REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION 182(1)(b) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND SECTION 8(1) OF THE PUBLIC PROTECTOR ACT, 1994

PUBLIC PROTECTOR
SOUTH AFRICA

REPORT NO: 30 OF 2024/2025

ISBN NUMBER: 978-0-6398571-6-9

INVESTIGATION INTO ALLEGATIONS OF ABUSE OF STATE RESOURCES BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA, MR MC RAMAPHOSA AND MS SEFORA NTOMBELA THE FORMER PREMIER OF THE FREE STATE PROVINCIAL GOVERNMENT TO ADVANCE THE INTERESTS OF THE AFRICAN NATIONAL CONGRESS (ANC), BY HANDING OVER AN RDP HOUSE TO MS NTSAKU DURING THE LETSEMA CAMPAIGN, RESULTING IN THE CONFLATION BETWEEN THE STATE AND THE POLITICAL PARTY LINES.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS/ABBREVIATIONS	DESCRIPTION
ANC	African National Congress
Constitution	Constitution of the Republic of South Africa, 1996
DA	The Democratic Alliance
Freedom Square House	House Number 3*8*0 Freedom Square, Ward 6, Bloemfontein
FSPG	Free State Provincial Government
FSOP	Free State Office of the Premier
Guidelines	Guidelines on Government Communication during the election period-2016
Hillside View House	House number 6*7*5, Hillside View, Bloemfontein
Letsema Campaign	ANC Letsema Campaign
Policy	Free State Policy on Separation of State and Party activities, 23 November 2016
Public Protector Act	The Protector Act, 1994
Public Protector Rules	Rules Relating to Investigations by the Public Protector and Matters Incidental Thereto, 2018, as amended

EXECUTIVE SUMMARY

(i) This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (Constitution), which empowers the Public Protector to report on any conduct in state affairs that is suspected to be improper or to result in any impropriety or prejudice and section 8(1) of the Public Protector Act, 1994 (Public Protector Act), which provides that the Public Protector may make known the findings, point of view or recommendation of any matter investigated by her.

(ii) This report is issued in respect of an investigation into allegations of abuse of state resources by Mr MC Ramaphosa (Mr Ramaphosa), the President of the Republic of South Africa and Ms Sefora Ntombela the former Premier of the Free State Provincial Government (FSPG) to advance the interests of the African National Congress (ANC), by handing over a RDP house to Ms Ntsaku, during the Letsema Campaign, resulting in the conflation between the state and the political party lines.

(iii) The investigation originates from a complaint lodged by the leader of the Democratic Alliance (DA) in the Free State Province, Dr Roy Jankielsohn (the Complainant) on 21 July 2022.

(iv) In the main, the Complainant alleged that:

(a) There was an abuse of state resources for party-political purposes by the ANC and their leaders, during an event that took place on 23 April 2022, namely the ANC Letsema Campaign (Letsema Campaign);

(b) During the event under the Letsema Campaign, a house was handed over to Ms Lucia Lerato Ntsaku (Ms Ntsaku);

(c) On the day of the event, the Letsema Campaign was posted on ANC's social media pages as a party-political event and it was confirmed by the former ANC's National Spokesperson, Mr Pule Mabe, to the media as such;

(d) These were deliberate attempts to market all the events in the Free State attached to the launch of the Letsema Campaign in the province as the ANC's party-political initiatives, creating the impression that the house was delivered by the ANC and not, in fact, by the Free State Provincial Government (FSPG);

(e) As a consequence of this, the handover of the state sponsored house to the beneficiary was done by Mr Ramaphosa and the former Premier of Free State Province, Ms Sefora Ntombela (Ms Ntombela), amongst others, in their respective capacities as ANC functionaries and members;

(f) No attempts were made by them to remedy this public perception, if they had regarded it as incorrect. The event involving the delivery of the house, and other events on the day, were clearly ANC's Letsema Campaign party political events;

(g) In reply to the question in the Free State Legislature, Mr M Dukwana (Mr Dukwana), the then Member of Executive Council (MEC) for Cooperative Governance, Traditional Affairs (COGTA) and Human Settlements, confirmed that a house was handed over as part of the Letsema Campaign to Ms Ntsaku on site number 6*7*5 Hillside View, Bloemfontein (Hillside View House);

(h) Mr Dukwana also confirmed that the property was allocated to her as a beneficiary of the FSPG at a cost of one hundred and thirty-three thousand rand (R133 000,00);

(i) While the DA supports the allocation and transfer of houses to beneficiaries in need, such houses are sponsored by taxpayers of the state and should be transferred to beneficiaries under the auspices of the government and not the governing ANC as a political party;

(j) The abuse is very similar to the abuse referred to in the Public Protector Report No: 1 of 2016/17, State and Party Colours *"Report on an investigation into allegations of maladministration regarding Operation Hlasela and the Hlasela Fund of the Free State Provincial Government and alleged conflation between party and state"*;

(k) In the above-mentioned report, the Public Protector sustained the complaint that the FSPG implemented Operation Hlasela in a manner that amounted to a conflation of party and state. It was further found that other political parties were prejudiced as a result of this;

(l) The Public Protector instructed the then Premier to develop and circulate a provincial government policy in all government institutions within the province, setting out clear separation between state resources and party activities at all times, and instructed that all provincial state functionaries and employees be made aware of this policy;

(m) This action step, in compliance with the required remedial action, was confirmed in reply to the question in the Free State Legislature by the former Premier of Free State, Mr Ace Magashule;

(n) The previous Public Protector found that the use of FSPG' Operation Hlasela during ANC campaigning was a conflation of party and state, and that the principle can be applied conversely;

(o) The handing over of a state sponsored house to a beneficiary of the FSPG housing policy, under the ANC's banner as part of the ANC's Letsema Campaign (as political parties begin to campaign for the 2024 Provincial and National Elections) is also a conflation of party and state and as such also an abuse of state resources for party political purpose; and

(p) Mr Ramaphosa, Ms Ntombela and any other officials and politicians present, deliberately and blatantly abused state resources to promote the ANC and this amounts to a serious contravention and violation of the following:

(q) The existing FSPG policy regarding separation of party and state;

(r) The spirit of Schedule 2 (Electoral Code of Conduct) in the Electoral Act, sections 96, 136 and 195 of the Constitution;

(s) The spirit of Article 17 of the African Charter on Democracy, Elections and Governance; and

(t) Article 25 of the United Nations International Covenant in Civil and Political Rights.

(v) Based on the analysis of the complaint, the following issue was considered and investigated:

(a) Whether Ms Sefora Ntombela the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

(b) Whether Mr Ramaphosa, the President of the Republic of South Africa utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

(vi) The investigation was conducted in terms of section 182(1) of the Constitution and section 6(4) of the Public Protector Act. It included an analysis of all the relevant documents, application of relevant laws, case law and related prescripts.

(vii) Notices in terms of section 7(9)(a) of the Public Protector Act (section 7(9) notices), dated 11 December 2024, were delivered to:

(a) Mr J Mbalula (Mr Mbalula), the Acting Premier of the Free State Province;

(b) Mr M Dukwana (Mr Dukwana) the Speaker of Free State Legislature;

(c) Ms S Ntombela (Ms Ntombela), the former Premier of the Free State Province;

(d) Mr TZ Mokoena (Mr Mokoena), MEC: for the Free State Cooperative Governance Traditional Affairs (COGTA) & Human Settlements;

(e) Mr MC Ramaphosa, the President of the Republic of South Africa;

(f) Ms P Baleni (Ms Baleni), the Director-General and Secretary of the Cabinet;

(g) Mr TJ Phahlo, the Head of the Department (HoD): Free State Department of Human Settlements;

(h) Mr T Makepe, the Chief Director: Project Management Unit in the Free State Department of Human Settlements; and

(i) Ms LL Ntsaku (Ms Ntsaku), occupant of House number 6*7*5, Hillside View, Bloemfontein;

(viii) The responses and information/evidence submitted in response to the section 7(9) notices were duly considered by the Public Protector. Responses were received from the following parties:

(a) Mr Geofrey Mphaphuli, Acting Unit Head: Legal and Executive Services in the Presidency on 18 December 2024;

(b) Mr Phahlo on 13 December 2024;

(c) Ms Maqueen Letsoha-Mathae, the Premier of the Free State Province on 08 January 2025;

(d) Mr Mokoena on 09 January 2025; and

(e) On 12 December 2024, Ms Ntombela acknowledged receipt of the section 7(9)(a) notice but did not submit a response thereto.

(f) Mr Makepe and Ms Ntsaku also did not respond to the section 7(9) notice.

(ix) Having regard to the evidence and regulatory framework determining the standard that the FSPG should have complied with, the following findings are made:

(a) Whether Ms Sefora Ntombela the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

(aa) The allegation that Ms Sefora Ntombela, the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, **is substantiated.**

(bb) On 23 April 2022, Mr Ramaphosa attended the launch of the Letsema Campaign and in the morning of the event he, in the presence of Ms Ntombela he handed over the keys of the Hillside View House to Ms Ntsaku, which was paid for by the FSPG.

(cc) Ms Ntombela approached officials of the Department of Human Settlements to obtain a donation from a private donor to rebuild the Freedom Square House, which was supposed to be handed over to Ms Ntsaku, during the launch of the Letsema Campaign. However, the Hillside View House was actually handed over to Ms Ntsaku by Mr Ramaphosa and Ms Ntombela.

(dd) The Department of Human Settlements approved the Hillside View house for Ms Burgers, and Ms Ntsaku was not the approved beneficiary for Hillside View House. She was an approved beneficiary for the area Freedom Square, however, no house had yet been built for allocation to her. Ms Ntsaku is currently residing in a house that she is not legally entitled to, as the title deed for the Hillside View House is under the name of Ms Burgers.

(ee) Any official process for the handing over of the keys of a government funded house, such as the Hillside View House to Ms Ntsaku was supposed to take place under the auspices and authority of the FSPG and not a party-political event.

(ff) The handing over of the keys to the Hillside View House to Ms Ntsaku, was paid for by the Free State Department of Human Settlements, during the Letsema Campaign, marketed as on the ANC Free State social media post and other media reports to advance the interest of the ANC, resulted in a conflation between state and party.

(gg) Ms Ntombela's conduct and role in facilitating the handing over of the Hillside View House to Ms Ntsaku, as part of ANC political campaigning was in violation of sections 136(2)(b) and 195(1)(a) and (f) of the Constitution and contravened Paragraph 5 of the Policy.

(hh) The conduct of Ms Ntombela constitutes improper conduct as envisaged in section 182(1) of the Constitution and maladministration as envisaged in section 6(4)(a)(i) of the Public Protector Act.

(b) Whether Mr Ramaphosa, the President of the Republic of South Africa, utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

(aa) The allegation that Mr Ramaphosa, the President of the Republic of South Africa utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, is **not substantiated.**

(bb) On 23 April 2022, Mr Ramaphosa attended the launch of the Letsema Campaign and in the morning of the event he, in the presence of Ms Ntombela he handed over the keys of the Hillside View House to Ms Ntsaku, which was paid for by the FSPG.

(cc) Mr Ramaphosa was invited by Ms Ntombela only on the morning of the launch of the Letsema Campaign to hand over the keys of a house to Ms Ntsaku. He was neither aware that the handing over of a house would take place during the Letsema Campaign, nor did he have knowledge that the house was paid for by the FSPG, as he was

informed that he would be handing over a house paid for by a private donor.

(dd) Accordingly, the conduct of Mr Ramaphosa does not constitute improper conduct as envisaged in section 182(1) of the Constitution and maladministration as envisaged in section 6(4)(a)(i) of the Public Protector Act.

