



**AMABHUNGANE CENTRE FOR INVESTIGATIVE JOURNALISM
2020/21 ANNUAL NARRATIVE REPORT**

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The amaBhungane Centre for Investigative Journalism NPC, registration number 2009/024323/08, is a non-profit company that develops investigative journalism – a public interest task we believe promotes free, capable media and open, accountable, just democracy.

This is our narrative report for the 12 months ended 31 March 2021.

Published July 2021.

THE YEAR IN REVIEW

It is said that democracy dies in darkness. True, but it also dies in apathy and despair.

AmaB was created to shine a light in the shadows. But we need to remind ourselves that the responsibility for tending the fire that keeps the wolves at bay belongs to us all.

The light of rational goodwill and fairness is everywhere under attack.

Populists and opportunists across the political spectrum are cashing in on the coarsening of public discourse, surfing the polarisation that the lords of the digital market promote through indifference and greed.

Globally, the news media is under sustained attack from authoritarians and others who want it to be an instrument of power and manipulation – a mouthpiece for political and corporate interests.

But there is also a glow of accountability and success: sparks that deserve to be fanned into life by an active citizenry that refuses to allow thieves and gangsters to dictate our future.

The Zondo Commission has come alight in its final months and is starting to squeeze concessions (and hundreds of millions of rands) out of corruption's enablers.

The National Prosecuting Authority has started to prosecute some of the agents of state capture.

The Special Investigating Unit and the Hawks seem energised by the prospect of finally doing the jobs they were designed for.

Nearly all these successes are *built on foundations laid by careful reporting*, with amaB a proud torchbearer.

In the last year, our investigations have proven their value as investments for society, having helped to identify and track billions of rands that are steadily being recovered by the state and state-owned companies.

Examples where our reporting has played or is likely to play a role include:

- R1-billion has been recovered by Eskom from consulting multinational McKinsey. It is pursuing R595-million from the Gupta company Trillian through the courts.
- McKinsey agreed to repay R650-million to SAA and Transnet in relation to consulting deals tainted by state capture. After negotiations it increased Transnet's portion, settling on R870-million. The SAA figure remained unknown at the time of writing.
- Eskom recovered R150-million from Deloitte stemming from another consulting deal.
- Eskom has issued a R95-million letter of demand to PwC to return fees from another state capture-era consulting deal.
- R530-million has been recovered by the Transnet Second Defined Benefit Fund from Gupta-linked Regiments Capital following a High Court settlement.
- R232-million in assets belonging to Kuben Moodley have been frozen as part of Transnet's bid to reclaim excessive consulting and advisory fees paid to Regiments, Salim Essa and the Guptas.
- R287.5-million is being claimed by the IDC from the Guptas' Oakbay group of companies in relation to the Shiva Uranium loan.
- At least R3.7-billion looted from Transnet may be recoverable from the Guptas and Chinese rolling stock manufacturer CRRC Corporation. In December 2020, leaning heavily on our work, the SA Revenue Service froze R2.8-billion in local CRRC accounts.
- Transnet and the Special Investigating Unit have applied to the High Court to cancel the locomotive contracts that were at the heart of the Gupta project.

On the advocacy front, amaB scored one of its most significant victories after a four-year legal battle. In February 2021, the Constitutional Court struck down parts of Rica, the Act which regulates the interception of communications. It also declared the practice of bulk surveillance unlawful.

The court mandated reforms which will guard against the abuse of the state's intelligence capacity to target journalists, activists and others for factional purposes.

This victory is a vindication of our advocacy programme, under which we are mandated to help secure the information rights that are the lifeblood of investigative journalism.

Much has been done, and so much more remains to be done.

AmaB's work in shining the light on corruption and in supporting democracy continues.

ORGANISATIONAL UPDATE

The Dung Beetles

Sam Sole and Stefaans Brümmer continued at the helm as joint managing partners and remained active as investigative journalists. The team comprised five more investigative journalists, an editorial coach, three coordinators who work in the digital, advocacy and operating portfolios, and our office administrator. We also hosted three fellows during the course of the reporting period.

