokwane. The calls I received from Mr. Mxakwe went beyond seeking clarity about why the interview could not be done. He was putting undue pressure on me to coordinate that the interview be done despite this falling outside the News Division's editorial processes and being outright interference. I refused. He even mentioned having spoken to the Minister of DCDT about the issue which I found bizarre, because this was an editorial matter. I kept explaining why this was wrong and in violation of the prescribed editorial processes. On that day, not a single person from the ANC called me or any editor, they were communicating directly and exclusively with Mr. Mxakwe. I pointed out to him that the news desk in Limpopo had journalists who were on the ground assigned to cover the ANC President's campaign as discussed by editors. Mr. Mabe knew exactly what our elections coverage protocols were, so I was taken aback that the GCEO was involved in coordinating the interview on his behalf. Among others, the Politics Editor, the Head of Input (responsible for regions) and the Regional Editor had no knowledge of the interview and agreeing to it would have been a breach of SABC News editorial processes. Despite all my objections, I was subsequently informed by the regional editor in Limpopo that he had been told that the interview was to be done with the ANC President as agreed to by radio management and apparently Mr. Mxakwe. In my communication with the regional editor, I pointed

to this as a breach of editorial processes and that no SABC News journalist should take part in that interview as it was not discussed and sanctioned by senior editors, as was the case with all editorial content, particularly elections coverage. As a result, the interview did not happen. I have every reason to believe that the strange charges against me are the repercussions of my refusal to consent to the interview. As the Editor-in-Chief, it is my obligation to protect and maintain the editorial independence of the SABC's public news service, to safeguard its integrity, and to ensure that its controls are not breached. I had always thought that my principals understood this well, but I was proven wrong.

3. ABUSE OF AUTHORITY AND EDITORIAL INTERFERENCE BY MR MAKHATHINI

3.1 On Sunday, 24 October 2021 in the afternoon, I was called by the Board Chair, Mr Bongumusa Makhathini, the same day of the ANC President's interview coordination by Mr. Mxakwe. He recapped what Mr Mxakwe had said to me, specifically saying seeing that the GCEO had spoken to me about the interview earlier what is it that I had done to coordinate it. I said I had done nothing because it would have been an editorial transgression. He went as far as saying the ANC President was in his final leg of the campaign and would be making his way to the SABC afterwards. I asked him what he was coming to do as News had no scheduled interview with him, and there was no preparation for such by editors. He asked me if the President would have to leave the SABC without doing the interview, I emphatically said from a News point of view, yes, because no editor had knowledge of that interview and that it would be a breach of editorial transparency in our newsroom processes. I went as far as saying programming staff could go ahead and do the interview if that is what he wanted, but News was not getting involved. I also told him of the standing invitation for the ANC President to be interviewed by the Politics Editor, as it was the case with all interviews done with parties represented in parliament. What made me extremely uncomfortable was him saying that we have worked together successfully for four years, which is correct, but for him to use this to pressure and blackmail me to engaging in wrongdoing was an appalling disregard of editorial governance. I refused his request and told him explicitly that I could not compromise editors and journalists in the newsroom who had worked so hard putting their lives at risk to ensure that our editorial decision-making process and related output are beyond reproach.

What concerned me the most is that both the Board Chair and GCEO know the sensitivities involved in editorial processes as I have on numerous occasions tried to explain why certain practices were forbidden

where news and current affairs is concerned. This is a newsroom that in 2019 heard an outcome of an inquiry led by Dr Joe Thloloe into grave editorial policy drifts and interference. In their respective roles the two directors commissioned that inquiry. The report exposed egregious violations, abuse of authority, and destructive conduct that left journalists debilitated and the newsroom dysfunctional. There is no way I would have allowed that knowing the centrality of a vibrant editorially independent newsroom, and critical watchdog public service journalism to an enlightened citizenry and a sustainable democracy. In both instances, Mr Mxakwe and Mr Makhathini put immense pressure on me and bullied me to bypass newsroom process and contravene editorial governance. I refused. Having to withstand unrelenting pressure from the most senior and powerful men in the SABC and in public broadcasting in Africa, has been the most petrifying and debilitating experience for me, particularly during this past election. I have every reason to believe that the frivolous charges and the disciplinary process by the SABC's executive against me have a direct link to my refusal to do what they wanted.

