

20 May 2020 (updated 2 May 2024)

FACT CHECK

Response to the 16 May 2020
Circular Replying to the Gay
Mokoena and Dennis Mumble
Reports

By Dennis A. Mumble

RESPONSE TO THE SAFA CIRCULAR SENT TO SELECTED REGIONS DATED 16 MAY 2020

Dear Colleagues,

I have tried to stay out of SAFA's business ever since my departure in 2018, except to respond to matters related to my report referenced below and where my name was used inappropriately. I remained silent about the many insults contained in a scurrilous document sent to a few selected Regions on 16 May 2020 (hereinafter "the Circular"), even though my name was besmirched and I was maliciously portrayed as a liar and as misleading SAFA's Members. I am now forced to submit a rebuttal of that Circular because my silence on it has given the impression that its contents are correct.

I have also recently received rather insulting and threatening letters from lawyers, written to me on behalf of SAFA and the SAFA President and a company connected to the criminal case filed by a former NEC Member against the President in May 2020, after the NEC rejected a report I submitted to it. These actions are intended to intimidate me to repudiate my testimony to the police. I choose not to be silenced in the face of these vile threats, so I have therefore filed a criminal complaint of witness intimidation and obstruction of justice under Section 18(a) of the Prevention and Combating of Corrupt Activities Act (PRECCA) against all involved as a result of these criminal threats. But to be sure, my fight is not with SAFA but against the behaviour of its President that has brought the Association into serious disrepute.

I have also filed a professional misconduct complaint with the Legal Practice Council against the attorneys who failed to advise the President about the incorrectness of his claims in the letter, despite the plain language of the provisions of the SAFA Statutes, and their own knowledge that there is a related ongoing criminal investigation underway. The legal profession must not use the law to intimidate, harass, and assist in silencing legitimate debate in an organisation that exercises a public power, as proclaimed by our courts. It is unethical and they must not act like legal assassins!!!

I am now forced to set the record straight once and for all because I don't like to be threatened by a bullying and disrespectful President. I also don't like being defamed by some mentally unhinged NEC Members on social media and in private chat groups based on the President's blatant lies and one-sided narrative that has been peddled to you and others for much too long. This lie about the contents of my report that I sent to the SAFA NEC on 10 May 2020 -- which to this day has not been addressed -- and about my departure from SAFA has gone on for far too long.

I am a writer and researcher by profession whose work encompasses empirical observations which are premised on fact. I was commissioned to produce a series of books about football governance and administration so that I may pass my knowledge and experience on to future generations of sports administrators in general. To date, I have completed four books, which are being used in educational institutions, and I look forward to continuing to keep in touch with developments in the sport in order to produce more scholarship in sports governance and administration – and not to engage in childish lies and deceit as the President has been doing.

Why this Rebuttal?

This communique to you is motivated by my need to maintain a good relationship with the football community for the sake of my work and so that I can continue to contribute to the improvement of sport governance and administration in the country – not to seek to work at SAFA, as has been suggested. My time for employment at SAFA has come and gone and it must stay that way.

I am regularly asked to comment on my 2020 report by the news media and have done so for the past four years without besmirching SAFA's name. The letters from the lawyers are clearly intended to intimidate me into repudiating my submission to the police in the criminal matter, so it is necessary for me to respond decisively. It is not correct that those who disagree with the President are continually portrayed as trying to destabilise SAFA when all we did was to disagree with him on legitimate issues. Freedom of speech, diversity of opinions, and freedom of thought must be seen as integral to the success of football in this country. It is not correct that people who have devoted their lives to serving the sport must be isolated, alienated and become pariahs because they have disagreed with the President on one or the other matter. He is creating division and enemies for which SAFA must suffer the consequences. This must stop now!!!

Does the Circular Answer Any of the Issues Raised by the Reports?

The two reports of the former CEOs were never circulated to any of SAFA's Members, yet the Members were expected to understand the context of the Circular without ever seeing the reports. So, I attach a copy of my report and Mr. Mokoena's report – with his permission – and the 16 May 2020 Circular, for you to read as it has been deliberately kept from you.

The Circular is filled with blatant lies; does not answer any of the specific allegations against the President but instead gives answers to questions that were never asked; and it deliberately places things out of context to distract and create confusion, whilst complaining about media leaks that followed the release of the former CEOs' reports rather than dealing with the substance of those reports.

So, Why Were SAFA's Members Deliberately Misled and Kept in the Dark?

Our reports present many serious allegations against the President. He then conducted his own “investigation” into these reports, exonerated himself and used his position as chairperson of the NEC Meeting on 20 June 2020 to dismiss the allegations in the reports, while portraying the two whistle-blowers as enemies of SAFA as if we complained about SAFA and not about him. The concept of conflict of interest was completely lost to him!

As if this was not enough, messages of support for the President were solicited from Members without them having seen the reports, and as if the allegations were a popularity contest. Good governance is not a popularity contest!

So Why Did SAFA's Members Not Get the Mokoena-Mumble Reports?

