



ANC TODAY

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NPA DECISION | BY JESSIE DUARTE

The lessons we need to learn from political interference



VIEW

On Monday morning we witnessed the momentous public statement of the Acting Director of the National Prosecuting Authority (NPA), Mokotedi Mpshe, when he announced, "I have come to the difficult conclusion that it is neither possible nor desirable for the NPA to continue with the prosecution of Mr Zuma."

Watching the NPA's press conference was sobering, not so much for the decision it communicated, but for the information it laid plain about the extent of political manipulation of our legal processes.

POINT

So tainted was the case against ANC President Jacob Zuma that Mpshe felt he had no option but to drop the charges and halt the prosecution. It was clearly a difficult decision, taken after careful consideration of the law and the demands of justice.

Zuma has maintained his innocence throughout, and has long complained that the investigation and prosecution were politically motivated. Despite this, he has submitted himself to the legal process, offering cooperation and appearing in court as required. He has also availed himself of those legal remedies he considered necessary to protect his rights.

He has never asked for special treatment; only to be accorded the same rights as any other citizen, and to be treated in a fair and even-handed manner. Long before Mpshe made his announcement this week, it should have been clear to all but the most blinkered observer that this had not been the case. This was borne out by earlier findings of the Public Protector and the judgement of Judge Nicholson in the Pietermaritzburg High Court last year.

We are also sending out our candidates and campaign workers to localities across the country to meet with voters directly. They are going from house to house to discuss our plans with the people, and to elicit their views and concerns. This is supported by our above-the-line advertising campaign.

The information that has come to light about the alleged activities of Leonard McCarthy and Bulelani Ngcuka should be a matter of grave concern to all South Africans who value a law-governed society, in which legal institutions are able to perform their functions without fear or favour.

The NPA's decision to drop the charges was greeted, for the most part, with delight and celebration across the country. This was understandable. But this celebration was tinged with regret and anger; regret that the institutions of our young democracy had been manipulated in this way, and anger at what Zuma and his family had to go through over the better part of the last decade.

This has been a divisive and traumatic experience for the ANC, that has been felt across society, which, it now seems, was neither necessary nor warranted. We have to move forward as a nation, the challenge we face as a country is to learn the lessons of this experience.

WEEK IN REVIEW

Drivers go on strike | Road haulage drivers go on strike demanding a living wage and better working conditions. Unions speak out against violence and intimidation, calling on workers to observe the traditions of COSATU unions of peaceful, orderly and disciplined protest.

Charges against ANC President withdrawn | The National Prosecuting Authority withdraws all charges against ANC President Jacob Zuma following evidence of political interference in the case against him. Zuma calls on South Africans to work together to ensure that such abuses never happen again.

Struggle veteran Ivy Matsepe-Casaburri dies | Dr Ivy Matsepe-Casaburri, Minister of communications and veteran ANC leader, passes away after a long illness. She served the people of South Africa with distinction in exile and in government.

COSATU Deputy President Violet Seboni dies | Violet Seboni, Deputy President of the Congress of South African Trade Unions (COSATU), is killed in a car accident while travelling to Mafikeng in North West for an ANC election event. She made an immense contribution in the fight for the rights of workers. Her death has robbed COSATU, the Alliance and the country of a committed cadre.

The first of these is that we should not rush to judgement. Within the media, and among certain sections of society, Zuma was tried and found guilty a long time ago. His complaints of a political conspiracy were taken simply as the desperate measures of someone trying to escape justice. So too were the court actions he brought to protect his rights.

The second lesson is that state institutions need to be scrupulous in the implementation of their mandate, free from ulterior motive, or external interference. In short, they need to do things by the book. It will take some time for the NPA to recover from this crisis of confidence. Its credibility has been badly undermined, and its integrity deeply affected.

In some ways, the recovery has already begun. The NPA's open admission of the problem is a step in the right direction. We should welcome the manner in which Mpshe explained his decision, laying bare both his reasoning and the information that he had received - and revealing the discussions that had taken place within the NPA and the different views held.

The third lesson to be learnt is that those individuals who occupy positions of responsibility in state institutions must be accountable first and foremost to the Constitution, the law and the mandate of their institutions. Their background, political affiliation or other associations should not be allowed to cloud their judgement.

This is a discipline that we need to inculcate in all individuals who occupy such positions. We must accept that involvement in the struggle is neither a qualification for, nor a disqualification from, being appointed to such office. We must resist the calls of those, like the Democratic Alliance, who would deny freedom fighters the opportunity to serve in such positions. The issue is not what a person did in the struggle, nor what party they support today, but how they act when in office.