(x) The appropriate remedial action taken in terms of section 182(1)(c) of the Constitution, are the following:

The President of the Republic of South Africa

(a) To take cognisance of the findings and remedial action contained in this Report.

The Premier of the Free State

(b) Within **ninety (90)** calendar **days** from the date of this Report, in terms of section 125(1) of the Constitution, table the Report before the Provincial Legislature for deliberation in order to sensitise Members of the Executive of their obligations in terms of section 136 of the Constitution and the Policy.

The MEC COGTA and Human Settlements

(c) Within **ninety (90)** calendar **days** from the date of this Report, in terms of section 7(3) of the Housing Act,1997 ensure that the HOD Human Settlements undertakes the necessary processes to rectify the incorrect allocation of the Hillside View House to Ms Ntsaku.

The HOD Human Settlements

(d) Within one hundred and twenty **(120)** calendar **days** from the date of this Report, in terms of section 7(3) read with section 7(5) of the Housing Act,1997, rectify the incorrect allocation of the Hillside View House to Ms Ntsaku, to reflect the details of the rightful owners in line with section 16 of the Deed Registries Act,1937, as undertaken in the meeting held with the Investigation Team on 05 February 2025.

1. INTRODUCTION

1.1. This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution) and section 8(1) of the Public Protector Act, 1994 (the Public Protector Act).

1.2. This report is submitted in terms of section 8(1) read with section 8(3) of the Public Protector Act, which empowers the Public Protector to make known the findings of an investigation to affected parties, for such persons to note the outcome of the investigation and to implement the remedial action, where applicable:

1.2.1 Mr C Ramaphosa, the President of the Republic of South Africa;
1.2.2 Ms P Baleni, the Director-General and Secretary of Cabinet;
1.2.3 Ms Maqueen Letsoha-Mathae, the Premier of the Free State Province;
1.2.4 Mr M Dukwana, the Speaker of Free State Legislature;
1.2.5 Mr TZ Mokoena, the Member of the Executive Council for COGTA and Human Settlements;
1.2.6 Ms S Ntombela, the former Premier of the Free State Province;
1.2.7 Mr TJ Phahlo, the Head of the Free State Department of Human Settlements;
1.2.8 Mr T Makepe, the Chief Director: Project Management in the Free State Department of Human Settlements;
1.2.9 Ms LL Ntsaku, the occupant of House number 6*7*5, Hillside View, Bloemfontein; and
1.2.10 Dr R Jankielsohn, the Complainant.

1.3. The report relates to an investigation into allegations of abuse of state resources by Mr MC Ramaphosa (Mr Ramaphosa), the President of the Republic of South Africa and Ms Sefora Ntombela the former Premier of the Free State Provincial Government (FSPG) to advance the interests of the

African National Congress (ANC), by handing over a RDP house to Ms Ntsaku during the Letsema Campaign, resulting in the conflation between the state and political party lines.

2. THE COMPLAINT

2.1. The investigation originates from a complaint lodged by the leader of the Democratic Alliance (DA) in the Free State Province, Dr Roy Jankielsohn (the Complainant) on 21 July 2022.

2.2. The Complainant alleged, *inter alia,* that:

2.2.1 There was an abuse of state resources for party-political purposes by the ANC and their leaders, during an event that took place on 23 April 2022, namely the ANC Letsema Campaign (Letsema Campaign);

2.2.2 During the event under the Letsema Campaign, a house was handed over to Ms Lucia Lerato Ntsaku (Ms Ntsaku);

2.2.3 On the day of the event, the Letsema Campaign was posted on ANC's social media pages as a party-political event and it was confirmed by the former ANC's National Spokesperson, Mr Pule Mabe, to the media as such;

2.2.4 These were deliberate attempts to market all the events in the Free State attached to the launch of the Letsema Campaign in the province as the ANC's party-political initiatives, creating the impression that the house was delivered by the ANC and not, in fact, by the Free State Provincial Government (FSPG);

2.2.5 As a consequence of this, the handover of the state sponsored house to the beneficiary was done by Mr Ramaphosa and the former Premier of the Free

State Province, Ms Sefora Ntombela (Ms Ntombela), amongst others, in their respective capacities as ANC functionaries and members;

2.2.6 No attempts were made by them to remedy this public perception if they had regarded it as incorrect. The event involving the delivery of the house, and other events on the day, were clearly ANC's Letsema Campaign party political events;

2.2.7 In reply to a question in the Free State Legislature, Mr M Dukwana (Mr Dukwana), the then Member of the Executive Council (MEC) for Cooperative Governance, Traditional Affairs (COGTA) and Human Settlements, confirmed that a house was handed over as part of the Letsema Campaign to Ms Ntsaku on site number 6*7*5 Hillside View, Bloemfontein (Hillside View House);

2.2.8 Mr Dukwana also confirmed that the property was allocated to her as a beneficiary of the FSPG at a cost of one hundred and thirty-three thousand rand (R133 000,00);

2.2.9 While the DA supports the allocation and transfer of houses to beneficiaries in need, such houses are sponsored by taxpayers of the state and should be transferred to beneficiaries under the auspices of the government and not the governing ANC as a political party;

2.2.10 The abuse is very similar to the abuse referred to in the Public Protector Report No: 1 of 2016/17, State and Party Colours *"Report on an investigation into allegations of maladministration regarding Operation Hlasela and the Hlasela Fund of the Free State Provincial Government and alleged conflation between party and state"*;

2.2.11 In the above-mentioned report, the Public Protector sustained the complaint that the FSPG implemented Operation Hlasela in a manner that amounted to a conflation of party and state. It was further found that other political parties were prejudiced as a result of this;

2.2.12 The Public Protector instructed the then Premier to develop and circulate a provincial government policy in all government institutions within the province, setting out clear separation between state resources and party activities at all times, and instructed that all provincial state functionaries and employees be made aware of this policy;

2.2.13 This action step, in compliance with the required remedial action, was confirmed in reply to the question in the Free State Legislature by the former Premier of Free State, Mr Ace Magashule;

2.2.14 The previous Public Protector found that the use of FSPG' Operation Hlasela during ANC campaigning was a conflation of party and state, and that the principle can be applied conversely;

2.2.15 The handing over of a state sponsored house to a beneficiary of the FSPG housing policy, under the ANC's banner as part of the ANC's Letsema Campaign (as political parties begin to campaign for the 2024 Provincial and National Elections) is also a conflation of party and state and as such also an abuse of state resources for party political purpose; and

2.2.16 Mr Ramaphosa, Ms Ntombela and any other officials and politicians present, deliberately and blatantly abused state resources to promote the ANC and this amounts to a serious contravention and violation of the following:

2.2.16.1 The existing FSPG policy regarding separation of party and state;

2.2.16.2 The spirit of Schedule 2 (Electoral Code of Conduct) in the Electoral Act, sections 96, 136 and 195 of the Constitution;

2.2.16.3 The spirit of Article 17 of the African Charter on Democracy, Elections and Governance; and

2.2.16.4 Article 25 of the United Nations International Covenant in Civil and Political Rights.

Documents submitted by the Complainant

2.2.17 Article titled, *"Ramaphosa to rehash ANCs' 2002 Letsema social compact campaign to mobilise communities"* published in the Daily Maverick, 21 April 2022, which stated *inter alia* as follows:

“

Ramaphosa to rehash ANCs' 2002 Letsema social compact campaign to mobilise communities

The ANC wants to renew its social compact with communities before the 2024 elections — so it is revitalising a volunteer campaign that Thabo Mbeki launched 20 years ago.

President Cyril Ramaphosa will get his hands dirty this weekend in Bloemfontein, leading a cleanup drive at a primary school in Turflaagte, before helping to fix potholes in the city where the ANC was founded 110 years ago. He expects party members and community volunteers to do the same and to keep it up until the 2024 elections.

Ramaphosa will launch the ANC's Letsema Campaign in Bloemfontein on Saturday. It aims to renew the ANC's social contract with voters, getting party members and local volunteers to address challenges in their communities.

At a press conference on Thursday, ANC spokesperson Pule Mabe said Ramaphosa would outline details of the campaign over the weekend. The party's national executive committee (NEC) said in February that Letsema is 'an important building block for the 2024 general elections and will see the ANC engaging with a broad spectrum of stakeholders beyond the confines of its structures'.

The ANC will announce monthly themes for the Letsema volunteer drive and will soon take the campaign to KwaZulu-Natal to help rebuild the province after the floods.

'In the ANC, we believe that our people can be able to advance their own democratic gains when they too play an active role in building the society they want,' said Mabe.
'Letsema is exactly about that, making sure that the journey to rebuild our country, making sure that all of our citizens enjoy our democratic gains is one that takes everyone along'.

Mabe said the campaign could help unite the ANC behind the common goal of building 'better and safer communities'.

'Now the Letsema campaign provides that kind of space for everyone who calls themselves volunteers of the African National Congress'.

The initiative appears to rehash the Letsema campaign launched by former president Thabo Mbeki in 2002. Reading the ANC NEC's 2002 January 8 statement, Mbeki said the party should encourage people to "be their own

liberators, of occupying the frontline in the popular struggle for the reconstruction and development of our country".

'To help attain our goal, the membership of the ANC will celebrate the 90th anniversary of our movement, the ANC, by taking the lead in rendering voluntary service to the people, to recapture the community spirit of letsema, ilima. Historically, this spirit was fundamental to the strengthening of the cohesion of our societies. It encouraged cooperative effort and a collective commitment to the improvement of both the individual and society,' said Mbeki.

Reviewing the campaign at the ANC's 2005 National General Council (NGC), then secretary-general Kgalema Motlanthe said thousands of volunteers mobilised behind community improvement projects.

'These were organised into a series of monthly themes, covering areas like education, healthcare, community safety, human rights, women's emancipation, etc,' said Motlanthe.

'While largely successful in demonstrating the willingness and capacity of the masses to act as the agents of their own community development, the campaign was implemented only sporadically after 2002. This could be attributed to a lack of national coherence and coordination, volunteer 'fatigue', and the shift of focus among ANC structures to preparations for the 2004 elections.'

The ANC has long spoken of getting back to basics and rebuilding its frayed relationship with voters. Deploying members to lead and coordinate local improvement projects is about as back to basics as it gets.

But beyond the photo ops of Ramaphosa picking up trash, the Letsema campaign will face obvious challenges that could undermine its ability to help reverse the ANC's steady electoral decline.

The ANC's 2002 Letsema campaign was criticised as an attempt to distract voters from the party's failure to deliver on its promises. Some communities might baulk at being told to empower themselves to address challenges when local infrastructure such as electricity and water provision is crumbling, and unemployment is at a record high.

That's much more relevant today than in 2002. Can the ANC seriously mobilise society to collect trash when ANC-led municipalities are failing to manage refuse collection?

Then there's the issue of the ANC's own members. In speeches recently, former president Mbeki has focused on the quality of the party's members, a common theme in its reports after membership numbers exploded.

'Many among our members see their membership of the ANC as a means to advance their personal ambitions, to attain positions of power and access to resources for their own individual gratification,' he told a gathering in December 2021.

Does the ANC have members who can mobilise volunteers and are dedicated to community upliftment? And even if they do, will communities join Letsema events while the party's leadership at various levels is marred by scandal after scandal more than three years into Ramaphosa's leadership?

Mabe said on Thursday: 'The fact that we are now forging ahead with the renewal trajectory, that alone is a demonstration on our part of wanting to put

forward, out there in society, a more renewed ANC, an ANC that focuses itself on the responsibility of leading society and making sure that its members serve the people better and work better for the people.'

