

President Ramaphosa drops legal challenge against Section 89 report

Presidential spokesperson Vincent Magwenya says President Cyril Ramaphosa will no longer pursue a legal application to have the Section 89 panel's report into his conduct during the Phala Phala incident reviewed and set aside.



Image: South African President Cyril Ramaphosa responds to National Assembly members' questions in parliament in Cape Town, South Africa, 3 November 2022. Reuters/Esa Alexander/File Photo

Magwenya was briefing the media on the President's diary for the next week and topical issues in the media.

The panel had found that the President may have seriously violated sections 96(2)(a) of the Constitution and Section 34(1) of the Prevention and Combating of Corrupt Activities (PRECCA) Act thus violating his oath of office – an allegation President Ramaphosa has vehemently denied.

“The President has been advised – which advice he has accepted – that the panel report and all issues associated with it have become moot and they are of no practical and legal consequence because on 13 December 2022 the National Assembly decided to reject the motion to refer the panel report to an impeachment committee. While that decision remains valid, the Section 89 panel report carries no weight in law.

“The President has thus been advised not to institute proceedings before the High Court for review and setting aside of the panel report at this stage. President Ramaphosa reserves his right to bring such proceeding in due course, should the circumstances change.

“The President maintains his position set out in his founding affidavit before the Constitutional Court that the panel report is reviewable in law on several grounds including the misconception of its mandate, the grave errors of law and the unfounded conclusions of fact,” Magwenya said.



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He explained that the President has noted the decision of the Constitutional Court not to “engage with the merits of the application he instituted” in that court to have the report set aside.

“In the first part of the President’s review application, he sought leave to bring the case directly to the Constitutional Court because it was, according to the advice he received, a matter that fell within [the Constitutional Court’s] jurisdiction and in the interest of justice. In the second part, he asked that the report of the panel be reviewed, declared unlawful and set aside.

“The Constitutional Court’s decision was on the grounds that the application is not within the court’s exclusive jurisdiction and no compelling case for direct access was made. The President respects the ruling of the Constitutional Court,” he said.

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