

# Media and the Case of State Capture in South Africa

## How Independent Outlets Aided Whistleblowers in Communicating Their Messages

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### Abstract

State capture, which is when private actors influence the state through illegal and non-transparent forms, significantly impacted South Africa's socio-political landscape during Jacob Zuma's presidency. This transpired largely because of an unethical nexus that formed around Zuma, those in government loyal to him, and the powerful business family – the Guptas. These revelations came to the fore because of independent media, which focused on exposing the illicit relationships driving state capture. Independent media was reliant on whistleblowers to communicate a complete narrative, which resulted in a mutually beneficial collaboration between independent media and whistleblowers. A qualitative research approach employing two methods was utilised to examine this collaboration. The dominant source of information arose from semi-structured interviews conducted with whistleblowers and independent media outlet affiliates. This data was further supplemented with document analysis. This study found that independent media played a crucial role in providing support to state-capture whistleblowers. Support occurred in three forms, namely: defensive, emotional, and offensive support. Defensive support entailed legal, financial and security aid. Emotional support was provided in the form of informal counselling. Offensive support entailed using media exposure to make the whistleblowers' narratives public, as well as mediating between whistleblowers and official commissions of inquiry.

**Keywords:** Independent media, whistleblowers, state capture, South Africa

## Introduction

Corruption in South Africa was common during apartheid rule, with economic crimes being perpetrated in collusion with countries that had seemingly anti-apartheid stances (van Vuuren 2017). Apartheid itself was, after all, an entirely corrupt system based on racially oppressive and segregationist policies. With the 1994 elections and a transition to democratic rule, much of the administrative corruption from the apartheid era unfortunately remained, but further corruption manifested as opportunists arose during the transitional period (Lodge 1998, p. 181–187). Public service administration began to display a particularly unacceptable degree of corruption (Schwella 2001, p. 387), with the arms deal highlighting South Africa's susceptibility to exploitation. The scandal that marred the arms deal was a critical point in South Africa's history as it involved collusion between businessman Schabir Shaik and African National Congress (ANC) politician Tony Yengeni (Hyslop 2005). Tony Yengeni was the Chief Whip of the ANC when the allegations of corruption emerged and remained a member of parliament until 2003, when he was convicted of fraud relating to the arms deal. Schabir Shaik was Jacob Zuma's financial advisor when Shaik was convicted of corruption charges (2005), though Zuma was not yet the president of South Africa. In reaching these indictments, it was established that Shaik had bribed Zuma to secure the procurement of armament from a French arms company, Thales. Shaik had also requested an annual bribe of R500 000 from Thales (Mavuso 2020). Yengeni was implicated in these dealings. These corruption charges raised serious cause for concern regarding South Africa's public procurement system.

However, revelations about the spectacular scale of unethical relations between statesmen and private actors truly came to prominence during Jacob Zuma's presidency (2009–2018), leading to the term 'state capture' penetrating the public domain. Thuli Madonsela's *State of Capture* report (published in her capacity as the Public Protector) was the critical discourse moment that shaped the state, public and media response and perception of this political dynamic. The report was concerned with "an investigation into complaints of alleged improper and unethical conduct by the

president [Jacob Zuma] and other state functionaries relating to alleged improper relationships and involvement of the Gupta family” (Madonsela 2016, p. 4).

Since these allegations arose, the term state capture has dominated South African newspaper headlines. Whistleblowers, assisted by the media, performed an important role in exposing state capture in South Africa, with their narratives contributing as evidence to Madonsela’s report. Whistleblowers are those individuals who disclose “illegal, immoral or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action” (Near & Miceli 1985, p. 4). The role of whistleblowers is crucial in advancing the rule of law of a state, particularly through combatting corruption and furthering the expression of civil liberties (Martić 2021, p. 66).

The whistleblower has the option to first make an internal disclosure, then an external disclosure (to a regulator, for example) if the internal disclosure has failed, and can engage in public disclosure (typically made to media) as the final option (Moberly 2014, p. 275; Park et al. 2008, p. 930; Vandekerckhove 2010, p. 25; Zhang et al. 2013, p. 179). However, it must be noted that whistleblowers can bypass internal disclosure and engage directly in external disclosure. The internal process followed by the external process simply denotes the ‘usual process’ of disclosure. There is also a likelihood that an attempt at external disclosure might not be made at all (Vandekerckhove & Phillips 2019, p. 217). The three channels do, however, still encompass the usual three tiers of disclosure. All three tiers of disclosure are accounted for in the South African legislative framework intended for the protection of whistleblowers (Protected Disclosures Act No. 26 of 2000; Protected Disclosures Amendment Act No. 5 of 2017).

The third tier (making a public disclosure) “is a watchdog over the second tier”, if the second tier fails to enact its deterring and rectifying duties (Vandekerckhove 2010, p. 18). Whistleblowers resort to using the third tier when both internal disclosure recipients and external disclosure regulators have not produced a satisfactory response and when retaliation has reached severe proportions

(Radulovic 2023a, p. 60; Radulovic 2023b, p. 105). In South Africa, retaliation against whistleblowers has manifested in various forms. Work-related retaliation has encompassed whistleblowers facing disciplinary proceedings, having a loss of work, being rendered unemployable, and experiencing ostracisation in the workplace (Radulovic 2023b, p. 106–108). Social retaliation has taken the form of social ostracisation, labelling, and even the public reprimanding of whistleblowers (Radulovic 2023b, p. 109–110). A common strategy of retaliation against whistleblowers in South Africa is that of retaliatory lawfare, which is “when extended hostile legal action is used against a whistleblower” (Radulovic 2023b, p. 110). This is accomplished by using delaying strategies in reaching an outcome, thus extending legal proceedings, which will ultimately result in the accrual of expenses for whistleblowers, but lawfare can also take the form of the abuse of the legal system to detain whistleblowers (Radulovic 2023b, p. 110–112). Physical retaliation against South African whistleblowers has also been documented, with whistleblowers having either been assassinated or having faced the threat of assassination (Radulovic 2023b, p. 112–113).