The Letsema campaign is yet another test of whether the ANC can renew itself once again or at the very least avoid further electoral decline"

2.2.18 *Facebook Social Media Post of ANC Free-State, dated 23 April 2022*

2.2.18.1 The Complainant submitted various ANC social media posts regarding the launch of the Letsema Campaign in the Free State.

2.2.18.2 In particular, the following social media post regarding the handing over the house to Ms Ntsaku by Mr Ramaphosa and Ms Ntombela:

2.2.19 Article titled *"Cyril* stel *sy #Letsema-projek in modderbad bekend"* [1] published in the Netwerk24, 23 April 2022

"

Cyril launches his #Letsema-project in muddy weather

Bloemfontein must be cleaned so that people can see that it is not animals living here but people, President Cyril Ramaphosa said Saturday, whilst visiting the town.

He addressed a few hundred residents in Turflaagte and said that the ANC will punish those who steal.

The programme for the launch of his #Letsema-project; to build stronger communities, was delayed by more than three (3) hours due to heavy rain.

[1] Article published in Afrikaans and translated to English by Investigation Team.

This also led to the President not being able to help fix potholes and picking up litter, as planned. Arriving at Toka Primary School in Turflaagte, where he was launching his project, they were greeted by mud.
The keys to a newly built home, fully furnished, was handed over to an unemployed family, whose home was destroyed due to fire.

The family, Lerato Ntsaku and her two (2) children, Nalhi (2) and Samkela (12) were overjoyed in receiving the keys. She was also promised employment under the Presidents PEP project. Twenty million rand (R20 million) was given to the project by Mr Ramaphosa to appoint temporary workers to help clean Mangaung and repair potholes.

For her brother, Sebusiso Ntsaku, who is also unemployed, a course in security work was promised, paid by government, whilst a drug addiction rehabilitation programme was promised to her other brother, Xolani Ntsaku.

In the arena, where the President finally spoke, it was very muddy. Ramaphosa told the community that with the ANC, they are going to build better communities together and that the ANC is here to fix the Free State.
'We must clean this town (Bloemfontein) and fix the potholes. With the elections in November, this town was very dirty, plastic and paper laying all over. We must put on our overalls and take Mangaung back'
…"

2.2.20 *Article* titled *"Is Letsema another Operation Hlasela" published by Step Up SA, 25 April 2022*

"

Is Letsema another Operation Hlasela

The African National Congress (ANC) launched the much-talked-about Letsema in a wet and muddy Mangaung on Saturday.

According to the party's president Cyril Ramaphosa the reason why this project was launched in Mangaung is that the ANC was founded in Mangaung in 1912 while many say the president is trying to cement and secure his second term in the upcoming national conference.

Ramaphosa said the country faced many issues that needed to be dealt with, and the ANC leadership was geared to act.

He was speaking at the Letsema campaign launch in Bloemfontein on Saturday.
The initiative was aimed at renewing the organization's social contract with communities.
Ramaphosa moved to ensure residents that government would root out corruption.

Though much is not said about Letsema the little availed information about it, was a social media post on Free State ANC and it reads, 'The purpose of Letsema is about the renewal of the organization's social contract with communities to address their challenges in a quest to build better & safer communities.'

Prior to the launch, the president handed Lerato keys to her new house in Hillside after their house burned down and thanked Free State Premier, Sefora Ntombela, and the under-fire Mangaung, Executive Mayor, Mxolisi Siyonzana for their contribution.

Lerato's house handed over by President Ramaphosa

Furthermore, the president said the Executive mayor will employ Lerato while her two brothers will receive help.

It's not clear if the house was built with state resources but if it is presented by the Premier, it's safe to assume that the resources used were from the government, not the ANC. ANC has in the past struggled to pay salaries so where will it get money to do government work?

It remains to be seen if Lerato's employment will be linked to the politician term as recruitment processes are not followed.

Step UP SA News found similarities between Letsema and Operation Hlasela which were championed by the former premier and the suspended secretary-general of the ANC, Ace Magashule with the difference being the latter was a government project while the former is a party project.

...

Despite all positive stories former Public Protector, Thuli Madonsela in her report titled State and Party Colours found the Free State government guilty of

conflating state and party interests with its multi-million-rand Operation Hlasela project.

The project, which was run out of Free State Premier Ace Magashule's office, was used by the provincial government as a service delivery vehicle.

Madonsela said she could, however, not find 'beyond reasonable doubt' that state funds were used for the private Hlasela initiative.
The investigation into Operation Hlasela was sparked by a complaint laid by all the opposition parties in the provincial legislature at the time and several others from members of the public during a public engagement session in the Free State.

Her finding allegation of the conflation of party and state: The allegation of the conflation of party and state is substantiated.

Regardless of the intention and separate ownership, separate sources of funding for initiatives, branding, and marketing of the two were indistinguishable and were marketed and lauded on government platforms.

It did not only confuse the public; the government itself used state communications resources to promote and laud both without always distinguishing the two.

Until two Hlaselas were distinguished, the private one cannot be said to have not benefited from the shared branding and the free advertising of the Government's Operation Hlasela, at state expense.

Much as those in the ANC claim Letsema is a party project why is the Premier and Mayor involved in their official capacity not as deputy president of ANCWL and ordinary member respectively?

Will the Premier go hand over a house in Fauna to an FF+ member?

The president said businessmen also contributed and who those businessmen are and who requested help from them will be followed up.

Moroadi Cholota is hunted by HAWKS for asking Igo Mpambani for donations. Connect the dots, must we teach you everything?

The launch of Letsema saw potholes fixed but it remains to be seen if it was just a PR exercise.
…"

2.2.21 Article Titled *"*Ramaphosa *hands over the house to a family of three" published in the Free State World, 26 April 2022* [2]

"

Ramaphosa hands over the house to a family of three

[2] https://freestateworld.co.za/ramaphosa-hands-over-the-house-to-a-family-of-three/

ANC President, Cyril Ramaphosa handed over a newly build home to a family of three orphans in Bloemfontein on Saturday.

The house was handed during the ANC's operation Letsema Launch, which was launched in Turflaagte in Bloemfontein.

According to the ANC, Letsema is the ANC's programme that seeks to provoke communities to join hands to build better communities by advancing and restoring values of Ubuntu, cleanliness, excellence and safe communities for all, particularly, women and children.

Ramaphosa met Lerato and her two brothers from Freedom Square in Bloemfontein to hand over keys to their newly built house which is in Hillside View.

The intervention comes after the family's home was destroyed by a fire that has left them stranded in an inhabitable space.

Furthermore, two of the family members who are brothers, have agreed to be placed in a rehabilitation centre to deal with their substance abuse problem"

2.2.22 *Question and* answer *in the Free State Provincial Legislature: [QP NO.5; Jan-June, 1st Semester] 4th session, Sixth Legislature*

2.2.22.1 The copy of a question and answer in the Free-State Provincial Legislature: [QP NO.5; Jan-June, 1st Semester] 4th session, Sixth Legislature in which Mr D. Van Vuuren of the DA asked Mr Dukwana, the following:

"In view of the houses handed over by President Ramaphosa at the launch of the Letsema Campaign in the Free-State":

1. *To whom were the houses delivered?*
2. *Where are the respective houses?*
3. *Did the provincial government pay for these houses?*

Response 30/05/2022

*"The hose was allocated to Lucia Lerato Ntsaku. Beneficiary Identity number,880*1*……, The beneficiary was identified as a childheaded household. The beneficiary was allocated a house at Hillside View, Bloemfontein, Site 6*7*5. The amount was paid was R133 000"* (sic).

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1. The Public Protector is an independent constitutional institution established under section 181(1)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution) to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

3.2. Section 182(1) of the Constitution provides that:

"The Public Protector has the power, as regulated by national legislation –

(a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;
(b) to report on that conduct; and
(c) to take appropriate remedial action".

3.3. Section 182(2) provides that the Public Protector has the additional powers and functions prescribed by national legislation. The Public Protector's

powers are regulated and amplified by the Public Protector Act which states, amongst others, that the Public Protector has the powers to investigate and redress maladministration and related improprieties in the conduct of state affairs.

3.4. The FSPG is an organ of the state in terms of section 239 of the Constitution and its conduct amounts to conduct in state affairs, and as a result, the Public Protector is satisfied that the complaint falls within her competency to conduct an investigation as envisaged in section 182(1)(a) of the Constitution and section 6(4)(a)(i) of the Public Protector Act.

3.5. The President is the Head of State as envisaged in section 83(a) of the Constitution and his conduct amounts to conduct in state affairs, as a result, Public Protector is satisfied that the complaint falls within its competency to investigate as envisaged in section 182(1)(a) of the Constitution and section 6(4) of the Public Protector Act.

4. ISSUES IDENTIFIED FOR INVESTIGATION

4.1. Based on the analysis of the complaint, the following issue was identified to inform and focus the investigation:

4.1.1 Whether Ms Sefora Ntombela, the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

4.1.2 Whether Mr Ramaphosa, the President of the Republic of South Africa utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

5. THE INVESTIGATION

5.1. Methodology

5.1.1 The investigation was conducted in terms of section 182(1) of the Constitution read with sections 6 and 7 of the Public Protector Act.

5.1.2 The Public Protector Act confers on the Public Protector the sole discretion to determine the format and procedures to be followed in conducting any investigation with due regard to the circumstances of each case.

5.1.3 The investigation process included exchange of correspondence with the FSPG and Mr Ramaphosa. Meetings were also held with functionaries of the FSPG and Free State Department of Human Settlements, documents obtained during the course of the investigation were analysed and evaluated, including consideration and application of the relevant law and prescripts.

5.2. Approach to the investigation

5.2.1 The approach to the investigation included an exchange of documentation between the Public Protector, Mr Ramaphosa, FSPG, the Free State

Department of Human Settlements and Ms Ntombela. Interviews were also conducted with Ms Ntombela, functionaries of the Department of Human Settlements and Ms Ntsaku.

5.2.2 The investigation was approached using an enquiry process that seeks to determine:

(a) What happened?

(b) What should have happened?

(c) Is there a discrepancy between what happened and what should have happened and does that deviation amount to maladministration, abuse of power, improper conduct or resulted in prejudice?

(d) In the event of improper conduct or maladministration, what would it take to remedy the wrong and what action should be taken?

5.2.3 The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and independently sourced during the investigation. Evidence is evaluated and a determination is made on what happened based on a balance of probabilities. In this particular case, the factual enquiry principally focused on whether Mr Ramaphosa and Ms Ntombela utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party.

5.2.4 The enquiry regarding what should have happened, focuses on the law or rules that regulate the standard that should have been met by Mr Ramaphosa and Ms Ntombela.

5.3 **The Investigation Process**

5.3.1 The investigation process commenced with correspondence sent on 27 July 2023 by the Public Protector to Mr Ramaphosa and Mr Dukwana, the former Premier of the Free State Province, wherein they were informed of the investigation, as well as the information required.

