



Gauteng North Regional Office
Regional Chairperson: Mpho Mehlape-Zimu
Regional Campaign Co-ordinator: Busi Khumalo
Regional Support Services Coordinator: Kamo Sithole
Tel: +27 12 343 1358
www.da.org.za
501 MidCity Square, Jorissen Street, Sunnyside, 0002

2 September 2022

The Public Protector
Lunnon Street
Hatfield
Pretoria

By hand

Dear Madam,

Complaint against the Economic Freedom Fighters (EFF) and Cllr Godwin Ratikwane (City of Tshwane, PR) for breach of the Constitution of South Africa 1996 and the Code of Conduct in the Local Government: Municipal Structures Act, 2000

For the reasons set out in this letter below, I write to you to lodge a formal complaint to your offices for investigation against both the Economic Freedom Fighters (EFF) as a registered political party that holds office as elected public representatives within the City of Tshwane Municipal Council and various other spheres of government, as well as the City of Tshwane Councillor Godwin Ratikwane. The complaints have a direct reference to the recent unlawful land invasions of privately owned property in Olievenhoutbosch, Centurion, Pretoria from Friday 26 August and which is still currently underway.

1. In terms of Section 181 of the Constitution the Public Protector has a duty to protect and strengthen constitutional democracy and is subject only to the constitution and the law.
2. Section 182 of the Constitution says that the Public Protector has the power as regulated by the National Legislation to investigate any conduct in state affairs, or the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice.

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3. We, therefore, wish to lodge a formal complaint in terms of the following:

3.1. In terms of Section 25 of the Constitution states that: No law may permit arbitrary deprivation of property, and that property may be expropriated only in terms of the law and subject to compensation as agreed either by a court or by the affected parties. The land invasions in Olievenhoutbosch are a direct infringement of the constitutional rights of property owners as set out in the constitution.

3.2. Item 13(1) of the Code of Conduct for Councillors in the Local Government: Municipal Structures Act to lodge a complaint against Councillor Godwin Ratikwane, a PR councillor of the City of Tshwane. Item 13(1) provides the following:

'If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must –

- a. *authorise an investigation of the facts and circumstances of the alleged breach;*
- b. *give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and*
- c. *report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.'*

4. In this respect, I refer to the attached screen grab of a tweet by the Economic Freedom Fighters (EFF) in Gauteng dated 27 August 2022 at 15h19 (marked **EFF Land Invasion Tweet 1**). The Twitter handle is @EFFGautengProv, an official communication platform of the party concerned. For ease of reference, I will call this '*the first tweet*'. The first tweet, along with a second one, forms the basis of my complaint against Councillor Ratikwane. I confirm that both screen grabs referred to in this email were taken by me on, 29 August 2022.

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5. The first tweet states the following: '*{ HAPPENING TODAY} The EFF is Tshwane Ward 77, OLIVEN, is giving out land for free. Come and get land for free today. / Venue: R55, Oliven. / Contact, Cllr Godwin Ratikwane – Rabotoakama at +27 -83 260 8823.*' Included in the tweet are photos of structures being erected on the land in question.
6. In the next two days, tracts of public and private land were unlawfully occupied in ward 77 as well as the neighbouring ward 106 in Tshwane. I have in my possession at least one case number relating to a complaint of trespassing. The matter has also been widely reported in the media, and at the time of writing this, I am informed that the Tshwane Metro Police Department and the South African Police are planning operational meetings to deal with the situation.
7. A day after the first tweet, @EFFGautengProv tweeted the following update which I will call the second tweet for ease of reference: '*Day 2 of Land expropriation in Ward 77, TSHWANE, / The BCT Managed to stop and returned 16 vehicles full of SAPS, Public order policing, JMPD and TMPD. / #OurLandNow.*' I attach a screengrab of this Tweet, which is marked **EFF Land Invasion Tweet 2**. Included in the second tweet are photos of crowds of people as well as vehicles of the Johannesburg and Tshwane Metro Police Department. Notably, the second tweet was retweeted by what seems to be Councillor Godwin Ratikanwane, using the Twitter handle @godwinratikwane. The Twitter profile of this account includes the following telephone number 0729192944.
8. Read together the first and second tweets constitute an incitement to commit an offence, namely trespassing, the object of which was to cause public and private land to be unlawfully occupied. This is in fact what happened in wards 77 and 106, and at a great disadvantage to the City of Tshwane and the community in general. Councillor Ratikwane's details were distributed to the public as the contact person for these unlawful occupations, and he freely associated himself with this act.

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9. Regardless of whether Councillor Ratikwane's actions caused the unlawful land invasions, or whether he has only promoted them, I believe that he has breached his duties in terms of Item 2 of the Code of Conduct for Councillors to:

'... perform the functions of his office in good faith and honesty.... and at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.'

