



17 September 2014

Adv. Thuli Madonsela

Office of the Public Protector

Pretoria

Dear Advocate Madonsela

I write to you pursuant to the media statement released by Corruption Watch on 10 September and which is attached here.

The media release calls on you to vigorously pursue contempt charges against Mr. Kebby Maphatsoe, the Deputy Minister of Defence and Military Veterans.

We note that:

1. Mr Maphatsoe has, in his statements made during the unveiling of the tombstone of Umkhonto we Sizwe member Linda Jabane, without the slightest shred of evidence, effectively accused you of high treason. So serious are the allegations that they fall to be interpreted as hate speech and the inciting of violence against the Public Protector.
2. In making these remarks Mr. Maphatsoe is clearly in contempt of the Public Protector, a body which enjoys constitutional status and which all members of the executive and institutions of government are required to support under the Public Protector Act, 23 of 1994 (the "Act).
3. You have instructed Mr. Maphatsoe to apologise for his remarks. Although he has retracted his remarks he has not apologised but continues to claim that he was 'misunderstood' and 'misinterpreted' although his forthright remarks are unambiguous and not open to misunderstanding or misinterpretation.
4. In any event we do not believe that an apology, however abject, should be accepted. Despite media reports that government has 'distanced itself' from Mr Maphatsoe, we do see how this can be so, for as long as he continues to serve in the Cabinet.

During your tenure the Public Protector has become the most effective public institution combatting maladministration and corruption. For this reason it has been under vitriolic attack from those who have reason to fear its work. For the same reason the Public Protector has

enjoyed widespread support from civil society institutions combatting corruption and maladministration, and, more importantly, the general South African public.

We in civil society cannot countenance the weakening of the Public Protector and will do all in our power to defend the institution. We therefore urge you to vigorously pursue contempt charges against Mr. Maphatsoe and to seek the most stringent penalty provided for in the law.

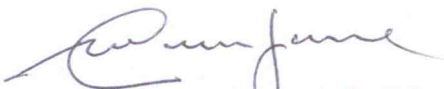
While we believe that freedom of speech is a central element of our constitutional democracy, a right which permits robust criticism of the decisions of bodies like the Public Protector, this right cannot be exercised in a manner that impinges on the rights of others, or serves to erode the dignity and authority of the institution.

This is not the first occasion on which the Public Protector has been accused of political bias, an allegation which strikes at the core of a body that is enjoined to conduct itself without fear or favour. With the benefit of hindsight it is regrettable that action was not taken on the first occasion when this baseless allegation was made. We believe that it is time that this ended. Making an example of Mr. Maphatsoe would send the right signal to those who would seek, through smear and innuendo, to undermine the Public Protector.

We eagerly await your response.

Please note that in accordance with our general policy of support for transparency, we will place this letter and your response on the public record.

Yours sincerely



Archbishop Njongonkulu Ndungane
Chairperson of the Board