5.4 Key sources of information

5.4.1 **Documents**

5.4.1.1 Document titled "*Application for Project Linked Subsidy*", application received on 24 August 2015;

5.4.1.2 Public Protector Report No.1 2016/17 State and Party Colours, dated 05 May 2016;

5.4.1.3 Free State Government Policy on Separation between State and Party Activities, dated 03 November 2016;

5.4.1.4 Guidelines on Government Communication During an Election Period 2016;

5.4.1.5 Circular from Mr K Ralikontsane titled Policy: Separation between State and Party activities, dated 27 July 2018;

5.4.1.6 Copies of the payments made by the Chief Financial Officer of the Department of Human Settlements, Ms M Molikoe to the service provider, Kentha Developers, 25 March 2021;

5.4.1.7 Document titled "*Housing Subsidy System*" dated 11 March 2021;

5.4.1.8 Document titled "*DHS Application Summary"* for Ms Burgers, from 03 September 2015 to 14 June 2022;

5.4.1.9 Article titled, *"Ramaphosa to rehash ANCs' 2002 Letsema social compact campaign to mobilise communities"* published in the Daily Maverick, 21 April 2022;

5.4.1.10 Facebook Social Media Post of ANC Free-State, dated 23 April 2022;

5.4.1.11 Article titled "*Cyril stel sy #Letsema-projek in modderbad bekend*" published on Netwerk24, dated 23 April 2022;

5.4.1.12 Draft Programme, National Letsema Launch, dated 23 April 2022;

5.4.1.13 Article titled "*Is Letsema another Operation Hlasela*" published by Step Up SA, 25 April 2022;

5.4.1.14 Article titled *"*Ramaphosa *hands over the house to a family of three"* published in the Free State World, 26 April 2022;

5.4.1.15 Question and answer in the Free State Provincial Legislature: [QP NO.5; Jan-June,1st Semester] 4th session, Sixth Legislature; dated 30 May 2022;

5.4.1.16 Complaint from Mr Jankielsohn, dated 21 July 2022;

5.4.1.17 Circular from Mr K Ralikontsane to all Members of the Executive Council and all Heads of Department, dated 22 August 2022;

5.4.1.18 Report Titled *"*Report *Donated House 35*** Freedom Square Ward 6",* dated 30 August 2023; and

5.4.1.19 Deed of Sale entered into between Ms SP Burger and Mangaung Metropolitan Municipality, undated.

5.4.2 **Correspondence**

5.4.2.1 Allegations letter from the Investigation Team to Mr Dukwana, dated 27 July 2023;

5.4.2.2 Allegations letter from the Investigation Team to Mr Ramaphosa, dated 27 July 2023;

5.4.2.3 Response from Ms Baleni, the Director General and Secretary of Cabinet in the Presidency to the Investigation Team, dated 08 September 2023;

5.4.2.4 Response from Mr Dukwana to the Investigation Team, dated 05 October 2023;

5.4.2.5 Letter from the Investigation Team Mr MJ Machaka (Mr Machaka), the Secretary of the Free State Provincial Legislature, dated 15 April 2024;

5.4.2.6 Email correspondence from Mr Machaka to the Investigation Team on 15 April 2024;

5.4.2.7 Letter from the Investigation Team to Ms Ntombela, dated 25 April 2024;

5.4.2.8 Response from Ms Ntombela to the Investigation Team, dated 03 May 2024;

5.4.2.9 Letter from the Public Protector to the former Head of the Free State Department of Human Settlements, Ms M. Masimene (Ms Masimene), dated 09 May 2024; and

5.4.2.10 Letter from the Public Protector to Ms Masimene, dated 18 July 2024.

5.4.3 **Meetings and Interviews held**

5.4.3.1 Interviews held by the Investigation Team with Ms Ntsaku on 07 May 2024 and 12 September 2024;

5.4.3.2 Virtual Meeting between the Investigation Team and Ms Ntombela on 13 May 2024;

5.4.3.3 Interview between the Investigation Team and Mr Makepe on 25 September 2024; and

5.4.3.4 Meeting held between the Investigation Team and Mr Phahlo on 05 February 2025.

5.2.1 **Inspection Conducted**

5.2.1.1 Inspections *in loco* conducted at House number 6*7*5, Hillside View, Bloemfontein and House No. 3*8*0 Freedom Square, Ward 6, Bloemfontein, on 12 September 2024.

5.2.2 **Independently sourced information**

5.2.2.1 ANC's Free State social media page ***https://www.facebook.com/share/p/19vYUGAGiA/*** accessed on 12 April 2024; and

5.2.2.2 Human Settlements System Online search **https://www.hssonline.gov.za/#/,** accessed on 05 August 2024.

5.2.3 **Legislation and Policies**

5.2.3.1 Constitution of the Republic of South Africa, 1996;

5.2.3.2 Free State Policy on Separation of State and Party activities, 2016;

5.2.3.3 The Housing Act, 1997;

5.2.3.4 The Electoral Act, 1998;

5.2.3.5 Schedule 2 of the Electoral Code of Conduct contained in the Electoral Act, 1998;

5.2.3.6 Proclamation Notice 158 of 2024, dated 21 February 2024; and

5.2.3.7 Government Gazette Number 50185, dated 24 February 2024

5.2.4 **Case Law**

5.2.4.1 *Economic Freedom Fighters and Others v Speaker of the National Assembly and Another* (CCT76/17) [2017] ZACC 47; 2018 (3) BCLR 259 (CC); 2018 (2) SA 571 (CC) (29 December 2017);

5.2.5 **Notices issued in terms of section 7(9)(a) of the Public Protector Act**

5.2.5.1 Section 7(9)(a) of the Public Protector Act enjoins the Public Protector, during the course of an investigation, to afford any person being implicated in a matter under investigation and where such implication may be to the detriment and/or interest of that person or that an adverse finding and/or remedial action pertaining to that person may result, an opportunity to respond in connection thereto.

5.2.5.2 On 11 December 2024, notices in terms of section 7(9)(a) were delivered to Mr Ramaphosa, Mr Mbalula, Mr Dukwana, Ms Ntombela, Mr Mokoena, Ms Baleni, Mr Phahlo and Mr Makepe.

5.2.5.3 On 12 December 2024, the section 7(9)(a) notice was delivered to Ms Ntsaku.

5.2.5.4 Responses to the section 7(9)(a) notice were received from the following parties only:

(a) Mr Phahlo on 13 December 2024;

(b) Mr Mphaphuli on 18 December 2024;

(c) Ms Maqueen Letsoha-Mathae on 08 January 2025; and

(d) Mr Mokoena on 09 January 2025.

5.2.5.5 The responses and information/evidence submitted in response to the section 7(9) notices were duly considered by the Public Protector. The Public Protector did not receive a response from Mr Dukwana, Ms Ntombela, Mr Makepe, and Ms Ntsaku, the occupant of the Hillside View House.

6. THE DETERMINATION OF THE ISSUES IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS

6.1. **Whether Ms Sefora Ntombela, the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the ANC Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994**

Common Cause

6.1.1 Ms Ntombela was the Premier of the Free State province from 28 March 2018 until 24 February 2023.

6.1.2 On 23 April 2022, Ms Ntombela formed part of the handing over of the house to Ms Ntsaku, which was on the same date that the ANC Letsema Campaign was launched in Bloemfontein.

6.1.3 At the time of the handing over, she was also the Deputy President of the ANC Women's League.

Issue in dispute

6.1.4 The issue for the Public Protector's determination is whether Ms Ntombela, in her capacity as a member of the ANC handed over a RDP house to Ms Ntsaku, which was funded by the FSPG, to advance the ANC's Letsema Campaign in

Bloemfontein, thereby conflating or blurring the lines between the state and political party.

The Complainant's version

6.1.5 The Complainant contended that on 23 April 2022, the ANC launched its Letsema Campaign in Bloemfontein wherein, Mr Ramaphosa and Ms Ntombela handed over a house to Ms Ntsaku, in their respective capacities as ANC functionaries/members.

6.1.6 The day was marked on the ANC social media pages as a party-political event and the launch of the Letsema Campaign was an attempt by the ANC to market all the events in the Free State attached to the Letsema Campaign in the Province, as ANC party political initiatives, creating the impression that the house was delivered by the ANC and not the FSPG.

Response from Mr M Dukwana, the former Premier of the Free State, dated 05 October 2023

6.1.7 On 27 July 2023, the Public Protector sent a letter to Mr Dukwana, the former Premier of the Free State Province requesting him to respond to the allegations.

6.1.8 On 05 October 2023, Mr Dukwana responded to the Public Protector, stating the following*:*

6.1.8.1 The house was not handed over to Ms Ntsaku as part of the Letsema Campaign but was handed over by Mr Ramaphosa and Ms Ntombela in their capacities in Government and not as ANC functionaries and/or members;

6.1.8.2 During the handing over, neither Mr Ramaphosa nor Ms Ntombela were dressed in the colours of the ANC, and no regalia which can be associated with the ANC as a political party was displayed in or outside the property which was handed over;

6.1.8.3 The Complainant referred to the handover of the house as part of the Letsema Campaign as a perception. It was clear that there were no supporting facts for his allegation. Even if the mere presence of Mr Ramaphosa and Ms Ntombela at the handing over of the house created some or other perception, there is no duty on either the President or Ms Ntombela to correct a perception that has no factual basis; and

6.1.8.4 The launch of the Letsema Campaign was a separate and distinct event from the handing over of the house. The fact that the Letsema Campaign was posted on ANC's social media and confirmed by the ANC Spokesperson, as alleged, does not elevate the handing over of the house to something that forms part of the Letsema Campaign.

6.1.9 Mr Dukwana submitted the following information to the Investigation Team with his response:

Free State Policy on Separation Between State and Party Activities, dated 03 November 2016

6.1.9.1 Mr Dukwana provided the Investigation Team with a copy of the Free State policy titled "*Separation Between State and Party Activities*" (the Policy), dated 03 November 2016, and stated that the Policy was circulated to political office bearers and officials of the Provincial Government;

6.1.9.2 The Policy was signed by Mr Magashule, the then Premier of the Free State, on 13 November 2016;

6.1.9.3 Paragraph 1 of the Policy states that "*the purpose of the policy is to give guidance to all members of the Free-State Provincial Government on the standard of ethical conduct which must be followed to ensure a clear separation between state and party activities at all times";*

6.1.9.4 Paragraph 3 of the Policy states that: "*This policy applies to all public servants and officials employed by the Free-State Provincial Government as well as the Premier and Members of the Executive Council";*

6.1.9.5 Paragraph 4.2.5 of the Policy states that "*The South African Cabinet agreed on 31 March 1999 that a framework be formulated to guide the Dissemination of Government information during an Election Period. The guidelines were adopted during the Local Government Elections of 2000 and the National-Provincial Elections of 2004 which were re-issued prior to the 2016 Local Government Elections. The provisions of these guidelines should be regarded as forming part of this policy*"; and

6.1.9.6 Paragraph 5 dealing with Policy Directive provides *inter alia* that "*No political office bearer or official may be required or allowed to use their position to market political party matters".*

Circular from Mr K Ralikontsane titled Policy: Separation between State and Party activities, 27 July 2018

6.1.10 A circular dated 27 July 2018, issued by the former Director General of the FSPG to all Members of the Executive Council and all Heads of Department indicated that:

6.1.10.1 The purpose of the circular was to communicate to all Members of the Executive Council and all Heads of Department, the Policy that was developed by the FSPG, which was circulated throughout the FSPG by the previous Premier, Mr Magashule on 03 November 2016;

6.1.10.2 The Policy set out guidelines on the separation between state and party activities following the remedial action taken by the former Public Protector, Adv Thuli Madonsela (Adv Madonsela); and

6.1.10.3 The Circular also served as a reminder to all officials of the provisions of the Policy and obligations to implement same in order to avoid conflation between state and party activities.

Circular from Mr K Ralikontsane to all Members of the Executive Council and all Heads of Department, 22 August 2022

6.1.11 Mr Ralikontsane issued another Circular dated 22 August 2022, to all Members of the Executive Council and all Heads of Department reminding them of their obligations in terms of the Policy on Separation between State and Party.

