



## OFFICE OF THE CHIEF WHIP

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Ms. Thoko Didiza  
**SPEAKER OF THE NATIONAL ASSEMBLY**

BY EMAIL/HAND DELIVERY

**ECONOMIC FREEDOM FIGHTERS URGENT DRAFT RESOLUTION: MOTION  
FOR THE ESTABLISHMENT OF AN IMPEACHMENT COMMITTEE IN TERMS  
OF SECTION 89 (1) OF THE CONSTITUTION**

Dear Speaker,

The Economic Freedom Fighters (EFF) hereby submits an urgent draft resolution in accordance with Rule 119 of the National Assembly Rules, which reads:

*“A member may propose a subject for discussion, or a draft resolution for approval as a resolution of the House, with or without a debate”*

The draft motion is herewith attached with the correspondence. We trust that you will give this matter your urgent attention and hope you find above

Regards,

N F Shivambu  
EFF Deputy President and Chief Whip  
Date: 14 June 2024

Draft resolution (Mr J S Malema): That the House –

- (1) notes that on the 30<sup>th</sup> of November, the Independent Panel established in terms of rule 129(G) of the Rules of the National Assembly to conduct a preliminary enquiry on the motion then tabled in terms of Section 89 of the Constitution tabled its report to parliament
- (2) further notes that the report of the Independent Panel found that there was prima facie case for impeachment against the President, and that a full impeachment committee should be established in terms of Rule 129(J) and in terms of Section 89(1) of the Constitution.
- (3) Acknowledges that amongst other things, the report of the Independent Panel found that the President may have conducted:
  - a. A serious violation of sections 96(2)(a),
  - b. A serious violation of section 34(1) of PRECCA)
  - c. A serious misconduct in that the President violated section 96(2)(b) of the Constitution by acting in a way that is inconsistent with his office.
  - d. A serious misconduct in that the President violated section 96(2)(b) of the Constitution by exposing himself to a situation involving conflict between his official responsibilities and his private business
- (4) recognises that while the National Assembly debated the report and voted against the establishment of the impeachment committee on 13 December 2022, members who voted against the establishment of the committee cited the court challenge by the President to set the report of the Panel aside.
- (5) Further recognises that the Constitutional Court refused to hear the president's challenge to the report and dismissed his application in March 2023, and that further, the president has recently announced that he will not be pursuing further legal challenges to the report.
- (6) Acknowledges that the Independent Panel report is still an authoritative report on the matter, and that any failure by parliament to process the report further by establishing an Impeachment committee would be an abrogation of the duties bestowed upon Parliament by the Constitution.
- (7) Further acknowledges that there is no legal or any other impediment preventing Parliament from establishing an impeachment committee to process the report of the independent panel and hear and cross examine witnesses.
- (8) Further acknowledges that while Rule 316 provides that motions and all other business other than Bill lapse at the end of a parliamentary term, there is nothing prohibiting parliament from reviving this process.

(9) resolves to establish an Impeachment Committee in terms of Rule 129 (J) of the Rules of the National Assembly to conduct an inquiry in terms of Section 89(1) of the Constitution to:

- (i) to establish the veracity and, where required, the seriousness of the charges and report to the Assembly thereon.
- (ii) ensure that the enquiry is conducted in a reasonable and procedurally fair manner, within a reasonable timeframe.
- (iii) afford the President the right to be heard in his or her own defence and to be assisted by a legal practitioner or other expert of his or her choice.
- (iv) For the purposes of performing its functions, the committee has all the powers applicable to Parliamentary committees as provided for in the Constitution, applicable law and the Rules of the Assembly.
- (v) To be composed of Members representing all parties in the National Assembly, subject to Rule 154 of the Rules of the National Assembly.
- (vi) To table its report to the House no later than 30 October 2024

**Signed by: Hon. Nyiko Floyd Shivambu**  
**EFF DEPUTY PRESIDENT AND MEMBER OF PARLIAMENT**



Date: 14 June 2024