In light of these reprisals, the media can play a crucial role in not only communicating the whistleblower’s message but also in supporting the whistleblower. By providing support to the whistleblower, media outlets thus assist the whistleblower in advancing their individual resilience. Individual resilience arms whistleblowers with the “ability to withstand and recover from disruptive life events and stressors by appropriating coping resources” (Uys 2022, p. 200). This paper, thus, seeks to examine how South African independent media outlets aided whistleblowers in coming forward with their disclosures.

## 1. State Capture and the Context of South Africa

The broader public tends to view state capture as mere corruption. State capture has some similarities to corruption, though it is much grander in scale and has wider-ranging consequences. Corruption is generally defined as the exploitation of state positions for private gain (Bagashka 2014, p. 166). It is also an opportunistic action occurring “in exceptional cases, facilitated by a loose network of

corrupt players” (Bhorat et al. 2017, p. 5). State capture differentiates itself from corruption due to its complexity and sweeping outcomes, with private actors intruding on state affairs by exercising influence over public policies (Desai 2018, p. 501; Fazekas & Tóth 2016, p. 320).

Those executing state capture are primarily concerned with influencing the state through “illicit, illegitimate, and non-transparent forms” (World Bank 2000, p. 3). A network is necessary to execute this influence over the state and is formed around the collusion between private individuals and state officials (Desai 2018, p. 501; Trantidis & Tsagkroni 2017, p. 263). The network is marked by recurrent transactions occurring on a systemic, highly organised and escalating scale (Bhorat et al. 2017, p. 5). This network can comprise politicians, businesspeople and even criminals (Pavlović 2023, p. 962). The corruptors (businesspeople or criminals) and corrupted (state officials) capture integral elements of the state, which aids them in the pursuit of their private interests (Fazekas & Tóth 2016, p. 320; Mbaku 2018, p. 772). These individuals, then, accrue the power to control the creation, modification and adoption of rules, laws, and regulations (Mbaku 2018, p. 772). By manipulating these laws, rules and regulations, the wrongdoers shape public policies to their own advantage, which serves against the interest of the ordinary individual. By shaping policies, the wrongdoers are able to pervade state structures to control votes (both within a ruling party and at a general election level), affect courts, and acquire executive decisions in their favour (Smith & Thomas 2015, p. 778). This creates an illicit and concealed advantage for the private corruptors (Tudoroiu 2015, p. 656).

As state capture advances, the offenders eventually develop the capacity to impede, discredit and destroy political opponents with ease (Longhurst 2016, p. 152). It culminates in a difficult political situation and a byzantine existence for the state’s citizens, an existence plagued by informal practices and compensatory mechanisms that circumvent jurisdiction and basic moral standards (Longhurst 2016, p. 151–152). In a captured state, opposition political parties struggle “to raise money and challenge the government”, which undermines political competition and leaves the opposition at

a perpetual political disadvantage (Dávid–Barrett 2023, p. 238). State capture inevitably discourages investment, weakens sustainable growth, and creates hindrances for small and medium-sized private businesses (Smith & Thomas 2015, p. 783).

State capture in South Africa traces its origins to the removal of the ANC as the principal force for democratic change (Bhorat et al. 2017, p. 2). This was the result of a silent coup consisting of an assembly of individuals connected to former president Jacob Zuma. Zuma derived much of his power from the Gupta family. Ajay, Atul and Rajesh Gupta arrived in South Africa in the early 1990s from their hometown of Saharanpur in India (Basson & du Toit 2017, p. 56; Myburgh 2017, p. 21; Pauw 2017, p. 20). Atul, the middle Gupta brother, initially started making a living in South Africa by selling shoes at a flea market in Johannesburg (Basson & du Toit 2017, p. 56). By 1998, Atul was “running a R100-million-a-year business called Sahara Computers” (Basson & du Toit 2017, p. 56). As the Gupta family’s power grew, their business interests expanded to include media, energy, mining and even the financial sector (Buthelezi 2020; Mcintosh 2017). It appears that it was by the late 1990s that the Gupta brothers and Jacob Zuma had entered into a business arrangement (Basson & du Toit 2017, p. 59). Jacob Zuma’s son, Duduzane Zuma, started profiteering from his father’s propinquity with the Gupta family in 2001, with him being employed as an intern at Sahara Computers (Basson & du Toit 2017, p. 60). When state capture came into full effect, the Gupta family, through its close relationship with the Zuma family, was able to influence state decision-making (Desai 2018, p. 500). This significant political power made them benefit “economically through official connections to secure lucrative state contracts and private loans” (Desai 2018, p. 500).