Guidelines on Government Communication during the election period, 2016

6.1.12 The purpose of the *Guidelines on Government Communication during the election period, 2016* (the Guidelines) is to guide government communicators on their conduct during an election period. The Guidelines indicated *inter alia* the following:

6.1.12.1 Paragraph 3 of the Guidelines states that "*It is normal practice in most democracies that during the election period, particular attention is paid in*

ensuring that government communication does not advantage or disadvantage any political party or individual who is a candidate in an election contest…"

6.1.12.2 Paragraph 4 of the Guidelines states that "*These guidelines apply to all government communicators, government communication structures and other related public servants/ officials. In so far as Ministers and other political representatives, contractual workers and employees in role- playing posts are concerned, the parameters of their political work in government are regulated by the Ministerial Handbook and are not the subject of these guidelines"; and*

6.1.12.3 Paragraph 5 of the Guidelines states that "*According to the IEC, an election period is the period which the IEC's Code of Conduct and Independent Broadcasting Authority Regulations apply. The election period will start with the proclamation by the Minister of Cooperative Governance and Traditional Affairs and will end when the election results are announced and certified*".

Sundry Payment Advice

6.1.13 Mr Dukwana provided the Public Protector with copies of payments made by the Chief Financial Officer in the Department of Human Settlements, Ms M Molikoe, to the service provider, Kentha Developers, for the development in Hillside View, Bloemfontein. The Sundry Payment advice indicated the following:

6.1.13.1 Kentha Developers was paid approximately one hundred and twenty-six thousand three hundred and fifty rands (R126 350,00) by the DHS, for the development of the Hillside View House, as follows:

(a) Invoice Number 485: thirty thousand seven hundred rands and thirty cents (R30 700,30) was paid for the foundation;

(b) Invoice Number 615: thirty-four thousand six hundred and thirty-one rand and sixty-four cents (R34 631,64) was paid for the wall plates; and

(c) Invoice Number 906: sixty-one thousand eighteen rands and six cents (R61 018,06) was paid for the final completion of the Breaking New Ground (BNG) house.

6.1.13.2 The Document titled "*Housing Subsidy System*" indicated that the beneficiary for House Number 6*7*5 was "*Burger S*".

Independently sourced information

ANC's Free State social media page accessed on 12 April 2024

6.1.14 On 12 April 2024, the Investigation Team conducted an online search on the *ANC's Free State* social media page[3] and confirmed the social media post submitted by the Complainant. Included in the post was a video clip of Mr Ramaphosa handing over an envelope to Ms Ntsaku.

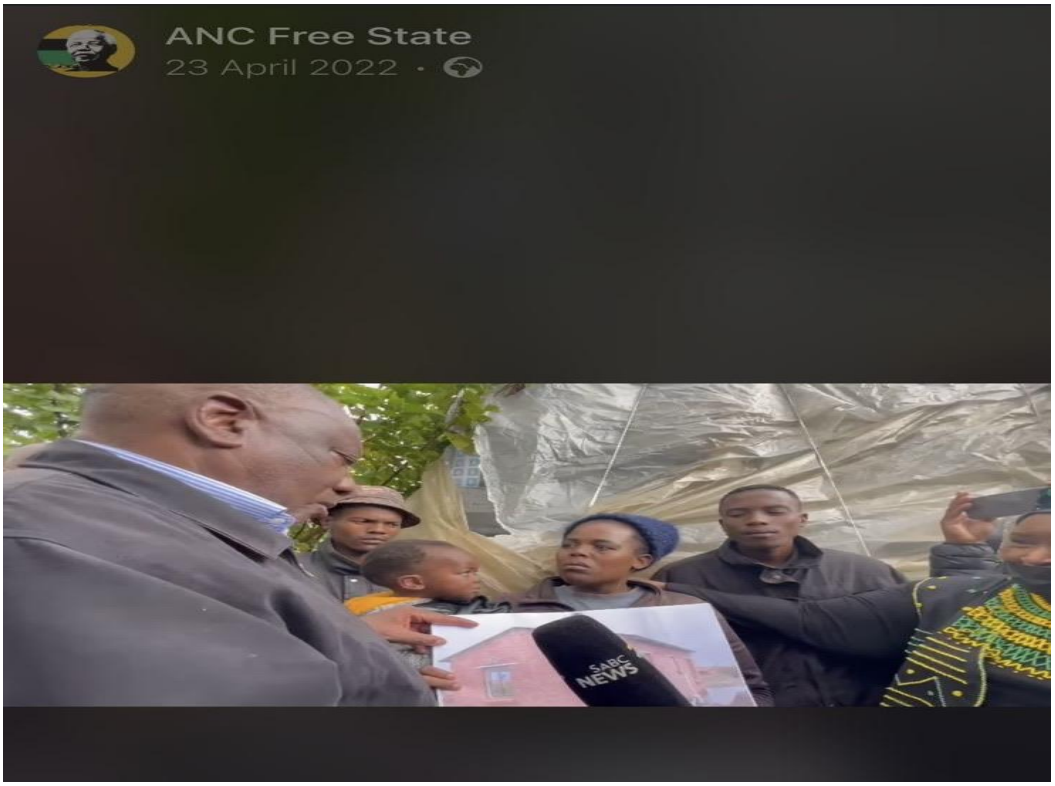
6.1.15 It was observed from the video clip that Ms Ntombela and Mr Mabe were in attendance during the handing over of the house to Ms Ntsaku.

6.1.16 Mr Mabe stated inter *alia* in the video clip "…*the President is doing the formal hand over of the keys and some of the goodies that would be handed over to the family, but the President will outline the programme when we go where the masses have gathered, over to you President*".

[3] https://www.facebook.com/share/p/19vYUGAGiA/ accessed on 12 April 2024.

6.1.17 It was further observed from the video clip that Mr Ramaphosa handed over the keys and a picture of a house to Ms Ntsaku, informing her that they would not be able to go to the house that she was handed over and that she would be occupying the house in the picture.

6.1.18 Below is the screenshot obtained from the video clip of Mr Ramaphosa handing over the picture of a house that Ms Ntsaku would be occupying.



Further information received from the FSPG

6.1.19 On 15 April 2024, the Investigation Team sent a letter to Mr MJ Machaka (Mr Machaka), the Secretary of the Free State Provincial Legislature, requesting information on the question posed by Mr Van Vuuren in the Free State Provincial Legislature and the response submitted by Mr Dukwana.

6.1.20 On 15 April 2024, Mr Machaka responded via email to the Investigation Team, stating the following:

"…

153. Hon. D van Vuuren (DA) asks the Hon. MEC responsible for COGTA&HS: Mr. M Dukwana.

In view of the houses handed over by President Ramaphosa at the launch of the Letsema Campaign in the Free State:

1. *To whom were the houses delivered?*
2. *Where are the respective houses?*
3. *Did the provincial government pay for these houses? If so, what is the cost per house?*

…

RESPONSE

30/05/2022

*The house was allocated to Lucia Lerato Ntsaku. Beneficiary identity number: 880*1*……The beneficiary was identified as child headed household. The beneficiary was allocated a house at Hillside View, Bloemfontein. Site 6*7*5. The amount that was paid was R133 000".*

Response from Ms Ntombela

6.1.21 On 25 April 2024, the Investigation Team sent a letter to Ms Ntombela requesting a response to the allegations. In her response dated 03 May 2024, Ms Ntombela stated, *inter alia,* that:

6.1.21.1 The Letsema Campaign is a developmental initiative aimed at community development that has been embroiled in controversy over the alleged conflation of state and ANC party lines. A specific incident involving the handover of a house to Ms Ntsaku has come under scrutiny. This house, constructed and funded by a private donor, was intended as a philanthropic contribution to assist needy individuals and not as a political tool;

6.1.21.2 During the event, the house located at 3*8*0 Freedom Square, Ward 6, Bloemfontein (the Freedom Square House) was formally handed over as part of the Letsema ceremonies. This initiative was intended to underscore the role of community and collective effort in national development. The house was to serve as accommodation for three young individuals recovering from substance abuse, providing them with a stable environment for rehabilitation;

6.1.21.3 There has been confusion between the private donor's house and another government funded house within the Hillside View Development, where one of the original beneficiaries, Ms Ntsaku, was relocated. This relocation was due to Ms Ntsaku qualifying for a government housing scheme, not as part of any political campaign. The events of the day should not be misrepresented as an ANC initiative but recognised as part of broader governmental support mechanisms for disadvantaged groups; and

6.1.21.4 The allegations of politicising a state-funded project are serious and warrant thorough investigation. However, it is crucial to distinguish between the contributions of various stakeholders, including private donors and government efforts, which collectively aim to uplift the community. The intention was always to promote welfare and development, not to advance any political agenda.

Interview held by the Investigation Team with Ms Ntsaku on 07 May 2024

6.1.22 On 07 May 2024, the Investigation Team interviewed Ms Ntsaku at her workplace regarding the house allocated to her. During the interview, she stated *inter alia* the following:

6.1.22.1 The Freedom Square House belonged to her mother who passed away in 2016, and she resided there since 2005 with her late mother and siblings;

6.1.22.2 During the launch of the Letsema Campaign she was approached by an unknown government official at the Freedom Square House requesting to utilise the bathroom;

6.1.22.3 The unknown government official noticed that the Freedom Square House was burnt inside. She explained the situation regarding her brothers' and that they had burnt the house. She was requested by the unknown government official to advise them on what assistance they could provide her, and she informed him that she wanted to be provided with a safe place to stay with her children;

6.1.22.4 The unknown government official then went to speak to Ms Ntombela and she was taken to the Hillside View House where Mr Ramaphosa handed over the keys to the newly built house to her. However, she was neither handed over any documentation nor the title deed for the house.

Virtual Meeting between the Investigation Team and Ms Ntombela, 13 May 2024

6.1.23 On 13 May 2024, the Investigation Team held a virtual meeting with Ms Ntombela to obtain clarity regarding her response to the Public Protector, dated 03 May 2024.

6.1.24 During the virtual meeting with Ms Ntombela, she submitted the following:

6.1.24.1 Days before the launch of the Letsema Campaign a door-to-door campaign was conducted in preparation for Mr Ramaphosa's visit;

6.1.24.2 A comrade invited her to the Freedom Square House where the situation was very bad as the male occupants were abusing drugs and the lady was residing there with her children;

6.1.24.3 The Freedom Square House was burnt down and Ms Ntsaku's sister confidentially informed her that they did not have food;

6.1.24.4 She discussed the issue with the male occupants and one of them decided to go for rehabilitation whilst the other one who burnt the house was not prepared to go to rehabilitation;

6.1.24.5 She requested officials to obtain donations/ donors to rebuild the Freedom Square House and the officials informed her that they have people who are prepared to donate the house;

6.1.24.6 On the morning of the launch of the Letsema Campaign event, she invited Mr Ramaphosa to hand over the Freedom Square House and it was fortunate that it was completed, and no government funds were utilised; and

6.1.24.7 Mr Ramaphosa did not go to the Hillside View House to handover that house to Ms Ntsaku, he only handed over the Freedom Square House and she handed over the Hillside View House to Ms Ntsaku about a week later; and

6.1.24.8 The furniture donated by the private donor was placed at the Freedom Square House and not the Hillside View House.

Information obtained from the Department of Human Settlements

6.1.25 On 09 May 2024, the Investigation Team sent a letter to the former Head of the Department of Human Settlements, Ms M Masimene (Ms Masimene), to provide further information and evidence regarding the application, approval and allocation of the Hillside View House and the Freedom Square House.