Instead of sharing the reports with the Members, the unknown (to the Members) allegations against the President were used to solicit blind support for him. It is not correct that Members should always be asked to approve certain actions against the backdrop of a one-sided narrative that will just get the Association into more trouble! We are never there to defend ourselves when these lies are told and we are never invited to rebut these blatant lies! As I said before, these lies then develop a life of their own, and if told long enough, appear to be the truth, as witnessed by the spread to social media by some impressionable NEC Members.

The amount of money that the Association has to spend on legal bills in defence of the President's misbehaviour reduces the amount of money available for Regional grants and other development activities. It is immoral to see the amounts of money owed to lawyers who are asked to write threatening letters to anyone who dares to criticise the conduct of the President just to silence them. Why should the Association pay these bills brought about by an individual's misbehaviour?

There is always more than one side to a story and I implore Members to listen to both sides before making decisions that could have a detrimental effect on the Association! Mr. Mokoena and I are not alone in accusing the President of poor leadership, as can be attested by Mr Gladwyn White's recent letter to you wherein his complaints are a virtual carbon copy of what Mr. Mokoena and I complained about in our reports. There are many others who are similarly disgruntled by his conduct, but because he has alienated them from the sport on spurious grounds, they cannot defend themselves in front of you. Yes, there's nothing wrong with being disgruntled!!!

THIS IS THE REBUTTAL TO THE CIRCULAR TO SELECTED REGIONS DATED 16 MAY 2020

SUMMARY OF THE CIRCULAR'S RESPONSE	FACT
The Circular claims that the Association is under threat by people who seek to destabilise it.	Nobody accused the Association of wrongdoing. It was the President who was accused of abuse of power and unethical conduct in both reports.
Why did I not raise these matters when I was still the CEO?	<p>This statement is a blatant lie. I raised my concerns in a full NEC Meeting on 28 March 2018 and with other NEC members individually, but they ignored the warnings. Here is how I tried to address the issues. Some of the Members who were part of these meetings now deny it, but <i>the audio recordings will prove otherwise</i>:</p>
I have my own recordings mentioned here, made on my phone, but the Association must be asked to provide its own recordings, which are on CDs and protected digital files, which cannot be edited, which will prove my allegations to be 100% correct.	<ul style="list-style-type: none"> ▪ April 2017: I spoke to numerous Executive Members who were called to an unconstitutional lekgotla in Durban to deal with administrative matters in violation of Article 34.1.1 of the SAFA Statutes; ▪ November 2017: I had a few meetings with Mr. Gay Mokoena, who interacted with the President on these concerns; ▪ 22 December 2017: I spoke to the President in a one-on-one meeting, where he denied my assertions that he was trying to make himself Executive President; ▪ 28 March 2018: I made my dissatisfaction known in an NEC meeting. A promise was made to discuss my concerns the following day, but there was no follow up by the President. <i>The recording of the meeting will confirm my statement (A)</i>; ▪ June 2018: I had 2-hour discussion with Dr. Molefi Oliphant in Moscow, Russia about my problems. <i>Dr Oliphant can confirm this fact</i>; ▪ August 2018: I had 2 conversations about my problems with NEC Member Mr Fina, once at the OR Tambo International Airport, where Mr. Mokoena also joined in the conversation. <i>Mr Fina and Mr. Mokoena can testify to this fact</i>; ▪ September 2018: I spoke in a meeting with the President and VPs Ledwaba, Mokoena and Nkompela. The President walked out of the meeting when I raised my concerns. <i>There is email evidence to back this up(B)</i>;

	<ul style="list-style-type: none"> ▪ October 2018: I explained my problems to Executive Member Mr Monde Montshiwa in text messages. <i>I can share these messages, if needed (C).</i> ▪ October – November 2018: I raised these concerns in follow-up meetings with the SAFA VPs. <i>There is email evidence to back this up (B);</i> ▪ February 2019: In a one-on-one meeting with Mr. Mokoena, who expressed doubt that the President's behaviour would change. <i>There is email evidence available (B);</i>
The Circular is a rebuttal of the Mokoena and Mumble Reports	SAFA's Members never received the two former CEOs' reports for them to understand the context of the response. NEC Members dismissed the reports out of hand without even reading the reports.
The two CEOs are trying to collapse the Association.	We would not be so foolish to collapse something that we spent the better part of our lives helping to build. Both reports accuse the President – not SAFA – of serious misconduct. None of the reports accuse SAFA itself of misconduct. But the reports were deliberately positioned as complaints against the Association instead of against the President.
Contractual Obligations of the CEO: This section implies that: i. I wanted to have another term of office	<p>This is a blatant lie! I informed the SAFA Finance Committee in September 2016 and then the SAFA NEC on 8 October 2016 that my contract was due to expire in April 2018 and asked for a succession plan so that I can spend at least one year handing over to my successor. This request was ignored. <i>The Minutes and the recording of that meeting will reflect this fact (D). I have my own phone recording.</i></p> <p>On 28 March 2018, the SAFA NEC, at the behest of the President, agreed to negotiate a new contract with me and these discussions were subsequently held with the SAFA VPs (Mokoena, Nkompela and Ledwaba) between September 2018 and February 2019). <i>I recorded the discussion where a clear indication of a contract renewal was agreed, but I turned it down. eMail evidence of this fact is available (B).</i></p> <p>Former VP Elvis Shishana chaired an off-the-record session of the SAFA Council Meeting on 28 March 2018. The Minutes of that meeting reflect the discussion</p>