3.2 Sometime around the end of May and beginning June 2021, Mr Makhathini called me about a story that relates to the Zulu Royal Family. Specifically, he made a point about what he perceived as a single perspective narrative that was playing out in the media concerning succession issues following the passing of the King of Amazulu. He referred to the court process that had ensued and that the story of the other side of the family needed to be heard. There was an extensive detail as to why this other side needed to be heard that I was not interested in but I listened out of respect. He sent me a white envelope with court papers that were given to me by a security official in the parking area as I was making my way home. I kept wondering why a person of such great repute and someone I trusted and respected so much would do that to me. On Friday, 04 June he sent me a statement titled "Statement by the prince and princesses of the Zulu Royal Family" but told me not to release it yet. On Monday, 07 June 2021 at 21h00, he sent an audio clip that was meant to prove that King Misuzulu was not suitable for the position of the king as he was struggling addiction issues, and Prince Mangosuthu Buthelezi was "trying to push out one of the late King's wives out of the royal palaces to hide the new King" He indicated that the audio clip was "recorded by one of the royals during a meeting but umntwana uThokozani can give it a voice". He sent me Prince Thokozani's number. On Monday, 07 June 2021 at 21h46 he instructed me to release the statement. I never did. SABC News has a competent team of journalists in KZN who have been doing an incredible job in covering the province and I have full confidence in their ability. I did not need any assistance from the Board Chair to do my job. I had thought

that in his role and someone who had always claimed to protect the newsroom he would lead by example to affirm its independence.

4. REPORTING HARRASSMENT OF JOURNALISTS TO THE IEC

On 02 November 2021, I was confronted by the ANC's Ms Jessie Duarte about a matter that is contained in a letter dated 21 November 2021 and addressed to Messrs Mxakwe and Makhathini. I will provide the letter when it becomes necessary. Despite my messages and calls to them immediately after the incident, nothing was said or done about it until I sent them the letter, I refer to here, requesting that action be taken on the matter as SABC News journalists are under persistent ridicule by the ruling party. Specifically, I had informed Mr. Makhathini of the incident because Ms. Duarte said she had reported my conduct to the Board and so it was logical for me to make him aware. When I sent the letter, Mr Mxakwe responded saying Adv Vanara would look into a formal way of addressing the matter. To my utter dismay, on 26 November 2021, I was copied on an email sent to the IEC and attached to it was the letter I had written directly to the Board Chair and GCEO as a request for action but submitted to the commission as a complaint. I am still horrified by this and as such, in my view no complaint has been made to the IEC as I am still waiting for a response to my request so that I can write up a formal submission to the IEC detailing crucial points of concern. I am not sure what the intention behind this is. But I am aggrieved that my letter written directly to them was submitted to the IEC as a complaint lacking critical detail from the newsroom and without me being informed.

5. ADDRESSING NEWS MATTERS WITHOUT INVOLVING THE DIVISION

On 25 November 2021, a statement was released swiftly after the ANC's Head of Elections, Mr. Fikile Mbalula, made comments during a live broadcast, disparaging SABC News and singling me out for causing losses for the party during local government elections. Several issues pointed to the statement being woefully inadequate in responding to outlandish misrepresentations against SABC News. Among these, were that SABC News covered DA-run municipalities only after elections. The fact is that there was a single episode of the show on Sunday following elections and it was a wrap revisiting issues that had been covered before elections. Secondly, three Western Cape municipalities were covered on the Daily Service Delivery Gauge while Sunday show covered one of the DA-run municipalities in that province before elections. These were glaring omissions that needed to be placed on record in that statement. Also, the attacks on SABC News' programming made mockery of what the SABC Charter defines

as the SABC's journalistic and programming independence. This needed to be placed on record. The fact that the statement was generic on attacks against SABC News did not bring any relief to its journalist as they had been subjected to such previously without anything being done despite this being reported. The exclusion of the News division in crafting the statement was a clear smokescreen to cover what was happening behind the scenes.