6.1.26 On 18 June 2024, the Personal Assistant to the Chief Director Cooperate Services, Ms C Mokotjo (Ms Mokotjo) provided the Investigation Team with a Report Titled *"Report Donated House 35*** Freedom Square Ward 6",* dated 30 August 2023 from the Chief Director Project Management Unit: Human Settlements, Mr T Makepe (Mr Makepe), to the MEC Free State COGTA and Human Settlements, Mr S. Mokoena.

6.1.27 The report stated, *inter alia,* the following:

"

a. Introduction

This report provides a detailed account of the events surrounding the handover of a donated house during the president's Letsema in Bloemfontein that was held in Bloemfontein.

b. Background

A private donor, whose identity remains confidential, generously financed the construction of a house aimed at providing shelter to four youngsters who had been struggling with drug use. This magnanimous act was spurred by the alarming conditions these youngsters had been living in. It was also established that three of the youngsters were abusing one who happened to

be pregnant at the time, to an extent where she gave birth prematurely. In addition to this, the drug abusing youngsters has also burned down part of the house as a result of their conditions.

Figure 1: Burnt down dilapidated house (before construction)

c. *Handover of the Donated House*

During the president's Letsema in Bloemfontein, it was arranged that this particular house would be handed over as part of the ceremonies to highlight community support and the importance of collective effort in nation building.

d. Points of Confusion

It appears there was some confusion regarding which house was to be handed over during the Letsema. This mix-up likely stems from the fact that one of the elder children from the original dilapidated and burnt house was moved to a government funded house located in the Hillside View Development project due to her qualifying beneficiary status. This shift might have caused some misconceptions regarding the handover of the privately

donated house, making some individuals believe that the house in Hillside View was the one to be presented at the Letsema.

e. Current Status

For clarity, the house that was intended for handover during the Letsema was the one privately funded by the individual donor, and not the house in the Hillside View Development. This donated house now serves as the new home for the remaining three youngsters, providing them with a much-needed fresh start. Pictures of this house have been attached herewith for your ease of reference.

f. Conclusion

While the confusion surrounding the handover is unfortunate, it is vital to highlight and appreciate the collective efforts of both private individuals and the government in their endeavour to uplift the community.

Attached: Pictures of the donated house.

*Figure 1: Newly constructed house (donated) 3*8*0 Freedom Square Ward 6"*

Further information obtained from the Department of Human Settlements

6.1.28 The Investigation Team did not receive any response from Ms Masimene regarding the letter dated 09 May 2024, and a further letter dated 18 July 2024 was sent to Ms Masimene, to provide the requested information.

6.1.29 On 19 July 2024, Ms Mokotjo submitted to the Investigation Team, the following documents regarding House number 6*7*5 Hillside View, Bloemfontein:

Deed of Sale entered into between Ms SP Burgers and Mangaung Metropolitan Municipality

6.1.29.1 The deed of sale entered into between Ms SP Burgers (Ms Burgers) and Mangaung Metropolitan Municipality (the Municipality) indicated that Ms Burgers purchased Erf 6*4*2, Bloemfontein, from the Municipality. The date of purchase was not indicated on the deed of sale.

Application for Project Linked Subsidy

6.1.30 On 24 August 2015, Ms Burgers made an Application for the Project Linked Subsidy, with the DHS, and site number 6*7*5 was allocated to the application.

6.1.31 On 19 January 2023, the title deed for site number 6*7*5 was issued under Ms Burgers' name.

DHS Application Summary for Ms Burger

6.1.32 The DHS Application Summary indicates *inter alia* the following:

(a) On 18 May 2018, "*Site changed from MANGAUNG EXT 35, 6*4*2 to MANGAUNG EXT 35, 597** Reason: Site Corrected*";

(b) On 22 May 2018, "*Site changed from MANGAUNG EXT 35, 597** to MANGAUNG EXT 35, 6*4*2 Reason: original site*";

(c) On 03 August 2018, "*Site changed from MANGAUNG EXT 35, 6*4*2 to MANGAUNG EXT 35, 5*8*3 Reason: Part of the 106 DDIS*";

(d) On 13 February 2020, "*Site changed from* "*MANGAUNG EXT 35, 5*8*3 to MANGAUNG EXT 35, 5*8*4 Reason: correct site number due to the fact that the applicant is deceased, and the family cannot be found*";

(e) On 01 October 2020, "*Site changed from MANGAUNG EXT 35, 5*8*4 to MANGAUNG EXT 35, 6*7*5 Reason: applicant moved to the new site. Instruction from the director";* and

(f) On 14 June 2022, "*Status changed from approved to Declined-Applicant Deceased Reason: The applicant is deceased and Adv ohaladi from mangaung Metro replaced this applicant with Baaidjies".* (*sic*)

Independently sourced information

6.1.33 On 05 August 2024, the Investigation Team conducted an online search on the Human Settlements System Online[4] (HSS) against the Identity Numbers of Ms Ntasku and Ms Burgers. The HSS report indicates as follows:

[4] https://www.hssonline.gov.za/#/ accessed on 05 August 2024.

6.1.34 The HSS report for Ms Ntsaku indicates that on 17 September 2021, she was registered as a beneficiary in Freedom Square for Position in Area "*7**/14***"; and

6.1.35 The HSS report for Ms Burgers indicates that she was allocated site number 6*7*5, Mangaung Ext 35, as part of the "*Bloemfontein 600 IRDP Hillside View/Kentha Dev 2016/17 - 532(F15080001/1)"* project. The status on the HSS report indicates "*Declined- Applicant Deceased*".

Inspections in loco and further interview between the Investigation Team and Ms Ntsaku, 12 September 2024

6.1.36 On 12 September 2024, the Investigation Team conducted an inspection *in loco* at number 6*7*5 Hillside View, Bloemfontein and again interviewed Ms Ntsaku to obtain clarity regarding which house was handed over to her, by Mr Ramaphosa. Ms Ntsaku stated the following during the interview:

6.1.36.1 During December 2021, whilst staying in Welkom she was informed that her family home in Freedom Square caught fire and in January 2022 she moved back to Bloemfontein;

6.1.36.2 At the time, her three (03) brothers were residing in the house in Freedom Square and were abusing drugs. Prior to the launch of the Letsema Campaign, officials from the Department conducted a door-to-door in Freedom Square, which was not very far from the actual launch;

6.1.36.3 The officials indicated that they were concerned about the conditions of the house in which they were living;

6.1.36.4 The officials informed her that they were approached by Ms Ntombela who indicated to them that Ms Ntsaku's family house in Freedom Square would be rebuilt and as Ms Ntsaku was pregnant the situation in the house was not conducive for her to stay in;

6.1.36.5 The house in Hillside View was handed over to her by Mr Ramaphosa during the launch of the Letsema Campaign;

6.1.36.6 The rebuilt house in Freedom Square was allocated to the family by Ms Ntombela during August 2022 and Mr Ramaphosa was not present at the time;

6.1.36.7 She was allocated with the keys to Hillside View House, food parcels as well as some furniture;

6.1.36.8 The envelope that Mr Ramaphosa handed to her contained a picture of the Hillside View House and there was no Tittle Deed in the envelope; and

6.1.36.9 At the time of the launch of the Letsema Campaign, the house in Freedom Square was not ready for occupation until August 2022.

6.1.37 The Investigation Team confirmed during the inspection *in loco* that Ms Ntsaku was residing at the Hillside View House and that the picture that was handed over to her by Mr Ramaphosa, was that of the Hillside View House, as observed by the Investigation Team on the video clip.

6.1.38 Ms Ntsaku then accompanied the Investigation Team to the inspection *in loco* at the Freedom Square House. The Investigation Team confirmed that Ms Ntsaku's younger brother and family are residing at the Freedom Square House.

Interview between the Investigation Team and Mr Makepe on 25 September 2024

6.1.39 On 25 September 2024, the Investigation Team interviewed Mr Makepe, to obtain clarity on the Report submitted by him to the MEC COGTA and Human Settlements, as well as to the Public Protector on 18 June 2024. During the interview Mr Makepe submitted *inter alia* the following:

6.1.39.1 The Freedom Square House was Ms Ntsaku's family private home and not a RDP house;

6.1.39.2 The Department was approached by Ms Ntombela to source a private donor to rebuild the Freedom Square House, which was burnt, and it was not identified on the basis that Mr Ramaphosa would be attending the launch of the Letsema Campaign but on the conditions under which the family were living;

6.1.39.3 The organisers of the Letsema Campaign arranged for the Freedom Square House to be handed over to Ms Ntsaku;

6.1.39.4 The technician from the Department, Ms Ireen Mofuli, who has since resigned, liaised with the contractor, that was previously contracted with the Department, regarding the construction of Freedom Square House, to ensure that the house met the technical requirements and standards;

6.1.39.5 The Hillside View House was handed over by Mr Ramaphosa to Ms Ntsaku during the launch of the Letsema Campaign, however, she and her family were actually supposed to have been handed over the rebuilt Freedom Square House;

6.1.39.6 It was established by the Beneficiary Management Unit that Ms Ntsaku is a beneficiary for a RDP house in Freedom Square, and it is suspected that this led to the confusion;

6.1.39.7 Even though Ms Ntsaku qualified as a beneficiary, her application had to indicate a new house allocated to her. The Hillside View House had its own qualifying beneficiary;

6.1.39.8 He was made aware that the original beneficiary approved for the Hillside View house was deceased, but the procedure is that the heirs of the beneficiary would get the house; and

6.1.39.9 Ms Ntombela had seen the Freedom Square House and knew which house had to be handed over to Ms Ntsaku, however, he was not at the launch of the Letsema Campaign, and it is unclear to him as to how and when the confusion arose resulting in Ms Ntsaku being handed over the Hillside View House; and

6.1.39.10 The donated Freedom Square House was built before the launch of the Letsema Campaign and was ready to be handed over with the donated furniture in it.

Responses to the Notices issued in terms of section 7(9)(a) of the Public Protector Act, 1994

6.1.40 Notices in terms of section 7(9)(a) of the Public Protector Act (section 7(9) notices), dated 11 December 2024, were issued to:

(a) Mr J Mbalula (Mr Mbalula), the Acting Premier of the Free State Province;

(b) Mr M Dukwana (Mr Dukwana) the Speaker of Free State Legislature;

(c) Ms S Ntombela, the former Premier of the Free State Province;

(d) Mr TZ Mokoena, MEC: for the Free State Cooperative Governance Traditional Affairs (COGTA) & Human Settlements;

(e) Mr TJ Phahlo, the HoD: Free State Department of Human Settlements;

(f) Mr T Makepe, the Chief Director: Project Management Unit in the Free State Department of Human Settlements; and

(g) Ms LL Ntsaku (Ms Ntsaku), occupant of House number 6*7*5, Hillside View, Bloemfontein;

6.1.41 The Public Protector received responses to the section 7(9)(a) Notice from the following parties:

Mr Phahlo, the HOD Free State Department of Human Settlements

6.1.41.1 On 13 December 2024, Mr Phahlo stated *inter alia* that the Department considered its options as set out in the Section 7(9)(a) Notice and after due consideration has opted to abide by the remedial action.

Response from Ms Maqueen Letsoha-Mathae, the Premier of the Free State Province

6.1.41.2 On 08 January 2025, Ms Maqueen Letsoha-Mathae, stated, *inter alia,* that the Office of the Premier intends to abide by any reasonable and legally sound remedial action proffered by the Public Protector.