	<p>about the 6-month extension of my contract after I stated that I would not discuss a new contract until the matters with the President had been sorted out. In this meeting, I was told that the NEC had full confidence in me and that a new contract would be negotiated during the course of the 6-month extension. <i>The Minutes will not reflect the backstory but the recording of this meeting will reveal the intention to renew my contract (E), an action I could have challenged legally and won! But I did not.</i></p> <p>ii. the Circular refers to the confidentiality clause in the CEO's contract.</p> <p>SAFA has had a whistle blower policy for more than 11 years and anyone is obliged by this policy to blow the whistle without fear of retribution.</p> <p>South African law (the PRECCA Act) also requires anyone who becomes aware of any suspected corrupt activity to report it to the authorities. The FIFA Code of Ethics also has a similar requirement. These two requirements override SAFA's confidentiality clause in respect of suspected corrupt or unethical activities.</p> <p>I directly reported my concerns to some NEC members, and alerted the full NEC on 10 May 2020, through my report. The NEC rejected the report without considering a single word in it. After this rejection, only one NEC Member, in fulfilment of his fiduciary duty, filed criminal charges against the President – not against SAFA – with law enforcement authorities and another later joined him in reporting the matter to the FIFA Ethics Committee.</p> <p>The Response covers up the President's many violations by ignoring the serious charges in these reports. By referring to the obligation of myself and Mr. Mokoena to not use 'confidential' information in their whistleblowing, the Response endorses the President's unlawful interference in the work of the Secretariat, in violation of Article 34.1.1 as well as his many other violations of the SAFA Statutes.</p> <p>SAFA acknowledges that I had a one-year restraint clause in my contract, but fails to note that the information had already become available publicly as a result of a leak</p>
--	---

	<p>by one or more of the recipients of my report and that more than one year had passed since my departure anyway. My contract included the following provision:</p> <p><i>'Notwithstanding anything to the contrary in this agreement, the following information will not be regarded as confidential information for the purpose of this agreement: Any information which is, or becomes, generally available to the public so as to become a part of the public domain.'</i></p>
On me reaching retirement age	<p>On page 5, the Circular makes reference to the Association's retirement age, which had never been a matter of concern during any of the negotiations with the President and the Vice-Presidents on the renewal of my contract. The Circular also does not report that the retirement age was already previously waived by the SAFA NEC because I turned 60 years of age in the year that my contract was signed.</p> <p>Besides, the President is not qualified to comment on my previous contract as he was never part of those discussions and he has consistently and maliciously misinterpreted it over the years.</p> <p>The reference to age is therefore a smokescreen to hide the President's interference in administrative / operational matters!</p>
The 2016 African Futsal Championship: Why did I report that the tournament was a success?	<p>This statement is deliberately misleading: The Response wrongly refers to my POST-TOURNAMENT report as evidence of a contradiction. There is no contradiction as the post-event report was a legitimate reflection of a reality brought about by an NEC approval of the tournament.</p> <p>My complaint was focused on me not being consulted BEFORE the President agreed to host the tournament to determine if there was money for it. Even the CAF marketing agent could not raise sponsorship for it.</p> <p>Article 33.2 of the SAFA Statutes specifically stated that the CEO shall <u>convene</u> SAFA NEC Meetings <u>in consultation</u> with the President. Article 33.3 further stipulated</p>

	<p>that "<i>The Chief Executive Officer shall compile the agenda in consultation with the President</i>". No such consultations ever took place before the matter was placed before the SAFA Council and was a clear sign of the disdain for the constitutional role of the CEO.</p> <p>The complaint was about the President's abuse of power and the poor governance practice of the approval of an unbudgeted expenditure during a year when the Association's margins were razor thin and whilst the Association was in the midst of trying to eliminate a long-standing cashflow deficit. The tournament cost in excess of R18m to stage.</p> <p>This is what I said in the report in relation to the tournament:</p> <p><i>We continued to prepare our national teams for what promised to be an eventful Rio Olympic Games despite the fact such preparation required an investment beyond what had been budgeted. Similarly, we were also faced with hosting a very successful CAF Futsal Africa Cup of Nations in the period under review without commercial support. These two activities remain primarily responsible for the current position that we are reporting on this year.</i></p> <p>Our own Olympic team's needs were sacrificed to host this tournament.</p>
Patronage: HOD Appointments	<p>The HOD appointment process is used as a patronage system by the President. The fact that many Executive Members have come to depend on these assignments financially allow him to take advantage of this and exploit their dependence on him for these assignments. The 2017 SAFA Statutes state that the NEC shall approve the appointment of HODs, but the President usurped the role of the NEC. The NEC cannot assign an original constitutional function to another body or person.</p> <p>He has also assumed the operations of that system in his office, engaging SAFA staff members directly without the CEO's input. Since then, he engineered the removal of that restriction in 2022 to give the power to appoint HODs exclusively to him.</p>