At 31 March 2021 the team comprised:

- Investigators: Tabela Timse, Susan Comrie, Micah Reddy, Dewald van Rensburg, Tebogo Tshwane
- Editorial coach: Irwin Manoim
- Office administrator: Nomagugu Nyoni
- Digital coordinator: Sally Evans
- Advocacy coordinator: Chereese Thakur
- Operating coordinator: Lizel Shepherd
- Managing partners: Sam Sole and Stefaans Brümmer

Changes during the reporting period:

- **Chereese Thakur**, a highly qualified attorney with a track record of information rights advocacy, joined in April 2020 as advocacy coordinator after long-serving information warrior Karabo Rajuili left for an international position too good to refuse. Murray Hunter, previously with the Right2Know Campaign, followed in a brief acting position.
- **Tebogo Tshwane**, previously with Moneyweb and the Mail & Guardian, joined as an investigator in September 2020. Her specialisations include state enterprises.
- **Sibongakonke Mama** and **Chris Gilili** completed six-month investigative fellowships, Sibongakonke at the end of June and Chris at the end of December 2020. **Gemma Ritchie** completed a one year fellowship at the end of December 2020. All three were alumni of the Open Society Foundation-Wits-Rhodes investigative journalism programme.
- **Irwin Manoim** joined as the amaB editorial coach in January 2021. Irwin brings with him significant editorial experience as co-founder of the Weekly Mail (which became the Mail & Guardian) and having worked extensively in various media capacities.

Stefaans Brümmer, amaB co-founder and joint managing partner, leaves amaB at the end of July 2021 after 11 years leading the organisation with Sam Sole.

As shared at the time of the announcement in June 2021:

A change in leadership often presents risk. But amaB is better shielded from it than most start-ups at this point. Sam remains at the helm as managing partner, supported by team members across the editorial, digital, advocacy and operating portfolios. The current recruitment pipeline may also be reshaped to ensure any lacunae are filled.

Our board

Our board remained unchanged except for the rotation of the amaB staff representative, where Micah Reddy succeeded Sally Evans in July 2020.

- Prof Tawana Kupe, vice-chancellor of the University of Pretoria (non-executive chair)
- Stefaans Brümmer, amaB joint managing partner (executive)
- Nicholas Dawes, former editor and Human Rights Watch deputy executive director, now executive director of New York City-based The City (non-executive)
- Dr Sithembile Mbete, University of Pretoria politics lecturer (non-executive)
- Sisonke Msimang, human rights and gender activist, writer (non-executive)
- Micah Reddy, amaB investigator (non-executive, staff representative)
- Sam Sole, amaB joint managing partner (executive)
- Angela Quintal, former editor, now Committee to Protect Journalists Africa programme coordinator (non-executive)

Stefaans steps down from the board on 31 July 2021.

INVESTIGATIONS PROGRAMME

AmaB journalists continued to expose wrongdoing and hold power to account, reaching a large readership via our website and co-publishing arrangements with the Daily Maverick, News24 and others, which in the review period included the Financial Mail, Daily Dispatch and GroundUp.

During the difficult conditions brought about by the coronavirus pandemic, four of our staff contracted Covid-19. Despite this, we published some 91 items, of which 74 were investigative in nature. (Others included crowdfunding appeals and nine pieces relating to our advocacy work.)

Co-publishing with the Daily Maverick, with its lively and growing audience, and News24, the biggest news site in the country, gives us a particularly wide reach – at times over 100 000 readers per story. This is high in South African media terms.

To improve our understanding of the numbers, we worked with Media Hack to develop a live audience explorer dashboard. Our priority now is to use the data to improve our publication approaches and strengthen reader engagement.

An exciting innovation in our story-telling has been the launch of amaB eBooks, in which major investigations are laid out in magazine style for more compelling reading on desktop and tablets. We also produce a second format for mobiles. Early indicators prove the concept to be popular. The eBooks have also been commended by the Global Network for Investigative Journalism as a model for other investigative journalism operations.

To 31 March 2021, our stories were accessed 4.6 million times across all publication platforms. Our reader community also included:

- 10 672 newsletter subscribers
- 106 518 Twitter followers
- 15 508 Facebook followers
- 1 934 WhatsApp subscribers

Regular citation by other print/online media and broadcast interviews amplified our reach and impact.