10. It is further noted that during these land invasions, the EFF distributed an infographic, attached hereto and for ease of reference it will be referred to as **TWEET 3** a notice to all members of the Olievenhoutbosch community to gather at the R55 on Monday at 5 am to protest for services. This protest was further widely reported on in the media which resulted in further damage to the public roads and property within the community as well as an obstruction by the EFF on the R55.
11. Tweet 3 read with further comments on a posting attached hereto as **TWEET 4**, one would note that Councillor Ratikwane committed himself and what we would believe is his party, the EFF to install services to the newly occupied land. The discussion continues where he calls on the community to put forward names for the new community that is being established unlawfully on the privately owned land.
12. We engaged the community who invaded the land unlawfully and they informed us that the EFF has had numerous meetings within Olievenhoutbosch over the past few weeks to prepare them for the land invasion. This incitement by the EFF to involve poverty-stricken people in illegal criminal activities as set out above is an infringement of their human rights as set out in Section 10 and Section 27 of the constitution. The invasion of private and public land, that is uninhabitable without the required services, such as water and basic infrastructure is a direct infringement of their dignity. The councillor and the EFF do not have the right to make promises such as these as set out in the tweets as this requires both a council resolution and a budgetary implication.

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This is a further infringement of the constitutional rights of the I further believe that an investigation into the conduct of the EFF and Councillor Ratikwane is not only warranted but peremptory.

Your urgent attention and investigation herein would be much appreciated, and we look forward to your response herein.

Regards,

Crezane Bosch, MPL

Member of the Gauteng Provincial Legislature

066 010 1035

crezaneb@da.org.za

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TWEET 1:

10:24
Search


← Tweet

 **EFF Gauteng**
@EFFGautengProv

{ HAPPENING TODAY} The EFF in Tshwane Ward 77, OLIVEN, is giving out land for free. Come and get land for free today.

VENUE: R55 , Oliven.

Contact , Cllr Godwin Ratikwane - Rabotoakana at +27 83 260 8823 .



15:19 · 2022/08/27 · Twitter for Android

445 Retweets 346 Quote Tweets 1 544 Likes

Reply Retweet Like Share

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Home Search Activity Notifications Messages

TWEET 2:

10:23
WhatsApp

← Tweet

 Godwin Ratikwane Retweeted

 **EFF Gauteng**
@EFFGautengProv

Day 2 of Land expropriation in Ward 77, TSHWANE,

The BCT Managed to stop and returned 16 vehicles full of SAPS, Public order policing, JMPD and TMPD.

[#OurLandNow](#)



18:02 · 2022/08/27 · Twitter for Android

75 Retweets 36 Quote Tweets 282 Likes

Reply Retweet Like Share

Tweet your reply

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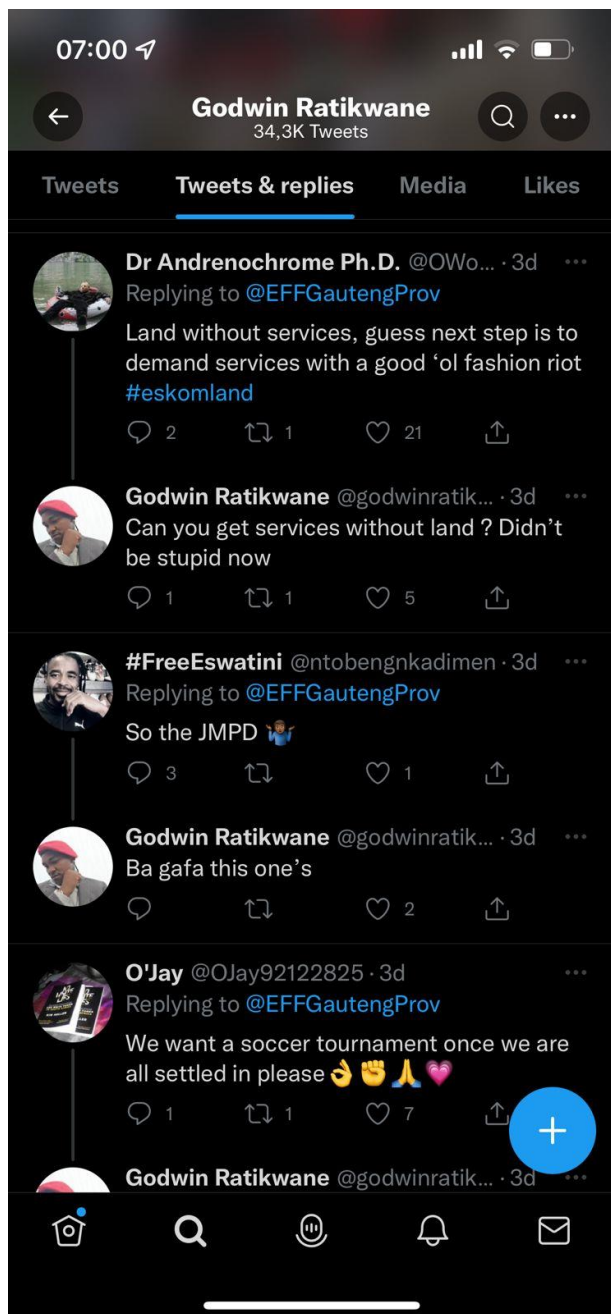
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Radical Protest Against Mayor Randall Williams



Lack of Service Delivery in the Townships

26 Billion Energy Corruption Land Occupation

Venue: Olievenhoutbosch
Time: 05:00 AM
Date: 29 August 2022

RANDALL WILLIAMS MUST RESIGN

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