<p>Appointment of Grit Communications: The Circular states:</p> <p><i>'SAFA has on many occasions contracted PR agencies to deal with matters that confronted the organisation. It is the case also with Grit Communications.'</i></p> <p><i>In the period leading to our election these allegations emerged. We have noted from media reports that a counter case was to [sic] opened against Jennifer Ferguson and others. These reports SAFA noticed from media reports. This matter is not being handled by SAFA. These allegations cannot be handled by PR but by the courts.'</i></p>	<p>There was no need for a PR agency at the time. This was not discussed in any committee nor with the CEO, who was responsible for signing any contract in this regard – after implementing the relevant SAFA policies in this regard. The President is not above the SAFA constitution.</p> <p><u>These allegations</u> had nothing to do with SAFA. The 'allegations' that the Circular refer to are about the President's alleged <u>personal</u> misconduct. The SAFA CEO was clear that SAFA did not need a PR agency at the time and a retroactive justification does not excuse the fact that the President was prohibited from signing commercial contracts. It is a violation of Article 39.2 of the SAFA Statutes.</p> <p>Grit Communications was hired by the President for his personal defence when the Jennifer Ferguson allegations first emerged on 19 October 2017. Yet, after he unlawfully signed the service level agreement with Grit in early December 2017, he fraudulently backdated the contract to 1 October 2017 – when the Ferguson allegations had not yet emerged!!! <i>This matter is the subject of a criminal investigation and the appropriate evidence will be tendered in a court of law.</i></p> <p>I reported that the Ferguson allegations were the main topic of discussion with Grit Communications, including Mr. Chimhavi's negotiations with Mr Peter-Paul Ngwenya who allegedly offered to "make the Jennifer Ferguson matter 'disappear'" in exchange for Mr Tokyo Sexwale becoming President. I was personally informed of this by Mr. Chimhavi outside the Grit Communications offices after I was called there to a meeting by the President.</p> <p>I only attended part of a meeting where the Ferguson matter was discussed and did not attend any other meetings with Grit Communications where SAFA business</p>
--	---

	<p>was discussed. In any case, the President should never have been involved in any discussions about any PR around the 2018 election because he was a candidate for office and he needed to maintain a respectable distance from the process. <i>The Circular therefore confirms that he was involved in the election process.</i></p>
<p>The Circular claims that SAFA has a good relationship with SA Breweries</p>	<p>This is a deliberate distortion. The Circular deliberately conflates the 2020 relationship with SAB with the 2018 crisis and denies the crisis of confidence exhibited by the sponsors in early 2018, signalling a denial of the sponsors' concerns.</p> <p>The President's personal issues were weighing heavily on the Association's relationship with its sponsors in 2018 and the President had agreed to separate his personal challenges from that of the Association. To merely point to the current relationship (2020) is to intentionally mislead the Members about the real crisis of that period.</p> <p>SAB had already withheld its sponsorship because of the controversies, which it said impacted its brand image. VP Nkompela; Commercial Affairs Senior Manager, Mr Darryl Coutries; NEC Member, Mr Poobalan Govindasamy (Chairman of SAFA's Ethics Committee); and VP Ledwaba, were forced to appeal directly to SAB to release the funds it owed the Association.</p>
<p>Fun Valley: The Circular claims that I signed the purchase agreement as if it was my decision to purchase the property and that I should not complain about the transaction. It also implies the following:</p>	<p>The gist of the complaint on Fun Valley is in relation to the governance misconduct of the President <u>before</u> the 6 December 2014 NEC Meeting, where the NEC tacitly approved the project when the President merely announced at the end of the meeting that he secured the money from the Legacy Trust for the purchase of the property. The announcement lasted exactly 1 minute and 31 seconds. He admitted in an NEC Meeting on 11 Dec '15 that <u>he</u> negotiated the price, hence the seller's insistence that he will <u>not</u> change the price he had agreed with Jordaan and Valcke. <i>The recording of that meeting will reflect his admission (I). I have a phone recording and transcript of that discussion.</i></p>

