
AFFIDAVIT

I, the undersigned

PRAVIN JAMNADAS GORDHAN

hereby make oath and say that:

- 1 I am the Minister of Public Enterprises in the Republic of South Africa, with my principal place of employment at the offices of the Department of Public Enterprises situated at 80 Hamilton Street, Arcadia, Pretoria.
- 2 The content of this affidavit falls within my personal knowledge and are both true and correct. I am duly authorised to depose to this affidavit.
- 3 There have been various utterances made by the leadership of the Economic Freedom Fighters ("EFF"), against me. In particular, these utterances have been made by Mr Julius Malema and Mr Floyd Shivambu. I summarise these statements in relation to each of them chronologically below:
- 4 Internet link of 27 May 2017 - <https://www.youtube.com/watch?v=uTcfX26phZA> – widely viewed by the public
 - 4.1 Mr Malema stated the following against me:



“And there comes Pravin, a Minister of Finance who’s got shares in all the companies. And then we’re talking about State capture and because the Gupta’s have captured Zwane, we don’t speak about how the Ruperts and them have captured Pravin. A white monopoly capital has captured Treasury. It’s not only Pravin. Anyone else who has assumed that responsibility has been captured by white capital. Trevor, has got shares. Nene, has got shares in the same companies that Pravin has got shares.

Who is Pravin after all? Why is Pravin trying to behave like he is untouchable ... behave like, if you touch him this country will collapse? No. He is the most powerful man, he is untouchable. If you touch him the markets will react. We can’t have a Minister appointed by markets. You are eroding the power of the President and the political leadership. Some of you are happy because it is happening to Zuma but you are setting a precedent. Zuma will not be President forever. Let us protect that office of the President. When you take over that office, you will want to check, who Rupert want and if Rupert does not want, you cannot appoint. Why is Rupert not contesting elections then and then appoint a Finance Minister. It can’t be. Let the markets protest elections and appoint a Finance Minister. Finance Minister’s and Ministers of the cabinet must be appointed by the President.”

5 Internet link of 5 July 2018 - <https://www.youtube.com/watch?v=HoAgCsZB7p0>

5.1 This is a news bulletin by the news channel e-NCA – widely viewed by the public. Mr Malema states the following:

“Pravin saves the day! Which President allows a Minister to be so powerful the way Pravin is? Knowing how Pravin and the Rogue Unit operate... “Pravin wanted to destroy me, even when he did that, I still had the courage to defend him, why... I’m inspired by justice, I will never allow injustice to happen, not even to my enemies.”

We are not going to be subjected to the gangsterism of Gordhan, this is Pravin’s style he has done it to me – I am not scared of Pravin, I’m not scared of the Cabal. I am not scared of the Indian Cabal.”



6 Internet link of 5 July 2018 - <https://www.youtube.com/watch?v=wMFDZhn4kRI>

6.1 This link relates to an EFF press conference - widely viewed by the public

If the current regime wants to be used the same way Zuma was used, they will find themselves in the same situation as Zuma. We are not going to allow Pravin here to bring another capture under our watch, we are not going to allow Pravin to undermine a democratically elected President...

Which President allows a Minister to be so powerful the way Pravin is? Knowing how Pravin and the Rogue Unit operate, that Rogue unit is gangsterism. The Rogue Unit is there... they show you your story and don't act on it, that's how they have got control over you.

6.2 Internet link of 27 July 2018 - <https://www.youtube.com/watch?v=B6czzKO04Pc&t=1s> - widely viewed by the public

6.3 This link is titled "Julius Malema grills Pravin Gordhan".

At 19 minutes 28 seconds: If you want to die politically touch Pravin ... Ranjeni once went to our National Chairperson when Pravin was going through Court... Ranjeni... went to Dali Mpofo and said guys propose Pravin as the Acting President when we remove Zuma... Ranjeni ... Ranjeni went to Dali, they are embedded. He went to Dali and said let's make Pravin President ... that time when we said we support Pravin, she was confusing us to be thinking that we are a faction (inaudible – need affection?) ... I thought she was going to come here so I could tell her directly... Ranjeni, a senior journalist, went to Dali Mpofo and said guys, why are you not proposing ...