6. DECLINED TRIP TO ATTEND TO A CRITICAL MATTER IN CAPE TOWN

On Monday, 22 November 2021, News administration submitted a business case to Mr. Mxakwe to approve my day trip to Cape Town. The trip was meant to be on Thursday the same week. On Tuesday @12h17 the News administrator was informed by Mr. Mxakwe's office that my trip request had been declined. As there was no reason given, I sent an email to his office @12h49 further explaining the reason for the trip hoping that he would review his decision. The issue I was attending to was critical signature project for SABC News, and I needed to be there with the Head of News Resources and the Editor for Content Planning & Projects. I realized by his non-response when I checked with his office that Mr. Mxakwe seems to have made up his mind about me and is hellbent on making my work environment as toxic and unbearable as possible, and my continued stay at the SABC impossible. The rapid deterioration of my professional relationship with him as my line manager is almost irreversible. I keep asking myself why and what triggered it?

7. OTHER INSTANCES OF DISDAINFUL TREATMENT, ALBEIT NOT EXHAUSTIVE.

The contemplated closure of the Pretoria office and the contempt with which the News division has been treated post S189 regarding the matter is a painful issue. Due to my refusal to agree to a complete shutdown and a move of the News operation from the capital to Auckland Park, the standoff has led to the division having to budget to run the operation on its own which was not the case previously, whereas the two satellite offices in the Eastern Cape, East London and Mthatha are fully accounted for by the Corporation. It seems bizarre that the News division is being treated as an outcast because of its refusal to have its systems and governance compromised by such arrangements. Migrating news and current affairs to Auckland Park was never part of the restructuring process, and this was never part of any communication to staff at the time. The fact that I am viewed as obstructive whenever I raise issues of concern has put me in an untenable position, but I cannot afford to look away, even if it costs me my job. I will walk away knowing that I did what needed to be done.

8. GAGGING OF THE NEWSROOM

The SABC has made it impossible for the newsroom to report on the charges and pending disciplinary process against me. Questions by editors to the Corporation drew a 'no comment' from Corporate Affairs and Marketing, basically rendering the story impossible to tell. The gagging of the newsroom on a matter of public interest while information is being shared with other media by the Corporation, is making a mockery of what is claimed as editorial independence of the newsroom as policies are being used to silence it. The same policies are being used to silence me as I am reminded constantly by Mr Mxakwe and Mr Makhathini that I must follow processes while being persecuted for something that has got nothing to do with me or the News division. The silencing of the newsroom by the SABC is an extreme form of censorship.

9. CONCLUSION

It is my considered view that there is a concerted effort by Mr. Mxakwe to push me out of the SABC with the assistance of Group HR, using the Special Assignment matter. I am pointing to Dr Mojaki because he knows how administrative governance works and should have intervened when the authority of the News division to address staff performance discipline is usurped and processes flouted. I am saying this even though News complied fully with the court interdict and adhered to its terms as advised by Adv Vanara. But Mr Mxakwe's refusal to look elsewhere for accountability is what makes me conclude that I am his target, and nothing will stop him in his quest. It has become standard that almost every time I express concerns about administrative governance drifts, which I have the full responsibility to do as part of senior management, I am treated with absolute disdain, and get bullied, victimised and ostracised. Adhering to the prescribed legal framework, editorial governance and shielding the newsroom from interference is what I have been fighting quietly behind the scenes and sometimes without even sharing the information with the newsroom due to not wanting a resurgence of the trauma that it suffered previously. I stuck to the rules but kept because I did not want anything to destroy the spirit of the newsroom. What I am going through is the cost my silence. I endeavoured to create a safe space for journalists to practice their craft and serve the country's citizenry independently and impartially and within the prescribed editorial framework. With the public political statements being made about me having affected the electoral prospects of the ruling party, I feel extremely unsafe, and I fear for my life. I cannot keep quiet.

Regards

A handwritten signature in blue ink, appearing to read "Phathiswa Magopeni".

Phathiswa Magopeni
SABC News Editor-in-Chief & Group Executive