

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA  
(HELD AT BRAAMFONTEIN)**

**CCT Case No:**

In the matter between:

**JACOB GEDLEYIHLEKISA ZUMA** 1<sup>st</sup> Applicant

**UMKHONTO WESIZWE PARTY** 2<sup>nd</sup> Applicant

and

**PRESIDENT CYRIL MATAMELA RAMAPHOSA** 1<sup>st</sup> Respondent

**MINISTER SENZO MCHUNU** 2<sup>nd</sup> Respondent

**MINISTER GWEDE MANTASHE** 3<sup>rd</sup> Respondent

**ACTING MINISTER (DESIGNATE) FIROZ CACHALIA** 4<sup>th</sup> Respondent

**JUSTICE MBUYISELI MADLANGA ADCJ** 5<sup>th</sup> Respondent

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**NOTICE OF URGENT APPLICATION IN TERMS OF RULE 12 AND/OR RULE 18**

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**PLEASE TAKE NOTICE** that the above applicants intend to make application before this Honourable Court on 28 July 2025 or on a date determined by the Honourable Chief Justice, for an order.

1. That the matter be heard on an urgent basis, dispensing with the ordinary timelines, in terms of Rule 12.
2. Declaring that this Court has exclusive jurisdiction to hear the application alternatively granting the applicants direct access in terms of section 167(4)(e) and/or 167(6)(a) of the Constitution, respectively.

3. Declaring that the conduct or decision/s of the President:-
  - 3.1. to place Minister Mchunu on leave of absence, is irrational and/or inconsistent with the obligations in section 83(b) of the Constitution and/or the Presidential Oath of Office, read with section 91(2) thereof, and is invalid;
  - 3.2. to appoint Professor Cachalia as Acting Minister of Police, is irrational and/or inconsistent with the obligations in sections 83(b) of the Constitution and/or the Presidential Oath of Office, read with sections 91(3) and 98 of the Constitution, and is invalid; and/or
  - 3.3. to establish the Judicial Commission of Inquiry, is irrational and/or inconsistent with the obligations in section 83(b) of the Constitution and/or the Presidential Oath of Office, read with sections 84(2)(f), 177, 178(4) and/or 180 of the Constitution, and is invalid.
4. The decisions referred to in Prayer 3 above are each set aside with immediate effect.
5. Further and alternative appropriate, just and equitable remedies including, where necessary:-
  - 5.1. interim relief maintaining the status *quo ante* the impugned decisions, pending the delivery of the judgment of this Court; and/or
  - 5.2. referring the matter back to the President to make constitutionally compliant decisions within 15 days of the Order of this Court, where applicable.
6. Costs of the application on a punitive scale only in the event of entering notice to oppose.

**PLEASE TAKE NOTICE FURTHER** that the affidavit of **MANDLAKAYISE JOHN HLOPHE** is annexed hereto and will be used in support of the application.

**PLEASE TAKE NOTICE FURTHER** that if you intent to oppose this application you are required (a) to notify the applicant's attorney in writing on or before 10h00 on 21 July 2025 after the lodgment of this application of your intention to oppose the application and to file your answering affidavit, if any on or before 17h00 on Tuesday 22 July 2025 and further that you are required to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

In the event of such opposition the applicants shall deliver their replying affidavits, if any, on or before 10h00 on Thursday 24 July 2025 and parties are required to deliver their heads of argument by no later than 15h00 on Friday 25 July 2025.

If no such notice of intention to oppose is given, the applicant will request the Registrar to place the matter before the Chief Justice to be dealt with in accordance with Rule 11(4) of the Rules of the Honourable Court.

**DATED AND SIGNED AT JOHANNESBURG ON THIS 18<sup>TH</sup> DAY OF JULY 2025.**



**T MPUMLWANA & ASSOCIATES**  
Attorney for the 1<sup>st</sup> and 2<sup>nd</sup> Applicants  
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**TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT  
BRAAMFONTEIN**

**AND TO: PRESIDENT CYRIL MATAMELA RAMAPHOSA**

First Respondent  
c/o the State Attorney  
10<sup>th</sup> Floor, North State Building  
95 Albertina Sisulu  
**JOHANNESBURG**  
Emails: [PresidencyRSA@presidency.gov.za](mailto:PresidencyRSA@presidency.gov.za)  
[geofrey@presidency.gov.za](mailto:geofrey@presidency.gov.za) / [Makhosini@presidency.gov.za](mailto:Makhosini@presidency.gov.za) /  
[Malebo@presidency.gov.za](mailto:Malebo@presidency.gov.za) / [MoDikgale@justice.gov.za](mailto:MoDikgale@justice.gov.za)

**AND TO: MINISTER SENZO MCHUNU**

Second Respondent  
c/o the State Attorney  
10<sup>th</sup> Floor, North State Building  
95 Albertina Sisulu  
**JOHANNESBURG**  
**Also c/o Head of Legal Services  
National SAPS**  
Email: [Ramorena-TsoaiD@saps.gov.za](mailto:Ramorena-TsoaiD@saps.gov.za) / [LouwS2@saps.gov.za](mailto:LouwS2@saps.gov.za)  
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**AND TO: MINISTER GWEDE MANTASHE**

Third Respondent  
c/o the State Attorney  
10<sup>th</sup> Floor, North State Building  
95 Albertina Sisulu  
**JOHANNESBURG**  
**Also c/o Head of Legal Services  
National SAPS**  
Email: [Ramorena-TsoaiD@saps.gov.za](mailto:Ramorena-TsoaiD@saps.gov.za) / [LouwS2@saps.gov.za](mailto:LouwS2@saps.gov.za)  
[StateAttorneyPretoria@justice.gov.za](mailto:StateAttorneyPretoria@justice.gov.za) / [NaMukwevho@justice.gov.za](mailto:NaMukwevho@justice.gov.za)

**AND TO: ACTING MINISTER (DESIGNATE) FIROZ CACHALIA**

Fourth Respondent  
c/o Law School  
University of the Witwatersrand  
**JOHANNESBURG**  
Email: [Firoz.Cachalia@wits.ac.za](mailto:Firoz.Cachalia@wits.ac.za)  
**Also c/o Head of Legal Services  
National SAPS**  
Email: [Ramorena-TsoaiD@saps.gov.za](mailto:Ramorena-TsoaiD@saps.gov.za) / [LouwS2@saps.gov.za](mailto:LouwS2@saps.gov.za)  
[StateAttorneyPretoria@justice.gov.za](mailto:StateAttorneyPretoria@justice.gov.za) / [NaMukwevho@justice.gov.za](mailto:NaMukwevho@justice.gov.za)

**AND TO: JUSTICE MBUYISELI MADLANGA ADCJ**  
Fifth Respondent  
The Constitutional Court  
Constitution Hill, 1 Hospital Street  
Braamfontein  
**JOHANNESBURG**  
c/o The Constitutional Court  
**BRAAMFONTEIN**  
Email: [dube@concourt.org.za](mailto:dube@concourt.org.za)

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**JUSTICE MBUYISELI MADLANGA ADCJ** 5<sup>th</sup> Respondent

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**APPLICANT'S FOUNDING AFFIDAVIT**

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I, the undersigned,

**MANDLAKAYISE JOHN HLOPHE**

do hereby make oath and say that

1. I am an adult male member of the National Assembly, Leader of the Opposition in term of section 57(2)(b) of the Constitution and the Deputy President of the Umkhonto Wesizwe Party. I am duly authorised to depose to this affidavit on behalf of both the first applicant and Umkhonto Wesizwe Party in the absence



of the President of the party who is temporarily out of the country until this weekend.

2. The facts stated herein, unless the context indicates otherwise, are within my own personal knowledge and are to the best of my belief both true and correct. Where I make submissions which are legal in nature I do so also upon the advice of our legal representatives which advice I accept to be correct.

**A: THE PARTIES**

3. The first applicant is Jacob Gedleyihlekisa Zuma who brings this application in his personal capacity as a voter, taxpayer and citizen of South Africa and as a former holder of the high office of President of South Africa. He is also the President of Umkhonto Wesizwe. The events dealt with in this matter evolve the subversion and multiple infringements of the fundamental rights of a citizen including political and socio-economic rights.
4. The second applicant is the Umkhonto Wesizwe Party (hereinafter referred to interchangeably as "Umkhonto Wesizwe", "the MKP" or simply "MK"), a duly authorised political party represented in the National Assembly as the third largest political party and the Official Opposition, with its head office at 320 Dr Pixley Isiah Kaseme Street, Durban. The MKP represents over 2.3 million voters in South African Legislature. MK brings this application in its own interest, in the interest of its members and also of its voters whom it represents and in the public interest to protect the rule of law.
5. The first respondent is Cyril Matamela Ramaphosa who is cited herein in his official capacity as the President of the Republic of South Africa having been



elected as such on 14 June 2024 in terms of section 86 of the Constitution, care of the State Attorney, 10<sup>th</sup> Floor, North State Building, 95 Albertina Sisulu, Johannesburg.