<ul style="list-style-type: none"> (i) that an application for the funds was submitted to the Legacy Trust, (ii) that the “SAFA President, Mr Nematandani”, Mr Mtshatsha and Mr Shishana were the SAFA reps on the Legacy Trust, (iii) the services of “Sommore Group” were engaged “to look at the prospective sites as well”, (iv) that Mr. Nematandani chaired a meeting of the NEC on 6 December 2014 to discuss the purchase of Fun Valley. 	<p>It is important to note that the Fun Valley purchase is the subject of a criminal investigation, the details of which shall be argued in a court of law where the relevant evidence will be unveiled. I repeat here only what is in my report.</p> <ul style="list-style-type: none"> (i) No application for the funds was submitted by SAFA to the Legacy Trust. The President unilaterally arranged for the Trust to make the allocation; (ii) This is a lie that Mr Nematandani was the President in 2014 when Fun Valley was purchased. The Fun Valley purchase was never discussed during Mr. Nematandani’s term of office between September 2009 and September 2013; (iii) This is a lie and a deliberate distortion! Sommore only conducted the engineering assessment and not a valuation of the property. The Circular confirms that all this work was initially done by the Legacy Trust and not by SAFA. It is further proof that the President was running a parallel administration by unilaterally taking decisions, and it demonstrates the inherent conflicts of interest in holding multiple positions simultaneously; (iv) This is a lie! Mr. Nematandani was <u>not</u> the President in December 2014! Also, SAFA NEC Members seconded to the Trust had a primary fiduciary obligation to the Legacy Trust. Hence, the Association always submitted applications for funding, and these applications were always signed by the CEO. <p>The Circular admits that the President merely <u>informed</u> the NEC on 6 December 2014, in a 1 minute and 31 second presentation, that <u>he</u> had secured R82.7m to establish the National Technical Centre. The Circular also admits that it was only the Legacy Trust Board Members who visited the Centre, not the SAFA NEC – this, without informing the CEO. <i>This point can be proven by playing the recording of the SAFA NEC meeting of 6 December 2014 as proof (F). A transcript of that presentation is also available (G);</i></p>
--	--

<p>(v) "A Trustees meeting was scheduled for 13 November 2014. The site walkabout was scheduled for the afternoon of the 12 November 2014. The Walkabout included included (sic) the FIFA representatives Mr. J Valcke, Mr Regenass, SAFA representatives Mr Nematandani, Mr Mtshatsha, Mr Shishana and Dr Jordaan."</p> <p>(vi) On 29 September 2023, Mr. Bennett Bailey, in his capacity as SAFA VP, wrote to all SAFA Regions and NEC Members (excluding the NSL), admitting the following: "Fun Valley - The grant agreement in respect of the Fun Valley application was signed by former SAFA CEO Dennis Mumble on 19 May 2015 on behalf of SAFA, and Joe Carrim (the General Manager) of the Trust. After this the Trust approved the project on the proposal by E Shishana and it was seconded by Prof M Katz. As can be gauged by the aforementioned, all discussions and agreements were made by the 2010 FIFA Legacy Trust Fund and NOT SAFA!!!! Only the Trust could approve or disapprove projects and programmes and all applications had to be submitted to the Trust. Fun Valley was one such project and a grant agreement was signed after approval. Due to this matter being in court, we shall stop here for now."</p>	<p>(v) This statement is proof that the President had concluded the deal prior to Valcke's visit because he had already taken members of the Finance Committee to the site on 3 October 2014 – more than a month earlier – and provided them with a personal tour of the site. <i>I have photos and a short video of him leading the discussion that day during that visit are available for your perusal (H).</i></p> <p>(vi) It is quite clear from Mr. Bailey's statement, in addition to Jordaan's other statements in NEC meetings, that the Legacy Trust conducted the discussions and Jordaan agreed to a price before presenting the project to SAFA, leaving us with arrangements that could not be changed because Jordaan insisted that the project must be moved along – despite the absence of a thorough due diligence on the viability of the project.</p> <p>To present the 19 May 2015 signature date as the commencement of all agreements is intended to <i>deliberately mislead</i> the reader because SAFA was presented with a <i>fait accompli</i> by Jordaan, presenting it as a veritable "gift" to SAFA from the Legacy Trust.</p> <p>The CEO implements NEC decisions, and acceptance of the "gift" obliges the CEO to implement that decision, unlike the Public relations services agreement, where no NEC decision was made. The Circular gives the impression that I alone took the initiative to acquire the property. But, even if the NEC had approved of the service at the time, it would still not have been lawful for the President to sign the agreement. He remains unable to understand the simple fact that he did not have the power to sign any commercial agreement.</p>
<p>I wrote a letter to FIFA in 2015 asking for money to purchase the Fun Valley property</p>	<p>This is a lie! My letter to FIFA in February 2015 was not for approval for the purchase of Fun Valley. The circular takes two lines out of the letter in order to give</p>

	<p>the impression that the letter was an application to FIFA for funding to purchase the property. It was a request to FIFA to reallocate the GOAL Project funds that were already previously approved for an artificial turf for the SAFA-Transnet School of Excellence at Elandsfontein. The request was to divert the grant to Fun Valley. The Circular contradicts itself by acknowledging that I was not involved, but still claims that I was involved. Moreover, on 27 June 2015, the President gave an instruction in an NEC Meeting to apply for more GOAL Project funds. <i>The recording of this meeting will prove my point!</i></p> <p>Overall, the Circular is an admission that the President ignored the constitution by continuing to act unilaterally on these matters.</p>
Hotel Development at Fun Valley	<p>There was no application to the Legacy Trust for this hotel. Once again, the President merely informed me, like he did with the NEC on 6 December 2014, that he secured another R100m for the hotel -- <u>after</u> the plans, which included the hotel, had already been commissioned. Once again, no due diligence was conducted on the viability of building a hotel on an unserviced, high risk site and where there was no market for such a facility beyond its use by the national teams. Even the architect mentioned that no due diligence was conducted. <i>The Circular lies</i> about there being a dispute about the hotel being part of the Fun Valley grand design. There is no dispute. The complaint was about the President's unilateral interference in operational matters in order to establish himself as an Executive President – against the clear instruction of the Pickard Commission of Enquiry.</p> <p>The Circular gives the impression that the funding was approved only in May 2015, but the record (audio and Minutes) will prove that the NEC was informed that the money had been <u>approved</u> in 2014 – there were no conditions expressed during his announcement. The Circular admits that the hotel was part of the grand design of the site – designed by Ruben Reddy and Associates sometime in 2014 already – and who was engaged by the Legacy Trust. The Legacy Trust disbursed the money only in 2015 but approved it with no application in October/November 2014,</p>

