

**PETITION TO THE HONOURABLE SPEAKER OF PARLIAMENT OF THE
REPUBLIC OF SOUTH AFRICA**

We, the undersigned members of concern athletes that protect transformation in our sports, petition the Parliament of the Republic of South Africa the following:

Actions of SASCOC in relation to ASA and ASA's board members

- ❖ The South African Sports Confederation and Olympic Committee ("SASCOC") has and continues to disregard the provisions of the National Sport and Recreation Amendment Act, 1997 by suspending members of the Athletic South Africa (ASA) Board and some of its employees and its continued involvement in the affairs of ASA.
- ❖ The aforementioned disregard has persisted commencing in SASCOC's predecessor, the National Olympic Committee of South Africa ("NOCSA"), which organization has been gripped with removing Mr Leonard Chuene as the president of Athletic South Africa. This conflict has evidenced itself in the continued scuffle and strife between the management SASCOC and ASA and more pronouncedly, shown up in matters where ASA has taken a different stance to SASCOC. This tension invariably results in SASCOC abusing its mandate in terms of the Act, repeatedly suspending Mr. Chuene, and hastily constituting disciplinary hearings with a view of removing Mr. Chuene from the administration of ASA. We are of the opinion that these tactics are due to ASA continuing to uphold its independence and refusing to be exploited by SASCOC.
- ❖ ASA's battles with NOCSA on transformation and development in sport are well documented which dates as far back as the 1990's. This perforated into SASCOC when it was formed in 2005, as the ex-Board members of NOCSA are now in members of the executive in SASCOC. The said members are Mr. Sam Ramsamy, Ms. Hajera Kajee, Vinesh Maharaj, Mr. Moss Mashishi (he was voted out as President of SASCOC in 2009) and Mr. Tubby Reddy amongst others.

- ❖ Due to the continuing conflict, Mr. Leonard Chuene and Mr. Sam Ramsamy have not been on speaking terms since the days of NOCSA, which has culminated in a period of silence spanning well over a decade.
- ❖ In 2008, following the appearance of SASCOC before the Parliamentary Sport and Recreation Committee and its failure to show its works in the progress of transformation within sports in South Africa, Mr. Mashishi, using the negative publicity garnered tried in vain to suspend Mr. Chuene as the president of ASA. Using the SASCOC Tribunal, SASCOC hurled Mr. Chuene before proceedings that invariably acquitted him of any offense. The ruling by the SASCOC Tribunal clearly indicated that SASCOC did not have the right to suspend Mr. Chuene.
- ❖ Subsequently and during the election of the new presidency of SASCOC in 2009, ASA did not support the election of Mr. Gideon Sam's nomination as president of SASCOC after the Sport Conference organized by Sport and Recreation South Africa (SRSA) held in Durban (which Mr. Gideon Sam failed to attend). The rationale for ASA, as an organization, not to support the nomination of Mr. Sam was due to its own mandate to further the transformation of sports in South Africa. Accordingly, ASA found that in Mr. Mashishi, albeit the events 2008, transformation and the progress of sport could be best achieved. Hence, its support of the continued presidency of Mr. Mashishi, resulted in a 2009 resolution by the members present at the Sport Conference to extend the mandate of Mr. Moss Mashishi to continue as president of SASCOC in a bid to transform the sport as a whole.
- ❖ It is clear that the above created a further rift between Mr. Sam and Mr. Chuene.
- ❖ It is our view that Mr. Sam and the abovementioned ex-NOCSA members saw the Caster Semenya issue as an opportunity to unlawfully remove Mr. Chuene as the ASA president together with his Board. The handling of the Caster Semenya matter was cited as the sole reason for the suspension, which was based on findings from a report commissioned by SASCOC. In this regard, SASCOC stated that disciplinary hearings would follow shortly.

- ❖ Following the suspension in November 2009, we have repeatedly requested SASCOC to make available the report that formed the rationale for Board member's suspension, as it is pivotal to understand the rationale behind the suspension. The respective petitioners initially made such requests informally in their personal capacities to no success; once this failed, ASA legal team, Mncedisi Ndlovu & Sedumedi Inc. requested the report on a formal level. This attempt also failed. Therefore, ASA legal team made a request in terms of section 18 of the Promotion of Access to Information Act, 2000 for access to the report. SASCOC has continued to deny people access and possession of the report and has cited unsupported '*confidentiality*' defenses in doing so.

- ❖ It is important to note that all the while, SASCOC has engaged various media outlets and has voiced its unsubstantiated allegations of misconduct by the Board of ASA, and in particular, Mr. Chuene, which have not been tested as SASCOC has continued to delay and be a hindrance to the allegations being brought before a tribunal which can verify the truthfulness of the allegations.

- ❖ We are of the view that contrary to the assertions made by SASCOC, the report SASCO commissioned contains unequivocal evidence that ASA did not act improperly in the manner in which it handled the Caster Semenya matter. Therefore, such a finding would have made it difficult for SASCOC to suspend ASA members. Nonetheless, SASCOC proceeded with its suspension with continued threats of a disciplinary hearing.