Reader support remains a source of pride. For the year ended March 2021, amaB Supporters covered about 24% of operating expenditure; we are cautiously optimistic of continued reader support at this level.

Editorial highlights

A key theme in the reporting period was the “chickens coming home to roast” as one observer pithily put it. Much of the roasting took place at the Zondo Commission and in the courts, following what one might call the long-term basting of significant targets by amaBhungane.

Our investigations have been very good investments for society, having helped to identify and track billions of rands that are steadily being recovered by the state and state-owned companies.

A highlight here was the billions looted from Transnet, which may be recovered from the Guptas and Chinese rolling stock manufacturer CRRC Corporation. We published proof – eight kickback contracts and a detailed analysis of money flows – showing that at least R3.7-billion was diverted to the Guptas and their associates from Transnet’s procurement of locomotives. Leaning heavily on our work, the Reserve Bank and the SA Revenue Service moved in, the latter freezing R2.8-billion in December.

Another success was a high court judgement that set aside a R500-million tender. This was based almost exclusively on evidence presented in our exposé of a City of Tshwane fuel tender which involved the EFF.

The long delayed arrest of the accused in the VBS Mutual Bank scandal (and related VBS stories we published) proved among our most popular reads, showing there is a deep national thirst for the accountability drought to end.

A new theme introduced during the year was #EarthCrimes, in which we committed to use our skills and resources to highlight global and local environmental threats.

Our debut series (here, here, here and here) set out how government appeared set on a dirty, coal-driven mega-project in Limpopo, fronted by scandal-dogged Chinese middlemen. These disclosures reaffirmed a central motivation of our work: that a polity which is unaccountable or captured by personal, corporate or criminal interests, cannot and will not address major social challenges and threats.

A familiar theme to which we returned was corporate malfeasance: This remains a focus for us as companies, local and foreign, have served as enablers of state capture and as destructive actors in their own right.

We were asked by the International Consortium of Investigative Journalists to be their South African partners for the exploration of a new set of global leaks: suspicious activity reports submitted by financial institutions to the US Treasury’s Financial Crimes Enforcement Network under anti-money-laundering provisions. The material gelled with an investigation we were already pursuing and strengthened our scrutiny of the business empire of controversial defence contractor Ivor Ichikowitz. Despite threats from lawyers both in South Africa and the United Kingdom, we published.

Other stories on corporate malfeasance provided new bribery allegations against global software giant SAP, [here](#) and [here](#).

In one of our most intensive and best-read investigations yet, we conducted a [deep dive](#) into Nedbank's long entanglement with Regiments Capital, one of the architects of state capture. The article was also widely followed by other media.

We [analysed](#) some of the fallout from the multi-billion rand fraud at Steinhoff where new disputes have arisen over uneven allocations of compensation. We also maintained our [watch](#) on the dissipation of the billions of rands mis-invested by the Public Investment Corporation in Ayo Technology Solutions, and we were first to reveal that the company, like others controlled by Dr Iqbal Survé, had failed to reveal that it had lost its banking facilities.

We tried to tackle some of the enormous accountability issues arising out of the Covid-19 pandemic and the massive and largely unsupervised emergency spending that government embarked on. While our deliberate investigative style saw our more nimble reporting colleagues beating us to publication on several occasions, we published stories [here](#), [here](#), [here](#), [here](#), [here](#) and [here](#).

We identified two new areas for medium-term strategic focus. One is the water sector, which appears to be a battleground for a scarce natural resource, for patronage and for political power – see some initial efforts [here](#) and [here](#). The other is the global, but increasingly local problem of the political manipulation of social media, which we explored [here](#) and [here](#).

All our stories are available on amaBhungane.org.