	<p>pending a “suitability assessment”, yet he announced in 2014 that NEC Members will be “invited to the opening of your technical centre”.</p> <p>What is clear is that, at the time I became involved in the project, the Legacy Trust had already done most of the work. I then asked Mr. Joe Carrim, the General Manager, of the Legacy Trust to continue with what they had started because it made no sense for me to pick up on a project already deep into implementation as early as October 2014.</p> <p>What is most important is that the NEC approved a feasibility study for the construction of a hotel at Fun Valley only on 19 August 2017 – more than two years after I was informed by the President that he secured funds for it from the Legacy Trust and that he would make it a Presidential project – meaning that the SAFA Secretariat would not have any involvement in the project.</p> <p>The Circular also states that the hotel project was discussed at an NEC Meeting on 6 December 2014. This is a blatant lie. Not a word was said about the hotel in that meeting. The NEC was merely informed of the R82.7m grant by the Legacy Trust – and nothing more! <i>The meeting recording and transcript will attest to that (F).</i></p>
Relationship with the NSL	<p>The Circular confirmed my allegations that the President undermined the NSL in his dealings with it.</p> <p>Another example of how the President undermined the League was when he finalized the report on the \$10m bribery allegation without the input of the Chairman of the 2010 FIFA World Cup LOC, who was also the Chairman of the League.</p> <p>The President deliberately avoided calling meetings of the Joint Liaison Committee, Emergency Committee or International Board for many years in order to prevent</p>

	<p>NSL participation in what he described as 'SAFA affairs' – as if the NSL was not a Member of SAFA;</p> <p>The President is the chief architect of many proposals that sought to minimize the role of the NSL in what he termed "SAFA's affairs" as if the NSL was not a SAFA Member.</p> <p>The latest (2022) move against the NSL is contained in changes to the SAFA Statutes to prevent the NSL from nominating anyone for election to the NEC other than its own representatives. The changes also prevent any of the NSL's representatives from running for the position of President.</p> <p>The President also took contradictory positions on player status and club licensing matters, first agreeing to changes with Dr. Khoza, then denying behind his back that he gave such instructions. He failed to call committee meetings on which the NSL was constitutionally represented, such as the International Affairs Committee and the Joint Liaison Committee.</p>
<p>FIFA Investigation: The Circular alleges that I contradicted my statement to SAFA Members in 2017 regarding the government owing SAFA \$10m.</p>	<p>This is a blatant lie.</p> <p>The Circular is economical with the truth on this matter. The President refused to be interviewed by the FIFA investigators in the presence of the other people whom FIFA requested be interviewed by moving his interview out of SAFA House to prevent others from seeing his responses to the interviewers' questions. I was invited to be present in that interview.</p> <p>Simply stated, SAFA spent millions of Rands to construct a response to the \$10 million bribery matter to reflect only the President's position, with absolutely no input from any of the other people involved in the FIFA investigation. Dr. Olliphant and Dr. Khoza should have been consulted on this matter. The final report was never placed before the SAFA NEC nor was it shared with any of the other</p>

	<p>interviewees – on the President’s specific instruction. It can therefore not be seen as SAFA’s position on the matter. Yet, the report was sent to the <i>Mail & Guardian</i> in December 2017 and is now a public document. Hundreds of thousands of Rands were spent on SAFA’s cooperation with the FIFA investigation to reflect the views of only one person. I participated in the preparation of that report, fully expecting that it would be placed in front of the NEC, which never happened.</p> <p>The President unilaterally rejected Mr Zola Majavu, who was appointed by the EMCO, for presenting a letter to the FIFA investigators that he (the President) failed to declare to Dr Oliphant. Mr Majavu was belittled for ostensibly “taking sides” between him and Dr Oliphant. The President appointed his own private attorneys (Nortons, Inc), which led to duplicate costs for counsel in the FIFA investigation. Although this expenditure was later endorsed by the Emergency Committee, it is a demonstration of the President’s high-handed behaviour and imperial style of decision-making.</p> <p>The President also kept the Emergency Committee and the entire SAFA Task Team who was responsible for coordinating cooperation with the FIFA Investigators completely in the dark on most important matters related to this investigation. <i>Mr. Lucas Nhlapo, the Convenor of the Task Team, can testify to this fact.</i></p> <p>There is therefore no contradiction in my statement on this matter as my statement was taken from the President’s promise in the 2016-2017 Annual Report (on page 17) that he was following up on the matter with the State President’s office.</p>
<p>The Circular claims that I included the \$10m in the NEC Activity Report as if it was my idea</p> <p>Here is the verbatim extract from my statement:</p> <p><i>“We are happy to report that the conclusion of this investigation led to us discovering that SAFA was indeed</i></p>	<p><i>The Circular is a blatant misrepresentation of the facts:</i></p> <p>i. The President himself claimed in the 2016-2017 NEC Activity Report that <i>“We have also finalized and submitted our claim for \$10m to the South African Government in relation to the Diaspora Legacy funding during the 2010 FIFA World Cup™.”</i> (on page 17). My reference to the \$10m in the 2016-2017 Activity</p>