Mr Mokoena, the MEC Free State COGTA and Human Settlements

6.1.41.3 On 09 January 2025, Mr Mokoena stated *inter alia* that:

(a) The Executive Authority entrusted with the Department of COGTA and Human Settlements, has opted to abide by Public Protector's remedial action;

(b) He would ensure that the HOD of the Department of Human Settlements undertakes within the prescribed timeframes the necessary processes to rectify the incorrect allocation of the Hillside View House; and

(c) The *"remedial action will be implemented fully cognizant of not unfairly prejudicing any party concerned".*

6.1.41.4 On 12 December 2024, Ms Ntombela acknowledged receipt of the section 7(9)(a) notice but did not submit a response thereto.

6.1.41.5 Mr Makepe and Ms Ntsaku also did not response to the section 7(9) notice.

Meeting held between Mr Phahlo, the HOD Free State Department of Human Settlements and the Investigation Team

6.1.41.6 On 05 February 2025, the Investigation Team held a meeting with Mr Phahlo to discuss amongst others steps taken by the Department rectify the incorrect allocation of the Hillside View House to Ms Ntsaku. Mr Phahlo stated that thus far the Department has not been able to trace Ms Burger's last known address, but the Department will take steps to trace the heirs of Ms Burgers and will report to the Public Protector accordingly.

Applicable law

The Constitution of the Republic of South Africa, 1996

6.1.42 Section 125(1) of the Constitution provides that the executive authority of the province is vested in the Premier of the province.

6.1.43 Section 132(1) of the Constitution states that "*The Executive Council of a province consists of the Premier, as head of the Council, and no fewer than five and no more than ten members appointed by the Premier from among the members of the provincial legislature".*

6.1.44 Section 136(2)(b) of the Constitution regarding the conduct of members of Executive Councils provides that:

"…

(2) Members of the Executive Council of a province may not-

(b) act in a way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests"

6.1.45 Section 195(1) of the Constitution provides that *"Public Administration must be governed by the democratic values and principles enshrined in the Constitution, including the following:*

a) A high standard of professional ethics must be promoted and maintained;

…

f) Public administration must be accountable

… "

Free State Policy on Separation of State and Party Activities, 2016

6.1.46 The Policy on Separation of State and Party Activities was signed by Mr Magashule, the former Premier of the Free State, on 13 November 2016.

6.1.47 Paragraph 1 of the Policy states that "*the purpose of the policy is to is to give guidance to all members of the Free-State Provincial Government on the standard of ethical conduct which must be followed to ensure a clear separation between state and party activities at all times".*

6.1.48 Paragraph 3 of the Policy states that: "*This policy applies to all public servants and officials employed by the Free-State Provincial Government as well as the Premier and Members of the Executive Council".*

6.1.49 Paragraph 5 dealing with Policy Directive provides *inter alia* that "*No political office bearer or official may be required or allowed to use their position to market political party matters."*

Housing Act,1997

6.1.50 Section 7(3) of the Housing Act, 1997 states that:

"*An MEC must-*

a. administer every national housing programme and every provincial housing programme which is consistent with national housing policy and section 3 (2) (b), and for this purpose may, in accordance with that programme and the prescripts contained in the Code, approve-

(i) any projects in respect thereof; and

(ii) the financing thereof out of money paid into the provincial housing development fund as contemplated in section 12 (2);

b. determine provincial housing development priorities in accordance with national housing policy;

...”

6.1.51 Section 7(5) of the Housing Act, 1997 states that:

“

The MEC may, subject to any conditions he or she may deem appropriate in any instance-

(a) delegate any power conferred on him or her by this Act; or

(b) assign any duty imposed upon him or her by this Act,

to an officer or employee of the department responsible for the administration of housing matters in a province, either in his or her personal capacity or by virtue of the rank he or she holds or the post he or she occupies: Provided that the delegation or assignment does not prevent the person who made the delegation or assignment from exercising that power or performing that duty himself or herself”.

Deeds Registries Act, 1937

6.1.52 Section 16 of the Deeds Registries Act,1937 provides that the ownership of land may be conveyed from one person to another only by means of a deed of transfer executed or attested by the registrar, and other real rights in land may

be conveyed from one person to another only by means of a deed of cession attested by a notary public and registered by the registrar.

Analysis

6.1.53 The evidence before the Public Protector indicates that on 23 April 2022, the ANC held the launch of the Letsema Campaign in Bloemfontein, which was also attended by Mr Ramaphosa and Ms Ntombela, who was the Premier of Free State at the time. Evidence further reveals that, on the same day, Mr Ramaphosa, in the presence of Ms Ntombela handed over the keys of a house to Ms Ntsaku.

6.1.54 Mr Dukwana stated that the house was not handed over to Ms Ntsaku as part of the Letsema Campaign but was handed over by the President and Ms Ntombela in her capacity in Government and not as an ANC functionary and/or member. He further stated that the launch of the Letsema Campaign was a separate and distinct event from the handing over of the house and contended that the fact that the Letsema Campaign was posted on the ANC's social media and confirmed by the ANC Spokesperson, as alleged, does not elevate the handing over of the house to something which forms part of the Letsema Campaign.

6.1.55 However, an independent verification of the social media post on the ANC Free State Facebook page dated 23 April 2024, regarding the handing over of the house to Ms Ntsaku, shows, *inter alia,* that "*ANC President comrade Cyril Ramaphosa handed over a newly built house during the official launch of #Letsema, in Mangaung Bloemfontein....The President met Lerato and her two brothers from Freedom Square, Bloemfontein, to hand over the keys to their newly built house in Hillside View*".

6.1.56 In addition, the video clip attached to the ANC Free State social media post recorded Mr Mabe introducing Mr Ramaphosa during the handing over of the house to Ms Ntsaku and stating that "…*the President is doing the formal hand over of the keys and some of the goodies that would be handed over to the family, but the President will outline the programme when we go where the masses have gathered, over to you President".*

6.1.57 The Public Protector also noted the discrepancy in the submissions by Ms Ntombela, Mr Dukwana and Mr Makepa regarding which house Mr Ramaphosa handed over to Ms Ntsaku.

6.1.58 Whilst on one hand, Mr Dukwana and Mr Makepe submitted that the Hillside View House was handed over to Ms Ntsaku on 23 April 2024, on the other hand, Ms Ntombela contended that Mr Ramaphosa handed over the Freedom Square House. Ms Ntombela also indicated that she approached officials of the Department of Human Settlements to obtain a donation from a private donor who was previously contracted to the Department to rebuild the Freedom Square House that was subsequently handed over to Ms Ntsaku.

6.1.59 The evidence from the video clip shows Mr Ramaphosa handing over the keys and a picture of a house to Ms Ntsaku that she would be occupying and is heard informing her that they would not be able to go to the house that she was handed over. The Public Protector observed that the house in the picture that was handed over to Ms Ntsaku is the Hillside View House, and not the Freedom Square House. Ms Ntsaku also confirmed to the Investigation Team during the interview that the picture that Mr Ramaphosa handed over to her, is the picture of the Hillside View House that was in the video clip. She further confirmed that the keys to the house that were handed over to her by Mr Ramaphosa on 23 April 2024, were for the Hillside View House in which she is currently residing.

6.1.60 Mr Makepe also confirmed that Ms Ntsaku was handed over the keys to the Hillside View House.The media reports dated 23 April 2022 and 25 April 2022, respectively, also reported on the handing over of the keys by Mr Ramaphosa to a house in Hillside View. Therefore, the version of Ms Ntombela that the Freedom Square House was handed over by Mr Ramaphosa during the Letsema Campaign is not plausible.

6.1.61 The Public Protector established from the submissions of Ms Ntombela and Mr Makepe that the intention was to hand over the Freedom Square House which was rebuilt with the donation from a private donor, as part of the launch of the Letsema Campaign. However, the irrefutable evidence before the Public Protector indicates that the Hillside View House was actually handed over to Ms Ntsaku.

6.1.62 Ms Ntombela contended in her response dated 25 April 2024, that there has been confusion between the private donor's house and another government-funded house within the Hillside View Development, where one of the original beneficiaries, Ms Ntsaku, was relocated. She further contended that this relocation was due to Ms Ntsaku qualifying for a government housing scheme, not as part of any political campaign and the events of the day should not be misrepresented as an ANC initiative but recognised as part of broader governmental support mechanisms for disadvantaged groups.

6.1.63 However, the evidence before the Public Protector indicates that the Free State Department of Human Settlements paid Kentha Developers an amount of approximately R126 350,00. for the construction of the Hillside View House that was handed over to Ms Ntsaku. According to the records at the Public Protector’s disposal, on 24 August 2015, Ms Burgers made an Application for the Project Linked Subsidy, with the DHS, and site number 6*7*5 was allocated to the application. Evidence further indicates that the approved beneficiary of

the Hillside View House and the title deed for site number 6*7*5 was issued under Ms Burgers name on 19 January 2023.

6.1.64 Whilst it is correct that Ms Ntsaku applied for a government housing subsidy and was approved, the submission by Ms Ntombela that the relocation of Ms Ntsaku to the Hillside View House was due to her qualifying for a government housing scheme, cannot be sustained. The house that was handed over to Ms Ntsaku during the Letsema Campaign had according to the Application for the Project Linked Subsidy with the DHS and site number 6*7*5 already been allocated to Ms Burgers.

6.1.65 Furthermore, the information obtained by the Investigation Team from the HSS records indicates that Ms Ntsaku was an approved beneficiary to receive a house in the Freedom Square area and not within the Hillside View Development as contended by Ms Ntombela. However, at the time of the Letsema Campaign, no house had yet been built for allocation to Ms Ntsaku, which was also confirmed by Mr Makepe.

6.1.66 Further evidence reveals that Ms Ntombela visited the Freedom Square House, consulted with Ms Ntsaku and facilitated the donation for the rebuilding of the Freedom Square House with officials of the Department of Human of Settlements. Therefore, Ms Ntombela at all times knew that Ms Ntsaku was to be placed at the Freedom Square House during the Letsema Campaign, and her submission that there has been confusion between the private donor's house and another government-funded house within the Hillside View Development, where Ms Ntsaku, was relocated cannot be accepted.

6.1.67 The process of handing over a government funded house is intended to formalise the ownership and eligibility of the beneficiary to receive a title deed and allows them to make legal decisions regarding the property. This is an

official process aimed at ensuring proper allocation and ownership after all requirements for the completion of the house and its occupancy have been met and verified by the Free State Department of Human Settlements. Therefore, the handing over of a government funded house is an official government activity.

6.1.68 At the time the house was handed over to Ms Ntsaku, Ms Ntombela was the then Premier of the FSPG. Therefore, in terms of section 132(1) of the Constitution, she was a member of the Executive Council of the province. Section 136(2)(b), of the Constitution places an obligation on Members of the Executive of a Province not to act in a way that is inconsistent with their office or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests. Paragraph 5 of the Policy states that no political office bearer or official may be required or allowed to use their position to market political party matters.

6.1.69 Sections 195(1)(a) and (f) of the Constitution are applicable to administration in every sphere of government and require public administration to be accountable and a high standard of professional ethics to be promoted and maintained.

6.1.70 Therefore, the facilitation by Ms Ntombela of the handover of the Hillside View House to Ntsaku, which was paid for by the Free State Department of Human Settlements during the ANC Letsema Campaign, knowing fully well that it was not the Freedom Square House, exposed her to the risk of a conflict between her official responsibilities and private interests. Ms Ntsaku was not a beneficiary of the Hillside View House, and the rightful beneficiary has been prejudiced by the allocation of the house to her. Ms Ntsaku is currently residing in a house that she is not legally entitled to, as the title deed for the Hillside View House is under the name of Ms Burgers. The dependants of Ms Burgers

have been prejudiced by the allocation of the Hillside View House to Ms Ntsaku as it impacts their right to ownership of the property in terms of section 16 of the Deeds Registries Act, 1937.

