

MEDIA STATEMENT

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Advocate Busisiwe Mkhwebane, a South African black woman and Patron of the Busisiwe Mkhwebane Foundation, has faced egregious injustices at the hands of President Ramaphosa's corrupt government. As a professional, she was forcibly impeached from her position as Public Protector due to her unwavering commitment to upholding the law and protecting the rights of the marginalized. Her refusal to shield the crimes of the "untouchables" and prioritize the interests of the powerful over the vulnerable led to her impeachment but also denied her the gratuity she rightfully earned. Her persecution serves as a stark reminder of the systemic injustices that perpetuate inequality and protect the interests of the corrupt elite.

The Busisiwe Mkhwebane Foundation is a non-profit organization dedicated to advancing social justice and equality for marginalized communities and black professionals. We aim to address the systemic barriers and biases that perpetuate inequality and to empower individuals and communities to reach their full potential. Through our work, we seek to create a society that values diversity, inclusivity, and human rights.

Paying a gratuity to Mkhwebane, who was removed as Public Protector for misconduct & incompetence, would "threaten the founding & fundamental constitutional value of accountability," stated National Assembly Speaker Thoko Didiza in court papers | @gerbjan



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Mkhwebane not entitled to R10-million gratuity



It is astonishing that Advocate Busisiwe Mkhwebane has not received her gratuity, despite the clear provisions of the Basic Conditions of Employment Act (BCEA). The Act unequivocally states that an employer is obligated to pay an employee a gratuity upon termination of employment, provided the employee has completed a minimum of 24 months of continuous service. Thoko Dikiza's the Speaker of the GNU Parliament in her submission in court papers about the refusal to pay Advocate Mkhwebane her gratuity while simultaneously invoking the Constitution and accountability, are utterly perplexing.

The Speaker's refusal to grant Advocate Busisiwe Mkhwebane her gratuity is purportedly based on Section 194 of the Constitution. However, a closer examination of this section reveals that it does not provide any grounds for withholding gratuity from someone who has been removed from office. In fact, Section 194 is silent on the matter of gratuity entitlements in the event of removal. The Speaker's reliance on this section as a basis for denying Advocate Mkhwebane her gratuity is therefore misplaced and unjustified. This is part of her affidavit she submitted to court .

The Speaker's assertion that Advocate Busisiwe Mkhwebane is undeserving of gratuity due to alleged incompetence, misconduct, and incapacity is a gross misrepresentation of the facts. The Section 194 enquiry failed to substantiate these claims, and evidence presented during the impeachment inquiry contradicts these allegations.

The Speaker is in contempt of Judge Collis J's order, which directed the Public Protector to file a record within 24 hours. Despite this clear directive, the current Public Protector failed to comply, prompting the court to impose a punitive costs order. This blatant disregard for the court's authority and the rule of law is a serious transgression, and the Speaker's actions only serve to exacerbate the situation.



Furthermore, Advocate Mkhwebane boasts a sterling track record, achieving three consecutive clean audits - a feat her predecessors failed to accomplish. This achievement underscores her commitment to excellence and integrity in her role as Public Protector.

The relentless pursuit of Advocate Busisiwe Mkhwebane is a testament to her unwavering commitment to challenging white supremacy. Her courageous stand has made her a target of unrelenting persecution, as those who seek to maintain the status quo will stop at nothing to discredit and destroy her. By making her an example, they aim to intimidate and deter future Public Protectors from following in her footsteps and holding those in power accountable. This egregious attempt to silence and punish her is a stark reminder of the systemic injustices and entrenched interests that she has dared to confront.

It's particularly concerning that the Speaker, a woman herself, has joined the chorus of those who seek to persecute Advocate Busisiwe Mkhwebane. This perpetuates a troubling trend where women are being used by men and white supremacy to target and silence other women who dare to challenge the status quo and advocate for change. When will women recognize and reject this insidious pattern, and instead choose to support and uplift one another in the pursuit of justice and equality?