6. The second respondent is Minister Senzo Mchunu, who is cited in his capacity as the Minister of Police having been appointed as such in terms of section 91(2) of the Constitution, care of the State Attorney, 316 Thabo Sehume St, Pretoria Central, Pretoria and the Head of Legal Services, National SAPS on email address Ramorena-TsoaiD@saps.gov.za.
7. The third respondent is Minister Gwede Mantashe who is cited in his capacity as the duly appointed Acting Minister of Police having been appointed as such in terms of section 98 of the Constitution, care of the State Attorney, 316 Thabo Sehume St, Pretoria Central, Pretoria and the Head of Legal Services, National SAPS on email address Ramorena-TsoaiD@saps.gov.za.
8. The fourth respondent is Acting Minister of Police (Designate) Professor Firoz Cachalia who is cited in his personal and/or official capacities having been so appointed on 13 July 2025 with effect from 1 August 2025, purportedly in terms of section 91(3) of the Constitution. Service will be effected both via the care of the State Attorney, 316 Thabo Sehume St, Pretoria Central, Pretoria; the Head of Legal Services, National SAPS on email address Ramorena-TsoaiD@saps.gov.za and per email on the address: Firoz.Cachalia@wits.ac.za.
9. the fifth respondent is Acting Deputy Chief Justice Mbuyiseli Madlanga who is a member of the Constitutional Court, who is cited herein in his official capacity as the Chairperson of a Commission of Inquiry established and/or announced



on 13 July 2025 ("the Commission of Inquiry"), care of the Constitutional Court on the email address: dube@concourt.org.za.

10. The second to fifth respondents are cited herein merely in respect of any interest which they may have in the outcome of the present application. No order of costs will be sought against any of the respondents save in the event of entering opposition.

**B: NATURE OF THE APPLICATION**

11. This is an application brought on the basis of exclusive jurisdiction, alternatively direct access, against the first respondent as the President of the Republic to declare his certain listed conduct amounts to the failure on his part to fulfil his constitutional obligations and/or his oath of office, accompanied by appropriate, just and equitable remedies, all in terms of section 172 of the Constitution.
12. The impugned conduct all emanates from activities of the President connected to the public announcement he made to the nation at 19h36 on Sunday 13 July 2024 in response to serious allegations of collusion between state and/or public office bearers in the Executive and Judiciary with organised crime syndicates, among others ("the announcement").

**C: EXCLUSIVE JURISDICTION AND/OR DIRECT ACCESS**

13. The announcement and the specific decisions contained therein constitute the body of conduct the nature of which clearly falls squarely within the exclusive jurisdiction of this Court in terms of section 167(4)(e) of the Constitution of this Court on an urgent basis. The main thrust of this application concerns the cause



of action that the President failed to fulfil constitutional obligations which fall or rest exclusively within his constitutional remit.

14. That conclusion is indisputable if one considers the allegations made in this affidavit holistically and against the parameters set out in the relevant case law, including the well-known *Nkandla* and *My Vote Count* cases upon which reliance will be placed in the unlikely event of exclusive jurisdiction being disputed.
15. Alternatively, and in the unlikely event of this Court finding that its exclusive jurisdiction is not triggered, then the applicants will apply for direct access upon the following grounds and exceptional circumstances:-
  - 15.1. The matter concerns an urgent matter of the utmost public importance. The court may take judicial notice of the nationwide peaceful demonstrations concerning the Mkhwanazi revelations. The first respondent himself has repeatedly affirmed the urgency of the issues.
  - 15.2. The matter concerns crisp constitutional issues with no need for the adjudication of factual disputes. As demonstrated below the prospects of success are overwhelming.
  - 15.3. The very nature of the matter is such that no useful purpose will be served by taking the matter to the lower courts before its inevitable referral to this court. The continuing depletion of taxpayers money is also of relevance.



15.4. In the totality of the circumstances pleaded herein and by reference to the relevant case law, it is in the interests of justice that the applicants be granted direct access.

**D: FACTUAL BACKGROUND, CONTEXT AND URGENCY**

16. The factual matrix and/or contextual canvass of this matter is largely made up of common cause facts and it is not reasonably anticipated that there will be any material factual disputes. The major points of contestation between the parties are most likely to be confined to the legal conclusions to be drawn from the agreed facts. It is against that background that I now set out the salient facts below.

17. On Sunday 6 July 2025 Lieutenant-General Nhlanhla Mkhwanazi (“General Mkhwanazi”) who is the Provincial Commissioner of Police in the province of KwaZulu-Natal, convened and addressed a ground-breaking and whistle blowing media conference in Durban. He dealt in some detail with some shocking revelations or allegations, *inter alia*, to the effect that as the President himself correctly summed it up:

*“a police investigation by a police task team in Gauteng (had) unmasked a syndicate controlled by a drug cartel, which involves politicians, law enforcement officials from SAPS, metro police and correctional services, prosecutors and the judiciary, as well as business people”.*

18. If deemed necessary I will provide the Court with a full video or transcript of the said media conference. It is available on the link:  
<https://youtu.be/GEyHx99QUSY?si=47XNOTgWnSc9ewin>.

19. The immediate aftermath of the media conference, whose content understandably sent shock-waves across the entire South African nation, was half-hearted but non-specific denials on the part of those implicated ranging from General Sibiya and also Minister Mchunu.
20. The better response of the President, who was away at the relevant time and attending the most recent BRICS summit in Brazil, was that he would attend to the matters raised as soon as he would return to the country. He indicated and correctly acknowledged both the urgency and seriousness of the allegations.
21. For its part, the Judiciary correctly and swiftly reacted to its being fingered in alleged corruption by the issuing of a public statement by the Honourable Chief Justice, a copy of which is annexed hereto and marked "MK1" and in which, *inter alia*, she
  - 21.1. acknowledged that General Mkhwanazi had alleged the existence of "collusion between, amongst others, the Judiciary and criminals", albeit without substantiation;
  - 21.2. re-affirmed the Judiciary's commitment to accountability and the rule of law; and
  - 21.3. invited General Mkhwanazi to come forward with his evidence and to report any implicated member of the Judiciary to the mandated structures of the State.
22. The National Assembly also reacted, via the Speaker thereof, by urgently instituting a trilateral Ad Hoc Committee to investigate the allegations.



23. Various political parties including the MKP, and organs of civil society and the South African public reacted differently but overwhelmingly in support of General Mkhwanazi and opposing of his conduct in making the revelations. The matter was understandably on the lips of the vast majority of South Africans and it also generated a media frenzy. This Court may take judicial notice of the reaction of the public in the wake of the serious revelations or allegations made by General Mkhwanazi including the proliferation of the peaceful Hands Off General Mkhwanazi marches on a daily basis.
24. This is clearly a matter which had figuratively caught the attention of all and sundry. All of the above parties were entitled to respond to these serious allegations as they directly and indirectly affect their rights and/or interests. All of us are entitled not to live in a Mafia State whose Executive and Judiciary has been captured by drug cartels and criminal syndicates as described by General Mkhwanazi.
25. If true, these allegations, which include the Judiciary for the first time, represent unprecedented levels of real state capture. They exceed by far anything which was previously dealt with in the so-called Zondo Commission on State Capture. That context is crucial in this application.
26. The so-called Zondo Commission, which was dealing with narrower issues, lasted for approximately four years and cost the taxpayer an estimated one to two billion rands, with no tangible benefits. It is largely responsible for the present public fatigue and scepticism about commissions of inquiry and their utility.

A handwritten signature in black ink, appearing to be 'D. Mkhwanazi', with several horizontal lines drawn below it.

27. Shortly after his return from Brazil during the ensuing week, President Ramaphosa announced that he would address the nation at 19h00 on Sunday 13 July 2025 on live television, radio and other electronic platforms in connection with General Mkhwanazi's revelations mentioned above.
28. On 13 July 2025 President Ramaphosa was fashionably late and only started his address to the nation at 19h36 that evening. A copy of the self-explanatory media statement, which constitutes the full announcement and which was read out by the President, is annexed hereto and marked "MK2".
29. In a nutshell and relevant to the present matter it will be notably observed that President Ramaphosa stated, *inter alia*, that:
- 29.1. the matter "*concerns the security of the country, the integrity of our law enforcement agencies and the safety of our people*";
- 29.2. the allegations call for an urgent and comprehensive investigation;
- 29.3. he was therefore establishing a judicial commission of inquiry with named members to investigate the infiltration or capture of "*law enforcement, intelligence and associated institutions within the criminal justice system by criminal syndicates*";
- 29.4. "*the Commission will have the power to refer matters for immediate criminal investigation and urgent decisions on prosecution, taking into account the nature of the allegations and evidence the Commission will uncover*";
- 29.5. "*interim reports are expected after 3 and 6 months respectively*";

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- 29.6. *"I have decided to appoint Professor Firoz Cachalia as Acting Minister of Police";*
- 29.7. *"I am appointing Professor Cachalia in terms of section 91(3)(c) of the Constitution ...";*
- 29.8. *"I will appoint an Acting Minister from within Cabinet until Professor Cachalia take up his post at the end of August";*
- 29.9. *"in order for the Commission to execute its functions effectively, I have decided to put the Minister of Police Mr Senzo Mchunu on leave of absence with immediate effect."*
30. Within hours and in the early morning of 14 July 2025, Umkhonto Wesizwe released a media statement articulating its official reaction to the announcement. A copy thereof is annexed hereto and marked "**MK3**". Some of the major point made in it were that:-
- 30.1. the placement of Minister Mchunu on leave of absence was irrational;
- 30.2. the appointment of the Acting Minister of Police was unconstitutional;  
and
- 30.3. the judicial commission of inquiry referred to was not a constitutionally appropriate mechanism in the present circumstances.
31. I am fully mindful of the fact that the Constitutional Court is not well-suited to deal with urgent applications. However, this application is self-evidently urgent and cannot conceivably be heard in due course upon the following grounds:-

