



17 September 2014

President Jacob Zuma  
Office of the Presidency  
Union Buildings  
Pretoria

The Honourable President:

**Request for removal of Deputy Minister Maphatsoe**

1. We refer to the above matter and to our press release published on 10 September 2014, a copy of which is attached hereto.
2. We note with concern the following insulting statements made by Deputy Minister Maphatsoe during the unveiling of the tombstone of Umkhonto we Sizwe member Linda Jabane ;

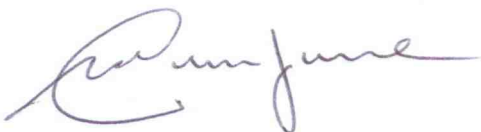
***“UThuli umele asitshele ukuthi ubani ihandler yakhe (Thuli must tell us who her handler is).***

***“I said in my speech that these Chapter 9 institutions were created by the ANC and they are now being used... and if you ask why, it is an agenda of the Central Intelligence Agency... America want their own CEO la e South Africa (Americans want their own CEO here in South Africa) and we must not allow that.”***

3. These insulting statements clearly amount to contempt of the Public Protector in terms of section nine of the Public Protector Act, 23 of 1994 (the “Act”). The statements, which are not supported by a shred of evidence, imply that the Public Protector is guilty of treason and are so serious that they fall to be interpreted as hate speech and the incitement of violence against the Public Protector. We view these remarks as an attempt to intimidate all those intent upon combatting maladministration and corruption.
4. We note that the Deputy Minister issued a conditional apology after being requested to do so by the Public Protector. 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.

5. In light of the Deputy Minister's conditional apology and the lack of evidence to support his spurious claims, it is apparent that the statements were made only to denigrate the Public Protector and her office and reveal a complete disregard for the integrity of the office. We must emphasise that, in this instance, we do not believe that the mere issuing of an apology is sufficient. The law provides for powerful sanctions that may be imposed for conduct that holds the Public Protector in contempt and these must be enforced in this case. We will accordingly urge the Public Protector to pursue contempt charges against Mr. Maphatsoe and to seek the strongest sanction for which the law provides.
6. His statements and subsequent conduct are also contrary to the standard of conduct required of him since as a Deputy Minister he is constitutionally mandated to support Chapter Nine institutions and in particular the office of the Public Protector. Sections 181 (3) – (4) of the Constitution clearly states that no person or organ of state may interfere with the functioning of Chapter Nine institutions and that these institutions are accountable only to the National Assembly.
7. Media reports claim that Government has indicated that it has 'distanced itself' from Mr. Maphatsoe. We cannot see how this can be so for as long as Mr. Maphatsoe continues to serve in the Cabinet.
8. We are therefore greatly concerned at the failure of your office to take steps to hold him accountable for his actions. We therefore reiterate our appeal for Deputy Minister Maphatsoe to be removed from office.
9. Kindly note that in accordance with our general policy of support for transparency, we will place this letter and your response on the public record.
10. We eagerly await your response.

Yours sincerely



Archbishop Njongonkulu Ndungane  
Chairperson of the Board