The cost of state capture for South Africa has been vast. Estimates in 2019, indicated that the financial cost of state capture stood at around R1.5 trillion, and this only considers the four years of Jacob Zuma’s second term in office (Merten 2019). The unfortunate reality is that the expense of state capture in South Africa is impossible to calculate, particularly if one considers the damage to trust, reputation, and opportunity it has inflicted on the country (Hogg 2019). Apart

from the estimated financial losses incurred due to state capture, the effects are undoubtedly significant, impacting socio-economically on the South African population as well as damaging South Africa's image globally. Ultimately, state capture eliminated the public's trust in the state and state organs, weakened economic sectors whose function is to achieve growth, and undermined confidence in the state's economy (Bhorat et al. 2017, p. 63). In attempting to make this knowledge of state capture public, whistleblowers put their lives and livelihoods at risk, being supported by only a handful of concerned organisations, such as independent media outlets.

## 2. Methods

A qualitative approach was utilised to examine the role that media played in communicating state-capture whistleblowers' messages and supporting the whistleblowers throughout their disclosures. It consisted of two research methods. The first dominant source of information for this study came from semi-structured interviews conducted with affiliates of independent media outlets that reported on state capture narratives, as well as whistleblowers who exposed state capture. Eleven participants were interviewed, six of whom were whistleblowers, and five of the participants were members of independent media outlets. Data arising from the interviews of only seven of these participants was used for this study since four of the participants did not provide unique or new insights concerning the role of independent media in supporting whistleblowers and helping them expose state capture. Non-probability purposive sampling, an ideal strategy for gathering information-rich data (Schreier 2018, p. 88), was initially used when selecting the participants. Moreover, purposive sampling was employed as the participants were easily identifiable, being either high-profile whistleblowers (as a result of disclosing information pertaining to state capture) or occupying prominent independent media roles, being journalists and newspaper editors. After gaining access to an initial sample of participants, snowball sampling, which is common in whistleblowing research, was employed. Snowball sampling is "implemented by collecting data on the few members of the target population you can locate, and

then asking those individuals to provide the information needed to locate other members of the population whom they happen to know” (Babbie & Mouton 2001, p. 167). Hence, having already established rapport with the initial sample via purposive sampling, snowball sampling (by using the initial sample as a point of contact) was employed to enlarge the sample size and gain access to additional participants for interviewing.

Throughout the conducting of the interviews, the researcher remained cognisant of his role in the practice of research. The researcher acknowledged that he could be influenced by the object of the research, and that this can influence the research process and outcomes. As the nature of the research is qualitative, subjectivity could also influence the research process. Therefore, the researcher maintained analytic attention throughout the research process (Dowling 2006, p. 8). This was accomplished by ensuring that the researcher acted as an active participant in the research process and that he reflected on the impact that his opinions, values, and subjective assumptions could have on the study’s outcome. The researcher constantly considered and interrogated his subjective assumptions throughout the research process. He had to focus on not permitting his opinions and values to dictate the study’s findings. Thus, the researcher ensured that he only explored the experiences of people who blew the whistle on state capture and how they were supported by independent media outlets.

As part of the second research method, the participant interviews were enriched with documentary analysis. This method entailed analysing news articles, websites and books detailing the exposure of South Africa’s state of capture. This text data served the purpose of corroborating the narratives presented by the participants.

After gathering the data, thematic analysis was used. Thematic analysis is a commonly applied approach in the analysis of documents and interview transcripts (Bryman 2012, p. 558). It is useful in identifying, describing and interpreting patterns within data (Brown & Clarke 2006, p. 78–79 & 84) and, as such, is accomplished through making “meaningful groupings” with the data (Castleberry & Nolen 2018, p. 808). These groupings essentially identify a set of patterns



that emerge from the data. In doing so, complex and broad data is made sense of. This presents an inductive approach, as themes are developed according to these patterns, which would have otherwise been unstructured information.

Therefore, through thematic analysis, the researcher determined the role independent media outlets played in supporting whistleblowers to present their evidence of state capture to the broader public. The following sections present the findings emerging from the thematic analysis of the data.

### **3. The Role of Independent Media in Exposing State Capture**

Media should serve as an important redress mechanism “when good governance principles are endangered” (Djordjevic & Stone 2023, p. 343). Within the context of South Africa, it has also been argued that it is necessary for the media “to promote good governance and shape opinions about the standard of governance” (Mlambo et al. 2023, p. 12). This could be accomplished via the media’s capacity to influence whistleblowing intentions directly and indirectly, as well as to act as a norm activator by promoting social norms (Oelrich 2023, p. 116). The media’s degree of involvement in promoting good governance and interacting with whistleblowers was particularly noticeable under state capture, with independent media playing a pronounced role. Independent media outlets spearheaded a civil opposition that exposed South Africa’s state of capture, signalling a turning point in South African history. It emphasised that an independent free press, not controlled by state censorship, constituted one of the fundamental aspects of opposition to corruption. These independent media outlets served as an effective agent in uncovering wrongdoing committed by government officials, whilst also being a significant obstruction to corruption (Brunetti & Weder 2003, p. 1801 & 1820).

Independent media had regularly reported about corruption in South Africa, with the Gupta family having been associated with corruption significantly before the use of the state capture term became commonly used in South Africa. Independent media mentioned the Guptas in a series of reports collectively titled Zuma

Inc (AmaBhungane: Centre for Investigative Journalism 2010). In fact, this was the first spread of stories that the independent media outlet, amaBhungane Centre for Investigative Journalism, did as an organisation. Over time, amaBhungane had become the experts in the Guptas, having identified them as a serious threat to South Africa's democracy. During that period, they had met a large number of whistleblowers, though most of them were somewhat mistakenly referred to as journalistic sources. Despite having identified the Gupta family as a risk to South Africa's democracy early on, amaBhungane only had sufficient and credible evidence once they encountered the Gupta Leaks whistleblowers.

