

PRIVATE RECORDINGS

HELD AT JOHANNESBURG STUDIO

DATE: NO ANNOTATION

CHAIRPERSON

: NO ANNOTATION

PARTIES INTERVIEWED

: MR F.C DANIEL

: ADV. J. JOUBERT

: MR BOY NOBUNGA

: DR M. PHOSA

: MRS A. TILLAY

PRESENTER

: MR. MACFARLANE MOLELI

INTERPRETER

: NONE



**DIGITAL AUDIO RECORDING  
TRANSCRIPTIONS**

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PRIVATE RECORDING

CASE NUMBER : CARTE BLANCHE DOCUMENTARY

DATE BROADCASTED : 15 APRIL 2018

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PRESENTER: Good evening and welcome to Carte Blanche coming to you from our Johannesburg studio. Tonight with 148 animals and 4 people already deadly this year has rabies spiralled out of control in Kwazulu Natal.

We also meet helpless farmers in tear state Inanda whose agricultural land is being cut up and distributed without their consent and we meet the young boy who cannot eat and has had to literally live on water and formula for the past three years.

10 In our first storey tonight, we head to Mpumalanga where a farmer was forced to get a protection order against then Premier David Mabuza and the Mpumalanga tourism authority. This follows years of Court appearances and political bullying.

PRESENTER: Fred Daniel had a big dream having made his fortune in information technology Daniel dreamed of creating a luxurious cross border game reserve.

MR DANIEL: I need a very specific land because I  
20 wanted people to come here and see mountains and rivers and valleys and grasslands.

PRESENTER: Daniel found what he was looking for near Badplaas in Mpumalanga from the late 1990 he bought up farms where agriculture had failed, cleaned up the land and lined up investors. The Development Bank of South

Africa placed R135 Million, Hotel King Sol Kerzner and Dubai World R330 million and the Cradle of Life was born.

MR DANIEL: [Indistinct] now was prepared to build a one and only on my project and then he wanted to build what he called a Big Five Game Reserve but he could never build a one and only because we needed the big five permits.

PRESENTER: Things started going wrong when Daniel was denied the big five permits that would turn a  
10 game sanctuary into a world class attraction. He got bad inspection reports from the Mpumalanga Tourism and Parks Agency, they confiscated some of his animals.

MR DANIEL: The Civil Servants started every trick in the book and they would say there is a large ban on predators and then when... when you go through the process of dealing with that the next they will say there is a land claim on your property.

PRESENTER: Daniel believes he became a target when he blew the whistle that led to investigations into an  
20 alleged land claims racket where farm prices were supposedly artificially inflated to line the pockets of a few farmers, businessmen and politicians.

Forensic investigations suggestions former Mpumalanga Premier David Mabuza had become involved. The EFF said a fraud charge it had laid against Mabuza in

2015 is now being considered by prosecutors.

PRESENTER: Can it be that political bullying has allowed a province as beautiful as Mpumalanga to rot forcing some public servants to either join in the corruption or neglect service delivery.

PRESENTER: Daniel believes Deputy President David Mabuza then Agricultural MEC influenced officials to block him, he believes this because some officials told him that they had orders right from the top and feared for their  
10 jobs and their safety.

MR DANIEL: Imagine if you are a civil servant but you get an instruction from a politician that you will lose your job if you issue Fred Daniel a permit, what are you going to do? You are going to start looking for excuses you are going to start victimising the guy, you are going to start defining him and that is what happened to me.

PRESENTER: The land claim on Daniel's property were shown to be invalid. He has spent nearly R20 Million battling administrative blockages in Court desperate he  
20 turns to the 2011 Protection from Harassment Act often used in cases of Domestic Violence.

MR DANIEL: Then I realised that the Harassment Act is broad they use like harm is defined as mental, psychological, physical and economical and all of those things we have suffered.

PRESENTER: At the Carolina Magistrates Court Daniel last year obtained Interim Protection Orders against the entire Executive of the Mpumalanga Tourism and Parks Agency. Boy Nobunga had just been appointed as the new CEO.

MR NOBUNGA: When I received the protection order I... I was hardly a month... and boom you are then a person who is harassing that person you have never met.

PRESENTER: Some of the things that are stipulated  
10 in that is an issue of institutional harassment does he have merits?

MR NOBUNGA: There are issues of characters within the whole story. It used to be some boys club of people that were working together.

PRESENTER: In January Daniel also asked the Court for a protection order against then Premier David Mabuza, appointed ANC Deputy President in December Daniel feared Mabuza had the means to make good on alleged threats to drive him out of Badplaas.

20 Daniel took about 700 pages of forensic reports and affidavits outlining his experiences to Court and was granted an interim protection order and suspended warrant of arrest against Mabuza... Jacques Joubert is Daniel's lawyer.

ADV JOUBERT: I think Freddie is still around because of

the protection order, I think he was up against and is up against forces that are much more powerful than he is.

PRESENTER: A teacher by training Mabuza rose through the ranks to be appointed Education MEC by Premier Matthews Posa in 1994, he became premier in 2009.

Daniel's concerns about his safety grew in an atmosphere of fear created by speculation about corruption and the assassination of whistle blowers and political opponents in inter ANC conflict in Mpumalanga.

Mabuza has always denied any involvement and says such allegations are a smear campaign against him. Mabuza declined coming on camera on the advice of his legal team. Daniel believes Mabuza instigated land claimants to march on his property. His land was set alight repeatedly business associates were also threatened.