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- 31.1. Due to the nature of the issues and judging by the overwhelming reaction of the public, the proposed Commission of Inquiry is likely to be set up shortly and to commence with the execution of its tasks.
- 31.2. The announcement date on which the impugned appointment of Professor Cachalia as Acting Minister of Police will take up his seat as Acting Minister practical effect is scheduled to be 1 August 2025 which is less than two weeks away.
- 31.3. The implications of the impugned conduct of the President on the public purse is likely to be catastrophic with every day that passes by. Currently there are three Ministers of Police and two Deputy Ministers which is a monumental mess.
- 31.4. The potential devastating and irreversible implications of all the impugned decisions, if they are allowed to stand only to be set aside later and/or in due course (which could take literally years to materialise) is unimaginable in proportion.
- 31.5. The applicant has at all material times acted with due haste and speed, at times overnight, to ensure that all the necessary stages of studying the announcement, releasing its public reactions, consulting with its attorneys, seeking and obtaining urgent counsel's opinion(s) are performed without any undue delay. It can therefore never be said that the urgency was self-created.
- 31.6. Due to the weight of the issues, it became necessary to grant the President relatively sufficient time in which to consider his position in

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relation to the deliberately detailed letter of demand, which was sent on 15 July 2025 at approximately 16:25. The deadline for a response to all the issues raised was 09h00 on Friday 18 July 2025, also known as Mandela Day after the well-known international icon whose birthday was on that day. In the most likely event that the demand will not be met it is the intention of the applicant to launch the application by no later than close of business on the same day as the deadline of 18 July 2025. A copy of the letter of demand is annexed hereto and marked "MK4".

32. Given his earlier and correct utterances it does not lie in the mouth of the President to dispute the obvious urgency of the matters dealt with in this application.
33. As an extra cautionary measure and to assist the Court in the making of its practical arrangements, I have instructed our legal representatives to take the extra and unusual step of pre-alerting the Chief Justice in writing of the imminent delivery of this application as a matter of courtesy. This has been done by means of a letter dated 16 July 2025, a copy of which is annexed hereto and marked "MK5".
34. During the early evening on 17 July 2025, I received from our attorneys the negative response of the President to the letter of demand, a copy of which is annexed hereto and marked "MK5B". This then paved the way for the delivery of the present application. The letter states that:

*"We will not be acquiescing to your client's demands as the Terms of Reference of the Commission are not yet gazetted and the Presidential Act appointing Prof Cachalia is not yet finalized. The complaints by your client are*

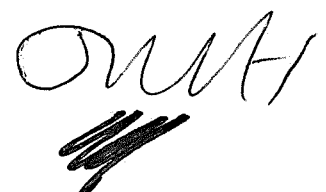


*therefore premature, ill-informed and misplaced and any approach to the courts would similarly be so affected."*

35. All things considered, it is in the interests of justice for this Court, respectfully, to entertain this matter on an urgent basis.
36. For the sake of completion I mention in passing that on 15 July 2025 the President duly appointed Minister Gwede Mantashe as Acting Minister of Police, in terms of section 98 of the Constitution. No issue is taken with the lawfulness of that step save to point out that Mantashe is exceedingly unsuitable to be a Minister of Police or anything given the fact that he was fingered in the State Capture Commission as a criminal suspect. That, however, is an issue for another day.

**E: THE MATERIAL REGULATORY AND CONSTITUTIONAL FRAMEWORK**

37. Accountability, responsiveness, openness, the supremacy of the Constitution and the rule of law are some of the values enshrined in section 1 of the Constitution which are of direct applicability to the present application. Corruption is the number one enemy of accountability. The two do not mix, just like water and oil.
38. Due to the declared date for the assumption of duties of the Acting Minister of Police, Professor Cachalia and the imminent commencement of the work of the Commission, the application must be heard and hopefully decided, finally or in the interim, before 1 August 2025 hence the proposed hearing date of 28 July 2025 obviously subject to the directions of the Honourable Chief Justice who



may determine an earlier or later date or even the same date as proposed by the applicants.

39. The fundamental human rights enshrined in the Bill of Rights, more specifically in sections 10 and 19 thereof, are for the enjoyment of the citizens of South Africa and also political parties themselves as representatives of those citizens.

40. In terms of section 83 of the Constitution

*"The President-*

*(a) is the Head of State and head of the national executive;*

*(b) must uphold, defend and respect the Constitution as the supreme law of the Republic; and*

*(c) promotes the unity of the nation and that which will advance the Republic."*

41. In terms of section 84(2)(f), *"the President is responsible for appointing Commissions of Inquiry."*

42. In terms of section 86(2) of the Constitution, read with Part A of Schedule 2 and 3, the President, in taking the following prescribed oath, swears or affirms, *inter alia*, to always:-

42.1. be faithful to the Republic of South Africa (and) and (to) obey observe, uphold and maintain the Constitution and all other law of the Republic;

42.2. protect and promote the rights of all South Africans;

Handwritten signature and scribble.

42.3. discharge his duties with all his strength and talents and to the best of his ability and true to the dictates of his conscience.

43. In terms of section 91(2) of the Constitution provides that:-

*"The President appoints the Deputy Ministers, assigns their powers and functions, and may dismiss them". (My emphasis)*

44. In terms of section 91(3) of the Constitution, the President

*"(a) .....*

*(b) may select any number of Ministers from among the members of the (National) Assembly; and*

*(c) may select no more than two Ministers from outside the Assembly."*

45. In terms of section 98 of the Constitution:-

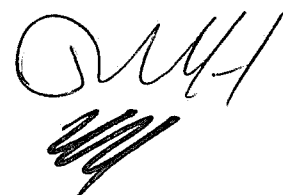
*"The President may assign to a Cabinet member any power or function of another member who is absent from office or is unable to exercise that power or perform that function." (My emphasis)*

46. Section 101(2) provides that:-

*"A written decision by the President must be countersigned by another Cabinet member if that decision concerns the functions assigned to that other Cabinet member.*

47. Section 165(3) provides that:-

*"No person or organ of state may interfere with the functioning of the courts."*



48. Section 172(1) of the Constitution provides that:-

*"When deciding a constitutional matter within its power, a court-*

(a) must declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of its inconsistency; and

(b) may make any order that is just and equitable, including-

(i) an order limiting the retrospective effect of the declaration and of invalidity;

(ii) an order suspending the declaration of invalidity for any period and on any conditions, to allow the competent authority to correct the defect."

49. Regarding the investigation of the alleged conduct of member of the judiciary:-

49.1. Section 178(4) of the Constitution provides that:-

*"The Judicial Service Commission has the powers and functions assigned to it in the Constitution and national legislation."*

49.2. The national legislation contemplated in section 178(4) of the Constitution is the Judicial Service Commission Act 9 of 1994, which sets out in detail the procedures which must be followed in dealing with complaints and/or investigations into the conduct of judges. Similar and corresponding provisions are to be found in the Magistrates Act 90 of 1993.

49.3. Section 178(5) of the Constitution provides that:-

*“The Judicial Service Commission may advise the national government on any matter relating to the judiciary or the administration of justice.”*

50. These are the key constitutional provisions which will be invoked in the present matter. The applicant however reserves the right to rely on any other related and/or applicable provision of the Constitution as well as the relevant decided case authorities.

**F: DISCUSSION AND ANALYSIS: APPLYING THE LAW TO THE FACTS**

51. This section must be read together with the contents of the letter of demand referred to above as Annexure MK4, the contents of which must be read as if specifically repeated herein. They are not repeated to avoid the unnecessary prolixity. I start by expanding upon the various legal grounds articulated in the letter of demand as the bases for the heart of this application, that the President has failed in multiple respects, to fulfil his constitutional obligations.

**F1: In respect of the President’s placement of Minister Mchunu on leave of absence**

52. This particular decision is also irrational, inter alia, because, firstly, it is *ultra vires* and secondly, it is tainted by bias, blatant inconsistency and other unfairness in the form of favouritism, more particularly in that:-

52.1. There is no empowering provision for the President to place a Minister on leave of absence, which is a fancy phrase for suspension with pay.

The decision is therefore *ultra vires*. In this regard I am advised that it

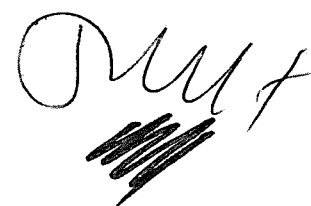


will be argued at the hearing that the President's power to dismiss a Cabinet Minister must not be confused with the dismissal of an employee or other person in a similar position.

- 52.2. It is an open secret that Minister Mchunu is one of the President's closest allies in the ANC factional battles. In 2017 Mchunu was the candidate for ANC Secretary-General in the so-called "CR17" factional slate which, it turned out, was funded by yet undisclosed big business persons whose identities remain sealed in the Gauteng Division of the High court for the past 7 years or so with no end date possible under the present regime. This Court has dealt with the indisputable facts of that funding in one of its earlier decisions.
- 52.3. As Minister of Police, Mchunu recently announced the bizarre decision that the police documents pertaining to the President's pending and well-known Phalaphala scandal in respect of which there is *prima facie* evidence of criminality on the part of the President (according to the unreviewed and therefore valid findings of the Independent Panel chaired by former Chief Justice Ngcobo), to be also classified and sealed, just like the CR17 records. An illustrative copy of a newspaper article referring to the decision of Mchunu is annexed hereto marked "MK6". This points to the reciprocal favours which are being exchanged between Mchunu and the President who is by all accounts his close political ally. This points to abuse of public powers for mutual benefits.
- 52.4. Our courts, including this Court have also repeatedly approvingly dealt with the ANC's so-called step-aside rule which was strangely not applied

against Mchunu. The first respondent is also the President of the ANC. This is yet another illustration of favourable and selective justice. The inference is therefore irresistible that were it not for their political and factional affinities, President Ramaphosa would have duly dismissed Mchunu, as he is perfectly entitled and legally empowered to do. Like Ceaser's wife the political friends and allies of the President must be above suspicion.