Stan and John are anonymous whistleblowers whose revelation came to be known as the Gupta Leaks (Davis 2018). The Gupta Leaks likely constitute the single most important disclosure that brought knowledge of state capture into the public domain, detailing the intricacies of state capture by revealing the illegitimate practices that transpired between ministers, government officials and the Gupta family (Basson & du Toit 2017, p. 195-196). Stan and John gained possession of three hard drives with over 300 000 emails that clearly document correspondence between the Guptas, Duduzane Zuma, executives of state-owned enterprises (SOEs), and key figures of both international and South African companies, illustrating the illicit spending habits that emerged due to these relationships (Head 2018; Radulovic 2024, p. 66).

In an amaBhungane interview of Stan and John that heavily distorted the identities of the two whistleblowers, Stan remembered being frustrated at having potentially explosive state capture evidence. He recalled being upset because former president Jacob Zuma laughed during a parliamentary appearance that questioned his involvement in corrupt affairs. It was upsetting because Stan and John, in fact, had evidence of Jacob Zuma's deceitful dealings with the Gupta family. This is when they decided to make a disclosure with the evidence they possessed (amaBhungane 2018).

Stan and John were fearful of making a disclosure to law enforcement agencies, as they did not fully trust them. Thus, they decided to make a public disclosure to journalists. Brian Currin,

a prominent South African lawyer, brought their disclosures to amaBhungane. What ensued was a collaboration between three independent media outlets – amaBhungane, the *Daily Maverick* and *News24*. The exposure was named the Gupta Leaks in an obvious nod to WikiLeaks, an international organisation focusing on publishing censored information regarding war, spying, and corruption, mostly arising from leaks provided by whistleblowers (WikiLeaks 2015). Brian Currin presented the three hard drives before the *Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State* (commonly referred to as the Zondo Commission) as evidence, keeping the identities of the whistleblowers anonymous. The Gupta Leaks ended up serving as admissible evidence at the Zondo Commission (Kekana 2018).

Stan and John continue to remain anonymous, having relocated outside of South Africa with the support of amaBhungane and the *Daily Maverick* with no intention of returning to South Africa in the immediate future (amaBhungane 2018).

Branko Brkic, the founder and Editor-in-Chief of the *Daily Maverick* interviewed for this study, argued that the media successfully challenged state capture in South Africa because Jacob Zuma's attempts to buy the independent newspapers failed. In addition to the amaBhungane, *Daily Maverick* and *News24* collaboration, other journalists and media houses also performed a role in exposing state capture. Kirk, a journalist who opted to remain anonymous when interviewed for this study, felt that organised and organic civil society, together with political activism within and outside of the ANC, was crucial in bringing state capture to the fore. He reported on corruption and, subsequently, state capture from circa 2011. Kirk formed part of a team of journalists dealing with whistleblowers who were exposing corruption. Kirk indicated that, at that early stage, they had "basic evidence that suggested that there might be collusion between private actors and the state and that the state was bending itself to benefit those private actors". He believed that state capture was much broader than just the link between the Zuma and Gupta families. However, according to Kirk, these families were high up on the journalists' list of topics that they "had highlighted as being

strategically important”. Kirk felt that his reporting on state capture had made a difference in the public space and that it held a valuable contribution at the commissions of inquiry.

Another journalist interviewed for this study and involved in reporting on state capture is Mandy Wiener. She said she did not do a lot of the initial Gupta Leaks and SOE-related state capture reporting. She was, though, actively reporting on the capture of the criminal justice system and the police. She shared Kirk’s notion about the immense scope of state capture. According to her, people only categorise specific cases as state capture, such as the Gupta Leaks and the Public Investment Corporation-related wrongdoing, yet the capture of the National Prosecuting Authority (NPA) could have been the precursor to all of this. According to her, the NPA capture narratives emerged in 2013, prior to the emergence of narratives regarding the Gupta Leaks. She covered these stories with the *City Press* newspaper. Interestingly, she categorises this stage as “early-onset state capture”.

Wiener was also the reporter most concerned with investigating Radovan Krejcir, a Czech national and former organised crime boss serving a prison sentence in South Africa. Wiener noted that Radovan Krejcir was “basically able to capture the entire Police Service from the ground up”, with this essentially constituting a capture of the South African Police Service. According to Wiener, he was able to accomplish this because the South African Police Service and Crime Intelligence were already compromised, and Krejcir leveraged that. Interestingly, Pauw (2017) presented shocking revelations regarding the Zuma-Gupta network and its connections to the most renowned names in South African organised crime. The South African public became familiar with many of these underworld names in *Killing Keble: An Underworld Exposed* (Wiener 2011). What this indicates is that as corruption and capture spread, it became easier for various parties of dubious backgrounds to capture elements of the state. This transpired because of the erosion of the rule of law. Investigative journalist Adriaan Basson’s (2012) work published during this period provides evidence to this notion, by examining Jacob Zuma’s poor and suspect leadership decisions in appointing several compromised

individuals to run the country's key state institutions. Such detailed reporting highlighted the importance of investigative journalism in bringing discussions of corruption to the public foreground.

