

SACP faces pressure to fight own poll battles

Party names commission to consider contesting elections independently of the ANC

SIBONGAKONKE SHOBA

BLADE Nzimande and other SACP leaders have fought off a strong push from their branches to have the party contest elections independently from the ANC.

Had the proposal succeeded, it would have strained relations between the ANC and the SACP and thrown the future of Nzimande and several other communists in the cabinet and other government structures into doubt.

Delegates from Mpumalanga, KwaZulu-Natal, Eastern Cape and the Young Communist League arrived at the party's special congress in Soweto this week with one objective in mind — to pass a resolution commanding the SACP to field its own candidates in general elections as well as local government polls.

They even had a song, which was popular with many delegates at the congress, whose main message was: "We want state power."

The delegates sang it when Deputy President Cyril Ramaphosa arrived to address the congress.

He responded by telling delegates that they already had state power, through their alliance with the governing ANC.

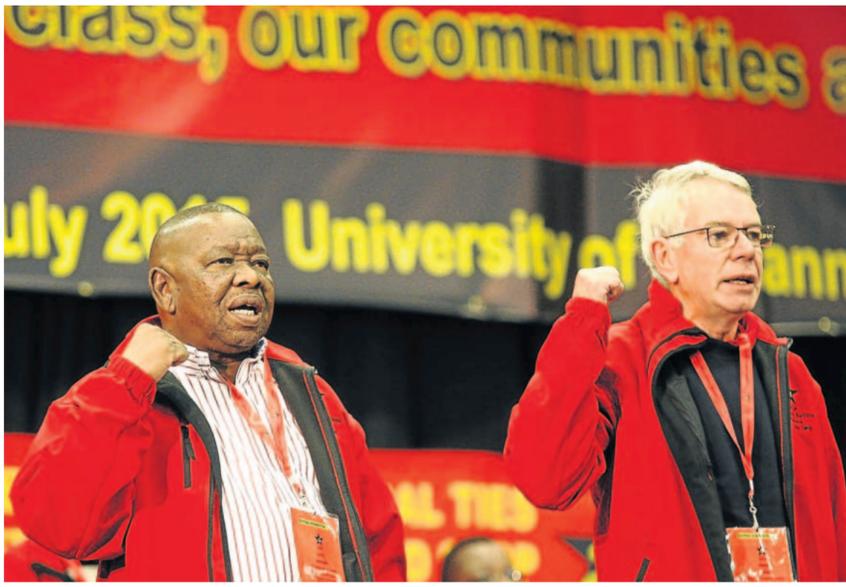
Still, many of the delegates complained about being treated like "junior partners" in various provinces, and there has been evidence of tension between the ANC and SACP in Mpumalanga, KwaZulu-Natal and North West.

Much of the dissension appears to stem from the belief among SACP leaders that they are used to campaign for votes but are then ignored when it comes to appointments.

At the same time, some ANC members accuse the communists of being freeloaders in the government.

Nzimande, who is higher education minister, led the counter-offensive against those pushing for the SACP to go it alone.

"We must be careful that we don't take decisions on a serious



STATUS QUO: Blade Nzimande and his deputy Jeremy Cronin at the SACP special congress in Soweto

Picture: GALLO IMAGES

matter like that based on just irritation," he said.

"It must be based on serious political and strategic considerations."

Other communist party leaders in the cabinet include Trade and Industry Minister Rob Davies, Public Works Minister Thulas Nxesi and Minister in the Presidency Jeff Radebe. Jeremy Cronin and Buti Manamela are deputy ministers.

At provincial level, two premiers are members of the SACP central committee: Limpopo's Stanley Mathabatha and the Eastern Cape's Phumulo Masualle. Various MECs and mayors also hold SACP membership.

As it became clear that a significant section of the congress

All commissions resolved on this matter that the SACP should consider contesting state power

was determined to continue pushing the issue, Nzimande and other leaders sprang into action.

A meeting of secretaries was convened to discuss the matter. The secretariat — comprising Nzimande, his deputies, Cronin and Solly Mapaila, and provincial secretaries — drafted a resolution to "appoint a standing

central committee commission on state power and electoral options."

The commission will look at the party's options of contesting elections under a "reconfigured" ANC-led alliance. Its report will be tabled at the next party congress, in 2017.

The secretariat also called on the ANC, Cosatu and the SACP to discuss relations between them in some provinces, which were "deteriorating and degenerating to unacceptable levels".

