

ECONOMIC FREEDOM FIGHTERS

REVOLUTIONARY OF DISCIPLINE



DEFEND **REBUILD** **AND** **ADVANCE**

THE STRUGGLE FOR ECONOMIC FREEDOM!

SECTION A: GENERAL PRINCIPLES

- (1) By virtue of joining the EFF, every member agrees to be bound by the Code of Conduct set out below and all other constitutionally valid decisions of the organisation. The two most paramount and non-negotiable guiding principles which inform this code are:
 - (a) Democratic centralism; and
 - (b) Revolutionary discipline.
- (2) Disciplinary proceedings may be initiated by any constitutional structure of the EFF for alleged transgressions arising at its level or having been escalated to it by a resolution of the level immediately below it.
- (3) No disciplinary proceedings shall be initiated by a branch or regional structure without the written approval of the relevant provincial secretary.
- (4) The standard of proof in all disciplinary proceedings shall be on a balance of probabilities.
- (5) All procedural rights of fairness and justice shall be observed by the disciplinary committee, including but not limited to those specific to the procedural rules forming part of this code. Any matter not specifically provided for shall be ruled upon at the discretion of the disciplinary panel, guided by common practice and the requirements of fairness to all.
- (6) The onus of proof shall rest upon the prosecution and the standard of proof shall be on a balance of probabilities.
- (7) The presumption of innocence shall operate in favour of every accused or charged member.
- (8) Disciplinary proceedings must be conducted and finalised expeditiously and within a reasonable time in the circumstances of each case.
- (9) While disciplinary proceedings are under way, every effort will be made to protect the confidentiality and integrity of the EFF, the charged member and all people involved in the process.
- (10) Discipline shall not be used as a tool to stifle internal debate and differences or to settle political scores.

SECTION B: OFFENCES

- (1) No EFF member shall participate in conduct, including utterances, which amount to:
 - (a) bringing the organisation into disrepute;
 - (b) a breach of the EFF Constitution, its policies and principles;

- (c) an abuse of power or office;
- (d) joining another political party or organisation without specifically being permitted to do so by the provincial secretary and the CCT;
- (e) sowing divisions within the EFF;
- (f) promoting discrimination based on race, sex, origin, ethnicity or any other form of unfair discrimination;
- (g) corruption and self-enrichment;
- (h) sexual harassment;
- (i) deliberate gross misrepresentation and distortion of facts;
- (j) discussing organisational differences in the public domain without the specific authorisation of the CCT;
- (k) defining himself or herself outside the organisational structures and discipline;
- (l) meting out any form of physical violence against any member of the EFF;
- (m) promoting unrest and disorder at EFF meetings or activities;
- (n) factionalism;
- (o) undermining the integrity and impeding the organisational programmes of the EFF;
- (p) failure or refusal to carry out officially mandated duties and/or deployments;
- (q) the misappropriation of organisational funds;
- (r) spreading false rumours about another fighter;
- (s) participating in violent political activities without a valid justification, such as self-defence, provocation, etc.;
- (t) conviction in a court of law for a serious criminal offence without instituting a pending appeal;
- (u) stifling democratic debate;
- (v) wilfully defying any CCT and/or NPA decision and/or resolution;
- (w) undermining and disobeying decisions of higher structures and officials;
- (x) collaborating in any manner with counter-revolutionary entities or agencies;
- (y) dealing carelessly or negligently with the property of the EFF;
- (z) instituting legal proceedings in a court of law without first exhausting all internal remedies;
- (aa) stealing any property belonging to the EFF and/or another member, or receiving such property knowing it to be stolen;
- (bb) making false accusations or statements against any other member or against the CCT.

SECTION C: DISCIPLINARY STRUCTURES

- (1) Every PCT and the CCT must appoint a disciplinary committee and designate one of its elected members as the chairperson of it.
- (2) Any violation of this code of conduct and/or any other rules and regulations of the EFF arising at branch level shall be escalated in writing to the relevant regional disciplinary committee.
- (3) The names of members of the disciplinary committee must be submitted in writing for approval by a higher structure.