The fourth lesson is that there needs to be adequate oversight of all state institutions. In his response to the withdrawal of the charges, Zuma called for the oversight role of Parliament to be strengthened, and said that the findings and recommendations of Chapter 9 institutions like the Public Protector needed to be taken seriously and acted upon. The NPA would also need to look at its own internal monitoring and oversight mechanisms. And while we're at it, we should also beef up the capacity of the office of the Inspector-General on Intelligence and the Independent Complaints Directorate, which investigates complaints of misconduct by the police.

The fifth lesson is for the ANC. The organisation needs to acknowledge that the legal manipulation that took place was primarily meant to influence processes around the election of ANC leadership. It comes in the wake of allegations about the abuse of state institutions, positions and resources to influence leadership contests at other levels of the organisation. It also makes it plain that there are people outside of the movement who have an interest in the outcome of elective conferences of the ANC, opening the door to external meddling in what should be purely internal processes.

This is a matter that the ANC has been trying to address since Polokwane, primarily through the reconstruction and revitalisation of its structures. By ensuring that the responsibility and capacity for determining the direction of the organisation lies with the members at branch level, we will minimise the opportunity for manipulation of organisational processes.

The sixth lesson is related. It is that a society in which the populace is actively involved in the political process, in which public representatives and officials feel accountable to those they're supposed to serve, such a society is more resistant to the abuse of power. If we want to avoid such an episode in the future, we need to deepen participatory democracy and strengthen public accountability.

The decision to drop the charges was not universally welcomed. Those parties that had set up the prosecution of Zuma as the main plank of their electoral platform are clearly upset. There are media players who have quite literally made their living off this case. And there are legal experts (and non-experts) who would have reached a conclusion different to Mpshe. But the reality is that the NDPP has been given the power and responsibility to decide whether or not to prosecute a case. He has exercised that decision, consistent with the law and the Constitution.

THIS WEEK IN HISTORY

16 April 1990: Former President Nelson Mandela says 'thank you' to the world at a concert at Wembley Stadium in London for their support for the anti-apartheid struggle. The concert was held a few months after he was released from prison and was attended by over 72,000 people and watched on TV by many millions globally.

10 April 1993: SA Communist Party General Secretary Chris Hani is gunned down as he gets out of his car in the driveway of his Boksburg home. His death sent shockwaves around the country, threatening to derail the negotiations process.

15 April 1996: The Truth and Reconciliation Commission begins its formal hearings in East London. Set up to deal with violations during the apartheid era, it heard testimonies from South Africans about political crimes, violence and human rights abuses.

As South Africans we will need to accept that decision; draw what lessons we can from this experience; and move on to build the kind of society in which all South Africans can live in peace, free from want, and secure in their rights.

>> Jessie Duarte is a member of the ANC National Executive Committee and
>> Head of Communications.

CHRIS HANI

We dare not fail the memory and the sacrifices of this gallant fighter



Since the assassination of Martin Thembisile 'Chris' Hani on 10 April 1993, the SACP declared April the 'Chris Hani Month' in honour and memory of this gallant son of the soil and a communist till the end. But this 16th anniversary is of particular significance.

The 16th anniversary of the assassination of Chris also coincides with the 40th anniversary of that historic ANC Conference, the Morogoro Conference, held in Tanzania in 1969. There are a number of significant aspects about this conference. It was the first ANC conference held in exile after the banning of the ANC in 1960. The conference also came in the wake of the very first serious experiences of attempted infiltration of Umkhonto WeSizwe (MK) guerrillas into South Africa, through the Wankie-Sipolilo campaign in 1967.

If there is one individual who has been prominently associated with the events that immediately led to the convening of the Morogoro Conference, it was Chris Hani. Vladimir Shubin, in his book 'ANC: A View from Moscow' (the 2008 second revised edition), cites from excerpts (below) of a memorandum signed by Chris Hani and seven other commanders and commissars of MK sent to the leadership of the ANC. This memorandum, amongst others, spoke about the state of the movement as Chris and others saw it, including 'the frightening depth reached by the rot in the ANC and disintegration of MK accompanying this rot'

The Memorandum also demanded of leadership to be 'committed to the resolution and programme of going home to lead the struggle there. (A) Leadership vacuum in South Africa could result in a situation where our people will be deceived by the opportunists of all shades'. It also called upon those leaders frequenting international conferences and 'other globe trotting activities' to reduce these 'to a reasonable few' so that 'the remainder should work round (the) clock. at the home front'.

Significantly, Shubin, citing from the memorandum, also refers to the complaints against differential treatment of cadres in exile, some being allowed to attend universities, having cars and salaries, whilst others were expected to be in the camps in the bush. The memorandum further complained about what Chris and the other signatories described as the building of a stratum of a middle class within the ANC.

