

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 SATURDAY 22 AND SUNDAY 23 NOVEMBER 2014

CASE NUMBER: 9/2014

In the application of

ZOLILE MASIMINI

Applicant

In the matter between

AFRICAN NATIONAL CONGRESS

Complainant

AND

ZOLILE MASIMINI

Charged Member

NDCA RULING

1. The Eastern Cape PWC suspended the Applicant on 27 October 2014 pending the institution of disciplinary proceedings against him.

2. The PWC alleged that on 28 September 2014 the Applicant provided false information to the media relating to a meeting held by the NWC when it visited the Chris Hani region.
3. The Applicant applied to the NDCA to set aside the temporary suspension on the grounds that the PWC chose to believe the editor of the newspaper concerned, the allegation was not true and that it was a once-off incident which did not justify a suspension.
4. The disciplinary hearing is scheduled to commence today in King Williams Town.

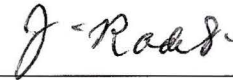
EVALUATION BY NDCA

5. The visit by the NWC to the region was a high profile event which generated much interest among members in the region. As such, members were prone to believe as true whatever is said in the media about the meeting.
6. The alleged conduct of the Applicant, if proved at the disciplinary hearing, constitutes a serious breach of the ANC Constitution and would put the orderly functioning of the ANC at risk.
7. Misinformation is a very destabilising act and threatens the stability of the ANC.
8. Other than a bare denial and that the alleged misconduct was a once-off act (which will be tested at the disciplinary hearing), the Applicant has not provided any assurance to the PWC that he will not conduct similar acts in the future.
9. The Applicant did not deny speaking to the journalist nor is it likely that the journalist or the editor of the newspaper concerned will appear before the disciplinary inquiry to substantiate the contents of the media statement.
10. In the circumstances of this case, the interest of the ANC to maintain order and stability within the organisation takes precedence over any prejudice which the applicant may suffer by his temporary inability to participate in the activities of the organisation during his disciplinary hearing.
11. The high premium placed by the ANC on maintaining orderly functioning is underpinned by Rule 25.58 which authorises structures of the ANC to suspend a member telephonically and without prior notice.

NDCA Ruling

12. The application to set aside the temporary suspension is dismissed.

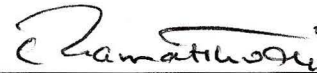
Dated at Irene, Pretoria this 23rd day of November 2014



**JEFF RADEBE
CHAIRPERSON
NDCA**



**NALEDI PANDOR
MEMBER
NDCA**



**NGOAKO RAMATLHODI
MEMBER
NDCA**

**SANKIE MTHEMBI-
MAHANYELE
MEMBER
NDCA**