Recognition

Our investigations have been acknowledged by our peers and industry stakeholders. During the reporting period we received accolades including:

- **Vodacom Journalist of the Year Awards, November 2020:** Susan Comrie was joint overall Journalist of the Year for her body of work. Susan and Sam Sole also won the national award in the Financial and Economics category for their exposé of the dubious genesis of a R200-million consulting deal that accounting firm Deloitte snagged at Eskom. Stefaans Brümmer, in the Western Cape awards, received a commendation for his work on how the Guptas looted Transnet's locomotive tenders.
- **Standard Bank Sisivile Journalism Awards, October 2020:** Susan Comrie won the enterprise news category for her investigation which showed how the ANC appeared to have bought into the fake politics of paid Twitter. Micah Reddy received a special commendation for exposing the Saudi crown prince's stake in an exclusive South African hunting resort. Micah Reddy and Stefaans Brümmer were also finalists in the investigative category for their probe into how EFF leaders funded themselves and the party from tenders.
- **Taco Kuiper Investigative Journalism Awards, April 2021:** While we were not winners this year, three of the nine finalists were from amaB, confirming the sustained depth of our reporting. Micah Reddy featured for his investigations into the business empire of controversial defence contractor Ivor Ichikowitz; Sam Sole for his #earthcrimes series; and Stefaans Brümmer for his work on how the Guptas looted Transnet's locomotive tenders.

INVESTIGATIONS SUPPORT PROGRAMME

Programme activities include workshops, fellowships and incubating the IJ Hub (the non-profit we spun off in 2019 to serve investigative journalism in the SADC region).

Workshops

AmaB, as a gratis service provider to the IJ Hub, presented four workshops to journalists in three countries during the reporting period. All the workshops were via videoconferencing due to Covid-19 strictures.

- **Malawi:** In May, Sally Evans conducted a workshop on digital security, social media and journalism during Covid-19, homing in on issues of online privacy, use of end-to-end encryption software, data protection and applications to implement minimum standards for data security. About 20 journalists attended.
- **Lesotho:** In June, Sally conducted an online workshop covering similar ground to the Malawi workshop but with an emphasis on misinformation and disinformation – particularly relevant to the Covid-19 pandemic. About 20 journalists participated.
- **Namibia:** In June and July, Dewald van Rensburg conducted two workshops focusing on investigations into the mining sector. Dewald was joined by an expert on mining in Namibia and together they shared case studies of corruption in Namibia and South Africa. A group of ten attended in June and eleven in July.

AmaB also served colleagues via these engagements:

- AmaB presented a two-hour “masterclass” session at the African Investigative Journalism Conference in October.
- In March, Susan Comrie presented an “An insider’s guide to investigative journalism” to the Wits Journalism Honours class. Susan divided her talk into three sections: finding your story, triage, and investigating.

Fellowships

AmaB hosted three investigative fellows during the reporting period.

Sibongakonke Mama (January to June 2020) and Chris Gilili (July to December) did six months each, while Gemma Ritchie did a full year (January to December). All three were from the Open Society Foundation-Wits-Rhodes investigative journalism programme.

All three published investigative stories while at amaBhungane. Gemma also grew an impressive digital support portfolio, working with colleagues to create graphs and other visuals to accompany stories.

Incubating the IJ Hub

The Hub achieves its purpose by:

- Raising and de-risking philanthropic funding for investigative journalism
- Building and supporting the administrative as well as organisational capacity of investigative journalism organisations
- Building and supporting the editorial capacity of investigative journalism organisations and journalists

AmaB continued to incubate the Hub, which is already providing a higher level of service to investigative journalism outfits in the SADC region than we were able to do on our own before.

Apart from providing managerial input as incubator, amaB also acts as a gratis service provider to the Hub, principally by presenting workshops and hosting fellows.

Workshops, presented by amaB and other experts, often attract up to 20 journalists. We believe these play an important role in inspiring, broadening horizons and demonstrating possibilities. Fellowships, arranged by the Hub at its member centres and other publications with an investigative bent, offer in-service training and support for fellows while they work on real stories intended for publication.

Current member centres are:

- The investigative unit of The Namibian – investigations.namibian.com.na
- INK Centre for Investigative Journalism, Botswana – inkjournalism.org
- MNN Centre for Investigative Journalism, Lesotho – lescij.org
- MakanDay Centre for Investigative Journalism, Zambia – makanday.com
- Inhlase Centre for Investigative Journalism, eSwatini – inhlase.com
- Platform for Investigative Journalism, Malawi – investigativeplatform-mw.org
- amaBhungane Centre for Investigative Journalism, South Africa – amabhungane.org

During the reporting period the Hub arranged and funded eight three-month investigative fellowships. Due to Covid-19 travel restrictions only one of the fellows was hosted in South Africa, attached to the Daily Maverick, while others were hosted by IJ Hub member centres in their home countries.