Though Chris Hani was to pay hard for this, until Oliver Tambo intervened, including being excluded from attending the Morogoro conference, this memorandum is regarded in some of the ranks of the movement as the precursor to Morogoro. It is a testimony to Chris' bravery, forthrightly raising tough issues within the organisation, and also perhaps a warning about the dangers of the bourgeoisification of the ANC; the dangers of the emergence of a 'class project', at odds with the mass and revolutionary character and overall objectives of the ANC.

Chris Hani embodied, and he lived and died as a cadre and leader of both the SACP and the ANC. As we celebrate his life, we are also celebrating the vision contained in the 'Native Republic Thesis'.

As we are in the middle of our election campaign people are positively responding in their millions to the message of the ANC as contained in the Manifesto. SACP cadres are also out in their numbers engaging our people in the townships, in the rural areas, in the informal settlements and in their various workplaces.

LATEST STATEMENTS

[ANC distances itself from reported C... comments](#), 8 April 2009

[ANC condemns fake posters](#), 8 April 2009

[ANC Statement on the SABC](#), 7 April 2009

[ANC pays tribute to Comrade Ivy Matsepe- Casaburri](#), 7 April 2009

[ANC welcomes NPA decision to drop charges against ANC President Jacob Zuma](#), 6 April 2009

[ANC statement on the death of Cosatu Deputy President Violet Seboni](#), 4 April 2009

[ANC statement on white minority groups](#), 3 April 2009

[ANC to prioritise campaign against Aids](#), 3 April 2009

LATEST SPEECHES

[Speech by ANC Treasurer General M... Phosa to Progressive Business Forum breakfast, Gallagher Estate](#), 8 April 2009

[Remarks by ANC President Jacob Zuma after the formal withdrawal of charges by the Durban High Court](#), 7 April 2009

[Address by ANC President Jacob Zuma on the 30th Anniversary of the execution of Solomon Mahlangu](#), 4 April 2009

[Notes for address by ANC Treasurer General Mathews Phosa to minorities meeting](#), 4 April 2009

Chris would have been very proud of the key commitments made in the ANC Manifesto. These are in line with some of the SACP mass campaigns he led in the early 1990s, notably our popular 'Triple H' campaign to fight hunger, homelessness and the struggle for health for all. The themes of rural development, land and agrarian reform, quality jobs, prioritisation of health for all as contained in the ANC Manifesto are all integrally linked and an advancement of the 'Triple H' campaign.

From now onwards, during this month of April, we will deepen our electoral work in honour and in memory of Chris, guided by our commitment - of which he was a prime example -that, 'Communists are the first to enter the battlefield, and the last to leave'!

We dare not fail the memory and the sacrifices of this gallant fighter. Communist cadres to the front, for an overwhelming ANC electoral victory, during this, the Chris Hani Month!

>> This is an edited extract from the SACP Journal, Umsebenzi Online Volume 8 No 6

ELECTION 2009

No excuse for violations of electoral code

The African National Congress distances itself from comments reportedly made by Congress of SA Students (COSAS) President Wesley Kgang in Vryburg, regarding the removal of opposition party posters.

The ANC has signed a pledge to uphold the Electoral Code of Conduct. We have consistently called on our own members and supporters, as well as those of other parties, to adhere to this code.

Violations of the Code of Conduct are criminal offences punishable with imprisonment of up to 10 years. We view any violation of the Code as an attack on the democratic values that underpin our Constitution.

The ANC will investigate any allegations of Electoral Code violations by its members, and, where necessary, will take appropriate disciplinary steps.

UPCOMING EVENTS

ANC President attending church service

Sunday, 12 April 2009
11h00: Zurbekom, North West

ANC President attending Sultan Bahu Fete

15h00: An annual Muslim event that takes place at the Jubilleum Ground, 3rd Avenue in Mayfair

ANC President will be visiting KZN Province

Monday 13 April 2009

Bhambanana village
09h00: ANC Rally at Phungaza Sports Ground, Bhambanana village, KwaNyawo, Jozini
15h30: Hluhluwe rally at Hluhluwe sports field
18:30: Meeting with Amakhosi (North Coast and Far North) uMhlathuze Coucil Chamber, Richards Bay

Tuesday 13 April 2009

Nkandla
09h00: Fencing of pastures' project launch at Ntolwane Primary School, Nkandla

Empangeni

11h30: Rally at Ngwelezane Sports field, Empangeni
14h00: Sectoral meeting (taxi industry, farmers and religious leaders) at Empangeni Town Hall
19h00: Attending a Phoenix Church Service at Grace Outreach International Church, 1 Spire St, Stonebridge, Phoenix. (Corner Phoenix Highway and Spire St next to Teachers Centre).

Wednesday 15 April 2009

10h00: Maqongqo community meeting, Maqongqo Sports Ground, Table Mountain.
12h00: Vulindlela community meeting Sweetwaters Stadium, Edendale, Pietermaritzburg.
15h00: ANC Mini Rally, Woodfort Sports Ground, Bergville