Wiener did not recall any whistleblowers coming forward during this reporting period but remembered non-governmental organisations (NGOs) such as Freedom Under Law and the Helen Suzman Foundation bringing forward court applications. At that stage, NGOs relied quite a lot on the media, with Wiener adding that most court applications concerning the corruption allegations against Richard Mdluli (former head of Police Crime Intelligence) were based on media reports. This positioned media in South Africa as an important factor, as the NPA and Crime Intelligence used their reports as a reference point in the pursuit of corruption. Thus, even during 'early-onset state capture', the role of the media was crucial.

Anonymous, a journalist interviewed for this study who opted to have no identifying characteristics listed, worked at a prominent independent newspaper. Having spent over twenty years in journalism with a history of working on corruption and whistleblowing cases, Anonymous was particularly concerned with communicating the whistleblowers' messages. Anonymous also had a crucial role in assisting whistleblowers – in one scenario, Anonymous wrote an article that had a positive outcome for a state capture whistleblower who would have faced severe retaliation were it not for the article being published.

Collectives such as the investigative journalism organisation amaBhungane and the online newspaper *Daily Maverick* provided whistleblowers with an avenue to present their allegations of state capture. They became synonyms for the struggle against state capture and have established themselves as the 'go to' sources if one wishes to read non-restrictive, honest, and well-researched reporting regarding corruption and capture. Their attention to state-capture whistleblowers became evident as volumes of articles were published across such platforms. Though, with such a keen interest in state capture disclosures, it is also important to consider what additional role these outlets played in supporting whistleblowers.

#### 4. Support Provided by Independent Media to State Capture Whistleblowers

Independent media was often entrusted with playing an important role in supporting state capture whistleblowers. Members of the media provided several varying forms of support to the whistleblowers, namely defensive, emotional and offensive support. This section, thus, offers a discussion on these three forms of support provided to South African state capture whistleblowers by independent media outlets. The findings are particularly novel as they identify that media possesses the capacity to be a source of support for whistleblowers.

##### *Defensive Support*

Defensive support entails “defending whistleblowers from various charges and threats and providing them protection” (Radulovic & Uys 2021, p. 42). Independent media outlets provide three modes of defensive support to South African state capture whistleblowers, namely legal, financial, and security aid. Independent media provided legal aid to the Gupta Leaks whistleblowers. Stefaans Brummer, investigative journalist and co-founder of amaBhungane who was interviewed for this study, said that the Gupta Leaks whistleblowers had a prominent lawyer, Brian Currin, aiding them legally. Brian Currin enacted the role of mediator between the whistleblowers, the media and official commissions. Stefaans did, however, acknowledge that further legal opinions were obtained regarding sensitive matters for these whistleblowers.

Financial support does not fall within the realm of media outlets. However, the *Daily Maverick* tried to monetarily aid whistleblowers as far as they were financially capable of doing, according to Branko Brkic. AmaBhungane and the *Daily Maverick* had obligated themselves to help the Gupta Leaks whistleblowers relocate abroad. This required substantial funding, according to Brummer. Financial support for relocation was of critical importance as the whistleblowers were disabled from using any social capital they possessed as they were anonymously disclosing breakthrough information pertaining to state capture. This financial support provided by amaBhungane and the *Daily Maverick* proved crucial for Stan and John, as it resulted in

them starting up new lives in an environment that would be safer for them.

Considering safety, journalists who had contact with state capture whistleblowers also tried to address their security concerns. According to Kirk, a journalist needs to afford the whistleblower “a real opportunity to understand the risks that they might face”. This becomes difficult, as the journalist is trying to convince the whistleblower to come forward whilst also informing them how potentially detrimental a disclosure can be for them.

Mandy Wiener felt that the safety of a whistleblower is of utmost importance. Brkic said that two key factors contribute to the whistleblower’s safety, namely: 1) ensuring no harm comes to the whistleblower and 2) not drawing attention to the whistleblower. To achieve this, he believed that a journalist could ensure that a whistleblower is safe by keeping their identity anonymous.

Contrarily, Brummer had initially advised Stan and John to make their identities known when coming forward with their disclosure. He felt this might offer them protection. Kirk also felt that they should have been identified only because it could have added further credibility to the evidence presented in their disclosures.

It would’ve been better, in the public interest, for the credibility of the story, for prosecutions and for state capture inquiries, if their identity could be known so that their motives could be scrutinised publicly, to instil the whole thing with a greater sense of trust.

The whistleblowers were not comfortable with this. Therefore, the next measure was to ensure their anonymity. According to Brummer, the protection of their identities was promised with only a handshake. Brkic said that maintaining their absolute anonymity required considerable effort as some people occupy the role of “sniffers” (similar to drug sniffer dogs). These sniffers need to be distracted, thus making it difficult for them to identify the whistleblower. This entails ensuring that a report contains no information that could possibly be traced back to the whistleblower. If a media outlet wishes to conduct and present a recorded interview with the whistleblower, it needs to be done in such a way that the identity of the whistleblower

is scrambled so that it cannot be unscrambled. One example of this is the interview with Stan and John conducted by Stefaans Brummer for amaBhungane. The whistleblowers were disguised, with only their black silhouettes visible, with further blurring done on their faces. Their voices were so heavily distorted that subtitles were needed to understand what they were saying (amaBhungane: Centre for Investigative Journalism 2018).