6.4 Internet link of 16 October 2018 - <https://www.enca.com/news/watch-eff-speaks-vbs-bank-scandal> - televised by eNCA widely viewed by the public



6.5 This link relates to a press conference by the EFF concerning the VBS Mutual Bank and the findings of a forensic investigation report entitled *The Great Bank Heist* which investigation was commissioned by the South African Reserve Bank. Mr Malema states as follows:

53.50 min: *I just want to make one point very clear. We are aware that it's Pravin's group that is behind this [the VBS investigation], that's how Pravin survives. He fights extremely dirty with information and Pravin thinks we are scared of him. Pravin thinks that we don't know that the rogue unit is still in operation. You must go and check Werksman's report. It says it has delegated BCPS to do the investigation. Go check who is working for BCPS... They manipulate information. They are continuing with what they have done before ... and the President must never allow Pravin to capture him. The President is going to commit an extremely serious mistake because Pravin working with the Rogue unit, they continue to fight anyone else who doesn't shout their names. I know members of the Rogue unit. The Rogue unit existed. Leave what the Sunday times is saying I know the editor of Sunday Times was a partner with a politician to apply for a TV licence in multichoice... This politician was a partner to the Sunday Times editor. It's a politician who is very close to Pravin... we know what they are trying to do ... The Rogue Unit existed.*

... when my tax issues started, the lawyer I used had a very close relationship with the Rogue unit and I was asked, that for me to get my issues resolved I must go see the big boys in Stellenbosch. I asked who were the big boys, they said the Ruperts. I said I will never do it, you can kill me. I won't do it. I've never done it.

56:25 *The Rogue unit is existing . . . you ought to be extremely careful because they are going to manipulate information. They break houses of people. They broke into Floyd's house . . . I will be writing a letter to the President to act decisively on that . . . They listen to the phones of people illegally, the same way the Guptas did. They follow people. Go and read the PRASA report by BCPS, they say part of what they were doing was to follow people. Who's got the mandate to do that in SA? ... I'm happy with the appointment of the President, I don't agree with Tito Mboweni. I know he's liberal. He can be very difficult ... but I'm happy with his appointment because Pravin will never tell Tito what to do. Tito will tell Pravin I'm an economist, you're not going to come here with pharmacist qualification to tell me how to run an economy, he argues like that. None of them, not even the President can tell Tito what to do...*



maybe Thabo Mbeki ... but the rest of this bunch here of non-thinkers, no one can tell Tito what to do.

58:13 We call upon Tito not to listen to Pravin. The most dangerous man is Pravin Gordhan. And we are on his case because, let's win each other politically through power of persuasion. Not blackmail, not intimidation and scaring tactic. Because some of us, when you come with that type of an attitude we become resolute, unreasonable ...

59:00 Looting of VBS is the same as looting of Limpopo. Where Pravin put journalists in a bus, took them to a press conference in a bus, like this and then went to smear people. When he wanted to respond all journalist were in a bus back to Joburg. You have no platform. That's Pravin. So we are engaged with Pravin politically because we know who's agenda is Pravin serving ...

1:01:42 So Pravin and the mob, they are very angry ... were very angry when Nene left.

7 Internet link of 19 October 2018 - which is a blog by Mr Shivambu and which can be accessed on this URL internet link: <http://www.floydsviews.com/2018/10/pravin-gordhan-runs-cabal-and-operates.html>

7.1 The blog is titled: "*Pravin Gordhan runs a Cabal and operates a parallel State apparatus in South Africa*" and can be accessed by the public at large.

7.2 I quote some of the statements made by Mr Shivambu below:

7.2.1 *"...PG, as his protégés refer to him, employs a combination of narcissism, self-righteousness, manipulation and threats to domesticate African comrades and achieve his selfish ends. His overarching and abiding intentions are the protection and empowerment of people primarily of Indian descent - all of this he does under the cover of transformation. Toward this parochial end he finds a ready ally in the white capitalist establishment.*

7.2.2 *As will be argued, Pravin (and his Cabal) employs political blackmail to slander political opponents and then hold his actions and articulations up as a modular example of political virtue and duty. In an article published in 1917, Lenin warns against political blackmail, which he defined as; "the extortion of money under threat of exposing certain facts or invented "stories" which may be disagreeable to*



the person concerned, or under threat of causing him some other unpleasantness. Political blackmail is the threat of exposing, or the actual exposure, of true, but more often invented, "stories" with the aim of causing an opponent political damage, of slandering him, of depriving him of the possibility of engaging in political activity, or of making it difficult for him.