- 52.5. Against this background, it must be juxtaposed that the President very recently summarily dismissed a certain Deputy Minister Whitfield who comes from the Democratic Alliance, for the relatively minor and technical transgression of allegedly travelling overseas without obtaining Presidential permission. Whitfield and his political party pleaded and continues to plead innocence but no pretence of due process was even attempted simply because he is not entitled to any.
- 52.6. Compared to the irrefutable evidence that Mchunu had lied to Parliament regarding his relationship with a criminal suspect and/or his alleged comrade and benefactor by the name of Brown Mogotsi and the undisputed evidence that, to the full knowledge of the President, he unilaterally disbanded the Political Killings Task Team of the South African Police Service without the knowledge or approval of the National Commissioner of Police, the inconsistency and bias embedded in the extremely and inexplicably lenient placement of Mchunu on "*leave of absence*" speaks for itself. It is an illogical, unreasonable and irrational slap on the wrist, if that. In respect of the accusation of lying to Parliament

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various large political parties, including the MKP and the DA, have laid criminal charges with the police and the cases are under investigation. The President was fully aware of all this when he made the impugned decision.

- 52.7. It must be appreciated in this regard that, in terms of section 91(2) of the Constitution, the President has the unfettered power or prerogative to dismiss a member of the Cabinet, summarily and without any obligation to provide due processor to furnish any reasons. No legitimate constitutional purpose can therefore be served by placing Mchunu on leave of absence except to ensure that he retains his salary and perks indefinitely, unlike Mr Whitfield.
- 52.8. The extremely feeble reason given by the President for placing Minister Mchunu on leave of absence and not dismissing him, namely "*in order for the Commission to execute its function effectively*" is an illogical non-sequitur. The Commission will still function effectively even if Mchunu has been dismissed.
- 52.9. There is no rational, logical or causal connection between the decision or conduct of the President and the stated purpose of the measure in question. That is vintage irrationality.
- 52.10. Last but not least, the decision is irrational in that it will result in the taxpayers' rights being violated in that they must pay two separate multi-million rand salaries and benefits for two Ministers, one Acting and the other on leave, for an indeterminate period of time which may run into



several months or years. In any event the Commission can only make recommendations which have no binding effect on the President.

53. As we currently speak there are notionally three Ministers of Police who have been appointed by the same President, which is a plain absurdity and nothing short of a royal mess.
54. For all the above reasons, viewed individually and/or cumulatively, the placement of Minister Mchunu on leave of absence is irrational and/or tainted by bias. That being so, the conduct of the President is inconsistent with the Constitution and/or constitutes a failure to fulfil his constitutional obligations and/or his oath of office.
55. It is this illegality which gave rise to the next decision to appoint Professor Cachalia as acting Minister of Police, to which I now turn.

**F2: In respect of the appointment of the Acting Minister of Police**

56. The obligations of the President in this regard emanate from sections 91(3) and 98 of the Constitution, read together.
57. Firstly, the President specifically stated that his decision "*to appoint Professor Cachalia as acting Minister of Police*" was taken in terms of section 91(3). He made no mention of section 98 of the Constitution. With the greatest respect, this is indicative of nothing but an inextricable and irretrievable state of constitutional confusion.
58. Among other things, this betrays the fact that the President had irrationally failed to apply his mind to the pertinent and relevant provisions of section 98



which is applicable to the appointment of an Acting Minister. This alone constitutes a fatal failure to fulfil a constitutional obligation which is exclusively entrusted upon the President.

59. In this regard it is common cause and indisputable that:-

59.1. Professor Cachalia is not and was not at the date of his appointment (i.e. on or before 13 July 2025), a member of the Cabinet;

59.2. having been placed on "*leave of absence*", rightly or wrongly, Minister Mchunu was, is or will be, at all material times "*absent from office or ... unable to exercise his (Ministerial) powers or perform his functions*", as contemplated in section 98 of the Constitution.

60. The appointment of the Acting Minister of Police is in the circumstances:-

60.1. inconsistent with the Constitution for being ultra vires, irrational and in breach of the rule of law; and/or

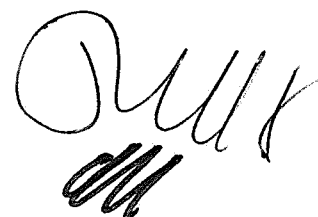
60.2. evidence of a failure by the President to fulfil his constitutional obligations, for whatever reason.

**F3: In respect of the proposed appointment or establishment of the Judicial Commission of Inquiry and/or its Chairperson and/or members**

61. The President announced that he had appointed Acting Deputy Chief Justice Madlanga as Chairperson and two advocates from the General Council of the Bar as additional members of the mooted Commission. The conduct of the President in so doing is impugned as illegal because, *inter alia*:-



- 61.1. It is irrefutable that easily the most serious of the revelations or allegations made by General Mkhwanazi is that of judicial capture or the involvement of unnamed members of the judiciary in the collusion with criminal syndicates. No single member of the judiciary including Justice Madlanga, is guilty or innocent of this charge or allegation until it has been properly and independently investigated, confirmed or refuted. That is not to impugn the integrity of any specific member of the judiciary, including Justice Madlanga but to state the objective and logical implications of the Mkhwanazi allegations.
- 61.2. In the circumstances it is improper, irrational and illegal for the President to appoint any member of the judiciary to potentially investigate himself or herself. Nor is it rational or reasonable for the judiciary to investigate itself. This is in breach of the rule against bias expressed as *nemo iudex in sua causa* (no person may be a judge in his own cause). No reasonable President would cause such a situation to happen.
- 61.3. In any event, it is a further breach of the Constitution in that the only state bodies or organs which are constitutionally and legislatively entrusted with the power to investigate judicial conduct are the Judicial Service Commission ("the JSC") and/or the Magistrates Commission. For the mooted Madlanga Commission to usurp the powers of the JSC and/or Magistrates Commission would amount to irrationality in the form of unlawful referral. I am advised that further submissions will be advanced during legal argument on the topic of unlawful referral and/or passing the buck.

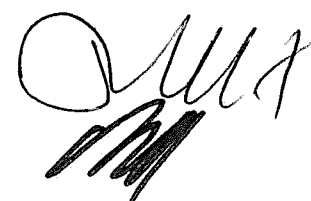
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- 61.4. Notably, there is no prescription in section 84(2)(f) compelling the President to include a member of the judiciary in appointing a Commission of Inquiry. It is a matter within the exclusive discretion of the President. The exercise of his discretion to do so is singularly irrational and/or unreasonable in the particular circumstances of this matter.
62. In view of all of the above the relevant decision is:-
- 62.1. inconsistent with the Constitution; and/or
- 62.2. constitutes conduct in respect of which the President has failed to fulfil constitutional obligations which are specifically and exclusively designated to him.
63. Finally and for the avoidance of any confusion I wish to put it categorically clear that the allegations made by General Mkhwanazi must obviously be investigated and verified. That is not to say that the investigation must be illegal. To illustrate this point the MKP expressed its support for the recent establishment of the Ad Hoc Committee by Parliament to investigate the allegations. Arguably, the Ad Hoc Committee is an adequate and sufficient mechanism to get to the bottom of the allegations. There may well be a plethora of other alternative mechanisms but that is irrelevant for present purpose.
64. The Commission is rejected simply because no lawful outcome can arise out of an illegality. That is the reason why section 172(1)(a) is couched in peremptory terms.

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G: PRESIDENT'S ANTICIPATED DEFENCE OF PREMATURETY

65. In his response to the letter of demand dated 17 July 2025, the President has given some early and cryptic indication of one of his defences to the present application, namely "prematurity".
66. No doubt this purported defence will be further elaborated upon in the answering affidavit. Suffice to say at this stage that that it misses the boat by the proverbial mile.
67. The language employed in the announcement makes it unequivocally clear that both the decisions to establish the Commission and to appoint Professor Cachalia (which was offered to him by the President and accepted only one hour before the public announcement was made) had already been made by the time of the announcement, albeit admittedly not yet implemented. It is these decisions which are impugned in these proceedings, not their implementation which is irrelevant in this matter.
68. The disingenuous prematurity defence is therefore doomed to fail. It is nothing but a poor, desperate and ill-fated attempt at ex post facto rationalisation when confronted by the stark reality of illegality and multiple failures to fulfil President-specific constitutional obligations.
69. In any event, perhaps understandably, the President's response letter has failed to even attempt to explain away or say anything about the third stand-alone ground of illegality and non-fulfilment of constitutional obligations, namely the impugned and triggering decision to place Minister Mchunu on so-called leave of absence irrationally and without any empowering provision in law.



70. Needless to say once that decision is bad in law, and it certainly is, then the concomitant decision to appoint Professor Cachalia as acting Police Minister must fall.

**H: CONCLUSION AND COSTS**

71. Taking all of the above into account, it is inevitable that the relief sought in the Notice of Application must be granted.


72. The issues raised are so self-evident that any respondents who may unreasonably oppose the application must be burdened with an adverse order of costs on the punitive alternatively ordinary scale. Conversely, the Biowatch principle applies and will be invoked in the unlikely event of its necessity.

