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MEETING OF EDITORS WITH THE INVINCIBLE ONE, MR BULELANI NGCUKA

On July 24, the National Director of Public Prosecutions Bulelani Ngcuka personally called black editors to join him for a meeting at a hotel in Sandton. Some editors were called by his spokesperson Sipho Ngwema.

Editors present: John Dlodlu (Sowetan), Vusi Mona (City Press), Mathatha Tsedu (Sunday Times), Jimmy Seepe (City Press), Mondli Makhanya (Mail & Guardian), Phalane Morale (Sunday Sun) and Jovial Rantsoa (The Sunday Independent and Star)

The purpose of the meeting, according to Ngcuka, to give editors the background behind an anonymous e-mail about him that was circulating. Ngcuka spoke for about 40 minutes, giving editors his perspective on why the e-mail was released and what it sought to achieve.

He said the e-mail was attacking him because of investigations he was conducting. He spoke convincingly, like a lawyer who had thoroughly prepared his arguments before a judge.

It was an excellent performance, until he asked the editors to help him. At this point, red lights began to flash among some of the editors. Their editorial independence was at stake. Ngcuka was in effect lobbying them.

When Ngcuka finally dropped the question, asking the editors to support him, by among other things, revealing their sources from the Zuma camp, the editors paused for a moment before responding.

City Press editor Vusi Mona was the first to respond. He said what Ngcuka was asking for was impossible. Ngcuka interjected him and wanted to know why it would be difficult.

Sunday Times editor Mathatha Tsedu intervened and said to Ngcuka: "We cannot make any assurances to you now. But all we can say is that we shall do the right thing."

What this 'right thing' is, is open to any interpretation. All the editors assured Ngcuka they were going to do the 'right thing'. Although this right thing was not defined, an analysis of the media reportage on the Zuma case clearly shows what this right thing was.

Also, although this was supposed to be an off-the-record briefing, the perspective and some of the terms shared by Ngcuka at that meeting did find their way into the media.

For example, he said he was not going to prosecute Zuma but would adopt a Pontius Pilate approach to justice. This expression found its way into the front page of City Press the Sunday after Ngcuka had announced that though there was a prima facie case against

Zuma, he was not going to prosecute him. Mona must tell nation where he got that expression from.

Also, Ngcuka said that Zuma was heavily in debts. This perspective found its way into Tsedu's piece in the Sunday Times where he said it was not ideal for a man as heavily borrowed as Zuma to be head of state. Was this the 'right thing' Tsedu had assured Ngcuka the editors will do?

How did Tsedu know Zuma is heavily borrowed? Does the Sunday Times have access to Zuma's banking accounts? Has the paper also become kingmaker, determining who qualifies for presidency?

Ngcuka told the editors he was going to charge Mac Maharaj's wife. This supposedly off-the-record piece of information nearly found its way into the public domain when The Star's Rantao confronted Maharaj in pursuit of this story.

The media has a lot to answer for in terms of the role it has played in this saga. Was the media used? Has the media compromised its independence? What should the public make of allegations, coming from members of the media themselves, that some of their newspapers have a special relationships with the Scorpions? Is the pursuit of a scoop worth the risk of playing prosecutor and journalist at the same time?

Indeed, in the light of allegations that there has developed 'an inappropriate relationship' between journalists and the Scorpions, the question has to be asked: have the Scorpions infiltrated the media? These are the questions that must be debated. The media cannot sidestep these issues if public confidence must be restored in the Fourth Estate.

Now, it has already been stated in public in the City Press that a lot of prejudicial comments were made about several people in that meeting. The ANC knows about this. The SG has mentioned it in the past few weeks.

What gives the editors the right to meet secretly with the public prosecutor and find certain people guilty before they have been tried in a court of law? Did Ngcuka need to lobby the editors when he already wields so much power? The man can investigate and prosecute his own cases. Why lobby the media? Can't his cases stand on their own without seeking to influence and manipulate public opinion through the media?

What is his sense of judicial ethics? Is he not expected of him to approach cases with the principle in mind of innocence until proven guilty? What gives him the right to comment privately to editors about cases he is still investigating? Is that not a breach of confidentiality and the ethics that govern lawyers and jurors alike?