<p><i>owed the \$10 million as it had been agreed by government that it would pay that money to SAFA in exchange for FIFA deducting it from the ticketing revenue due to SAFA after the conclusion of the 2010 FIFA World Cup™. The Association is currently pursuing the payment of this money.</i>" [my emphasis]</p>	<p>Report is based on the President's insistence that he had dealt with the State President's Office in regard to this money [see further elaboration below in (iv)].</p> <ul style="list-style-type: none"> ii. The President conveniently leaves out the last sentence of this paragraph, which reads: "<i>The Association is currently pursuing the payment of this money.</i>" It was in the process of <i>pursuing the payment</i> that the DG of SRSA said clearly that Government had no record of that "debt". iii. The Circular lies by saying that I mentioned this debt in the 2017-2018 Activity Report. The 2017-18 NEC Activity Report and the AFS was not signed off by me but by Russell Paul, the Acting CEO at the time -- even though the full financial year occurred under my watch! iv. All previous references to the \$10m "owed" by government was based entirely on information from the President that he had made arrangements with the State President's Office for the "reimbursement" of the \$10 million. He repeatedly belittled the status of the former SRSA DG, Mr Alec Moemi, describing him as unimportant because, in his words, the 2010 FIFA World Cup was a Presidential project and not a project of the Sport and Recreation Department. v. The Circular correctly states that Government directed that nobody should deal with the \$10 million matter. Minister Fikile Mbalula said so in 2016. However, it does not tell the full story about how the President himself violated this directive in the following manner: <ul style="list-style-type: none"> a. He insisted on the inclusion of the \$10 million "government debt" in the financial statements; b. He promised to retrieve the money from the State President's Office and subsequently met the Minister of Finance on the matter (I was present in that meeting) where the Minister recommended that SAFA should rather apply to Government for specific projects through the normal channels; c. In May 2017, he insisted that I meet with two people who promised to retrieve the money from the National Treasury. When I refused to entertain this because of the exorbitant "finder's fee" of 20% that the two men
---	---

	<p>asked, he asked the Chairperson of the Finance Committee to pursue the negotiations. I also reported my reluctance to the Finance Committee;</p> <p>d. He initiated a trip to New York to speak to the American Government about their investigation into their investigation about the \$10 million – in direct contravention of Minister Mbalula’s instruction;</p> <p>e. He included the amount again in the 2017-2018 and 2018-2019 SAFA annual financial statements, long <u>after</u> I had already left SAFA;</p> <p>My report makes it clear that Government denied they owed this debt after that initial report by the President which led to its inclusion in the 2016-2017 Activity Report. <i>So, my statement is not contradictory.</i></p> <p>Also, the <i>Going Concern Statement</i> in the Audited Financial Statement is not the statement of the CEO. It is the statement of the National Executive Committee. The NEC approves the statement on the recommendation of the Finance and Audit Committees and it is thereafter presented to Congress by the Finance and Audit Committee chairs for adoption – not by the CEO. <i>It is common knowledge and to claim otherwise is therefore another blatant lie.</i></p>
<p>On the Siyaya Matter:</p> <p>The Circular claims – in retrospect – that Siyaya was not going to be able to broadcast SAFA matches and implied that SAFA’s debt to Siyaya was equal to Siyaya’s debt and therefore worth entering into a mutual cancellation agreement.</p> <p>The Circular also claims that Siyaya “ceded” their broadcast rights to the SABC.</p>	<p>The Circular admits that SAFA lost R450m in potential revenue from the Siyaya deal through a unilateral decision by the President.</p> <p><i>This is a complete distortion of the facts of the time period of this matter!</i></p> <p>Siyaya ceded the rights back to SAFA in order to sub-license it to the SABC until April 2018. I spent four long days and nights driving between Melrose Arch and Hyde Park Shopping Centre Office Block trying to convince Siyaya’s board members to agree to the virtual sub-licensing, until a deal was struck to pay them R10m a year to do so.</p> <p>On p18 of the Circular, it states that:</p>