Evidently, information security is fundamental in maintaining the anonymity of whistleblowers, but it is very complicated and difficult to effectively accomplish. Journalists who reported on state capture developed proficient and meticulous skills for the process. Kirk would “tread extremely carefully” when managing information that he garnered from whistleblowers, implementing as many measures as possible to protect the whistleblowers.

Furthermore, an analysis of the dangers posed to whistleblowers, journalists, and the story needs to be conducted once anonymity mechanisms are put into effect and further safety plans are developed. A risk analysis approach is a common method used among investigative journalists to accomplish this. The risk is based on the profile of the person that committed the wrongdoing, and their presumed likelihood to engage in retaliation.

Through risk analysis, the journalist considers what degree of security measures would be appropriate. But, for every security measure, one’s efficiency is reduced – for every file that is encrypted on a hard drive, it becomes more difficult to find that file later. If Kirk deemed it too dangerous to talk to a whistleblower over the phone, he would fly to another part of the country, knock on the person’s door, and ask them whether they were willing to speak with him. If the information was so sensitive that tracing it back to the whistleblower would be simple, Kirk would use that information only as a guide and not as a direct line. Thus, the information would not be included in an article. This is why investigative journalism is an expensive and time-consuming task.

When amaBhungane and the *Daily Maverick* completed the risk analysis for the Gupta Leaks narrative, a well-constructed structure for reporting the story was put into place. It was particularly



concerned with whistleblower protection. The focal point of this structure was to relocate the Gupta Leaks whistleblowers outside of South Africa.

Brkic and Brummer concurred that the relocation of the Gupta Leaks whistleblowers was a primary safety concern. Stan and John needed to be relocated out of the country whilst remaining incognito. Brummer felt that it was important to ensure that absolutely no details that could identify the two whistleblowers entered the public domain, whilst Brkic felt that the process of relocation could attract attention towards the whistleblowers. They, therefore, took extreme precision in maintaining their anonymity throughout the entire process. Using his social capital, Brkic raised the money needed to relocate these whistleblowers.

The processes to relocate the Gupta Leaks whistleblowers needed to be executed quickly. AmaBhungane and the *Daily Maverick* were pressed for time and needed to make urgent arrangements to get the whistleblowers out of the country. The whistleblowers were supposed to have an additional month or two to leave the country, but circumstances had changed because of a leaked narrative by another media house. During this period, Stan wanted to fix the gutters on his house (Davis 2018). Brummer recalled that he then told Stan that they had to get him out of the country immediately, as it was no longer safe for him to remain in South Africa. It was a complex process to pack up and leave a country suddenly. With aspects such as what to do with one's dogs to how to cope with the physical, financial, and emotional strain problematising the situation for the whistleblowers. Stan heeded Brummer's advice and abandoned the home improvement project for the sake of his safety.

According to all of the journalists interviewed for this study, the relocation likely saved the Gupta Leaks whistleblowers from assassination. Anonymous iterated that the relocation of Stan and John is the most that independent media could have done for the whistleblowers. The process of relocation, coupled with Brummer's advice, entailed substantial efforts to ensure the physical safety of the two whistleblowers.

Mandy Wiener did, however, present a counterargument. She stated that there is a degree of paranoia associated with blowing the whistle on high-profile state capture cases. However, she did concede that her notion of whistleblower paranoia could be the product of her “cynical nature as a journalist”, a nature that maintains constant suspicion. This perception could also be the result of reporting, for the larger part of her career, on this topic.

A lot of people that I have spoken to, think that they are being followed or that their phones are being listened to or that they have been threatened. But, when it comes down to it, it's very hard to prove that any of that actually happened.

A whistleblower can experience emotional and psychological trauma, and therefore, wrongly perceive that their life is in danger. However, one needs to consider that Babita Deokaran was assassinated in 2021 after blowing the whistle on Covid relief funds that went missing, with many other South African whistleblowers facing the same fate. Thus, as real as whistleblower paranoia is, so are actual safety and security risks for the whistleblower. The emotional and psychological trauma that arises out of the fear of physical retaliation can be addressed with emotional support.

### *Emotional Support*

Emotional support is one form of social support dealing with the expression of caring and concern for those in turmoil and danger. This came in the form of informal counselling. Caring and concern for the whistleblower can be purveyed through expressing respect and approval, responding nonverbally in positive ways, listening, providing encouragement, and sharing feelings (Forsyth 2014, p. 117). In the case of the state capture whistleblowers, this would have provided a significant degree of reprieve from the trauma of blowing the whistle, suffering retaliation, and facing uncertainty.

Brummer supported this notion, stating that “emotional interaction was very necessary” with the whistleblowers. In addressing this component of whistleblower support, the staff of amaBhungane attempted to express caring and concern for the

Gupta Leaks whistleblowers. Brummer's impression was that Stan and John felt "terribly exposed" after disclosing the contents of the Gupta Leaks emails. They did not know who to trust and that was very difficult for the whistleblowers to cope with. He felt that emotional support helped them deal with this troubling uncertainty. One key aspect was proving that amaBhungane staff genuinely cared for them – by not deceiving them.

Stan and John never requested counselling. Brkic's impression was that they should have received counselling because of the trauma that they suffered. This was, however, not possible, since amaBhungane and the *Daily Maverick* did not want to introduce them to anybody else as their anonymity could have become compromised. It was a dilemma, with the two conditions being mutually conflicting. The journalists had no formal training in counselling and conducted a risk analysis, which determined that they had to maintain the whistleblowers' anonymity. Hence, emotional support in the form of informal counselling was the most the journalists could do for Stan and John.