73. Under the wide rubric of just and equitable remedy this Court may be asked to grant a holding interim order preventing the assumption of office by the Acting Minister and/or the Commission, pending the delivery of the judgment in the main application. It would be in the interests of justice to grant such relief.

**WHEREFORE** I pray that it may please this Honourable Court to grant the relief prayed for in the Notice of Application to which this affidavit is attached.

  
DEPONENT

Sworn to and signed before me in Cape Town on this the 18<sup>th</sup> day of **JULY 2025**, the deponent having acknowledged in my presence that he knows and understands the contents of this affidavit, which he regards as binding on his conscience and has no objection to taking the prescribed oath, the Regulations



contained in the Government Notice No. R1258 of 21 July 1972, as amended, and the Government Notice No. R1648 of 19 August 1977, R1428 of 11 July 1980 and R774 of 23 April 1992 having been duly complied with.

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10 July 2025

## Media Statement

### **The Judiciary Reacts to Lt Gen Mkhwanazi's Accusations about wrong-doing in the Judiciary**

The Judiciary has noted with serious concern the recent remarks made by Lieutenant General Nhlanhla Mkhwanazi of the South African Police Service (SAPS) during his media briefing on Sunday, 06 July 2024, during which he alleged collusion between amongst others, the Judiciary and criminals. Such claims, made without substantiation, are extremely damaging to public confidence in the independence and integrity of our courts - a fundamental pillar of our constitutional democracy.

Judicial Officers are bound by the Judicial oath or solemn affirmation of office to uphold and protect the Constitution, and the human rights entrenched in it, and to administer justice to all persons alike without fear, favour or prejudice, in accordance with the Constitution and the law. As such, any suggestion of impropriety within the Judiciary is treated with the utmost gravity.

In this regard, the Acting Secretary-General of the Office of the Chief Justice, has formally requested the National Commissioner of the SAPS and the Provincial Commissioner, Lt Gen Mkhwanazi, to furnish evidence in support of these allegations and to lodge formal complaints, where warranted, with the Judicial Service Commission (JSC) and/or the Magistrates Commission.

These bodies are constitutionally and statutorily mandated to investigate complaints against Judicial Officers. The JSC derives its authority from Section 178 of the Constitution of the Republic of South Africa, 1996, read with the Judicial Service Commission Act, 1994 (Act 9 of 1994). Furthermore, Magistrates Commission operates under the Magistrates Act, 1993 (Act 90 of 1993). Both institutions have well established mechanisms to address allegations of misconduct, ensuring due process and fairness.



The Chief Justice of the Republic of South Africa, Chief Justice Mandisa Maya said, "The Judiciary stands firm in its commitment to accountability and the rule of law. If any person, including Lt Gen Mkhwanazi, has credible evidence of unlawful or unethical conduct committed by a member of the Judiciary, they are urged to report such matters to the legally mandated structures of the State. Unsubstantiated allegations, however, regrettably undermine the administration of justice and weaken public trust in our institutions which are essential to upholding our constitutional democracy."

The Judiciary reaffirms its unwavering dedication to justice, transparency, and the principles enshrined in our Constitution. Should any Judicial Officer be found to have acted unlawfully or unethically, appropriate action must be taken without any hesitation.

The Judiciary remains resolute in its duty to serve all South Africans with impartiality and integrity.

**Ends.**


Media enquiries:

Ms Bongwiwe Gambu

Media Liaison Officer: Private Office of the Chief Justice

[gambu@concourt.org.za](mailto:gambu@concourt.org.za)

0827149463

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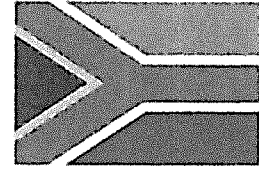
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THE PRESIDENCY  
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Menu

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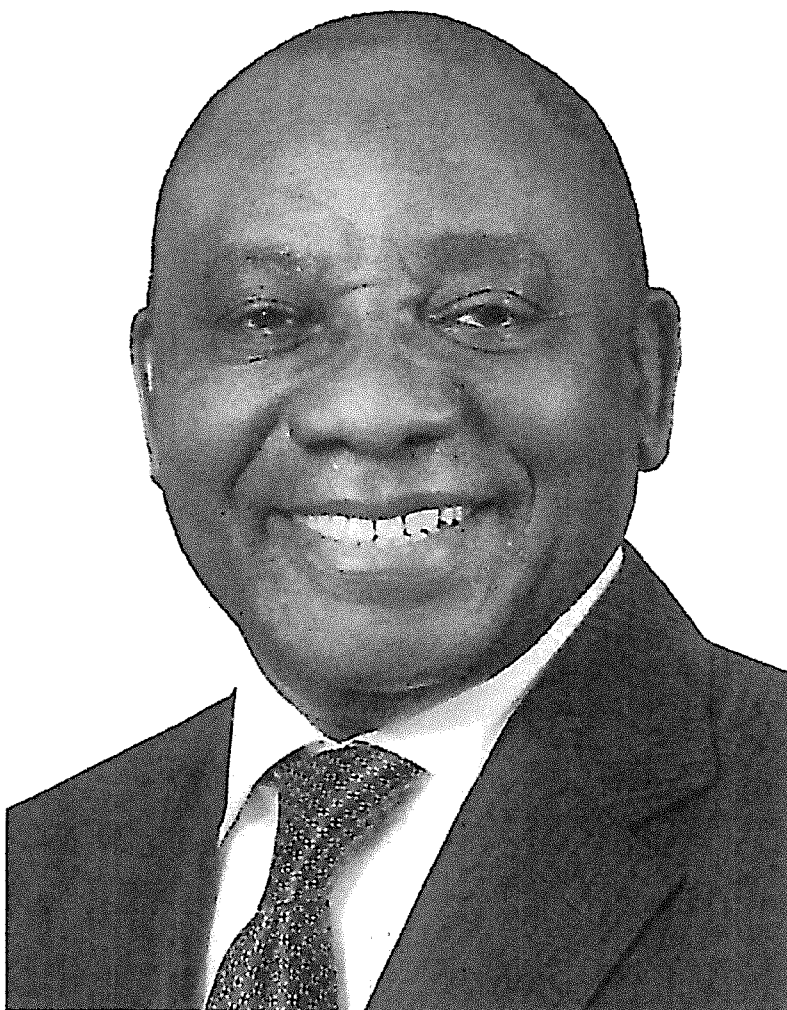
STATEMENT BY PRESIDENT CYRIL RAMAPHOSA ON THE ESTABLISHMENT OF A  
COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING LAW ENFORCEMENT AGENCIES, (https://  
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OF A COMMISSION OF INQUIRY INTO  
ALLEGATIONS REGARDING LAW  
ENFORCEMENT AGENCIES, UNION  
BUILDINGS, PRETORIA**

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Sunday, 13 July 2025

My Fellow South Africans,

I address you this evening on a matter that concerns the security of our country, the integrity of our law enforcement agencies and the safety of our people.

Last Sunday, the 6th of July 2025, Lt Gen Nhlanhla Mkhwanazi, the KwaZulu-Natal Provincial Commissioner of the South African Police Service, held a media briefing in which he made public serious allegations about the existence and operation of a sophisticated criminal syndicate that has allegedly infiltrated law enforcement and intelligence structures in South Africa.

Lt Gen Mkhwanazi alleged that the Minister of Police allegedly interfered with sensitive police investigations and colluded with business people, including a murder accused, to disband the Political Killings Task Team based in KwaZulu-Natal.

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Lt Gen Mkhwanazi also said that a police investigation by the task team in Gauteng unmasked a syndicate controlled by a drug cartel, which involves politicians, law enforcement officials from the SAPS, metro police and correctional services, prosecutors and the judiciary, as well as business people.

The allegations made in this media briefing raise serious concerns around the constitution, the rule of law and national security.

These allegations, if proven true, threaten to undermine the confidence of South Africans in the ability of the South African Police Service to protect them and to effectively fight crime and corruption.

South Africans are concerned about corruption and the rise of criminality in our country, which manifests itself in the killing of innocent people, gender-based violence, gang violence, kidnappings, construction mafia criminality and many others.  [\(https://ref=mf\)](https://ref=mf)

As we intensify the fight against crime, it is vital that we safeguard the integrity and credibility of the police and other law enforcement agencies.  [\(https://\)](https://)

These allegations therefore call for an urgent and comprehensive investigation.  [\(https://\)](https://)

To address these allegations and the implications of these allegations, I am establishing a judicial commission of inquiry chaired by Acting Deputy Chief Justice Mbuyiseli Madlanga.  [\(https://\)](https://)

Justice Madlanga will be assisted by Advocate Sesi Baloyi SC and Advocate Sandile Khumalo SC.

The Commission will investigate allegations relating to the infiltration of law enforcement, intelligence and associated institutions within the criminal justice system by criminal syndicates.

Among the allegations that the Commission may investigate are the facilitation of organised crime; suppression or manipulation of investigations; inducement into criminal actions by law enforcement leadership; commission of any other criminal offences and intimidation, victimisation or targeted removal of whistleblowers or officials resisting criminal influence.

The Commission will investigate the role of current or former senior officials in certain institutions who may have aided or abetted the alleged criminal activity; failed to act on credible intelligence or internal warnings; or benefited financially or



politically from a syndicate's operations.

These institutions are the South African Police Service, National Prosecuting Authority, State Security Agency, the Judiciary and Magistracy, and the metropolitan police departments of Johannesburg, Ekurhuleni and Tshwane.