But let us leave these theoretical issues aside and focus on the things Ngcuka said at that meeting about a number of people.

Jacob Zuma

He said Deputy President Zuma cannot meet his monthly financial obligations. He was being bankrolled by Schabir Shaik and the likes of Vivian Reddy. He said Zuma had surrounded himself with Indians and that is why he was in trouble.

In the relationship between Shaik and Zuma, he said Shaik calls the shots. He said he was not going to prosecute Zuma but was going to adopt a Pontius Pilate approach.

He stripped Zuma naked in front of the country's editors, leaving them with no doubt that Zuma was corrupt and not fit to be president. Is that the way a National Director of Public Prosecutions should conduct himself?

Nelson Mandela

He said Mandela called him (Ngcuka) during the ANC Stellenbosch conference to ask him what was going on with the Zuma issue. Ngcuka told him he was investigating Zuma and that the deputy president had compromised himself by getting involved in corruption.

Mandela, according to Ngcuka, undertook to speak to Zuma about the matter to see if it could not be amicably resolved.

Indeed, Mandela spoke to Zuma, said Ngcuka. But the old man told Ngcuka he (Mandela) was staying out of it because in his meeting with Zuma, the deputy president had told Mandela the investigation into him was a political campaign against him.

Zuma, according to Ngcuka, had angrily told the old man should stay out of it. Mandela, according to Ngcuka, said he had never seen Zuma so angry.

Schabir Shaik

He said he was going to charge him for corruption. Shaik, he said, had been playing delaying tactics and not cooperating. This was having an adverse effect on Zuma. Unlike in the Maharaj matter, Maharaj was putting pressure on Shaik to cooperate with the investigation, said Ngcuka.

This, according to Ngcuka, showed who was calling the shots in the relationship between the two. Unlike in the Zuma-Shaik relationship, in the Shaik-Maharaj relationship, the latter was calling the shots, he said.

He said Mandela was angry with Shaik because of ANC money he (Shaik) had stolen. Shaik, he said, used to carry Nkobi's briefcase when the latter was fundraising.

Shaik, said Ngcuka, pocketed some of the money and for that Madiba was very angry against Shaik. The intended effect of this piece of information was that the prosecution of Shaik has the support of Mandela.

Now, without absolving Shaik of any wrongdoing, the question has to be asked: What is the primary motivation for the prosecution of Shaik? Is it because he allegedly stole ANC money or is it because he has been involved in alleged corruption in the arms deal?

If it is the latter, Shaik must **definitely** be prosecuted. But if it is the former, then Ngcuka has indeed politicized this whole investigation and compromised SA's stability and image through a matter that was supposed to be purely criminal.

Indeed, if Shaik's prosecution is related to him having allegedly stolen ANC money, the question has to be asked: Is the justice system being used to settle internal ANC fights?

The ANC and the Kebbles

Ngcuka said he was concerned that the ANC was not closing ranks around him regarding the Zuma investigation.

He alluded to the ANC being prone to defend dubious business characters. For example, he said, people in the Youth League had approached him to plead for the Kebbles (rich white family with interests in mining). He made a Xhosa expression to explain what some in the Youth League say when approaching him to spare what he said were dubious business characters: *Khay! myeke lo, ngumlungu wethu*.

He alleged that the Kebbles were bankrolling certain individuals within the ANC. He said he was aware some in the Youth League had been bought cars by these white businessmen. He said Kebble has threatened him that there was going to come a dirty smear campaign against him (Ngcuka) if he did not drop the charges Roger Kebble was facing.

Jackie Selebi and Cyril Ramaphosa

He said he was aware that Selebi was spreading rumours that he (Ngcuka) decided not to prosecute Irvin Khoza because the soccer boss has a picture of a baby Ngcuka has allegedly fathered with a minor.

He said he dropped the case against Khoza because there was no evidence. At any rate, SAPS had stuffed up the investigation. For example, he said, SAPS raided Khoza's house without the necessary paper work. The Scorpions had to clean up the mess by doing the necessary paper work. In this view, Ngcuka was supported by the head of Scorpions, a chap called McCarthy.

