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 Public Protector South Africa  @PublicProtector

Enq: Ms. B Moses

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22 April 2016

His Excellency President Zuma  
President of the Republic of South Africa  
Union Building, Government Avenue  
PRETORIA  
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Dear President Zuma

**INVESTIGATION INTO ALLEGED BREACHES OF THE EXECUTIVE MEMBERS  
CODES BY PRESIDENT JACOB ZUMA**

I hope this letter finds you well.

On the 18<sup>th</sup> of March I was requested by Mr Mmusi Maimane of the Democratic Alliance to investigate alleged breaches of Executive Ethics code by yourself involving alleged offering of ministerial positions by members of the Gupta family.

I had initially written to Your excellency, on the 22<sup>nd</sup> March 2016 (attached). It has since come to my attention that the correspondence did not reach your office.

In terms of section 3 of the Executive Members Ethics act 82 of 1998 the Public Protector must investigate and submit a report on the alleged breach of the Code within 30 days of the receipt of complaint.

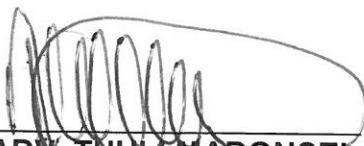
Further, section 3(3) states that:

*"If the Public Protector reports at the end of the period referred to in subsection (2) that the investigation has not yet been completed, the Public Protector must submit another report when the investigation has been completed".*

Your Excellency, the purpose of this letter is to alert you that, we will not be able to meet the deadline due to inadequate resources.

I look forward to your response.

Best Wishes,



**ADV. THULI MADONSELA**  
**PUBLIC PROTECTOR OF THE REPUBLIC OF SOUTH AFRICA**

DATE: 22/04/2016



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22 March 2016

His Excellency  
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Dear His Excellency President Zuma

### INVESTIGATION INTO ALLEGED BREACHES OF THE EXECUTIVE MEMBERS CODES BY PRESIDENT JACOB ZUMA

I hope this letter finds you well.

Kindly note that on 18 March 2016, I received a request from the Democratic Alliance (DA) to conduct an investigation into the alleged breach of the Executive Members' Code by President Jacob Zuma for his alleged role in the offering of Ministerial positions by members of the Gupta family.

In its request the DA states:

*It is our contention that President Jacob Zuma may have breached the Executive Ethics Code by (i) exposing himself to any situation involving the risk of a conflict between their official responsibilities and their private interest, (ii) acted in a way that*

*is inconsistent with his position and (iii) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.*

*The prerogative to appoint Ministers and Deputy Ministers fall squarely at the feet of the President. He and only he is empowered by Section 91(2) of the Constitution of the Republic of South Africa, this power may not be delegated.*

*If the allegations levelled by Ms Mentor that the President had knowledge and was present when members of the Gupta family offered her the position of Minister of Public Enterprise, he would be wilfully allowing person to other than himself to appoint members of the Cabinet. This conduct we submit would be a breach of the aforementioned provision of the Executive Members Code.*

*We therefore request that your office urgently investigate the allegations that President Jacob Zuma breached the Executive Members Code.*

The DA's letter of complaints is attached for your reference.

In terms of Section 3 of the Executive Members' Ethics Act 82 of 1998:

*(1) The Public Protector must investigate any alleged breach of the code of ethics on receipt of a complaint contemplated in section 4.*

...

*(4) When conducting an investigation in terms of this section, the Public Protector has all the powers vested in the Public Protector in terms of the Public Protector Act, 1994 (Act 23 of 1994).*

In terms of Section 3 of the Executive Members' Ethics Act, I have a peremptory duty to investigate a properly submitted complaint of a Member of Parliament.

If you have any comments on the allegations levelled against you, I will appreciate a letter indicating such comments from you.

Earlier on 18 March 2016 prior to the EMEA complaint, I received a request from the Dominican Order to conduct a systemic investigation under the Public Protector Act (PPA) 23 of 1994 into undue influence in Ministers' and Deputy Ministers' appointments, possible corruption, undue enrichment and undue influence in award of tenders, mining licences and government advertisements which I am still assessing.

The request is the following:

- *To investigate the allegations of the two ANC members, Mcebisi Jonas (the deputy finance minister) and Vytjie Mentor, (previously the Chairperson of the Portfolio Committee on Public Enterprises), that they were offered cabinet positions in exchange for executive decisions favourable and beneficial to the business interest of the Gupta family.*
- *To investigate whether the appointment of Des van Rooyen to Minister of Finance was allegedly known by the Gupta family beforehand; and*

- *To investigate the media allegations that two Gupta aligned senior advisors were appointed to National Treasury, alongside Des van Rooyen, without proper procedure.*
- *To investigate all the business dealing of the Gupta family with any of the government department to determine whether there were irregularities, undue enrichment, corruption and undue influence in the award of tenders, mining licences, government advertisements in New Age newspaper and any other government services.*

I attach the complaints letter for your reference.

I am still assessing this request. However, should you have a comment thereon or information that can assist, kindly forward the same to me as soon as possible.

Best Wishes,



**ADV. THULIN. MADONSELA**  
**PUBLIC PROTECTOR**  
**REPUBLIC OF SOUTH AFRICA**

DATE: 22/03/2018