



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**NATIONAL ASSEMBLY**  
**MEMBER OF PARLIAMENT**

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3 July 2019

President of the Republic of South Africa  
His Excellency  
Hon. Mr C Ramaphosa  
Parliament of the Republic of South Africa  
P.O. Box 15  
Cape Town  
8000

Dear Mr President

I have been following the supposed disagreements between yourself and the Public Protector, Adv Busisiwe Mkhwebane, in the media with consternation, since public disagreements between persons who hold high offices under the Constitution have the capacity to undermine public confidence in the Constitution itself.

It is also reported that you are preparing a review application in anticipation of the Public Protector's final Report on the matter of the alleged donation by Mr Gavin Watson to your election campaign in 2017. This is, of course, your right. However, what would concern us would be if you were using taxpayers' money in exercising this right.

You will be aware that the DA mounted a court challenge to set aside the decision by the Presidency to pay, or to underwrite, your predecessor, Mr Zuma's legal bills arising from his "Stalingrad defence" on criminal charges he was facing. The Court found in our favour (and recently dismissed Mr Zuma's application for leave to appeal the judgment). At issue in this case was whether the State Attorney was correct in covering Mr Zuma's legal expenses in a matter that was allegedly committed by Mr Zuma in his private capacity. In the event, the Court found –

It is declared that the State is not liable for the legal costs incurred by Mr Jacob Gedleyihlekisa Zuma (Mr Zuma) in his personal capacity in criminal prosecutions instituted against him, in any civil litigation related to or incidental thereto, and for any other associated legal costs.

Indeed, the Court quotes your views approvingly in paragraph 68, as follows –

And, as was said by President Ramaphosa, it is 'a fundamental principle that public money should not be used to cover the legal expenses of individuals on strictly personal matters'.

I originally referred the issue to the Public Protector following the disclosure that an amount of R500 000 had allegedly been paid by Mr Gavin Watson to the fund that was established to finance the campaign to elect you as President of the ANC, and the equivocal way in which you addressed this issue in an answer to a question put to you by me in the National Assembly. Furthermore, it appears that the donation was never disclosed by you as required by the

Executive Member's Ethics Act 82 of 1998 ("the Act") and more specifically the Ethics Code of Conduct ("the Code")


If the facts are correct, the donation would have been made to you, not as the then Deputy President of South Africa, but as a private citizen seeking elective office in the ANC. As you are well aware, the Code read with the Act obliges you to disclose donations like these and prohibits exposing yourself to a situation involving the risk of conflict between your official responsibilities and your private interest (an internal presidential campaign within the ANC to which the funds received related).

I would therefore seek an unequivocal undertaking that you do not intend or will use the services of the State Attorney, or that you will cause the State Attorney to pay legal practitioners on your behalf relating to the above subject matter.

I would request that you revert to me with this undertaking no later than 16h00 on Friday 5 July 2019.

We reserve our rights in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mmusi Maimane'.

**Mmusi Maimane MP**  
Leader of the Official Opposition