### *Offensive Support*

Offensive support entails supporting the whistleblower by aiding them in making their disclosure public (Radulovic & Uys 2021, p. 42). This is where independent media played a particularly important role in supporting whistleblowers. Two modes of offensive support have been identified, namely, exposure and mediation between whistleblowers and official commissions.

The first offensive mode, the exposure of the story, constitutes the very nature of journalism. Members of the media frequently used exposure as a mechanism to provide a buffer for whistleblowers. Cynthia Stimpel served as the group treasurer of South African Airways (SAA) when she blew the whistle on an unlawful R256 million contract. When interviewed for this study, she specifically pointed out that amaBhungane and the *Daily Maverick* were instrumental in supporting whistleblowers. Her belief was that they fulfilled their role by keeping the public informed. According to her, the "free media" is the reason that the Zondo Commission occurred. It drew

attention to corruption and state capture, pressurising the state to commence an inquiry into the allegations.

The *Daily Maverick* hosted the first large-scale symposium-style event that provided whistleblowers with a podium to present their narratives. This was a critical moment for Stimpel. She was given a chance to present her narrative, and she even received a public apology from the former Minister of Finance Pravin Gordhan. Consequently, her case was immediately elevated, with more attention being directed towards her. Moreover, an important result of the event was the vindication of her name in the broader public domain.

When people Google me now, it's no longer this defiant SAA person, but it's bringing up that public apology which immediately vindicates me.

She was acknowledged, praised for telling the truth, and commended for maintaining honesty and integrity. This made Stimpel feel like she was positively appraised, which had a constructive effect on her psychological well-being.

Mosilo Mothepu, the former Trillian Financial Advisory chief executive officer who exposed how the Gupta-linked Trillian captured SOEs, was also interviewed for this study. She said that “the role of investigative journalism was very important in exposing the companies, the individuals and the modus operandi of state capture”, and she specifically credited amaBhungane and the *Daily Maverick* for playing a crucial role in this. Importantly, the *Mail & Guardian* newspaper article by journalist Jessica Bezuidenhout (2017), *How to bleed a whistleblower dry*, was key in providing Mothepu some protection from Trillian's lawyers. It was because of this article that the NGO Platform to Protect Whistleblowers in Africa (PPLAAF) approached her to provide her support.

The connection between certain independent media outlets and state-capture whistleblowers produced optimistic results. Brkic explained that the relationship between a journalist and a whistleblower is a mutual one and, therefore, requires some degree of reciprocity. The reciprocity, in this case, is providing the whistleblower with exposure in exchange for the narrative.

I assisted them in remaining safe, they assisted me in getting the story out, because getting your story with whistleblowers is only part of the story, it's not the full story. So, from them whistleblowing to you pushing it to the world and pushing it in such a way that you make a meaningful difference, it's a massive job.

In Kirk's experience, he felt that he could not offer much more to whistleblowers than the exposure of the story. He maintained that "that is one of the most important forms of defence" for the whistleblower, along with faith, human counsel, and a truthful explanation of what one can do for the whistleblower. Kirk also felt that reporting on state capture posed a risk to not only the whistleblower but also himself. Therefore, it was of utmost importance to report the narrative as quickly and as accurately as possible. With efficient reporting, some degree of protection was then afforded to both the whistleblower and journalist, reducing the degree of retaliatory risk for both parties.

Stefaans Brummer's perspective was much the same. He said that publishing a story about corruption or state capture alerts the wrongdoers. He and his colleagues felt that it was beneficial for Stan and John's safety to publish their narrative quickly, particularly because of a previous media leak that had occurred. Having this story come out quickly also meant that a warning post was raised for the wrongdoers. Essentially, showcasing this evidence implicating the wrongdoers provided protection for the whistleblowers. Considering that this strategy launched the whistleblowers on the offensive, it appears to have been a logical step. Brummer reflected that once the Gupta Leaks story became public, it was no longer possible to conceal the evidence.

You can't sweep this thing down. It no longer helps to kill a whistleblower if at that point the cat is out of the bag. In any case, you let the other side know, oh, this stuff is out there. There are people who have it, you can't try and shut it down.

It is, however, important that when using exposure as a form of support, sufficient planning is conducted. Mitigating strategies are

crucial and need to be established, should anything go wrong. This mitigating strategy entails divulging a larger exposure to the public, to protect the whistleblower. Brummer said that the Gupta Leaks journalists had concocted a plan whilst in Ireland, “in a country that is relatively neutral” and where their premises would not be raided if somebody had information regarding what they were going to publish. The journalists felt that they needed to dedicate a substantial amount of time to conduct research before publishing the story. They had to essentially build up “a stock of stories”. With this stock of stories, if someone attempted to stop them – they would publish the entire narrative immediately as an offensive response.

The journalists constructed a safety net in Ireland so that when they published the narrative, they would have sufficient evidence and leverage. Brummer emphasised that this is of critical importance in journalism. If a media outlet publishes a story as soon as they encounter a leak, and if that material is then successfully confiscated, the media outlet can no longer publish that information. Should such a scenario have occurred, the information would have been permanently lost and the detriment for South Africa would have been enormous. Mandy Wiener reflected the same feelings, adding that everything would have remained unchanged and that South Africa would have still been grappling with state capture.

