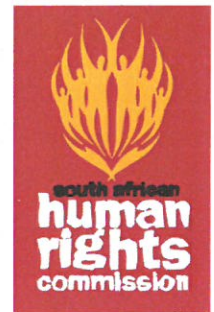


**SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

2<sup>nd</sup> Floor  
33 Hoofd Street  
Braampark, Forum 3  
**Braamfontein**  
2017

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**Houghton**  
2041

Tel.: 011 877 3750  
Fax: 011 403 0668



**Ref: GP/1617/0183/CK/LOR**  
**GP/1617/0185/CK/LOR**

**28 July 2016**

**Mr. Jan Bosman**

**Chief Secretary – Die Afrikanerbond**

**Per Email: [janbosman@abond.co.za](mailto:janbosman@abond.co.za)**

Dear Sir,

**RE: YOUR COMPLAINT AGAINST THE SOUTH AFRICAN BROADCASTING CORPORATION (SABC)**

1. Your complaint received on 29 June 2016 refers.
2. The South African Human Rights Commission (the Commission) is a state institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996 (the Constitution) to support constitutional democracy. The Commission is mandated in terms of section 184 of the Constitution to promote the protection, development and attainment of human rights, and to monitor and assess the observance of such rights within the Republic of South Africa.
3. In broad terms, your complaint details allegations of an unfair editorial policy at the SABC, as well as political interference in the management of the SABC.
4. A number of events have occurred since we received your complaint, which events we have monitored closely. In particular:

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**Chief Executive Officer:** L Khumalo



- 4.1 The Complaints and Compliance Committee (CCC) of the Independent Communications Authority of South Africa (ICASA) made a finding regarding the SABC's editorial policy. That is, ICASA found that the decision by the SABC not to broadcast violent protests violated the SABC's obligations in terms of the Broadcasting Act, the Constitution and other applicable legislation. The SABC was ordered to withdraw its decision to not broadcast violent protests;
  - 4.2 On 20 July 2016, the SABC agreed to abide by the order issued by ICASA, and to cease censorship;
  - 4.3 Journalists who were unfairly dismissed from the SABC have been reinstated by an order of the Labour Court. A further court case regarding an independent contractor will be heard later in the week in the High Court;
  - 4.4 The Public Protector South Africa (PPSA) is seized with a complaint regarding maladministration at the SABC and is investigating such, as well as poor governance at the SABC.
5. Kindly note that both ICASA and the PPSA are Chapter 9 institutions, like the Commission, and are responsible for, amongst others, regulating the telecommunications, broadcasting and postal industries in the public interest, and investigating corruption and maladministration respectively.
  6. Further, the SABC's decision to dismiss journalists is a labour matter and was challenged in the Labour Court (and the High Court).
  7. ICASA, the Labour Court and High Court and the Public Protector are and were seized with the matters and are best placed to hear such cases and provide appropriate relief in line with their particular mandates.

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8. You will note from the information provided above that your specific complaints regarding censorship, dismissal of journalists and mismanagement are being dealt with through appropriate fora.
  
9. The Commission does however confirm that it has been monitoring the situation at the SABC. It is however unable to investigate matters which are before other tribunals and forums, including courts of law or statutory / Constitutional bodies. In this respect you are referred to Chapter 3 of the Commission's Complaints Handling Procedures (CHP) as gazetted:  
  

*“(4)(2)(c) The Commission may reject any complaint which is the subject of a dispute before a court of law, tribunal, any statutory body, and body with internal dispute resolution mechanisms, or settled between the parties, or in which there is a judgment on the issues in the complaint or finding of such court of law, tribunal, statutory body or other body...”*
  
10. In light of the above, the Commission will close its file in this matter. However, as done to date, we will continue to closely monitor the situation at the SABC. In this regard, we will intervene to uphold the rights in the Bill of Rights in line with our mandate, should the need arise.
  
11. Should you not be satisfied with this decision to close your file, you may lodge an appeal, in writing within 45 days of receipt of this letter. A copy of the appeal form is available at any office of the Commission. The appeal should be lodged with the Head Office of the Commission– contact details are as follows:

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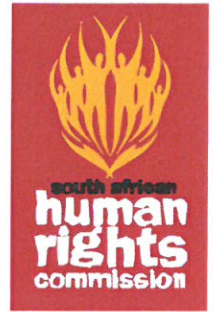
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Physical Address: Appeals Section

33 Hoofd Street  
4th Floor, Forum 3  
Braampark  
Braamfontein  
2017

Postal Address: Appeals Section

Private Bag X2700  
Houghton  
2041

Fax number: 011 403 0567 (Attention – Appeals Section), Telephone number: 011 877 3654 / 3653.

12. We trust the above is of assistance to you and thank you for bringing your complaint to the attention of the Commission.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Kisha Candasamy", is written over a horizontal line.

**Ms Kisha Candasamy**

**Acting Provincial Manager**

**Gauteng Provincial Office**

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**Chief Executive Officer:** L Khumalo