ADV JOUBERT: About ten years ago there was a unlawful riot in front of the gate here at Cradle of Life Mr Mabuza arrived on the scene with a load hailer and told the people they can stop now he will make sure they get their land back.

MR DANIEL: They cut my fences in brought daylight, they threatened my life... I got a phone call from the local ANC, they said Fred you are going to get killed and Mabuza phoned me and he told me if I do not admit to this land

claim he cannot protect me against the community.

ADV JOUBERT: He has telephone records of a very heated conversation that he had with Mabuza on that day.

PRESENTER: Daniel's Court papers showed two phone calls between him and Mabuza that further fuelled Daniel's fears that there was a conspiracy to drive him out of the area.

ADV JOUBERT: He is prepared to take on whoever needs to be taken on to stand by his rights, but I think that  
10 he does fear for his life actually. They are very aware that they are living in a province where life can be very cheap.

PRESENTER: The interim protection order for David Mabuza to communicate with Daniel or insult, intimidate or abuse him in any way. In February Mabuza became Deputy President of the Country and the run up to the ANC election Mabuza's former boss Matthews Posa accused him of using a private [indistinct] like the men firing into the air in this video to enforce support from ANC branches.

The two men have a history and Mabuza last year  
20 unsuccessfully sued Posa for deformation.

MR PHOSA: The ANC members in Mpumalanga who do not like what they see on videos send the videos to me and said look what is happening in this province and we know those people there on the videos. It is not that we are guessing you know they are close to David Mabuza no one



has rely denied what I said.

PRESENTER: Two years ago, Fred Daniel approach  
Posa for advice.

MR PHOSA: He came to me with a whole bucket of  
problems around the area. Allegations of piece of land  
been over valued and our government been asked to pay  
[indistinct] prices. I do not want my government to pay for  
land more than what it is worth.

PRESENTER: He feels claims of corruption and  
10 political murders in Mpumalanga must be investigated.

MR PHOSA: Close to 17 people have died it is not  
allegations we had to burry those people and they are all  
our comrades we know them; no one has been prosecuted  
no questions has been held as we sit now.

There have been allegations of corruption... all I  
want is law enforcement officers to investigate the  
allegations.

PRESENTER: Phosa a businessman eventually  
bought shares in Cradle of Life, the dream that Daniel is  
20 still fighting for in Court.

MR DANIEL: So, the only protection I had was a  
judiciary and the only law in South Africa that could protect  
me so far was this Harassment Act.

PRESENTER: The Magistrate ordered Daniel and  
Mabuza to come to Court in February to argue whether the

protection order should be made permanent or not. Mabuza senior Advocate denied any threat of harassment said Daniel failed to prove Mabuza's direct or indirect involvement.

His application was premise on unsubstantiated speculation and inadmissible evidence and was an abuse of the Act and the Court process. He said the Court had not applied its mind and the interim protection order should be set aside.

10 PRESENTER: Is Daniel's use of this law a genius moves, cheeky or is he just grasping at straws.

At the Open Democracy Advise Centre or ODAC Alison Tilley says citizen whistle blowers have little legal protection unlike employees that fall under the Protected Disclosures Act.

ALISON TILLEY: ODAC has argued over a number of years that this is a significant gap in the legislation. We certainly have a number of incidences where whistle blowers have been assassinated so we are very concerned  
20 about their protection.

This use of the Harassment Legislation is novel, and we are not aware it being used in this way previously, it certainly would put an interesting remedy in the hands of whistle blowers.

PRESENTER: Joubert urged the Court to consider

what this decision would mean for whistle blowers in future and said Daniel would only feel safe if his story went public.

They return to Court on Monday, but the case is not over yet and for now the interim protection order against Mabuza stands. In a press release Mabuza said Daniel made frivolous allegations including defaming him and has committed contempt of court.

MR DANIEL: That affidavit that I did if there is one false statement in the affidavit I can be arrested and... and  
10 go to jail for five years, now why would I do the trouble to set up a very detailed affidavit like that. I do not want to tarnish anybody's reputation I just want to protect my life, my family and my staff.

PRESENTER: Tourism is the cornerstone of Mpumalanga's economy, but it takes a good relationship between government and the private sector for it to survive but can these partnerships survive the fraud relationships of the past.

PRESENTER: Daniel dropped the protection orders  
20 against officials because he now has permits and a restored working relationship.

PRESENTER: As a CEO coming into a mess what did you have to go into to try and resolve this mess between the MTPA and Fred Daniel?

MR NOBUNGA: We... we got hold of external people to

go and do the investigations. He complied; we gave him the licences.

PRESENTER: Nobunga would not comment on the interim order against Mabuza.

MR NOBUNGA: The Courts are better place... to deal with the matter if there is anything that implicates any of the officials in the entity I would act against those officials.

With the interaction that I had with Fred Daniel, he strikes me like a person who has passion for the environment and the ideas that he has. When implemented I think they would benefit the province of Mpumalanga and South Africa in general.

PRESENTER: Remember to join the show discussion on Twitter and Facebook using #Carte Blanche. Coming up after the break how did four people and 148 animals die after contracting rabies and later in the show frustrated farmers in Kwazulu Natal feel helpless as land invaders cut up their crops to make way for their homes.

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