The Hub also arranged and funded eight training workshops or workshop series across the region. Apart from the four amaB training sessions listed under "workshops" above, there were also:

- **Zambia:** In June 2020, Hub member centre MakanDay presented two live sessions on the fundamentals of investigative journalism.
- **Region-wide:** In August, South African finance editor Kevin Davie presented four online sessions on economics and finance.
- **Region-wide:** In November, accounting experts provided introductory training for four centres as well as the IJH itself on the use of Xero, a cloud-based accounting software recommended as an option for centres' accounting.
- **Region-wide:** In February, financial expert Reg Rumney conducted two online training sessions on reading and identifying red flags in financial statements.

The Hub also provided mentoring, editing and publication support on a number of member centre stories.

Importantly, the Hub also made R2.9-million in grant disbursements to six of the seven member centres during the review period. This support not only helped establish centres to maintain or increase their capacity, but also allowed near-dormant member centres in Zambia and Swaziland, and a new member centre in Malawi, to start producing a steady flow of quality stories. AmaB does not apply for Hub grants.

Organisational milestones:

- In April 2020, the Hub's board gained greater independence with the appointment of Prof Dumisani Moyo, a media and non-profit expert who is a vice dean: academic at the University of Johannesburg, as non-executive chair. He replaced amaB's Stefaans Brümmer in that position.

- In May, the South African Reserve Bank granted the IJ Hub clearance to disburse grants to member centres outside of South Africa.
- In June, the Hub's first audit was completed. The audit was clean and no control weaknesses were identified in the auditors' management letter.
- In July, the Hub was granted public benefit organisation status and tax exemption by the SA Revenue Service.
- In August, a full-time managing partner: organisational, Dr Hamadziripi Tamukamoyo, joined the Hub. He was recruited to manage the Hub itself and support member centres organisationally.
- In September, the Millennium Trust awarded the Hub a repeat R2-million grant for the 12 months commenced October 2020.
- In November, the Open Society Foundations awarded the Hub a repeat grant, US\$280 000 for 18 months effective January 2021.
- The IJ Hub [website](#) went live in January 2021.

The Hub is led by two managing partners:

- Tamukamoyo, who joined as managing partner: organisational in August.
- Drew Forrest, amaB's long-serving investigations support coordinator who accepted a transfer to the Hub in 2019, served as its managing partner: editorial during the review period. He retired after the review period, in April 2021. Vicki Robinson, a former journalist with extensive experience in financial investigations, stepped into Drew's position in May.

With a permanent management team in place the Hub is well on its way to outgrowing its amaB incubation.

At the end of the reporting period, the Hub board comprised:

- Prof Dumisani Moyo, executive dean: faculty of humanities at North West University (non-executive chair)
- Stefaans Brümmer, amaB joint managing partner (non-executive, representing amaB as incubator)
- Steven Budlender, senior counsel specialising in constitutional and media litigation (non-executive)
- Drew Forrest, Hub managing partner (ex-officio non-executive, non-voting)
- Mantoe Phakathi, eSwatini-based journalist and communications consultant (non-executive)
- Dr Hamadziripi Tamukamoyo, Hub managing partner (ex-officio executive, non-voting)

After the review period, Robinson succeeded Forrest as non-voting ex-officio director.

ADVOCACY PROGRAMME

The programme's objective is to help secure the information rights – access to information, freedom of the media and freedom of speech – that are the lifeblood of our field.

The outbreak of Covid-19 and the associated lockdown have resulted in delays in court processes as well as difficulties in communication with government officials and those in the private sector, highlighting the need for advocacy approaches to remain nimble and responsive.

Covid-19 has also exposed fault lines in law and policy that we have identified as deserving of an advocacy response.

In this regard, our input helped introduce accountability and transparency provisions in government regulations which permitted the harvesting of cell phone location data to fight the pandemic. We also had some success in ensuring that courts remained open to the media during the lockdown period, even where proceedings were conducted electronically, so that the principle of open justice is upheld.

After a four-year legal battle, amaB scored one of its most significant advocacy victories yet. In February 2021, the Constitutional Court struck down parts of Rica, the Act which regulates the interception of communications. It also declared the practice of bulk surveillance unlawful.