A provincial secretary, who asked not to be named, said after the resolution was adopted: "All commissions resolved on this matter that the SACP should consider contesting state power."

"The matter could not be suppressed any more because had it been suppressed it could have collapsed plenary discussions."

He said an option that could be considered was for the SACP to run on its own in areas where the ANC was unpopular with voters.

Historically, SACP members generally held dual membership. However, recent party figures show that only 40% of the SACP's more than 200 000 members now belong to the ANC.

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SA spies' scary shopping list

From Page 1

to government agencies. "Hacking Team's investigation has determined that sufficient code was released to permit anyone to deploy the software against any target of their choice. Before the attack, Hacking Team could control who had access to the technology... Now, because of the work of criminals, that ability to control who uses the technology has been lost. Terrorists, extortionists and others can deploy this

technology at will if they have the technical ability to do so," said a spokesman.

Although the company has previously denied selling software to repressive regimes, the Guardian reports that the leaked documents appear to show that among its clients are several repressive states known to conduct "aggressive surveillance of citizens, activists and journalists both domestically and overseas". jurgensa@sundaytimes.co.za savidesm@sundaytimes.co.za

The diaries of a digital mercenary

MATTHEW SAVIDES

HACKING Team, which was itself hacked and had 400 gigabytes of company data and e-mails leaked online this week, is one of the world's most controversial surveillance agencies.

The company, based in Milan, Italy, has long been questioned by activists over its use of spying technology that enables it — and its clients — to bypass encryption software and access individuals' smartphones while they are in use.

Its own website proclaims that clients can "acquire relevant data", "defeat encryption", "deploy a secret agent", and "go stealth and untraceable". The site also claims on its home page that clients can take "total control over your targets", will be "invisible to the target" and can get "clear access to thousands of encrypted communications per day. All devices, mobile or otherwise, could be monitored, Hacking Team said in a brochure for its Galileo system.

But this clandestine surveillance, which the company calls "Remote Control System", has long been questioned by activists. In 2013, Reporters Without Borders found that Hacking Team was one of five worldwide "digital era mercenaries". A summary of the Enemies of the Internet report states: "They sell products that are liable to be used by governments to violate human rights and freedom of expression."

In April this year, Privacy International released a briefing to the Italian government over Hacking Team's activities.

"Hacking Team has a consistent track record of delivering its software, including the RCS, to government agencies with records of human rights abuse and unlawful

surveillance, and its products have been repeatedly used to conduct unlawful surveillance of journalists, activists and human rights defenders," the document states.

After this week's hack, Privacy International deputy director Eric King, in a statement, described Hacking Team as "one of the most aggressive companies currently supplying governments with hacking tools. Friday's leak of materials reportedly shows how Hacking Team assisted some of the world's most repressive regimes — from Bahrain to Uzbekistan, Ethiopia to Sudan — to spy on their citizens."

Hacking Team has

Imagine this: a leak of Wikileaks showing YOU explaining the evillest technology on earth!

regularly denied claims that its products are used to perpetuate human rights abuses.

One e-mail in the leaked cache of documents is from CEO David Vincenzetti in which he describes activists as "idiots... good at manipulating companies and people".

In another e-mail, on June 8, he writes to some colleagues: "Imagine this: a leak of Wikileaks showing YOU explaining the evillest technology on earth! :-). You would be demonized by our dearest friends the activists, and normal people would point their fingers at you." Less than a month later, that is exactly what happened, and the company's secrets have been laid bare.

'Mutineers' make bid for freedom

STEPHAN HOFSTATTER

LESOTHO soldiers snatched from the streets and locked up in military jails after being accused of plotting a mutiny have launched a new bid for freedom.

This week, their lawyers filed a notice of appeal against last month's ruling by Lesotho High Court Judge Sempeo Peete that they should stay in jail despite his finding that their arrests flouted the law.

In his ruling last month, Peete said that during the arrest and detention of alleged mutineers, the Lesotho Defence Force had employed tactics typically used by apartheid security forces.

Since May, when coup plotters Lieutenant-General Tlali Kamoli was controversially reinstated as commander of the force, more than 50 soldiers were bundled into military vehicles and held at secret sites until their families went to court to force the military to produce their bodies or release them.

The detainees were accused of conspiring to kill Kamoli and replace him with his predecessor, Lieutenant-General Maa-parankoe Mahao.

