

Case Number:

AFFIDAVIT

I, the undersigned,

DAVID ROBERT LEWIS

hereby make oath and state as follows:-

1. I am an adult male residing at 3 Regent Square Rd, Woodstock, Cape Town with identity number

6802155194080

2. The facts contained are, save where otherwise indicated, within my personal knowledge and are to the best of my belief true and correct.

3. I make this complaint against the following person:-

Annelien Dean

NPB
R

4. The facts related here pertain to acts of perjury committed by Dean, before the Labour Court of South Africa, during a hearing held in Cape Town on the following dates: 4-6 November 2009 & 20-21 January 2010.¹

5. Perjury consists in the "unlawful and intentional making, upon oath, affirmation or admonition and in the course of judicial proceedings before a competent tribunal, of a statement which the maker knows to be or foresees may be false."

6. Dean made the following statements under oath, which she knew to be false at the time and whose falseness is demonstrable:-

6.1 She claimed under oath, that she had never been to Bloemfontein, and/or had never been near the City of Bloemfontein. Dean matriculated at Brebner High School, which is in Bloemfontein, and this fact was put to her, and she could not deny it in court.

6.2 She claimed under oath that work submitted for publication to several titles owned by her employer Media24 PTY LTD, by the complainant amounted to plagiarism i.e. cut-and-paste material which is not clearly attributed, and/or she uttered words to this effect and/or made similar accusations which amount to accusations of plagiarism. The accusations are demonstrably false, since the work in question are quotations in quotation marks, and clearly attributed to the music industry. (DRL1)(DRL2)

6.3 She gave false testimony under oath regarding a dispute involving her employer's status in terms of Promotion of National Unity and Reconciliation Act 34 of 1995, (also known as the TRC Act or PRONURA), and substantiated this dispute, by claiming that

¹ Lewis v Media 24 Ltd (C88/2007) [2010] ZALC 218; (2010) 31 ILJ 2416 (LC) (4 May 2010)

NPM
PA

racial profiling and/or de facto newsroom segregation and/or separate facilities, was the result of an 'accident of nature', or as court record indicates at 75, a mere, "“coincidence of homogeneity based on South Africa's past". Such a warped view of the world, amounts to de facto support of the “apartheid heresy” synonymous with the NGK under apartheid, and is not a teaching of the religion of which she claims to be a member. (DRL3)

6.4 She gave false testimony under oath regarding the supposed “overlap” of material from titles targeting former Coloured Group Areas of Lansdown, Athlone, Grass Park and Retreat with the Constantia-Wynberg edition of the People's Post. This edition did not exist, or was not in publication during the period of review.

6.5 She submitted false testimony under oath regarding Complainant's work performance which was contradicted by work signed off by staff members and accepted by the representatives of her Employer as such.

6.6 She submitted false testimony regarding an incident in the newsroom during 2006, in particular that Complainant had “shouted at her”, and had not given her the contact details for the late Robbie Jansen, who was contactable at the time via Paster Glen Robertson. Whereupon, the submission made by the representative of her employer had to be amended in order to accommodate her utterances.

6.7 She gave false testimony under oath claiming that the late Robbie Jansen, a jazz legend, had made “disparaging remarks” about the music industry, in particular by defaming one Jimmy Dladlu, by his uttering of the words: Dladlu sounds like George Benson, if you know what I mean. Benson is a musical genius.

NP
DA

6.8 She gave false testimony in support of her employer, by stating that she did not know the Complainant was Jewish, but then contradicted herself by admitting that she was aware of this fact during an evaluation hearing, and was thus "surprised to find this out at the evaluation meeting", whereupon it became a fact pertinent to the dispute involving Complainant's identity.