Ngcuka said there were tensions between himself and Selebi. He made reference to how he was one day summoned to the president's house because Selebi had gone there to complain that the Scorpions had stolen from SAPS the docket relating to the Molohe Group investigation and the role played by Cyril Ramaphosa in the downfall of that company.

He said Ramaphosa had cooperated with the Scorpions, the result of which was he (Ramaphosa) had become state witness against two former Molohe Group directors.

The relationship between Ngcuka and Ramaphosa is another subject of interest on its own. Ramaphosa, apparently by Ngcuka's invitation, tried a few weeks ago to mediate in the Zuma-Ngcuka saga. What was the rationale? Who invited him? How did he escape prosecution in the Molohe Group saga?

Ramaphosa chairs Johnnic, the ultimate owners of the Sunday Times. Is it any wonder why the Sunday Times refused to publish a story with damaging allegations against Ngcuka? And what about the allegation that the story was discussed at the board level of Johnnic? Since when do stories get discussed at board level? What is the role of the editor and his/her editorial executives?

But perhaps the most disturbing question that the ANC and society in general must debate is: Is it good for our democracy for those who have political ambitions to own media assets which they can subsequently use for political manipulation?

Mac Maharaj and his wife

Ngcuka said Maharaj was a liar. When he was confronted by the investigators over a computer that Shaik allegedly bought for him, Maharaj denied Shaik ever paid for it.

On Maharaj's claim that money deposited by Shaik into his joint account with his wife was for work done by Mrs Maharaj for Shaik, Ngcuka said Maharaj was being naïve as he was unwittingly sacrificing his wife. He was going to charge Mrs Maharaj for tax evasion as she had not disclosed that income. The Star tried to pursue this story but backtracked with Maharaj demanded to know the source. It is a matter of public record that Rantao admitted his sources was within the Scorpions!!

Irvin Khoza and Penuell Maduna

Besides there being no case against Khoza, Ngcuka told the editors Khoza had approached Minister Maduna to plead that he should not be sent to jail.

According to Ngcuka, Khoza admitted that he had been naughty in the past but had now stopped. Khoza, according to Ngcuka, told Maduna he was scared of going to jail because inmates might rape him.

Billy Rautenbach

Ngcuka alleged that Rautenbach had investigated him and he (Ngcuka) had confronted him about this. Rautenbach admitted to having investigated Ngcuka and said before he could come to any agreement with Ngcuka, (Rautenbach) needed to investigate him.

On the anonymous e-mail

He was going to investigate its source. He dismissed it as nonsense and desperation by those he was investigating.

He threatened the editors that if they were going to publish the contents of the e-mail, he was going to sue the pants off them and charge them with criminal defamation.

Conclusion

There you have it. This is the man who has to be the custodian of the rule of law in S.A. His position places him next to being the country's moral guardian. But has he conducted himself as such?

Something much serious than Zuma allegedly soliciting a R500 000 bribe is eating away at the core of this democracy. There seemingly are people who are using the office of the NDPP to advance their political and business ambitions and nobody – the ANC, government and the so-called critical media – wants to confront this cancer.

Kevin Wakeford, in the Business Day of September 18, has. He probably will be taken seriously by this government. After all, the ANC government takes white opinion more seriously. Wakeford complained about criminal activities when the rand collapsed two years ago, and there was a commission of inquiry to investigate the matter.

Now, can our esteemed editors deny or confirm what has been stated above is indeed what took place in their secret meeting with Ngcuka? Their credibility hangs in the balance on this matter. The meeting they had with Ngcuka has already been reported about in the media. Let them tell the public what was discussed at that meeting.

Let us be clear on this matter. We are not seeking for protection for Zuma. If he has been involved in corruption, he must be dealt with. But not through a private prosecution and a guilty verdict arrived at between Maduna and Ngcuka like they did a few weeks ago when they announced Zuma had a case to answer. And certainly not in the news columns of newspapers, such we have seen since this saga began. If Zuma has been corrupt, he must be dealt with in a court of law.

Oh, before we forget. What about the rumour that the fight between Zuma and Ngcuka has nothing to do with the rule of law but is connected to a woman? Can our investigative journalists help unravel this one? If they can't, we'll certainly help them.

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