- (4) Ordinarily, disciplinary proceedings should be held at whatever level the alleged transgression occurred, provided that the CCT may, at its sole discretion, determine and inform all relevant parties and structures in writing that the hearings will take place at a higher level.
- (5) The CCT at its first sitting shall constitute the NDC and the NDCA, and lower level disciplinary committees shall not function until they have received approval to do so, in writing, by the chairperson of the NDC, which approval shall not be unreasonably withheld.
- (6) The composition of the NDC shall be five (5) members with a quorum of three (3).
- (7) The NDC shall be the final authority for the interpretation of the Disciplinary Code and Procedures, subject only to the appeal powers of the NDCA and it shall hear any case of constitutional transgression, as a forum of first instance.
- (8) The NDCA shall be constituted to hear appeals on all matters heard by the organisation's disciplinary structures.
- (9) The NDCA shall be no less than six (6) members, with a quorum of three (3), all of whom shall be any combination of CCT, provided that no such member who is a member of the NDC shall also sit on the NDCA.
- (10) Findings of the NDC, a PDC or any other disciplinary structure is appealable to the NDCA only.
- (11) The CCT may, from time to time or as the need arises, establish an SNDC to hear disciplinary matters at a national level according to its particular mandate and will be guided by the same disciplinary procedures as the NDC.
- (12) The PDC shall be made up of no less than three (3) members, chaired by a member of the PCT and may include non-RCT EFF members appointed by the PCT.
- (13) The CCT shall appoint a suitably qualified EFF member as the national prosecutor to be assisted by no more than three (3) other suitably competent members, to represent and present the cases of the EFF in any NDC, NDCA and SNDC hearing. No prosecution at national level shall be conducted by a person not delegated by the national prosecutor.
- (14) The PCT shall appoint a suitably qualified EFF member as the provincial prosecutor, to be assisted by no more than three (3) other suitably competent members, to represent and present the cases of the EFF in any PDC hearing.
- (15) When hearing matters, the relevant disciplinary committee must ensure that each member of the committee present:
 - (a) is not related to the accused or the complainant by affinity, marriage or blood in the first or second degree;

- (b) has no such knowledge concerning the facts of the matter that her/his decision is likely to be prejudiced thereby; and
- (c) does not bear towards the accused such animosity that her/his decision is likely to be affected thereby.

SECTION D: DISCIPLINARY PROCEDURE

- (1) All complaints must be lodged in writing with the relevant structures (i.e., CCT, PCT, RCT or BCT) within 180 days of the date on which the offence or transgression was allegedly committed by an EFF member.
- (2) Upon receiving a disciplinary complaint from any member or structure and having considered it and decided to initiate disciplinary proceedings, the initiating structure, via its secretary, shall ensure that the accused member is notified within 10 days of the decision having been made, i.e., through a notice of intention to institute disciplinary proceedings. No notice of intention to institute disciplinary proceedings shall be validly served more than two months after the alleged transgression has been brought to the attention of the organisation.
- (3) Service of a written charge sheet upon an accused or charged member shall take place within a reasonable time after the notice of intention to institute disciplinary proceedings has been communicated to the accused member (not longer than 30 days from the date of the notice of intention). The relevant disciplinary committee may, where appropriate and at its sole discretion, call upon a member to make representations as to why he or she should not be subjected to disciplinary proceedings.
- (4) The charge sheet must set out sufficient details as to the commission of the offence, including but not limited to the time, date, place and circumstances of the alleged transgression.
- (5) The nature of the offence must be clearly identified, giving as much particularity as possible to enable the charged member to plead and to prepare his or her defence, if any.
- (6) The member shall be entitled to be informed of the date and place where the disciplinary hearing is scheduled to take place, which shall, unless otherwise determined by the chairperson of the relevant disciplinary committee, be within the province where the transgression/s occurred.
- (7) The member shall be informed that he/she may be represented by any member of the EFF in good standing and who has been a member for more than six (6) months and must provide proof thereof on the day of the hearing.
- (8) The member shall be adequately warned of the consequences of his/her unauthorised failure to appear on the specified date, namely that the hearing may validly proceed without his or her participation.