- ❖ To date, no disciplinary hearings have been held regarding the manner in which ASA handled the Caster Semenya matter. We, through ASA legal team, have called on SASCOC to appear before an arbitration tribunal, which was constituted under the SASCOC constitution. SASCOC has repeatedly delayed this process and has eventually stated that they do not recognize such a body and as such would not appear before it. This impasse and a failure by SASCOC to want to submit itself to a tribunal constituted in terms of their founding constitution, which can determine the truth to this matter, continues to hold over ASA board members head's with a cloud of '*guilt*' in the minds of the public and the members of ASA.

- ❖ We believe SASCOC has not found any wrongdoing on the handling of the Caster Semenya issue hence Caster has been allowed to participate as a woman by the IAAF, which has been the contention of the ASA Board members.
- ❖ It is clear that SASCOC at this point, found itself in a precarious position. Accordingly, in order to continue to justify its actions of unlawfully suspending ASA board members, SASCOC created an impression that the ASA board members had acted improperly in awarding Mr. Chuene the motor vehicle.
- ❖ Failing in its attempts to remove Mr. Chuene and the rest of the ASA Board by using the Caster Semenya matter and the motor vehicle issue, SASCOC has decided to extend its mandate by instituting a forensic investigation into the finances of ASA, further illustrating their all out quest to ensure that Chuene is gone for good. It should be noted that the extension by SASCOC of its mandate was not premised on any suspicion and/or allegation of wrongdoing by any persons belonging and/or affiliated to ASA on the part of the ASA board. Rather, it was solely based on SASCOC failing to substantiate its allegations regarding the Caster Semenya issue and the motor vehicle awarded to Mr. Chuene. These actions by SASCOC are contrary to the Act and SASCOC's constitution.
- ❖ Moreover, some SASCOC executive members and in particular its president, Mr. Sam have actively participated in a campaign to cause havoc within the membership of ASA to justify their undue actions of taking over the administration of the organization. This has been achieved largely by the collaboration by Mr. Sam with some ASA affiliate members to divide ASA, which has assisted SASCOC to unlawfully intervene in the affairs of ASA.
- ❖ SASCOC has continued to run a trial for the suspended members through the media without furnishing them with charges for either of the alleged transgressions committed. Rather, SASCOC continues to dig up new 'issues' to throw into the public domain through the media so as to conjure public sympathy and to give an impression that there has been some wrong doing by the suspended members.

Funding of SASCOC

- ❖ SASCOC has a conflict of interest in the National Lottery Distribution Trust Fund ("NLDTF") which bankrolls the majority of sporting codes in South Africa including SASCOC itself. The majority of the members sitting on the NLDTF are either SASCOC members or persons directly connected to SASCOC. It needs to be pointed out that SASCOC depends on the NLDTF and SRSA funding for its survival. SASCOC will always survive to the detriment of its members because they are adjudicating their own applications whilst strangling those who differ with them by denying them the requisite funding.

- ❖ The SASCOC Board has undue influence on its membership and the membership of individual federations through their stranglehold on the lottery funds which finances the majority of federations to the exception of soccer, rugby and cricket. It is ironic and worrisome that SASCOC will always remain silent when soccer, rugby and cricket have issues of national interest. Take for example the leadership squabbles in soccer and the bonus fiasco and racism allegations in cricket. SASCOC has never commented on these three bodies which raise a serious question on their effectiveness as a Macro-body that is supposed to manage and administer sport in South Africa.

- ❖ Dr. Harold Adams who is central to the testing of Caster Semenya in South Africa was immediately appointed to the NLDTF after the Berlin saga. We suspect as a reward for bringing the leadership of Mr. Chuene down with the untested accusations that he leveled against Mr. Chuene in a leaked report published by the Mail and Guardian newspaper supposedly whilst they were in Berlin.

- ❖ SASCOC did not follow up on federations which were leveled corrupt by their respective membership and accused with the embezzlement of funds because the specific federations were run by their "blue eyed boys" in Vusi Mgobhozi (Basketball South Africa) and Tubby Reddy (Volleyball South Africa). Tubby is still the president of Volleyball South Africa whilst at the same time he is the Chief Executive Officer ("CEO") of SASCOC.



THEREFORE, the petitioners request Parliament to:

- ❖ Initiate an investigation in the activities of SASCOC in relation to its conduct in dealing with the ASA board members, and other office bearers suspension and nullify the suspensions; *Handwritten: ? Handwritten*
- ❖ Investigate SASCOC activities at the NLDTF; *Handwritten: ↗*
- ❖ Prevent SASCOC from being a player and a referee at the same time by suspending the Board of ASA, investigating its finances and conduct hearings on the forensic investigations and outcome;
- ❖ Prevent SASCOC from infringing the basic rights of the suspended members by continuously conducting a trial in the media, without serving them with the alleged charges. Their actions are tantamount to presuming the suspended members guilty before a fair trial is conducted:

FROM

(MON) JAN 17 2011 13:01/ST. 12:59/No. 9404648412 P 0/0

ANNEXURE "A"

- Request the Minister of Sport and Recreation the Honourable Minister Fikile Mbalula to intervene in the fracas involving ASA and SASCOC for the sake of sport; and
- Also, persuade SASCOC not to go ahead with its planned press conference scheduled for 20th January 2011 where the findings of its Disciplinary Hearing will be made public.
- Reinstatement of the suspended members of ASA board and employees with immediate effect.

?? mandate -

Signature

Address (Give your full home address, or your city and province, or province and postal code)

[Handwritten signature]