Kamoli tried to stage a coup in August last year against former prime minister Tom Thabane, who was replaced by a coalition led by Pakeitha Mosisili after snap elections in February.

In terms of a peace deal brokered by South African Deputy President Cyril Ramaphosa on behalf of the Southern African Development Community it was agreed that both Kamoli and Mahao would quit their posts.

But Mosisili unexpectedly reinstated Kamoli.

When Mahao's alleged mutineers against Kamoli appeared in court last month, Peete called their arrests "ambush-like" but ruled they could not be deemed illegal just because "formal requirements" had been "grossly flouted".

He also deplored that the men had arrived in court in leg-irons,

which "remind one of the days of slavery when men and women were tightly shackled and shipped across the Atlantic".

All accused said they had been assaulted or tortured and some appeared bleeding in court, prompting Peete to order the army to "stop forthwith any acts or conduct that is torturous, inhuman or degrading".

Mahao was killed by soldiers on June 25 while driving with two nephews on a lonely road near his farm, 30km from the capital, Maseru.

The defence force says he pointed a firearm at the soldiers sent to arrest him. His family insists he was assassinated.

This week, a team of investigators sent by the SADC arrived in Lesotho to probe his death and the wave of deten-

This is reminiscent of apartheid South Africa where suspects could disappear mysteriously

tions that preceded it.

Grounds for this week's appeal against the alleged mutineers' detention include Peete's admission that they were arrested "under circumstances as if they were kidnapped".

"This is reminiscent of apartheid South Africa, where suspects could disappear mysteriously — some to later reappear grossly maimed," he said.

Mosisili's senior private secretary, Mamello Morrison, after initially requesting to reflect Mosisili's response to the allegations against his defence force, declined to respond to detailed questions.

"The Sunday Times can write what it likes," she said. Defence force spokesman Major Ntlele Ntoi "absolutely denied" the detainees had been abducted or tortured.

AARTI J NARSEE

A BARRAGE of political questions during this week's judicial interviews affected the depth of interrogation of the four candidates vying for a single Constitutional Court post.

Alison Tilley, of the Judges Matter Coalition, said: "I think it is unfair for these candidates, who were to be interrogated on their records, depth and experience, to then have the argument between the executive and judiciary played out."

The interviews, on Thursday, took place just a day after Chief Justice Mogoeng Mogoeng made the unprecedented move of seeking a meeting with President Jacob Zuma over the rising tension between the judiciary and the executive.

This has been stoked by the government's decision last month to allow Sudanese President Omar al-Bashir to leave South Africa at the start of legal arguments in the High Court in Pretoria over whether he should be handed over to the International Criminal Court on charges including genocide.

Tabeth Masengu, a researcher at the University of Cape Town's Democratic and Governance Rights Unit, said: "The questions asked were definitively prompted by the ongoing tension. The al-Bashir matter was the elephant in the room."

But she said the topic was unavoidable.

"We had expected separation of powers and judicial review to feature prominently in these interviews. I don't think it hampered the interview process per se; the candidates answered the questions very well and hopefully their answers provided clarity for the minister and others," she said.

The hopefuls are Supreme Court of Appeal justices Nonkosi Mhlantla, Zukisa Tshiqi and Leona Theron, and KwaZulu-Natal high court Judge Dhaya Pillay.

Justice Mandisa Maya was also interviewed for the position of deputy president of the Supreme Court of Appeal.

Zuma will make the final decision.

Advocate Michael Masutha, who as justice minister is the national government's representative on the Judicial Ser-

Judges cross-examined on political matters



HILARITY: Justices Mogoeng Mogoeng, Dikgang Moseneke and John Hlophe share a joke at the media briefing this week at which Mogoeng announced a meeting with President Jacob Zuma

vice Commission, was the key protagonist, asking questions about the consequences of judges' decisions.

He asked several candidates: "I know the expression that 'justice must prevail, even if the heavens actually do fall', but what if the heavens actually do fall? Shouldn't the judge consider that factor — that if this decision was factored, the heavens indeed would fall?"

But the candidates easily navigated around Masutha's question.

Candidate after candidate reaffirmed the independence of the judiciary and the separation of powers.

They said judges should base their decisions on the facts before them and the law, without concerning themselves with outside influence.

Masutha asked the candidates: "Would you agree with

me... that judges themselves can be fallible and can arrive at decisions which are wrong, but more so — dangerously wrong in the sense that the impact of their decision in a particular situation could lead to grossly untenable situations?"