The Commission will also investigate whether any members of the National Executive responsible for the criminal justice system, were complicit, aided and abetted, or participated in the acts mentioned above.

The Commission will be asked to report on the effectiveness or failure of oversight mechanisms, and the adequacy of current legislation, policies and institutional arrangements in preventing such infiltration.

It will make findings and recommendations for criminal prosecutions, disciplinary actions and institutional reform. <https://ref=mf>

Once established, the Commission shall consider prima facie evidence relating to the involvement of individuals currently employed within law enforcement or intelligence agencies. <https://>

Where appropriate, the Commission must make recommendations on the employment status of such officials, including whether they should be suspended pending the outcome of further investigations. <https://>

The Commission will have the power to refer matters for immediate criminal investigation and urgent decisions on prosecution, taking into account the nature of the allegations and evidence the Commission will uncover.

It is critical that these matters be attended to with the necessary urgency and thoroughness.

The Commission is expected to complete its work and submit a final report to the President.

Interim reports are expected after 3 and 6 months respectively.

The final report of the Commission will be sent to the Speaker of the National Assembly and the Chief Justice.

Acting Deputy Chief Justice Madlanga is retiring from the Constitutional Court at the end of July 2025 after years of distinguished service, and will therefore be able to give his full time and attention to the work of this commission.

In order for the Commission to execute its functions effectively, I have decided to put the Minister of Police Mr Senzo Mchunu on a leave of absence with immediate effect.

The Minister has undertaken to give his full cooperation to the Commission to enable it to do its work.

I have decided to appoint Professor Firoz Cachalia as acting Minister of Police.

Professor Cachalia is currently a professor of law at the University of the Witwatersrand and is the chairperson of the National Anti-Corruption Advisory Council. He previously served as an MEC of Community Safety in Gauteng.

I am appointing Prof Cachalia in terms of Section 91(3)(c) of the Constitution, which empowers the President to select no more than two Ministers from outside the National Assembly. <https://ref=mf>

Professor Cachalia will be retiring from his current position at the University of Witwatersrand at the end of July. <https://>

I will appoint an Acting Minister from within Cabinet until Professor Cachalia takes up his post at the beginning of August. <https://>

This Commission is being established against the backdrop of significant progress in rebuilding and strengthening our country's law enforcement agencies and security services. <https://>

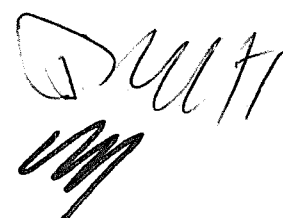
In recent years, the South African Police Service, the Special Investigating Unit, the Asset Forfeiture Unit and other bodies have been making important inroads in the fight against organised crime and corruption.

It is essential that we maintain this momentum and that we intensify this work.

We will ensure that the SAPS and other law enforcement agencies continue to function without hindrance as the commission undertakes its work.

I call on all members of our law enforcement agencies and security services to remain steadfast in upholding the rule of law and adhering to their code of conduct.

I call on all South Africans to support the commission in its work and, where appropriate, to provide any information or assistance the commission may require.

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In establishing this Commission of Inquiry, we are affirming our commitment to the rule of law, to transparency and accountability, and to building a South Africa in which all people are safe and secure.

I thank you.

## SHARE



([http://www.facebook.com/share.php?url=https://www.thepresidency.gov.za/statement-president-cyril-ramaphosa-establishment-commission-inquiry-allegations-regarding-law&title=Statement by President Cyril Ramaphosa on the establishment of a Commission of Inquiry into allegations regarding law enforcement agencies, Union Buildings, Pretoria](http://www.facebook.com/share.php?url=https://www.thepresidency.gov.za/statement-president-cyril-ramaphosa-establishment-commission-inquiry-allegations-regarding-law&title=Statement%20by%20President%20Cyril%20Ramaphosa%20on%20the%20establishment%20of%20a%20Commission%20of%20Inquiry%20into%20allegations%20regarding%20law%20enforcement%20agencies%2C%20Union%20Buildings%2C%20Pretoria))



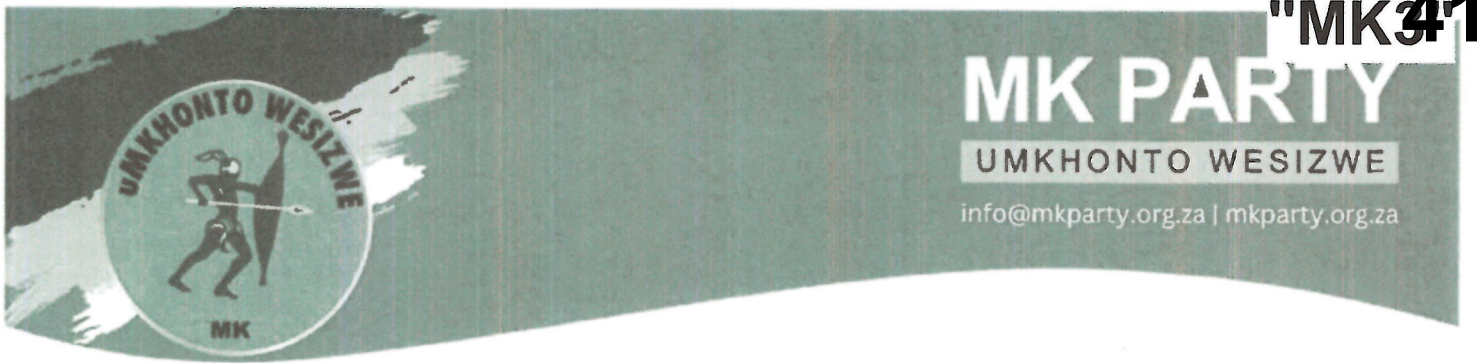
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## **MEDIA STATEMENT**

14 July 2025

### **UMKHONTO WESIZWE PARTY STATEMENT DISMISSING AND REJECTING THE ILLEGITIMATE AND UNCONSTITUTIONAL ANNOUNCEMENT BY CYRIL RAMAPHOSA**

The uMkhonto weSizwe Party condemns and rejects Cyril Ramaphosa's grossly unconstitutional, politically dodgy, financially expensive and cowardly announcement made last night. The announcement by Cyril Ramaphosa is above all unconstitutional because the proposed appointment of a civilian Professor who is neither a member of Cabinet, nor a member of the National Assembly to be an Acting Minister violates section 98, read with section 93 of the Constitution. Such an appointment is clearly beyond the powers of the President and therefore a breach of the rule of law and therefore irrational.

In adding salt to the wound, Prof. Firoz Cachalia is the Chairperson of the National Anti-Corruption Advisory Council which works closely with Corruption Watch, funded by Ramaphosa's friends the Oppenheimer family. It is clear that Ramaphosa's friends will stop at nothing to protect their interests by meddling in state affairs that implicate their puppet, Cyril Ramaphosa.

The announcement is politically dodgy because Ramaphosa himself is a fugitive from justice and a criminal suspect for his alleged contravention of our corruption laws in respect of his Phala Phala shenanigans, is dilly dallying around Mchunu only because of their factional affinities. We must recall that Mchunu recently announced a strange decision to classify and seal the Phala Phala investigation report. This reeks of nothing else but political patronage by Ramaphosa to Mchunu and the main reason Ramaphosa failed to fire Mchunu even though he lied to Parliament.

The proposed Judicial Commission of Inquiry is nothing more than an expensive political laundromat for the ANC of Ramaphosa and his GNU to clean up their illegal activities, of which such Commissions of Inquiry have never yielded any convictions nor tangible outcomes for South Africans. This decision by Ramaphosa is nothing else but an extension of political patronage to his comrade who sits with an IPID Report that implicates him as a criminal suspect in the Phala Phala investigation. Furthermore,

this Judicial Commission of Inquiry should be seen as nothing more than interference with police work and only aims to stifle the police investigations.

This is another sad act of Justice Delayed being Justice Denied for the people of South Africa, coupled with the State having to pay two Cabinet level salaries and benefits for the Ministry of Police for an indeterminable period. All these expenses make no sense taking into account that such a Commission can only make recommendations which are not binding on the President. The intention is to defer the justified anger of the people at the revelations made by Lieutenant General Mkhwanazi.

The MK Party is seeking legal advice which will lead to immediate action to challenge the announced decisions of Ramaphosa in the Constitutional Court. We believe that such legal action, will test the MK Party's view on the unconstitutionality of his decision. Subject to legal advice which has been sought in order test the prima facie view of the MK Party, we intend to take immediate action to challenge the announced decisions of Ramaphosa in the Constitutional Court.

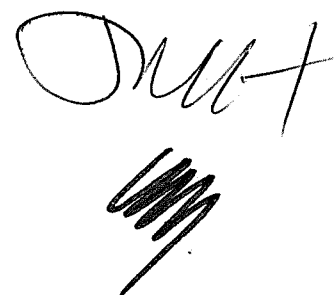
It is for these reasons that the uMkhonto weSizwe Party calls on Ramaphosa to withdraw his announcement by no later than 10h00 on Wednesday 16 July 2025. Failing which, the matter will be pursued vigorously in the courts, in Parliament and most importantly on the streets of South Africa. As we wait for the final legal advice, we have simultaneously mandated our Parliamentary public representatives to take all the necessary steps to move a motion of no confidence on the cowardly Ramaphosa as soon as possible.

The MK Party calls on General Mkhwanazi and National Commissioner Masemola to act swiftly and arrest all the culprits implicated in these investigations. We will also be inviting General Mkhwanazi and National Commissioner General Masemola to appear before the Standing Committee on Public Accounts (SCOPA) to present all the evidence and the implications of the Political Killings Task Team's work and the comprehensive investigations undertaken to date.