- (9) Except for the participants in the hearing, including representatives, no person shall be present at a disciplinary hearing without the authorisation of the disciplinary committee.
- (10) At the formal commencement of the disciplinary proceedings, the charged member shall be given an opportunity to indicate whether he/she wishes to enter a plea of "Guilty" or "Not Guilty" and/or whether any application to raise a preliminary point(s) is to be made.
- (11) No witness shall testify, including the accused/charged member should he/she give evidence, without either taking the prescribed oath or an affirmation to the effect that his/her evidence shall be truthful.
- (12) In the event that the charged member has pleaded guilty and the chairperson has satisfied himself/herself that the charged member understands the charges, the proceedings will continue and the charged member shall lead evidence in mitigation of sentence, if any, and the prosecution shall lead evidence in aggravation, if any.
- (13) In the event that the charged member pleads not guilty, then the chairperson shall enquire from him/her or his/her representative whether the member wishes to make any statement in explanation of the plea and, should he/she so wish, to disclose the basis of his/her defence.
- (14) Thereafter, the prosecution shall lead its evidence and call its witness(es), who shall be subjected to cross- examination. After the last witness has been called, the prosecution shall close its case.
- (15) Thereafter, the defence shall lead its evidence and call its witness(es), who shall be subjected to cross- examination. After the last witness has been called, the defence shall close its case.
- (16) The party calling any witness shall enjoy the right to lead evidence-in-chief, as well as re-examination.
- (17) Once the defence has closed its case, each party shall be given an opportunity to present closing argument – orally, in writing or both.
- (18) The disciplinary committee shall, after deliberations, pronounce on the guilt or otherwise of the charged member or reserve its outcome to be communicated at a later date in writing to the office of the initiating structure.
- (19) All verdicts and/or sanctions shall be publicly announced by the regional secretary or provincial secretary or secretary general, depending on the level at which the proceedings took place, after having been formally advised thereof by the relevant disciplinary committee.
- (20) Should he/she wish to do so, the charged member may lodge an appeal within 20 days of having been informed of the verdict and/or sanction.

- (21) Any disciplinary forum may impose, confirm or substitute any of the following sanctions or any combination thereof:
- (a) final reprimand;
 - (b) community service;
 - (c) a fine;
 - (d) remedial action;
 - (e) suspension;
 - (f) the removal from any list which entitles such person to represent the EFF at any level of legislature; and/or
 - (g) expulsion from the organisation.
- (22) In the case of serious offences and exceptional circumstances, a member may be temporarily suspended pending a disciplinary hearing. In this event, the member shall be given an urgent opportunity within 48 hours through a written notice of intention to suspend to show cause why such a temporary suspension should not be imposed. In this regard, the decision of the disciplinary committee shall be final. The temporary suspension shall automatically lapse if the member is not charged within one month from the date of the intention to institute disciplinary proceedings.
- (23) The decision of the NDCA is final and not subject to any appeal by any structure of the organisation whatsoever.
- (24) Sentences of suspension and expulsion from the EFF shall not be executed until the finding has been confirmed by the CCT.
- (25) Notwithstanding D (23) above, a disciplinary outcome of expulsion or suspension may be raised at the NPA, on application by the offender or relevant member, as a subject of review.
- (26) Any NPA or judicial review or intention for NPA or judicial review shall not set aside the decision of the NDCA and its enforceability pending outcome of such review.
- (27) Where a member is expelled from the organisation through a disciplinary hearing, such member may reapply in writing to the CCT for membership on the 5th year anniversary of his/her expulsion. The CCT may accept or reject such application based on the merits provided to it.



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