The court mandated reforms which will guard against the abuse of the state's intelligence capacity to target journalists, activists and others for factional purposes.

This victory is a vindication of our strategy of using litigation as one in a range of tools to bring about change, and it demonstrates the value that our advocacy adds not just to journalism but to society at large.

Our advocacy interventions during the review period have been wide ranging. Here are some details:

Interception and the protection of sources: Following our celebrated September 2019 victory in the High Court, which ruled that Rica, the state's surveillance law, was unconstitutional in several important respects, we argued our case before the Constitutional Court in February 2020.

In a momentous decision on 4 February 2021, the apex court confirmed the High Court's declaration of constitutional invalidity and ordered Parliament to remedy all five of the defects that we identified in Rica. The court also declared the practice of bulk surveillance to be unlawful.

The court suspended the declaration of invalidity for three years to allow Parliament to cure the defects in Rica. But crucially, the court issued interim relief in two respects already: targets of surveillance must be notified retrospectively – and important safeguard against abuse – and a mechanism to protect communications both between lawyers and their clients and journalists and their sources.

This judgment will have important, far-reaching effects. It ensures far greater protection for journalists against unlawful surveillance of their communications. It affirms the right to privacy of all in South Africa. And it will help correct the gross power imbalance between state security actors and the public by introducing prospective and retrospective mechanisms to ensure accountability when surveillance decisions are made.

Mining rights transparency: In 2017 we obtained an enforcement order after the department of minerals and energy failed to fulfil our information request regarding all coal rights held in SA. But despite various undertakings and the supply of some records, the department still failed to make all records available.

In December 2019, the High Court granted us a contempt order, which included a R100 000 penalty to be paid personally by the department's information officer and deputy information officer should they fail to produce the records.

Through engagement with these officials under threat of enforcing the order, it became clear that the department's records are in disarray. Nevertheless, we have successfully obtained the bulk of the records. Once final outstanding records are received, the information will form the basis of a database that can assist journalists and others interested in mining rights.

Companies Amendment Bill: A new Bill has been in the making for some time to cure deficiencies in and reform the Companies Act. Our interest is to ensure maximum transparency of corporate information – a set of accountability safeguards important to investigative journalists and society at large.

Our ongoing input has helped authorities and Nedlac refine aspects of the draft Bill. We are cautiously optimistic that through its enactment, South Africa will join the growing list of nations that make the beneficial ownership of companies transparent to the public.

Party funding transparency and CR17 intervention: The Political Party Funding Act was signed into law in January 2019. It included an amendment – quarterly instead of annual public disclosure – which we had motivated for in parliamentary submissions.

In February 2020, we joined the High Court hearing between President Cyril Ramaphosa and the public protector regarding the latter’s report on the Bosasa donation to the president’s CR17 campaign. Our intervention did not concern the merits between the parties. Rather, it was about ensuring transparency going forward, in particular to ensure that information regarding the funding of candidates contesting internal party positions is made public.

We were not successful but applied for leave to appeal in the Constitutional Court after the public protector applied for leave to appeal in that court. The matter was argued on 26 November 2020. We await the court’s decision.

Application to unseal CR17 records: In a matter related to the CR17 intervention above, we made submissions in an application brought by the EFF to lift an order sealing records concerning private donations made to the CR17 campaign. The purpose of our submissions was to set out the appropriate legal principles which apply when documents that are held by a court are asked to be sealed (or unsealed), rather than to express a view on the outcome in this specific case.

Counsel argued on behalf of amaB on 16 and 17 March 2021, and we await the court’s decision.

Paia Amendment Bill: In July 2019, Parliament published a draft Bill in compliance with the Constitutional Court order in *My Vote Counts v Minister of Justice and another* to amend the Promotion of Access to Information Act (Paia) by the end of 2019 to ensure access to party funding information.

We made submissions on key deficiencies in the Bill, presenting at public hearings and making further written submissions to a National Council of Provinces (NCOP) select committee. Without taking these concerns into consideration, the NCOP passed the Bill in December 2019 and the president signed it into law on 26 May 2020.