#### ENQUIRIES:

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National Spokesperson  
+27 79 230 3345

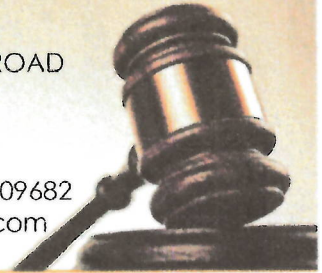
Sipho Tyira  
Head: Media and Communications  
Contact: +27 84 374 4316

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Your Ref:

Our Ref: MKP/CR1/0725/TM

TO: PRESIDENT CYRIL RAMAPHOSA  
THE PRESIDENCY  
UNION BUILDINGS  
PRETORIA

DATE: 15 JULY 2025

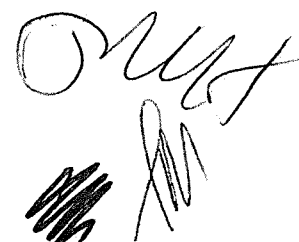
"PER E-MAIL: [presidentrsa@presidency.gov.za](mailto:presidentrsa@presidency.gov.za) [malebo@presidency.gov.za](mailto:malebo@presidency.gov.za)"

Dear President Ramaphosa,

**LETTER OF DEMAND REGARDING THE URGENT WITHDRAWAL OF THE  
PUBLIC ANNOUNCEMENT OF 13 JULY 2025**

1. We act on behalf of the Umkhonto WeSizwe Party ("our client") in connection with the public announcement you made at 19h36 on Sunday 13 July 2025 ("the announcement") following the serious allegations made by Lieutenant General Nhlanhla Mkhwanazi regarding criminality and collusion with organised crime syndicates on the part of senior public office holders in the Executive and the Judiciary.
2. The announcement notably deals with various decisions made pertaining to, inter alia:

- 2.1. The appointment of Professor Firoz Cachalia as Acting Minister of Police with effect from 1 August 2025;
  - 2.2. The placement of the current Minister of Police, Senzo Mchunu, on “leave of absence”; and
  - 2.3. The appointment of a Judicial Commission of Inquiry in terms of section 84(2)(f) of the Constitution.
3. We are instructed to inform you that your conduct in making the announcement including the decisions contained therein constitutes multiple violations of the Constitution and/or your oath of office, inter alia in that:
- 3.1. The decision to appoint Professor Cachalia Acting as Minister of Police is in contravention of sections 98 and 91(3) of the Constitution more particularly as he is not a member of Cabinet or the National Assembly.
  - 3.2. The decision to place Minister Mchunu on so-called leave-of-absence instead of removing him from the Cabinet is irrational. Mchunu has demonstrably lied to Parliament which is a criminal offence, and he irregularly disbanded the Political Killings Task Team of the SAPS. There is no rational basis for the President to burden the taxpayers with the payment of Mchunu’s salary and associated benefits for any number of months or years.
  - 3.3. To illustrate the issue, you are reminded that, as President you recently and correctly dismissed a Deputy Minister for a far more trivial transgression. Inconsistency, bias and favouritism are clear indicators of irrationality.


Handwritten signature and scribbles in black ink, located in the bottom right corner of the page.

- 3.4. Last but not least, the decision to appoint a Judicial Commission of Inquiry is similarly irrational. To your knowledge such a Commission can only make recommendations which are not binding on the government. The appointment of a Commission in the present circumstances is nothing but an illegal stragem to pursue ulterior motives including shielding your ANC factional allies from accountability while prolonging their access to public resources.
- 3.5. Such a Commission will not only be toothless and expensive but unlikely to satisfy the public's legitimate thirst for the truth and swift action against alleged criminality in high places.
- 3.6. Since the allegations made by Lt-Gen Mkhwanazi include criminality on the part of unnamed members of the Judiciary, they cannot be rationally and fairly investigated by any member of the implicated Judiciary without offending the principle of *nemo iudex in sua causa* also known as the rule against bias.
4. Your conduct in violating the Constitution and oath of office renders you unfit and incompetent to hold the Office of President.
5. For these and other reasons our client has instructed us to demand, as we hereby do, that by no later than **09h00 on 18 July 2025** you must:-
  - 5.1. Resign from the Office of President with immediate effect; and/or
  - 5.2. Withdraw the public announcement made on 13 July 2025
6. Failure to act as stipulated in the above demand will result in Umkhonto WeSizwe taking various separate steps including but not limited to:
  - 6.1. Approaching the Constitutional Court on an urgent basis for appropriate relief;

Handwritten signature and scribbles in black ink, located in the bottom right corner of the page.

- 6.2. Tabling, (in its capacity as the Official Opposition and in collaboration with other political parties) a motion of no-confidence in the President in the National Assembly in terms of section 102 of the Constitution; and
  - 6.3. Mobilising the South African public to engage in rolling mass action and other peaceful demonstrations in terms of section 17 of the Constitution demanding your stepping down from the Office of the President
7. Our client therefore requests you to kindly furnish us with your response to all of the above as soon as possible but by no later than the deadline of **09h00 on 18 July 2025** which appropriately falls on Mandela Day.

Yours faithfully,



**Ms. T MPUMLWANA**

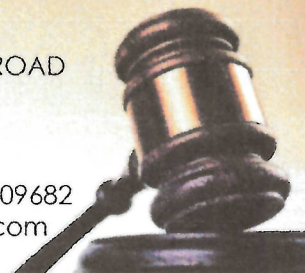
**T MPUMLWANA & ASSOCIATES**





T M P U M L W A N A  
& A S S O C I A T E S

SUITE NO. 3  
450 CHE GUEVARA ROAD  
BEREA  
DURBAN  
4001  
C:0310032966/0679209682  
E: thinam39@gmail.com



Your Ref:

Our Ref: MKP/CR1/0725/TM

The Chief Justice of South Africa  
c/o the Secretary to the Honourable Chief Justice  
Constitutional Court of South Africa

DATE: 16 JULY 2025

"PER EMAIL: [Nomongo@concourt.org.za](mailto:Nomongo@concourt.org.za); Jacobs@concourt.org.za"

Dear Honourable Chief Justice Maya,

**RE: IMMINENT EXTREMELY URGENT APPLICATION IN CONNECTION WITH THE ALLEGATIONS OF GENERAL MKHWANAZI, THE APPOINTMENT OF AN ACTING MINISTER OF POLICE AND THE ESTABLISHMENT OF A COMMISSION OF INQUIRY AND RELATED MATTERS**

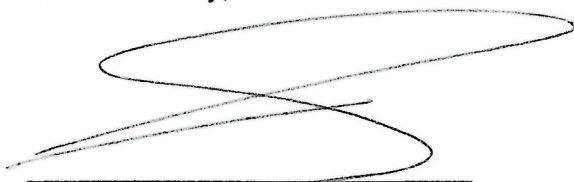
1. We act for the Umkhonto Wesizwe Party the applicant in the above matter which is yet to be instituted and which deals with the constitutionality of the conduct of the President and the alleged failure to fulfil his constitutional obligations.
2. Our client has instructed us to write this letter to you as a matter of courtesy and so as to enable the Honourable Chief Justice to hopefully have more time to make the necessary practical and logistical arrangements, in the event that directions will be made to hear the envisaged application.

3. We do so because, *inter alia*:-
  - 3.1. the matter is by its nature extremely urgent and concerns matters which are in the public domain concerning all South Africans and all arms of the State;
  - 3.2. the matter concerns the desired invalidation of events such as the assumption of office of the Acting Minister of Police, which take effect on 1 August 2025, which is less than 2 weeks away;
  - 3.3. it is well accepted that the Constitutional Court is not ordinarily suited to hear urgent applications, for obvious reasons, unless exceptional circumstances so warrant. It is the considered view of our clients that such circumstances exist. The same sentiment has been publicly expressed by the President who will be the first respondent. It is not reasonably anticipated that urgency will be contested in this matter.
  
4. In view of the foregoing we are instructed to inform you that:-
  - 4.1. A letter of demand was sent out to the President in the past 24 hours or so on 15 July 2025. A copy thereof is annexed hereto marked "CR1" for ease of reference and to avoid repetition. The content thereof speaks for itself.
  - 4.2. It is anticipated that in the very likely event of non-compliance with the deadline of 9h00 on 18 July 2025, the urgent application will be delivered later on the same day. The papers are being drafted in anticipation of that eventuality.
  - 4.3. The proposed date for the hearing of the urgent application is 28 July 2025. This is obviously subject to the directions of the Honourable Chief Justice.
  - 4.4. Depending on the number of parties legal argument is anticipated to be completed within one day.
  
5. The purpose of this letter is merely to forewarn the Court of the forthcoming extraordinary and urgent application so as to facilitate the arrangement of an early hearing, if so directed.

Handwritten signature and initials in black ink, consisting of a large circle followed by several loops and a scribbled mark below.

6. For the sake of transparency a copy of this letter will be copied to the Presidency and it will also be referred to in the founding affidavit.
7. We trust that the above is in order and of the intended assistance to the Court.

