

African National Congress



National Disciplinary Committee (NDC)

OFFICE OF THE CHAIRPERSON: CDE EDNA MOLEWA

**IN THE NATIONAL DISCIPLINARY COMMITTEE (NDC) HELD
ON 31 MAY 2018 AT LUTHULI HOUSE, JOHANNESBURG**

Case No. 3/2018

In the appeal of:-

JOHANNES SETSOMA

First Appellant

VICTOR MALEFANE

Second Appellant

THABANG NKANI

Third Appellant

JOSEPH RAMMELA

Fourth Appellant

PHUMZILE MASUKU

Fifth Appellant

and

AFRICAN NATIONAL CONGRESS

Respondent

FINDING

Background

1. The Appellants were charged for contravening Rules 25.17.4; 25.17.6; 25.17.9; 25.17.11 and 25.17.15 of the ANC Constitution.

2. The ANC alleged that on 11 November 2017 the Appellants violently disrupted the ANC Clarence Lukhele Branch General Meeting which was held at the Melody Intermediary Primary School in Ekurhuleni. The Appellants were alleged to have assaulted members of the branch.
3. The ANC further alleged that on 18 November 2017 some of the Appellants and others again disrupted the branch meeting at the Melody Intermediary Primary School.
4. The Gauteng PDC found the Appellants guilty of contravening some provisions of Rule 25.17 and not guilty on others as detailed below.
5. The sanctions imposed by the PDC were as follows:-
 - 5.1 1st Appellant – suspended for 3 years;
 - 5.2 2nd Appellant – suspended for 3 years;
 - 5.3 3rd Appellant – expulsion
 - 5.4 4th Appellant – suspended for 3 years; and
 - 5.5 5th Appellant – suspended for 2 years.
6. By agreement, the disciplinary proceedings were consolidated as a matter of convenience in a single hearing against all 5 charged members.
7. The Appellants appealed against the PDC finding and raised the following Grounds of appeal:-
 - 7.1 In respect of all 5 Appellants common purpose was not proved and no evidence was adduced to prove that they undermined the respect for or impeded the functioning of an ANC structure as contemplated in Rule 25.17.11 of the ANC Constitution.
 - 7.2 1st Appellant argued that no attempted theft was proved and ‘intention’ as an element of theft was also not proved.
 - 7.3 2nd Appellant argued that attempted theft was not proved and ‘using movement of the eyes’ to make a guilty finding is absurd.
 - 7.4 3rd Appellant argued that the PDC did not take into account material