We remain concerned that the legislators failed to address very real problems in the Bill (now Act) that we and others pointed out. We are considering further steps in relation the Act.

In April 2020 we made submissions to the department of justice and constitutional development on draft regulations made pursuant to the Act which, if accepted, will go some way to ameliorating its deficiencies.

Public Procurement Bill: On 30 June 2020, we made submissions to the national treasury in respect of the draft Public Procurement Bill. In it, we highlighted a number of deficiencies relating to transparency, which if allowed to remain in the Bill will severely hamper the capacity for public oversight of procurement. We will continue to follow the progress of this Bill and participate in public consultation.

Electoral Laws Amendment Bill: AmaB made submissions to the portfolio committee on home affairs on 6 November 2020 relating to provisions in the Bill that would significantly reduce public access to the voters’ roll, ostensibly in order to comply with the Protection of Personal Information Act.

We proposed amendments that would serve both purposes. The committee seemed to attach weight to the views of the Independent Electoral Commission (IEC), which dismissed our suggestions, claiming Paia would provide sufficient access. As the committee – unusually – did not call for oral submissions, we could not present our views. It did not adopt our suggested amendments, and the Bill was passed in the National Assembly (NA) in December 2020.

We subsequently made written submissions in the NCOP, and published an advocacy release setting out our concerns. This drew the attention of some sober minds and both the IEC and Information Regulator wrote to the NCOP committee processing the Bill suggesting compromise versions that largely dealt with our concerns, and which were substantially adopted by the legislature.

We await the president's signature before the Bill becomes law.

Access to courts during Covid-19 lockdown: After lockdown in early 2020, we engaged with the judge president of the Gauteng Division of the High Court to issue a directive concerning media access to courts during lockdown, including access to electronic hearings and court records. The judge president issued a media protocol in June 2020 that affirmed the principle of open justice and dealt with many of our concerns.

Subsequently, he engaged with us directly regarding our concerns about the practical operation of the protocol.

We also approached other divisions of the High Court to adopt similar measures, with mixed results. Some have indicated that the courts do not have technological capacity to conduct video hearings. Encouragingly, at least one division has now issued directives providing for media access.

Covid-19 regulations: In the first week of South Africa's lockdown, amaB gave input which contributed to improved privacy and transparency provisions in Covid-19 regulations regarding government access to cellphone locational data. This flowed from the success of our earlier Rica challenge.

Challenging Sars secrecy provisions: In November 2019, together with the Financial Mail, we filed High Court papers seeking access to the tax returns of former president Jacob Zuma and challenging the constitutionality of tax secrecy provisions contained in Paia and the Tax Administration Act (TAA).

We are not seeking blanket access to the tax records. Rather, the application seeks to ensure that Paia and the TAA's blanket secrecy will be overridden if in the public interest – which we argue is the case with former president Zuma's records. The matter, much delayed due to Covid-19, was heard on 3 June 2021. We await judgment with cautious optimism.

Access to Steinhoff PwC forensic report: In October 2019, we launched a High Court application, again together with the Financial Mail, for an order compelling Steinhoff International Holdings to disclose a PwC report it had commissioned on SA's largest ever corporate fraud. The request was refused on the basis that the report is "legally privileged".

We regard this application as an important step to combat the corporate practice of hiding behind legal privilege, and to develop jurisprudence on the application of Paia's public interest disclosure provision. We are considering our legal strategy. A hearing date has yet to be set.

Access to section 417 enquiry: In August 2020, we launched an urgent application requesting access to an enquiry in terms of section 417 of the Companies Act aimed at uncovering the reasons for the failure of Paramount Combat Systems, an armaments manufacturer. Such proceedings are usually conducted in secret.

While we were unsuccessful on the grounds that we did not meet requirements for urgency, we were encouraged by the court's decision not to award costs in the matter. This is an indication that the court did not regard the application to have been brought frivolously. We intend to seek access to the transcript of the enquiry once the proceedings have been completed.

Access to Hawks records: In 2015, we applied under Paia for records held by the police about then Hawks head General Berning Ntlemenza's appointment. After the police failed to comply, we applied to court. The police and minister eventually consented to an order under which they were to disclose in 30 days. This was a victory in principle only, as the respondents embarked on the most extraordinary procrastination.