7.2.3 *...The Cabal was basically an Indian Cabal that was put in place to slander the character and standing of African comrades in the MDM, and it was led by Pravin Gordhan.*

7.2.4 *Even when the MDM was confronted with a common enemy – the white settler colonial state – Pravin was keen on sowing divisions within MDM structures, undermine and denigrate the role of mostly African leadership in the mass movement. The essence of Pravin's ideological and political outlook was and remains collaboration with existing capitalist interests and undermining the overall leadership of the movement.*

7.2.5 *One of the distinct features of the Cabal under the leadership of Pravin was domestication of African comrades. And this phenomenon continues to define how he relates with African leadership in the ANC up to this day.*

8 Mr Shivambu makes many other equally defamatory statements against me in his blog. I have not quoted them so as to avoid making this affidavit unnecessarily long. However, a copy of the entire blog can be accessed at the internet link I have referenced above.

9 EFF Media Statement of 7 November 2018 – which was published on the EFF's twitter account and thus widely viewed by the public

9.1 The EFF released a statement on 7 November 2018. The statement makes the following references against me:

1.1.1. That I am a master manipulator and state capturer;

1.1.2. I met with the Guptas through President Jacob Zuma;

1.1.3. I portrayed myself as a paragon of political virtue and sole warrior in the war against the Guptas' micromanagement of the key State decisions. While in actual fact I am or was an accomplice to the Gupta activities.;



1.1.4. I am immensely grounded in a criminal parallel state capture network to micromanage the State, manipulate decisions, threaten and purge key leaders in state owned companies and government, and make a lot of money from their own network;

1.1.5. I take key state decisions without the knowledge of the presidency; and

1.1.6. I lead a criminal syndicate whose philosophy and passion is to undermine African leadership in key sectors of the State and economy.

10 Mr Malema addressing a crowd outside the Tiso Blackstar building on 20 Nov 2018

10.1 On 20 November 2018, Mr Malema, made the following utterances while addressing a crowd of largely EFF supporters outside the office of the media group Tiso Blackstar – the utterances were also televised:

“Our attack on Pravin Gordhan is an attack on White Monopoly Capital because Pravin is a dog of White Monopoly Capital. We must hit the dog until the owner comes out and once the owner comes out, we must deal decisively with the owner. Pravin is a cabal that belongs to the UDF and destroyed all good African comrades ... he’s no good this guy. He has destroyed Peter Mokaba, Winnie Mandela, he has destroyed everyone else that stood for the truth against the apartheid regime... Pravin has gone in to all SOE and removed all black excellence because he hates Africans, he doesn’t like Africans. Any African who speaks back to Pravin, Pravin threatens those people.

Once you take a decision to go after Pravin, you must be ready. If you are not ready, don’t come to the EFF. We’ve now taken a decision to fight Pravin, and therefore you must know Pravin is going to fight dirty... There will be casualties. There can even be a loss of life. If you are not ready for that, stand aside. I’m not scared. I’m ready. I’m prepared to confront them one by one.”