Some media members played a role in mediating between whistleblowers and commissions. Very importantly, the news publications of media outlets served as critical evidence in official commissions. AmaBhungane played a crucial role in this interaction. They did not approach the Zondo Commission to offer them access to Stan and John; rather, officials of the Zondo Commission approached amaBhungane and lawyer Brian Currin in order to gain access to the two whistleblowers and receive information regarding the Gupta Leaks. Brummer was involved in some of these meetings, though he remained concerned for the safety of the Gupta Leaks whistleblowers.

Aside from being approached by government officials and persons within commissions of inquiry, international parties also contacted amaBhungane for access to the Gupta Leaks whistleblowers. AmaBhungane was able to mediate in this instance. This resulted in

the Gupta Leaks being made accessible to international journalists via the Organized Crime and Corruption Reporting Project (OCCRP), a global network of investigative journalists publishing their stories for the purposes of exposing crime and corruption. It was, however, of utmost importance to amaBhungane that the German journalists who wanted access to the Gupta Leaks were able to prove that they were indeed genuine journalists. Furthermore, the German journalists signed indemnity forms stating that they would use the Gupta Leaks for journalist purposes only.

Contrastingly, Branko Brkic and the *Daily Maverick* did not enact the role of mediator between the whistleblowers and official commissions. However, the information that appeared in the *Daily Maverick* did serve as evidence used to substantiate allegations of wrongdoing.

## Conclusion

State capture had a very detrimental impact on South Africa, with the network of wrongdoers profiteering from the abuse of public funds and institutions. The effect of this exploitation was particularly severe for the average South African citizen. The exposure of state capture by independent media outlets was a crucial component in putting an end to the exploitation of the state. Outlets such as amaBhungane, the *Daily Maverick*, *News24*, the *Mail & Guardian*, and the *City Press* placed the evidence of corruption and state capture into the public domain. It was these revelations that raised public awareness about the malfeasance that was transpiring. The revelations were also central to the promulgation of commissions of inquiry into corruption and state capture, such as the Zondo Commission. The investigations, ultimately, resulted in Jacob Zuma stepping down as president of South Africa. This would not have transpired were it not for the testimonies of whistleblowers. As independent media communicated the narratives of the Gupta Leaks whistleblowers, Cynthia Stimpel, Mosilo Mothepu, and others, the cogs for change and redress began moving. Though, this might very well have been a pyrrhic victory, if one considers the popular support for Jacob Zuma, a support that was demonstrated during the July 2021 unrest. More recently, the

launching and subsequent success of Zuma's newly-formed political party, uMkhonto weSizwe, in light of the 2024 South African general election, confirms that he is still a significant force in the South African political scene. Garnering nearly 15% of the national ballot and outmanoeuvring political opponents in the KwaZulu-Natal province to amass slightly over 45% of the regional vote (Makhaye, 2024), the results of the MK Party are testament to Jacob Zuma's never-waning influence and popularity. Nevertheless, whistleblowers and independent media were effective in exposing state capture whilst Jacob Zuma ran the country. Moreover, independent media outlets were also able to offer the whistleblowers something in return for their sacrifices.

The members of independent media houses provided state capture whistleblowers three different types of support, namely defensive support, emotional support and offensive support. These forms of support often played a vital role for the whistleblowers, such as helping them to clear their names or guaranteeing their survival.

Defensive support was provided in three modes: legal aid; financial aid; and security aid. Legal aid was minimal, but was provided nonetheless. The Gupta Leaks whistleblowers had lawyer Brian Currin representing them, though the *Daily Maverick* and amaBhungane obtained additional legal advice for the whistleblowers when it was necessary. AmaBhungane and the *Daily Maverick* also provided financial assistance to Stan and John in order to commence their lives outside of South Africa, which essentially guaranteed their physical safety.

Journalists regularly provided security aid for whistleblowers by maintaining their absolute anonymity, conducting a risk analysis pertaining to the whistleblower and story prior to pursuing their narratives, relocating the whistleblowers, and providing advice to the whistleblowers such as recommending to them to act and relocate immediately and without hesitation.

Emotional support was provided in one mode, namely informal counselling. This was delivered through expressing care and concern for the whistleblowers. It was impossible to provide formal counselling to whistleblowers due to security risks.



Offensive support occurred in the forms of exposure and mediation. Since the exposure of the story forms the primary focus of journalistic activity, it formed an organically occurring form of support for whistleblowers. Independent media outlets and journalists made the state capture narrative headline news. This supported whistleblowers by drawing public attention to their cases, and giving the whistleblowers a podium for their disclosures. It meant that the country was listening to what they had to present, gave them credibility, and made it more difficult for the wrongdoers to sweep away their allegations. Interestingly, independent media outlets played a minor role in mediating between official commissions and whistleblowers – such was the case with amaBhungane who mediated between Stan and John and the Zondo Commission. Furthermore, the Gupta Leaks also served as evidence at the Zondo Commission.

Thus, not only did independent media play a fundamental role in exposing state capture, but these outlets went above and beyond their scope of work to provide support to South African state capture whistleblowers. This must be commended. However, based on these narratives, it is evident that South African state-capture whistleblowers faced an uphill battle. For future South African whistleblowers to better cope in the face of disclosures, it is necessary for media outlets to continue their support for whistleblowers but to also coordinate their efforts with NGOs. Moreover, state institutions would need to intercede and support, and protect, whistleblowers through collaborative action with media and NGOs.

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