

#GuptaLeaks scandal batters SA

In the wake of the Arab Spring protests, a considerable amount of attention was focused on the role of social media and digital technologies in allowing citizens to circumvent state-operated media channels. **Legalbrief** reports that the influence of social media on political activism during the uprising remains unclear because the wave of both violent and non-violent demonstrations, protests, riots, coups and civil wars in North Africa and the Middle East took place **in states with both high and low levels of Internet usage**. As the biggest political scandal in SA history continues to bubble over, it is already clear that thousands of leaked e-mails, frenzied online marketing campaigns and an army of Twitter bots have implicated senior government leaders, business leaders and, most recently, German software giant SAP.

For months, Bell Pottinger, a London-based PR company with a reputation for patching up the images of controversial clients, had denied claims that it was behind the #WhiteMonopolyCapital campaign and said it was the victim of a political smear campaign. But on Thursday, one day after a British PR industry group announced that it was looking into the allegations, the company acknowledged that some of the allegations against it were true and that its campaign, which had whipped up racial tensions in a country desperately trying to recover from its tumultuous past, had been offensive and inappropriate. **The Sydney Morning Herald** reports that it confessed that 'work was being done which goes against the very core of our ethical policies'. The company apologised, fired a partner and suspended another partner and two other employees. At the same time, however, **the company did not spell out in detail how it may have controlled the Twitter bots** and the crude images circulated on Twitter, nor did it respond to a request to clarify its role. The 'White Monopoly Capital' campaign was widely seen as intended to deflect criticisms from President Jacob Zuma and the Gupta family, which has been accused of using corrupt influence to get favourable government deals. The family denies any wrongdoing. A Gupta-owned company, Oakbay, had hired a Bell Pottinger partner, Victoria Geoghegan, to plan the spin campaign. According to leaked e-mails, Geoghegan met with the President's son, Duduzane Zuma, a close Gupta business associate, in January 2016 after outlining a \$850 000 campaign plan via e-mail. It included using an activist group to tweet and agitate about 'economic apartheid'. Bell Pottinger would generate material to 'illustrate the apartheid that still exists'.

Leaked e-mails also reveal that Bell Pottinger seems to have side-stepped Wikipedia regulations and has been able to edit entries about the Gupta family. Geoghegan last year e-mailed a draft of '**new content for the Gupta family's Wikipedia page**' to a Gmail account called 'Team Media'. A **TimesLIVE** report notes that this e-mail account was apparently created by Bell Pottinger for the Gupta company Oakbay. It appears the PR firm wanted an Oakbay employee to edit the Wikipedia page, rather than Bell Pottinger, which has been flagged by Wikipedia for unethical behaviour.

The Twitterati has come to the defence of SA's democracy, outing fake pro-Gupta accounts. The software-run accounts – known as Twitter bots – have been used to promote the 'White Monopoly Capital' narrative. A **TimesLIVE** report notes that many have been shown to have been created in India. The accounts have been singing the praises of various pro-Gupta supporters and harassing journalists reporting on the embattled family. **Many of the Twitter accounts have been shown to be fake.** *Eyewitness News* reporter Barry Bateman is just one of the reporters targeted by the bots, picking up 500 new fake followers daily. Bateman was forced to lock his account to protect it.

With about R330bn in revenue last year, German software multinational SAP should have all the expertise it needs to close major deals. Instead, the #GuptaLeaks scandal reveals that the world's third-largest software company is not above calling in help from the politically connected, risking contravention of international anti-bribery laws. Scorpio and *amaBhungane* revealed that in August 2015, SAP signed a 'sales commission agreement' with a small Gupta-controlled company that specialises in selling 3D printers. A report on the **News24** site notes that **the terms suggest a thinly-disguised kickback arrangement**: If the Gupta company were the 'effective cause' of SAP landing a Transnet contract worth R100m or more, it would get 10%. Last month, *amaBhungane* and the *Mail & Guardian* had revealed how telecoms firm Neotel agreed to pay letterbox company Homix R104m in what were also termed 'commissions' – clearly kickbacks – to land Transnet contracts.

In another linked and alarming development, SARS is spying on its staff's e-mails to catch any that are sent to media organisations. The blanket monitoring which has been going on for more than a year includes computers, cell phones and the transmission of e-mails, SMSes and WhatsApp messages and is conducted by a specialised team within SARS' IT department. The monitors are tasked with looking for and flagging staff e-mails which contain certain keywords and which are sent to the e-mail domains of several media houses. According to documents **The Times** says it has seen, media houses whose e-mail addresses are not monitored are those belonging to the embattled Gupta family. These include *The New Age* and *ANN7*. The monitoring, SARS sources claim, is on the instruction of senior management. SARS spokesperson Sandile Memela said the monitoring fell within the bounds of the organisation's policies but staff representatives feel the monitoring goes too far. Khaya Xaba, spokesperson for the National Education, Health and Allies Workers Union, one of two unions which represent SARS employees, said they were opposed to any 'illegal' acts or the unwarranted monitoring of employees' e-mails, describing it as 'an invasion of privacy'. Kenneth Coster, of Webber Wentzel attorneys, said provided an employee has acknowledged that their e-mails may be monitored, an employer was permitted to do so. He said what was interesting was how SARS determined which keywords relating to the media should be monitored. **'While employers may be permitted to monitor staff e-mails, it should do so fairly and objectively.** What should be monitored for one, should be monitored for others,' he is quoted as saying.