

African National Congress



National Disciplinary Committee of Appeal (NDCA)

OFFICE OF THE CHAIRPERSON: CDE JEFF RADEBE

**IN THE NATIONAL DISCIPLINARY COMMITTEE OF APPEAL
(NDCA)**

HELD AT ST. GEORGE HOTEL, IRENE, PRETORIA

ON FRIDAY 27 NOVEMBER 2015

CASE NUMBER: 3/2015

In the application of

**THE CHAIRPERSON
KWA ZULU NATAL PDC**

Applicant

In the matter between

AFRICAN NATIONAL CONGRESS

Complainant

AND

**SAM DUMA
NHLANHLA MNGWENGWE
NOLUBABALO MTHEMBU
SAMUKELISIWE SISHANGE**

Charged Members

NDCA RULING

PDC request for extension of time

1. On 5 November 2015 the Chairperson of the PDC in Kwa Zulu Natal applied to the NDCA in terms of Rule 25.53 of the ANC Constitution for an extension


provoking divisions or impacting negatively on the unity of the ANC.


9. In the view of the NDCA, the ANC would have to lead more substantive evidence to sustain a conviction for contravening Rule 25.17.6 or Rule 25.17. 9 of the ANC Constitution.
10. Consequently, the NDCA is of the view that the PDC should not continue with the two charges for contravening Rule 25.17.6 or Rule 25.17. 9 of the ANC Constitution.
11. Insofar as the remaining charges are concerned, the NDCA is satisfied that a prima facie case exists for the PDC to continue with the disciplinary hearing against the charged members on these charges.
12. On the last two sittings, the PDC could not continue with the hearing due to the unavailability of the representative of the charged members.
13. Consequently, no fault can be attributed to the PDC for failing to finalising the disciplinary hearing within the prescribed time stipulated in the ANC Constitution.

NDCA Finding

14. The PDC should withdraw the charges for contravening Rule 25.17.6 and 25.17.9 of the ANC Constitution.
15. The PDC's application for an extension of time is granted.
16. The PDC Chairperson is directed to send a strongly worded letter to the charged members that the ANC would not tolerate their dilatory conduct and that should their representative not appear on the next date of the hearing, the proceedings will continue in the absence of their representative.

Dated at Irene, Pretoria on this 27th day of November 2015


NALEDI PANDOR
MEMBER


JEFF RADEBE
CHAIRPERSON
NDCA

PRAVIN GORDHAN
MEMBER