11 In relation to Mr Malema, the statements which particularly violate my dignity, good name and reputation are:



- 11.1 *"Who is Pravin after all? Why is Pravin trying to behave like he is untouchable ... behave like, if you touch him this country will collapse?"*
- 11.2 *"We are not going to be subjected to the gangsterism of Gordhan, this is Pravin's style he has done it to me – I am not scared of Pravin, I'm not scared of the Cabal. I am not scared of the Indian Cabal."*
- 11.3 *"If you want to die politically touch Pravin."*
- 11.4 *"We are aware that it's Pravin's group that is behind this [the VBS investigation], that's how Pravin survives. He fights extremely dirty with information and Pravin thinks we are scared of him."*
- 11.5 *"Pravin working with the Rogue unit, they continue to fight anyone else who doesn't shout their names."*
- 11.6 *"The most dangerous man is Pravin Gordhan. And we are on his case because, let's win each other politically through power of persuasion. Not blackmail, not intimidation and scaring tactic."*
- 11.7 *"Our attack on Pravin Gordhan is an attack on White Monopoly Capital because Pravin is a dog of White Monopoly Capital. We must hit the dog until the owner comes out and once the owner comes out..."*
- 11.8 *"He has destroyed everyone else that stood for the truth against the apartheid regime... Pravin has gone in to all SOE and removed all black excellence because he hates Africans, he doesn't like Africans. Any African who speaks back to Pravin, Pravin threatens those people"*
- 11.9 *"There will be casualties. There can even be a loss of life. If you are not ready for that, stand aside."*
- 12 The above-mentioned statements made by Mr Malema against me injure my good name, reputation, character and office and expose me to enmity, ridicule or contempt. The statements are an unlawful and serious infringement to my dignity. Mr Malema has incited public violence and I am to be the subject of such violent actions.
- 13 In relation to Mr Shivambu, the statements which particularly violate my dignity, good name and reputation are all the statements as quoted above.



14 The utterances of Messrs Malema and Shivambu amount to *crimen iniuria* alternatively, criminal defamation in that:

14.1 They are abusive, insulting and degrading to my character and consequently impaired my dignity;

14.2 The statements are unlawful and intentional;

14.3 The statements are intended to expose me to hatred, contempt, ridicule and to diminish my good standing in the view of the people of the Republic of South Africa;

14.4 The statements injure my reputation, character and my office as Minister within the Republic of South Africa. The utterances seek to demonise me by drawing a comparison between me and a dog and calling me a friend of the apartheid regime;

14.5 They also paint me as someone who kills all my detractors by indicating that there may be loss of life if you go against me;

14.6 The utterances suggest that I undermine the Rule of law, and that I have no regard for the office of the President of the Republic of South Africa.

14.7 The utterances are serious as they imply that there could be loss of life associated with acting against me. Furthermore, the utterances are serious as they have a racial connotation to them.

14.8 The allegations of blackmail, threats, establishment of an unconstitutional and unlawful unit; running a parallel state; undermining African leadership, capturing amongst others, are not true and correct and were published by Messrs Malema and Shivambu with the intention to defame me, hurt my good name and reputation, as there is no evidence to substantiate them. These statements have injured my good name, character, dignity and reputation.

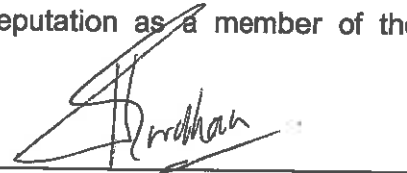
15 The utterances have contravened the following legislative provisions:

15.1 Section 9(4) of the Constitution of the Republic of South Africa, 1996 ("the Constitution");

15.2 Section 16 of the Constitution;

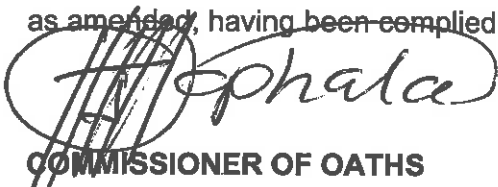


- 15.3 Section 10(1) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Equality Act); and
- 15.4 Section 12 of the Equality Act.
- 16 The statements made by Messrs Malema and Shivambu are intended to and did hurt my reputation, good name and dignity.
- 17 The above deleterious statements paint me as a person to be feared within the political space. Messrs Malema and Shivambu intimate that I blackmail, intimidate and use scaring tactics. Messrs Malema and Shivambu's statements are rash, irresponsible, hurtful and untrue.
- 18 Bearing in mind the negative connotation associated with the term "state capturer" within the current political climate in South Africa, Mr Malema, by calling me the master manipulator and state capturer, is slandering my reputation as a member of the Executive and as a person of integrity.



DEPONENT:

I hereby certify that the deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to before me at BROOKLYN on the 26 day of NOVEMBER 2018, the regulations contained in Government Notice No R1268 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

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