6.9 She submitted false testimony under oath regarding a dispute involving an agreement on working hours. Her diary entry for the day in question confirmed a dispute regarding working hours (amongst other things) and contradicted evidence supplied by her employer that no such dispute had occurred. (DRL4)

6.10 She gave false testimony regarding the use of staff transport by the Complainant, (by denying such an incident had occurred) which she then recanted under cross-questioning. The incident referred to, was thus confirmed by submissions made by her employer's representatives in writing.(DRL5)

7. Regarding the lateness in filing the complaint. As far as I am aware, perjury is a schedule one crime. The law of prescription on such crimes is 20-30 years. Complainant's time here, has been bound up with the review of the case before several courts and he is currently engaged in an application before Equality Court (EC19/2015) in regards to the preservation of the TRC Report.

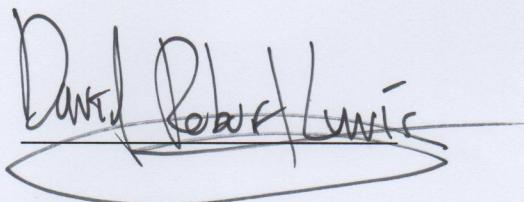
8. The contact details of Dean: Her last known whereabouts are, Helderberg Media, Media 24, c/o Naspers, Heerengracht, Foreshore, Cape Town, which she worked until March 2015.

NP

P

Conclusion

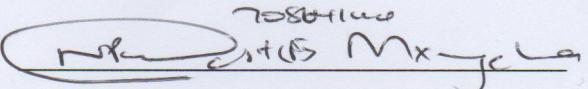
9. Dean must be charged with an offence in terms of the Criminal Procedures Act, as amended.



DAVID ROBERT LEWIS

I CERTIFY THAT THE DEONENT ACKNOWLEDGED TO ME THAT HE KNOWS AND UNDERSTANDS THE CONTENT OF THIS DECLARATION, THAT HE HAS NO OBJECTION TO TAKING THIS PRESCRIBED OATH AND CONSIDERS IT TO BE BINDING ON HIS CONSCIENCE.

THUS SIGNED AND SWORN TO BEFORE ME AT CAPE TOWN ON THIS 08 DAY OF
OCTOBER 2015



708641100
Mx-JC

COMMISSIONER OF OATHS



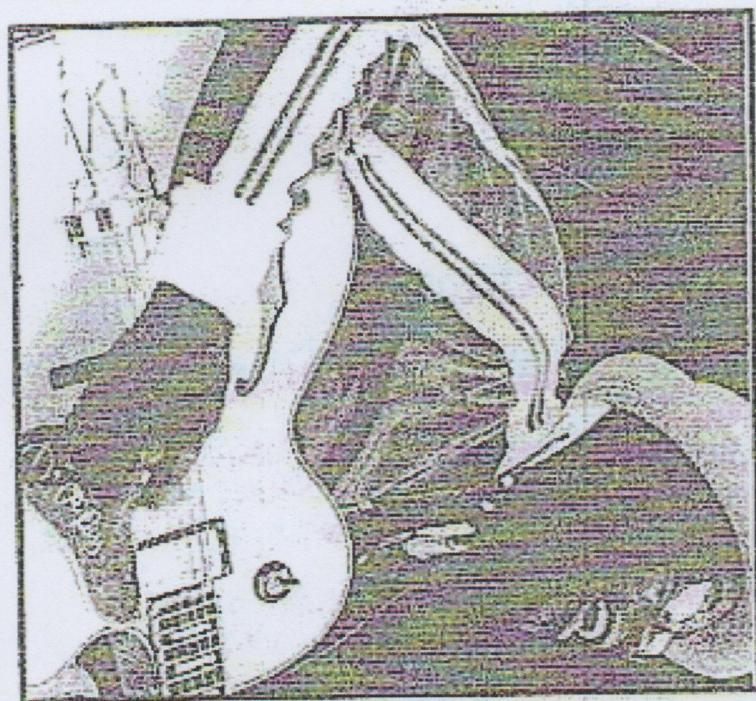
DRL 7 Jimi Dludlu scores a high note with South African Music Awards

DAVID ROBERT LEWIS

JIMI DLUDLU'S ability to move local audiences with his jazz fusion while taping into our nation's "quiet for Africans" has resulted in two SAMA awards. Dludlu's debut solo jazz recording, *Curves of My Soul*, received accolades for being South Africa's Best Jazz Album, while the musician also received honours for Best Male Artist at the 12th Annual MTN SA Music Awards held this month. Being celebrated as a "jazzcat" is no mean feat.

