



EFF STATEMENT ON THE VOTE TO REMOVE PUBLIC PROTECTOR BUSISIWE MKHWEBANE ON THE RECOMMENDATION OF THE SECTION 194 INQUIRY

Monday, 11 September 2023

The Economic Freedom Fighters (EFF) continues to be appalled by the treatment of Public Protector Busisiwe Mkhwebane, this time by her impeachment following a National Assembly vote based on the recommendation of the Section 194 inquiry into her fitness to hold office.

From the outset, the EFF has steadfastly asserted that the relentless pursuit of Mkhwebane is fundamentally driven by her commitment to probe the heinous crimes committed by President Ramaphosa at Phala Phala Farm. Ramaphosa has used every institution in his wake to cover up his money laundering ways and the Public Protector's office was no exception.

This was epitomised by the Western Cape High Court's verdict which deemed Mkhwebane's initial suspension as null and void. It's worth noting that this suspension occurred merely a day after she had announced her intention to investigate President Ramaphosa. The court ruled that such timing was not only inappropriate but also raised significant concerns of a conflict of interest on the part of Ramaphosa.

Moreover, it became glaringly evident at the outset of the Section 194 inquiry process that a fair and just procedure was not on the horizon for her. She endured mistreatment from the Chairperson, Qubudile Dyantyi, who, among other issues, pressed on with the inquiry even when Mkhwebane lacked legal representation. Furthermore, Dyantyi arbitrarily scheduled sittings without allowing her sufficient time to prepare adequately.

This transpired despite her clear legal entitlement, as stipulated by the very rules governing Section 194 inquiries, to be heard and to receive the support of a legal

practitioner. Notably, the Constitutional Court had unequivocally affirmed her absolute right to representation. Nonetheless, Dyantyi and the Inquiry proceeded regardless, in direct contravention of this ruling.

Furthermore, there is an evident and sinister motive to oust Mkhwebane prior to her term's conclusion on the 14th of October 2023, which is to strip her of her benefits which she receives upon the end of her term. The rushed report and swift removal is therefore not only a punishment for daring to investigate Cyril Ramaphosa, but it is also a vindictive witch-hunt to ensure she does not retain her benefits due to impeachment.

The decision to remove the Public Protector, is a gross undermining of our democracy, in that it seeks to intimidate all Chapter 9 institutions and investigative authorities who investigate those in power, to show them that should they investigate those in power without bias, they will be punitively removed. It is the hallmark of the tyranny of Ramaphosa, and seeks to intimidate even those in the judiciary, who are appointed by Ramaphosa himself, and those who are appointed through the corrupt majority of the ANC.

Regardless of the deeply flawed nature of the inquiry's conclusions, it remains indisputable that Mkhwebane is entitled to her compensation. Her tenure oversaw a multitude of successful investigations and marked the achievement of its first series of successful clean audits for the office.

Under Mkhwebane's leadership, there were three consecutive clean audits from the auditor-general between 2019 and 2022, along with a notable reduction in caseload. During her tenure, from October 2016 to February 2022, the office issued a total of 412 investigation reports and conducted 2,372 public education and outreach activities. Impressively, of the 412 reports issued, only 17 were subject to review and subsequent set aside by the courts.

The above information clearly shows that Advocate Busisiwe Mkhwebane's removal was not based on performance, but rather was a vindictive pursuit to remove her for investigating Cyril Ramaphosa.

The EFF notes the vote by the National Assembly and characterises it as a flagrant abuse of Parliamentary majority, to defend a corrupt, money laundering President. The EFF reserves the right to take the report on judicial review.



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