Date : 13 October 2020   Ref No: Chapter97A01-002

TO: Speaker of Parliament Honorable MP T Modise (served : Speaker@parliament.gv.za)

CC: Chairperson of the National Council of Provinces

CC: All Chief whip of political parties in parliament, (Served on email)

CC: Public Protector Adv Mkhwebane   (Served on Email: dineok@pprotect.org)

<u>URGENT LETTER OF DEMAND:</u> PARLIAMENT TO SETSIDE AND REVIEW ITS DECISION TO IMPEACH PUBLIC PROTECTOR A CHAPTER 9 INSTITUTIONS

<u>Dear Speaker of Parliament Honorable MP Modise</u>

1. The above matter refers

2. We Hola Bon Renaissance Foundation act on behalf of affected citizens and/or the civil organizations and/or its members in terms of Section 56 (d) and/or 59(a) and/or 69 (d) of the Constitution

3. This letter must be read jointly with clauses of the Constitution as indicated in point 2

4. It has come to our attention that parliament through Office of the Speaker is initiating a process which may lead to impeachment of **Public Protector (Adv Mkhwebani)**, a Chapter 9 institution mandated by the Constitution of the Republic of South Africa

5. Parliament plays a direct and active role in national affairs. It is the place where the **members of Parliament (MP)** look after South Africans interests,

6. Parliament vision is to represent the people, and to ensure government by the people in fulfilling our constitutional functions of passing laws and overseeing executive action

7. This letter demands for public participation to be adhered to, in such parliamentary decision that is taken in the interest of South African

8. Any complains and/or request to determine any fitness to hold office of any Chapter 9 institution, should be brought by members of the public and/or MP, of which their leaders are not subject of any investigation by that Chapter 9 Institution. Any interference with the PP mandate will be regarded as threat in our constitutional democracy

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9. Further note that for every appointment of any Chapter 9 Institution, Parliament always ensure that there is a process of public participation, ofwhich that is the cornerstone of our democracy , promoting transparency and fairness, **(and such must apply on every removal)**

10. The process that lead to parliament to consider any impeachment of the Public Protector is based **on parties interest** rather than the public interest and therefore the decision is driven by conflict of interest and **we believe that** that there is no **locus Standi in the process and that** any court of law that includes the constitutional court will concur with this demand.

11. We are of the view that both the President of the **African National Congress (Mr C. Ramaphosa)** and the **Federal Council Chairperson of the Democratic Alliance (Mrs H. Zille)** are both subjects of investigation with findings by the Public Protector,

12. With reference to point 11, members of parliament of both parties may not participate and/or bring any motion of impeachment against Public Protector since that constitute a conflict of interest, while their leadership matters are **sub judice.**

13. We therefore demand the above matter be set aside and be reviewed within 100 days (one hundred days) from the date of transmission hereof, failing which we shall institute legal proceedings against Speaker of Parliament and the adhoc committee established for that purpose including recovering the costs that we would have occasioned as a result of Parliament failure to comply with the terms of its obligation and that of the letter of demand.

14. Note that point 13 is subject to parliament adhering to our request, and furthermore should parliament decided to proceed during and/or after the above stipulated period, such action will give us no other alternative but to approach the court on urgent basis

15. Kindly acknowledge receipt hereof.

Yours faithfully

Bontshitswe P Mothopeng Msieleng

Chairperson   of Hola Bon Renaissance (HBR) Foundation

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