Speaking via his record label, Dludlu commented: "To me, winning the SA Music Awards means a lot. It means that my music, the music industry and people in general are acknowledging that I am making a contribution to South African music and culture. I am very honoured to receive this award, definitely, and to be making this category." With five nominations in various categories, the intense and energetic plastic Dludlu is now considered a "monstro of contemporary jazz guitar". He is also a leading exponent of Afro-Jazz.

A graduate of the University of Cape Town College of Music, Dludlu earned respect for composing a massive display in the Care and Assistance Fund competition, playing at the Cape Town Jazz Festival, the Jazz Festival and other local events. Thus went such a puppet of his performance when he landed a SAMA for Best Male Artist. He also received an award for Best Male Artist at the 12th Annual MTN SA Music Awards held this month.



Guitar Maestro: Jimi Dludlu takes to the Sama's with his jazz guitar. See story

Syren explains: "This has been the journey. The journey that has brought such a wealth of experiences, both socially and instrumentally challenging. Jimi is up to his placen by now, down existing with himself, always exploring continents to remind us of our search as Afriicans."

"It bears us to ask, the questions about our Africanness, where we belong, our aspiration as each other and our purpose."

Dludlu's earliest musical influences came from his mother, who taught him to play the piano. His first piano teacher was his mother and she started teaching him to play the piano. She then invited him to play at her church and African music was born on the emilia. His first performances were at township gatherings, and then he began writing songs.

Godberg invited him to perform with his band Oboe at the Gaborone Jazz festival in Gaborone. He returned to the festival the following year to perform with jazz legend Herb Ellis, a long-time member of Oscar Peterson's ensemble. Working with those jazz greats, James decided to pursue music studies and arrived in Cape Town in order to enrol in the Jazz programme at University of Cape Town's Chappell School of Music.

He was accepted by the section of Duetto's heritage in an African tradition. "The name 'Duetto' means 'a group of two' and the acronym 'DAP' has it developed from one of their own. In 1996, Duetto's original line-up has a strong focus on jazz instrumentation, featuring bassist, piano, drums, trumpet, brass, electric guitar, guitar, bass, keyboard, drums, and percussion. The band's sound is described as "jazz fusion with a traditional African feel".

Their first album, "Duetto", was released in 1996 and has since won several awards.

which caught the attention of the local record industry.

In September 1997, Dludlu performed in Johannesburg's Arts Alive and Colours Jazz festival with his own band, featuring Vusi Khumalo on drums, Fumi Zulu on bass, Moses Mabokwane on piano, McCoy Mrabetla on sax and John Hansen on percussion.

In May 1998, the musician was one of 30 others – including Hugh Masekela, Busi Mhlongo, Solly Mshabela and Dorothy Masuku – selected to participate in a festival Paris la Villette celebration. In 2002, Dludlu travelled to Costa Rica to perform as part of the Horizonte Jazz Festival. Jimi and his band performed at the festival and also at the residence of South African Ambassador, Theofano Bellina. Winning a SAMA is considered the ultimate accolade in the music industry – more than 160 entries were received for this year's awards and the competition was tougher than ever. Congratulations, Jimi!

2

DRL 2

Subject: Re: Lifting vs Fair Use
Date: Mon, 25 Jan 2010 14:13:04 +0200
From: David Robert Lewis (ethnopunk) <ethnopunk@telkom.co.za>
To: Lesley Cowling <ljc@icon.co.za>
References: <4B5D73DC.3050203@telkom.co.za>
<01be01ca9db0\$7745f9c0\$58538d92@DS.WITS.AC.ZA>

Lesley Cowling wrote:

Hi:

I can't read the story too clearly because the pics are not clear, but from what I can see, you clearly attribute the information you took from the website and put it in quotes. Thus it is not plagiarism, but there could be some discussion over whether it would be useful to the reader to have a full url that they could go to.