Yours faithfully,



**Ms. T MPUMLWANA**  
**T MPUMLWANA & ASSOCIATES**

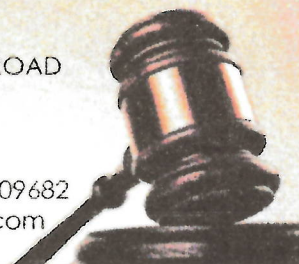
CC: The Presidency: [presidentrsa@presidency.gov.za](mailto:presidentrsa@presidency.gov.za)  
[malebo@presidency.gov.za](mailto:malebo@presidency.gov.za)





T M P U M L W A N A  
& A S S O C I A T E S

SUITE NO. 3  
450 CHE GUEVARA ROAD  
BEREA  
DURBAN  
4001  
C:0310032966/0679209682  
E: thnam39@gmail.com



Your Ref:

Our Ref: MKP/CR1/0725/TM

TO: PRESIDENT CYRIL RAMAPHOSA  
THE PRESIDENCY  
UNION BUILDINGS  
PRETORIA

DATE: 15 JULY 2025

"PER E-MAIL: [presidentrsa@presidency.gov.za](mailto:presidentrsa@presidency.gov.za) [malebo@presidency.gov.za](mailto:malebo@presidency.gov.za)"

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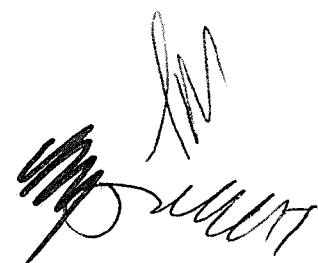
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  - 3.2. The decision to place Minister Mchunu on so-called leave-of-absence instead of removing him from the Cabinet is irrational. Mchunu has demonstrably lied to Parliament which is a criminal offence, and he irregularly disbanded the Political Killings Task Team of the SAPS. There is no rational basis for the President to burden the taxpayers with the payment of Mchunu’s salary and associated benefits for any number of months or years.
  - 3.3. To illustrate the issue, you are reminded that, as President you recently and correctly dismissed a Deputy Minister for a far more trivial transgression. Inconsistency, bias and favouritism are clear indicators of irrationality.

A handwritten signature and a large, dark scribble are located in the bottom right corner of the page. The signature appears to be written in black ink and is partially obscured by the scribble.

- 3.4. Last but not least, the decision to appoint a Judicial Commission of Inquiry is similarly irrational. To your knowledge such a Commission can only make recommendations which are not binding on the government. The appointment of a Commission in the present circumstances is nothing but an illegal stratagem to pursue ulterior motives including shielding your ANC factional allies from accountability while prolonging their access to public resources.
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6. Failure to act as stipulated in the above demand will result in Umkhonto WeSizwe taking various separate steps including but not limited to:
  - 6.1. Approaching the Constitutional Court on an urgent basis for appropriate relief;

A handwritten signature in black ink, appearing to be 'Mkhwanazi', is located in the bottom right corner of the page. The signature is written in a cursive, somewhat stylized font.

- 6.2. Tabling, (in its capacity as the Official Opposition and in collaboration with other political parties) a motion of no-confidence in the President in the National Assembly in terms of section 102 of the Constitution; and
  - 6.3. Mobilising the South African public to engage in rolling mass action and other peaceful demonstrations in terms of section 17 of the Constitution demanding your stepping down from the Office of the President
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Yours faithfully,



**Ms. T MPUMLWANA**

**T MPUMLWANA & ASSOCIATES**





Thina Mpumlwana <thinam39@gmail.com>

**RE: LETTER OF DEMAND REGARDING THE URGENT WITHDRAWAL OF THE PUBLIC ANNOUNCEMENT OF 13 JULY 2025**

1 message

Robert Hlongwane <Robert@presidency.gov.za>

To: "thinam39@gmail.com" <thinam39@gmail.com>

Cc: Makhosini Makhubele <Makhosini@presidency.gov.za>, Nomusa Zondi <Nomusa@presidency.gov.za>, Mike Louw <mike@presidency.gov.za>

Dear Mr Mpumlwana

Receipt of the correspondence addressed to the President of the Republic of South Africa, HE President Cyril Ramaphosa, is acknowledged with appi

Kind regards

Robert Hlongwane

Private Office of the President

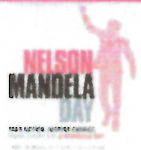
West wing, Room 65, Union Buildings

The Presidency

Tel: 012 300 5219

Website: [www.thepresidency.gov.za](http://www.thepresidency.gov.za)

E-mail: [Robert@presidency.gov.za](mailto:Robert@presidency.gov.za)



**Identify those in need around you and do what you can to make a difference with them and for them.**

Mintirho ya vula vula

From: Thina Mpumlwana <thinam39@gmail.com>

Sent: Tuesday, 15 July 2025 16:25

To: President RSA <[PresidentRSA@presidency.gov.za](mailto:PresidentRSA@presidency.gov.za)>; Malebo Sibiya <[malebo@presidency.gov.za](mailto:malebo@presidency.gov.za)>

Subject: LETTER OF DEMAND REGARDING THE URGENT WITHDRAWAL OF THE PUBLIC ANNOUNCEMENT OF 13 JULY 2025

Dear President Ramaphosa

Kindly see the attached letter for your urgent attention.

Kind regards

THINA-MA-AFRICA MPUMLWANA

7/16/25, 5:12 PM

Gmail - RE: LETTER OF DEMAND REGARDING THE URGENT WITHDRAWAL OF THE PUBLIC ANNOUNCEMENT OF 13

55

DIRECTOR

T MPUMLWANA & ASSOCIATES

SUITE NO. 3

450 CHE GUEVARA ROAD

BEREA

DURBAN

4001

TEL: 031 003 2966

CELL: 067 920 9682

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This message has been analyzed by Deep Discovery Email Inspector.

<https://www.thepresidency.gov.za/legal-disclaimers>  
<https://www.thepresidency.gov.za/legal-disclaimers>

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This message has been analyzed by Deep Discovery Email Inspector.

Handwritten signature and scribble in black ink, located in the bottom right corner of the page.

"MK5B"



**THE PRESIDENCY: REPUBLIC OF SOUTH AFRICA**  
Private Bag X 1000, Pretoria, 0001

**Ms T Mpumlwana**  
T Mpumlwana & Associates  
450 Che Guevera road  
Berea  
Durban  
4001

**Per email: [thinam39@gmail.com](mailto:thinam39@gmail.com)**

Dear Ms. Mpumlwana,

**LETTER OF DEMAND REGARDING THE URGENT WITHDRAWAL OF THE PUBLIC  
ANNOUNCEMENT OF 13 JULY 2025**

Reference is made to your dated 15 July 2025 on the above matter.

Your letter was referred to the Legal and Executive Services Unit for further processing and response.

We will not be acquiescing to your client's demands as the Terms of Reference of the Commission are not yet gazetted and the Presidential Act appointing Prof Cachalia is not yet finalized. The complaints by your client are therefore premature, ill-informed and misplaced and any approach to the courts would similarly be so affected.

We trust you find the above in order.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Mphaphuli', written over a horizontal line.

**Geoffrey Mphaphuli**  
**Acting Head: Legal and Executive Services**  
**Date: 17 July 2025**

---

Enquiries: Mr Geoffrey Mphaphuli  
The Presidency  
Tel: (012) 300 5403  
Fax: (012) 300 5780  
E-mail: [geoffrey@presidency.gov.za](mailto:geoffrey@presidency.gov.za)

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, located in the bottom right corner of the page.

**Police Minister Senzo Mchunu declares Phala Phala investigation report 'top secret'**

Kamogelo Moichela | Published 4 months ago

*Police Minister Senzo Mchunu in a written reply to a parliamentary question by Vuyo Zungula, the leader of African Transformation leader (ATM) has revealed that Phala Phala would remain a top secret.*

The Independent Police Investigative Directorate (IPID) has completed an investigation into the break-in at Phala Phala, a game reserve owned by President Cyril Ramaphosa's game farm, Phala Phala, but said this would remain a "top secret" and will not be made public.

This was revealed by Police Minister Senzo Mchunu in a written reply to a parliamentary question by Vuyo Zungula, the leader of African Transformation Movement (ATM).

Although the Public Protector's and the South African Reserve Bank's reports on Phala Phala are publicly accessible, Mchunu did not explain why the report has been classified as "top secret" and will not be made public.

Zungula inquired about the timeline for the police directorate's release of the finalised report, the reasons behind the delays in its publication, and the current status of the report.

Mchunu's response was "IPID has completed its investigation and the Recommendation Report was referred to the SAPS on October 3, 2023 for implementation. IPID received the outcome from SAPS and was satisfied with the response.

"The Investigation Report has been classified "Top-Secret" in terms of the paragraph 3.4.4 of the Minimum Information Security Standards (MISS) and as such, until it is accordingly declassified, it would not be released for public consumption."

On why the report was delayed, Mchunu said it was impermissible to make available a classified report for the purpose that ATM has requested it for.

"In essence, there is no delay in making the report available, but it is not allowed to make it available," he added.

Mchunu said IPID was enjoined by its establishing Act to operate independently and impartially and to function free of undue influence.

IPID had investigated the actions of VIP protection officers assigned to Ramaphosa.

These officers were alleged to have embarked on an extensive and misguided search in Namibia to locate the US dollars reportedly stolen from the president's farm in Limpopo in 2020.

Meanwhile, the South African Reserve Bank (SARB) has cleared President Ramaphosa of any wrongdoing following its investigation into the millions of undisclosed foreign currency stolen from his Phala Phala farm in 2020.

In October, the National Prosecuting Authority (NPA) decided not to pursue charges against Ramaphosa in connection with the Phala Phala incident.

This decision came after a comprehensive review of all pertinent evidence, which had been submitted by the Hawks for evaluation.