<p>This whole process was done in cloak and dagger style in the same manner that the Siyaya deal was pushed through in 2014 – via a round-robin resolution because the President did not want a debate around the adoption of the agreement.</p> <p>Eventually, Siyaya asked that the arrangement not be made public, but that the R10m p.a. be paid to them until the SABC deal expired, whereupon the rights would revert to them.</p> <p>Article 39.2 reads (Oct 2017 Statutes):</p> <p><i>The Chief Executive Officer and the Chief Financial Officer are duly authorized and are entitled to sign for and on behalf of the Association, in terms of the SAFA Schedule of Delegated Authority (SODA) all contractual agreements concerning important businesses of SAFA along with the joint signature of the Chief Operations Officer or his / her Divisional General Manager responsible for the implementation of the contractual agreement.</i></p>	<p><i>'At that point, both parties, SIYAYA and SAFA, concluded that SIYAYA would not be able to execute the broadcast contract that we signed with them. We then commenced negotiations to cancel the existing contract with [sic] terminates 1 May 2020.'</i></p> <p>Who is 'we', since this has still not been presented to the SAFA Executive or the SAFA Congress for approval? I refused to sign such a write-off when asked to do so. The President met with Siyaya alone.</p> <p>It was an extraordinarily large amount of money which could only be referred to the SAFA Executive as it alone approved the original contract signed with Siyaya in May 2014.</p> <p>I only learned about the 'agreement' through a third party (an email from Noah Greenhill of Siyaya, sent to me from Mr. Gronie Hluyo) and not through the President, which presented further proof of his abuse of power and of his running a parallel administration.</p> <p>This write-off is the root cause of the Association's current poor financial condition.</p> <p>Article 39.2 of the SAFA Statutes specifically restricts the powers to sign commercial contracts to the SAFA CEO, CFO, COO and the General Manager of the Division responsible for the contract in question. That is what is in my report.</p>
---	--

CONCLUSION

In addition to my report and that of Mr. Gay Mokoena, I am informed that another NEC Member, Mr. Gladwyn White, filed a complaint with the SAFA Ethics Committee in 2023 about the President's conduct. To my knowledge, this matter has not yet been resolved. Then in 2024, he also sent another letter to all Regions complaining about exactly the same conduct of unilateralism and abuse of power by the President. So, it appears that his behaviour has not changed. SAFA has rules, which are habitually being disregarded.

I include Mr. Mokoena's report – with his permission – because it also includes some damning allegations of things done in your name for which the Association will end up paying the price. Mr. Mokoena accused the President, *inter alia*, of overstepping his powers by taking decisions that were not his to take; interference in operational matters; acting unilaterally in appointing a CEO (in the same manner Mr. White is accusing him of the same violation in 2024); appointing an NEC Member on contract to work at SAFA; giving instructions that would violate South African law; and negotiating staff contracts.

Many people, who have dedicated their lives to the sport, have been presented as enemies of the Association by a divisive President when that is far from the truth. Members are subjected to a one-sided narrative and are never given an opportunity to tell their side of the story. This must stop!!!

The 16 May 2020 Circular, combined with my rebuttal, clearly shows a President whose leadership qualities are sadly lacking by example of his behaviour. He is guilty of abusing his constitutional powers by taking unilateral decisions with the expectation that the governance structures must simply endorse it without debate or without regard for how these decisions affect the status of the Association – and when challenged or criticised, he cavalierly uses the law to threaten and intimidate and then expects SAFA to pay the legal costs for this misbehaviour!

The President also stands accused of violating the most basic tenets of good governance by occupying several positions at the same time, with all its inherent conflicts of interest, thereby taking decisions in one structure, which affects the other structure, while reporting to himself in each of these structures. For instance, he served simultaneously as the President of SAFA, the Chairperson of the Legacy Trust, the Chairperson of the SAFA Development Agency, the Chairperson of the Emergency Committee, the Chairperson of the International Affairs Committee, and the Joint Liaison Committee – some of which are constitutionally defined, most of these are not prescribed by the constitution.

It is important to mention here that the allegations of abuse of power, the imposition of an Executive Presidency, and the unilateral conduct of the President are made against him and not against SAFA itself. The Association cannot be accused of the misconduct contained in the

abovementioned reports because it has a regulatory framework, with the separation of powers doctrine built into it, that govern how all bodies of the Association must conduct themselves. It is unfortunate that the President and his defenders conflate the Association with his personality as if it is the same thing. As much as SAFA's rules need to be updated from time to time to align with FIFA and South African jurisprudence, there are sufficient rules to make SAFA work better, provided that the rule of law is respected and not implemented inconsistently, ignored, or made up as things move along.

POSTSCRIPT - The Power of SAFA's Members Have Been Removed from the SAFA Statutes

SPECIAL NOTE: My recent research reveals a disturbing trend of removing the powers of the SAFA Members from the SAFA Statutes. Amongst other things, the Authority of Congress was removed, the power to approve the Audited Financial Statement was removed, and Congress' power to approve resolutions have also been removed from the Statutes and the Regulations.

Suffice it to say that these changes/omissions to the Statutes do not match FIFA's evolution of the governance instruments of the sport worldwide. However, I will share these findings with you in a separate memo to demonstrate specifically how your powers as SAFA Members are being taken away to leave you powerless in an unbalanced governance structure, dominated by one out of the seven bodies created by the Statutes, thereby violating the principle of competitive balance in organisational governance.

Thank you, Ngiyabonga, Ke a leboga, Ke a leboha, Ndza Nkhensa, Ndo Livhuwa, Enkosi, Dankie.

** END **