I have included the following url from the Wits Library website on issues of copyright, which you may find helpful.

<http://web.wits.ac.za/Library/Services/COPYRIGHT.htm#9>

Further, I would just like to say that, notwithstanding the stress of the situation, it seems important to make your argument relatively short, clear and to the point. Thus, a) assert there is no plagiarism; b) provide the evidence of that ie the article and any clear documentation on copyright that you can present, and c) concede that it may have been useful to include a fuller description of the source, so that readers could follow up if they wanted, but this is simply an editorial judgment call, not a firing offence. I am not a lawyer, so this cannot take the place of your legal advisor, but it makes sense to me. Too much explanation etc sounds like you are justifying yourself, and it doesn't seem you need to do that.

Best,

Lesley

nh
a

or on a weekly basis (e.g. Sunday Times and the Sunday Sun). The Community Newspaper model reflects a segmented landscape targeting smaller pockets of readership geographically defined.

- [74] She said that the geographic definition is normally centred on some form of community identity and some shared points of interest. The object is to target advertising to a smaller catchment area, which means it is both cheaper and more directed form of advertising particularly for small businesses. The People's Post has ten communities in the Cape Peninsula, which include Mitchells Plain, Grassy Park, Retreat, Athlone, False Bay, Wynberg, Claremont/Rondebosch, and the Atlantic Seaboard – each with its own edition.
- [75] She conceded that there was a coincidence of homogeneity based on South Africa's past. At a racial and cultural level, many of these communities were shaped by South Africa's past though many newspapers now addressed a mixed profile. Asked whether the demographic profile of the Peoples Post coincided with so called "coloureds" and therefore that the content of the Peoples Post was racially profiled she said that that was incorrect. Several of the areas reflected a mixed profile such as Wynberg and the City Seaboard, Claremont/Rondebosch and False Bay etc.
- [76] She said that there was no truth that the Respondent targeted a particular racial group in its community newspapers or that the content of an edition was racially profiled. She stated there were three levels of content for the different editions. The first level is to use content from neighbouring catch material that is what she called 'neighbouring crossovers' – articles dealing with something in Retreat would also be used in the Constantia-Wynberg edition. This was done to avoid pigeonholing communities. The second level was that matters of interest across the whole landscape would be covered in all editions. She gave the example of the recent shark attack at Fish Hoek that story was covered in each of the editions. The third level she said was

NP

12

August							September							October							November							December																										
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7																	
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31							
22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7							
29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7														

36

MAY
2006

150 - 215

WEEK 22

Tuesday 30

website

0800

0900

1000

1100

1200

1300

1400

1500

1600

1700

1800

1900

1900

Seadrift.

* Cista Shoor
~~Call
The Bee
People~~

7837118

782-331-
084 683 118Lorna, Main Rd, Ettalong Bay c.
Prayer.

12:00 -> 13:00

Dinner @ home: 19 Poplite Rd.

1500

1600

1700

1800

1900

1900

Sister Right: Dr. F.
Skirky Bassney

DPL 4

nr
a

36. The applicant's case is that the employer intentionally treated him differently because he was Jewish. Otherwise stated that but for his being Jewish he would not have been required to work these hours. There is no evidence to support a claim of this nature.
37. Dean testified that applicant never mentioned to her that he was Jewish and nor did he complain that working on a Friday night would conflict with his religious belief. Having to work on Friday night was in either event not an obligation and the evidence was that it only occurred because of teething problems with the new publication. Applicant asked Dean under cross-examination if she had changed the production cycle to cut into Shabbat because of conflicts in the newsroom. The suggestion was thus that she had sought to target him as a Jew. He could not get anywhere with this line of questioning, not least as there was no dispute that Dean had never been told that he was Jewish.
38. Applicant is clearly a hypocrite who, when it suited him, was content to use staff transport to visit a Jazz club to do work on a Friday night. When it suits him he is variously "multi-faith", a "philosemitic" and/or of orthodox background (and much else besides). He self-defines how