After our pleas fell on deaf ears, we brought a contempt-of-court application in December 2018, set down to be heard in May 2019. Less than two weeks before the hearing, the state attorney acting on behalf of the police and the minister submitted notice to oppose the matter. On the basis of the answering affidavit, we have attempted to obtain clarity from the state attorney via letter, but reserve our rights to proceed with the application.

Media sustainability: 2020 was a difficult year for journalism, with shrinking revenues and widespread retrenchments. AmaB has engaged in discussions with others concerned about media sustainability, aimed at finding solutions. We made detailed inputs on a draft discussion document by the SA National Editors' Forum concerning "Media Sustainability and Universal Access to Public Interest Journalism".

Protection of State Information Bill: This is better described as a "revival" of a project rather than a wholly new one, given our role in beating back this threat to the media and open democracy during the Zuma administration.

In June 2020, President Cyril Ramaphosa made the surprise announcement that he had referred the Bill – better known as the "Secrecy Bill" – back to Parliament for reconsideration after it had remained in the president's office, unsigned, since 2013. While there was no formal avenue for public consultation, we regarded it as important to convey that the grounds listed in the referral were insufficient to cure the Bill's unconstitutionality.

Together with other interested parties, we wrote a letter to the president that listed many other deficiencies in the Bill and called upon him to revise and expand the grounds of referral. The presidency responded to say that as the Bill was with Parliament, he could not do so. We will continue to monitor the Bill and make submissions in parliamentary consultation processes.

OUR SUPPORTERS

AmaBhungane's investigative journalism is made possible by the generous and consistent support of the public: our amaB Supporters and charitable foundations. Donations/grants above R10 000 a year are vetted and declared publicly.

AmaB Supporters, who are readers providing financial support, are a source of pride. For the year ended March 2021, amaB Supporters contributed the equivalent of about 24% of operating expenditure. This was against last year's 26%, and our 25% baseline.

Our own donation platform – independent of third-party provider GivenGain, which we had used exclusively before – went live on amaBhungane.org in late 2020. We continue to fine-tune the platform. As we build our reader audiences, we hope to inspire continued public financial support of accountability journalism.

We acknowledge these foundations whose grants supported our work during the review period:

- Bertha Foundation: Apr 2020-Mar 2021 R660 000
- Cameron Schrier Foundation via South Africa Development Fund: Oct 2019-Sep 2020, USD 50 000
- Cameron Schrier Foundation via South Africa Development Fund: Oct 2020-Sep 2021, R765 000
- Claude Leon Foundation: Jan 2018-Dec 2020, R2 000 000
- Claude Leon Foundation: Jan 2021-Dec 2022, R2 000 000
- Omidyar Network/Luminate: Jul 2018-Jun 2020, USD 225 000

- Luminate: Jul 2020-Jun 2023, USD 375 000
- Millennium Trust: Apr 2019-Mar 2022, R5 700 000
- Open Society Foundation for South Africa: Apr 2019-Apr 2021, R3 000 000
- RAITH Foundation: Apr 2018-Mar 2021, R3 152 500
- Ruth and Anita Wise Charitable and Educational Trust: Oct 2019-Sep 2020, R750 000
- Ruth and Anita Wise Charitable and Educational Trust: Oct 2020-Sep 2021, R500 000

We acknowledge all our amaB Supporters for their donations received during the review period, including these above R10 000:

- Daniel Petrie: R50 000
- Frank Robb Charitable Trust: R113 000
- Ruan Oosthuizen: R20 000
- Rowan Brewer: R100 000
- Jannie Mouton Foundation: R250 000
- Joan St Leger Lindbergh Charitable Trust: R75 000
- Zack van der Merwe: R20 000
- JM Harris: R18 000
- Co-Pierre Georg: R14 400
- Witkranz Trust: R100 000
- Gavin Joubert: R35 000
- The Egg Trust: R250 000
- The Inglis Family Charitable Trust: R50 000
- Dean and Sharon Villet: R20 000
- René Swart: R25 000
- The Roy McAlpine Charitable Foundation: R250 000
- Graham McIntosh: R17 000
- Sullivan O'Carroll: R18 000
- Ian Callender-Easby: R11 000