Don't be so nervous, the minister is not talking about al-Bashir

Even Mogoeng, who chaired the interviews, was unsure about what was meant by "dangerously wrong".

The climax in Masutha's questioning came towards the end of the session, when he posed a "hypothetical question"

dealing with court orders and when the backs of one or more parties are against the wall, with no further recourse.

He asked Tshiqi: "Let's say there is an interim order, even if it lasts for a few hours, but during that intervening period its effect would be to pose a real danger... Under the circumstances, the litigant for that duration has no recourse."

The question drew a chuckle from Mogoeng, who told Tshiqi: "Don't be so nervous, the minister is not talking about al-Bashir."

EFF leader Julius Malema was more direct when he asked Maya: "Do you think it is correct for the executive to deploy judges in the judiciary?"

And his next question to Maya was point-blank: "How many interactions have you had with the president?"

None, was her response.

Force is with Han Solo

HAN Solo has made his official comeback to Star Wars.

Actor Harrison Ford was the guest star at Comic-Con in San Diego last week.

Fans were treated to a glimpse of behind-the-scenes footage of the new film *The Force Awakens*.

It was Ford's first public appearance since March when a vintage aircraft he was piloting crashed, leaving him with non-threatening injuries.

The actor, 72, said he was doing "fine" and reflected on returning to the films that launched his career.

"It should have felt ridiculous. It was 30 years ago and I sort of grew up and yet I was doing something I did so long ago, and I will tell you that it felt great," Ford said about his return to Han Solo.

Star Wars: The Force Awakens, due in theatres in December, is the first of a new trilogy rebooting George Lucas's *Star Wars* franchise.



RECOVERED: Harrison Ford

Ford was accompanied by *Star Wars* veterans Carrie Fisher, who plays Princess Leia, and Mark Hamill, who plays Luke Skywalker. Fisher said the three of them picked up where they left off during filming, and also enjoyed watching the newcomers to the franchise.

The surprises didn't end with Ford's appearance. Fans were escorted by Stormtroopers to a live concert of composer John Williams's *Star Wars* score at a nearby venue. — Reuters

Tides	High/Low	High/Low
Durban	0045/0705	1325/1929
East London	0048/0713	1331/1937
Cape Town	0013/0645	1257/1909
Hermanus	0012/0643	1241/1907
Kynsna	0059/0724	1341/1947
Mossel Bay	0038/0712	1321/1933
Port Elizabeth	0038/0705	1321/1929
Port Nolloth	0006/0634	1247/1903
Richards Bay	0046/0707	1325/1930
Saldanha Bay	0000/0640	1253/1905
Simon's Town	0009/0642	1253/1905
Walvis Bay	0018/0631	1255/1904

TODAY'S WEATHER

Key: Sunny/warm, Partly cloudy, Cloudy, Cloudy with rain, Thunderstorms, Snow, Wind direction/speed, Fog

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e-Music for the weekend

FOR the first time most new albums will be released in all formats on Fridays everywhere in the world, as record stores, streaming services and hit charts begin a co-ordinated global release for new albums. The move will end regional divergences that industry players found increasingly anachronistic in the age of digital music.

The International Federation of the Phonographic Industry, the industry's global body, is championing "New Music Fridays", both to curb piracy and to stimulate sales as shoppers start their weekends. The co-ordinated day marks "an opportunity to recreate excitement around the release of music", said Frances Moore, chief executive of the London-based IFPI. — AFP

Forget global warming and get out your winter woolies

THE real winter is coming, but not for a few years — according to a new model of the sun's solar cycle.

The model makes the prediction that the sun's solar activity will decrease by 60% from 2030 to 2040.

The reduction in activity could result in a "mini ice age" similar to the one that began in 1645 when the earth experienced colder periods.

Professor Valentina Zharkova presented her new model on the sun's solar cycle at the Royal Astronomical Society's national astronomy meeting in Llandudno, Wales, on Thursday.

Zharkova's model draws on the dynamo effects that produce the sun's magnetic waves.

"We found magnetic wave components appearing in pairs, originating in two different layers in the sun's interior... over the cycle, the waves fluctuate between the northern and southern hemispheres of the sun," Zharkova said.

Her team found that when they compared her model with the current solar cycle, their predictions were 97% accurate.

According to her model, in 2030 the two waves will become exactly out of sync, which will cause a significant reduction in solar activity. — *Perticles Anetos*