6.1.71 Ms Ntombela also exposed herself to a risk of a conflict risk between her official responsibilities and private interests when she approached officials of the Department of Human Settlements to facilitate a donation from a service provider who was previously contracted to the Department of Human Settlements, to rebuild the Freedom Square House, that was to be handed over during the Letsema Campaign, contrary to the provisions of sections 136(2)(b), 195(1)(a) and (f) of the Constitution.

6.1.72 Ms Ntombela further used her position as a member of the ANC, to publicise the handing over of the Hillside View House, paid for by the Free State Department of Human Settlements and posted on the ANC Free State social media page as part of the Letsema Campaign, contrary to the provisions of section 136(2)(b), 195(1)(a) and (f) of the Constitution as well as Paragraph 5 of the Policy.

6.1.73 In his response dated 13 December 2024 to the section 7(9) notice, Mr Phahlo the HOD Free State Department of Human Settlements stated, *inter alia,* that the Department considered its options as set out in section 7(9)(a) Notice and after due consideration has opted to abide by the remedial action. Mr Phahlo further stated in the meeting held on 05 February 2025 with the Investigation Team that the Department has thus far not been successful in tracing the last known address of Ms Burgers, however he undertook that the Department will steps to traces the details of the heirs to Ms Burgers.

6.1.74 On 08 January 2025, Ms Maqueen Letsoha-Mathae, the Premier of the Free State Province stated that the Office of the Premier intends to abide by any reasonable and legally sound remedial action proffered by the Public Protector.

6.1.75 On 09 January 2025, Mr Mokoena, *the MEC Free State COGTA and Human Settlements* also stated that the Executive Authority entrusted with the Department of COGTA and Human Settlements has opted to abide by Public Protector's remedial action. He further stated that he would ensure that the HOD of the Department of Human Settlements undertakes within the prescribed timeframes the necessary processes to rectify the incorrect allocation of the Hillside View House and the *"remedial action will be implemented fully cognizant of not unfairly prejudicing any party concerned".*

Conclusion

6.1.76 Based on the information and evidence, the Public Protector concludes that on 23 April 2024, Mr Ramaphosa and Ms Ntombela attended the launch of the Lestema Campaign, in Bloemfontein. During the event, Mr Ramaphosa in the presence of Ms Ntombela handed over the keys of the Hillside View House to Ms Nsaku in their capacities as members of the ANC.

6.1.77 The Public Protector further concludes that the handing over of the Hillside View House to Ms Ntsaku on 23 April 2024 was part of the launch of the ANC Letsema Campaign and not an official handover process facilitated by the Department of Human Settlements.

6.1.78 Ms Ntsaku was not the approved beneficiary for the Hillside View House but was an approved beneficiary of a house in the Freedom Square area, and no house had been built for allocation to her. She was handed over a house that was allocated to another beneficiary i.e. Ms Burgers, and the title deed had

been issued in her name. Neither the Free State Office of the Premier nor the Free State Department of Human Settlements, which are instrumental in the handing over of government-funded houses to the beneficiaries, have not taken any steps to rectify this administrative error, as Ms Ntsaku is currently still residing in the Hillside View House.

6.1.79 The handing over of the keys of the Hillside View House to Ms Ntsaku was publicised on the *ANC Free State* social media post including other media reports as an ANC Letsema Campaign event, advancing the interest of the ANC as a political party. Therefore, Ms Ntombela should not have utilised the handing over of the government-funded Hillside View House as part of ANC political campaigning, which resulted in a conflation between state and party and constituted a conflict of interest between her official duties and party-political activities.

6.2. **Whether Mr Ramaphosa, the President of the Republic of South Africa utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994**

Common Cause

6.2.1 Mr Ramaphosa is the President of the Republic of South Africa. He is also the President of the ANC.

6.2.2 On 23 April 2022, Mr Ramaphosa, as President of the ANC, visited Bloemfontein to launch the ANC's Letsema Campaign.

6.2.3 On 23 April 2022, Mr Ramaphosa, in the presence of Ms Ntombela, handed over the keys to a house in Bloemfontein to Ms Ntsaku.

Issue in dispute

6.2.4 The issue for the Public Protector's determination is whether Mr Ramaphosa in his capacity as a member of the ANC handed over a RDP house to Ms Ntsaku which was funded by the FSPG, to advance the ANC's Letsema Campaign in Bloemfontein, thereby conflating or blurring the lines between the state and political party.

The Complainant's version

6.2.5 The Complainant contended that Mr Ramaphosa, Ms Ntombela and any other officials and politicians present, deliberately and blatantly abused state resources to promote the ANC.

6.2.6 He further argued that Mr Ramaphosa and the former Premier of the Free State Province, Ms Sefora Ntombela (Ms Ntombela), amongst others, acted in their respective capacities as ANC functionaries and members during the handing over of the house to MS Ntsaku but no attempts were made by them to remedy this public perception, if they had regarded it as incorrect. The event involving the delivery of the house, and other events on the day, were clearly ANC's Letsema Campaign party political events.

Response from the Director General and Secretary of the Cabinet, Ms Phindile Baleni, dated 08 September 2023

6.2.7 The Public Protector sent an allegations letter dated 27 July 2023 to the President requesting him to respond to the allegations and provide information regarding the matter under investigation.

6.2.8 In a letter dated 08 September 2023, the Director General and Secretary of the Cabinet in the Presidency, Ms Phindile Baleni (Ms Baleni), responded to the Public Protector stating, *inter alia,* the following:

6.2.8.1 There are several distinctions between the current complaint and the Operation Hlasela Report of the Public Protector (the Report) and as a result of which the Presidency denies that its conclusions can be directly applied to the substance of the current complaint;

6.2.8.2 The Report dealt with conduct during an election campaign. The Letsema Campaign is not an electoral campaign. Letsema is a campaign to promote community action for social development and upliftment;

6.2.8.3 The Report further dealt with a situation of conflation of two separate things: on one hand, a provincial government programme named Operation Hlasela, and on the other, a private fund supporting the activities of the ANC, named the Hlasela Fund at the time. No such juxtaposition and conflation of two separate, clearly distinct things are existing in this case;

6.2.8.4 The Report made findings in the light of actual advertising for the ANC that made use of a moniker used for a government programme, to campaign for the ANC. There can be no question that the Letsema Campaign is not a government programme. In the case of the Letsema Campaign, Mr Ramaphosa launched the ANC's Letsema Campaign, he did so in his capacity as President of the ANC;

6.2.8.5 There was no invitation from the FSPG and therefore no documentation to provide regarding any communication between the FSPG and the Presidency;

6.2.8.6 The launch of the Letsema Campaign was arranged by the Office of the Secretary-General of the ANC, and Mr Ramaphosa was provided with a programme for the day;

6.2.8.7 The programme provided to Mr Ramaphosa, did not include the visit to Ms Ntsaku. It was neither anticipated nor was he aware of it until that morning. Mr Ramaphosa visited the house of Ms Ntsaku at the recommendation of Ms Ntombela. Mr Ramaphosa was provided with keys to a new home for Ms Ntsaku, which he handed over to her. Mr Ramaphosa was at the time informed that safe housing was being made available to Ms Ntsaku by a donation from a private businessperson, the identity of which is not known to Mr Ramaphosa;

6.2.8.8 The Presidency categorically denies that Mr Ramaphosa abused state resources to promote the ANC by visiting the house of Ms Ntsaku;

6.2.8.9 The ANC in the Free State is entitled to highlight its successes in its governance of the province. Mr Ramaphosa had no reason not to believe all relevant prescripts were not followed;

6.2.8.10 The Presidency has no knowledge of the statements of Mr Dukwana or Mr Magashule referred to in the complaint;

6.2.8.11 The Presidency denies that Mr Ramaphosa violated the Policy regarding separation of party and state, the spirit of Schedule 2 (Electoral Code of Conduct), sections 96, 136 and 195 of the Constitution, the spirit of Article 17

of the African Charter on Democracy, Elections and Governance or Article 25 of the United Nations International Covenant on Civil and Political Rights;

6.2.8.12 The FSPG Policy does not apply to Mr Ramaphosa as the President in his national endeavours. Mr Ramaphosa was not in any event attending a provincial government event;

6.2.8.13 The Electoral code is binding from the date on which the notice calling an election is published to the date on which the result of the election is declared; and

6.2.8.14 Mr Ramaphosa accepts that the spirit of the Code must be respected outside of electoral campaigns, it is not binding outside of such periods and Mr Ramaphosa's conduct ought not to be measured in terms of the provision outside of such periods.

6.2.9 Ms Baleni submitted the following documentary Evidence to the Public Protector with her response:

6.2.9.1 Draft Programme, National Letsema Launch, 23 April 2022

Programme	***Time***	***Venue***	***Expected***
Arrival	*9h30*		
Briefing Session	*9h30 - 10h00*	*HOD Engineering Boardroom. Next to Home Affairs Offices Rockland*	*Local Councillor, IPC officials, IRC convenor & coordinator, Mayor, NECS*

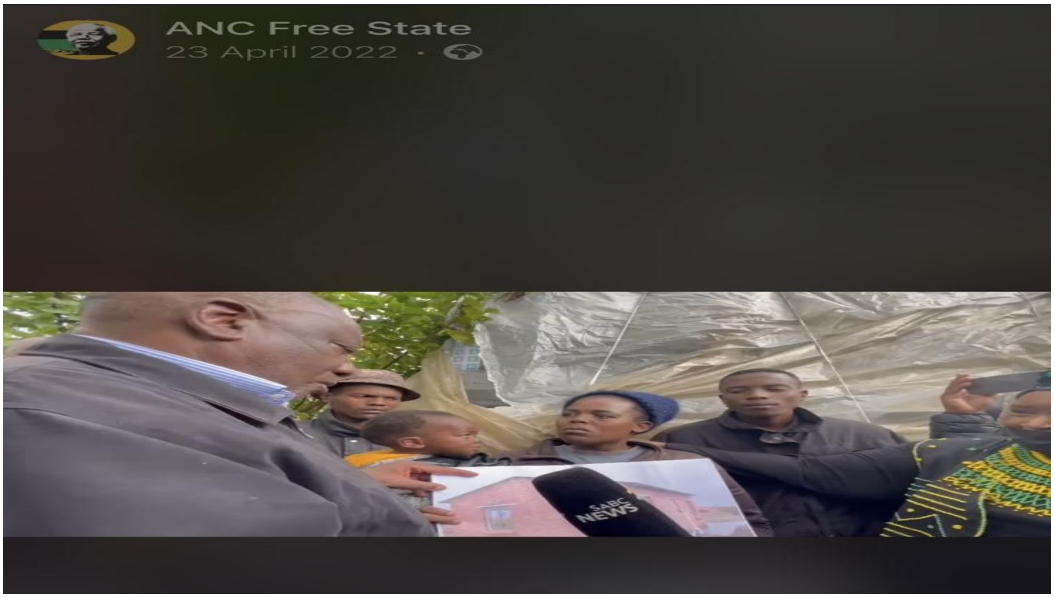
Travel	*10h00 - 10h15*		
Cleaning Campaign	*10h15 - 11h00*	*Turflaagte Toka area*	*President, IPC & Volunteers*
Traveling	*11h00 - 11h15*		
Fixing Potholes	*11h15 - 11h45*	*Turflaagte Toka next to Freedom Square Clinic*	*President, IPC & Volunteers*
Travel	*11h45 - 12h00*		
National Letsema Launch	*12h00 - 13h30*	*Turflaagte open space next to Toka School*	*President, IPC & Volunteer and all public*
Travel	*13h30 - 13h40*		
Radio interview	*13h40 - 13h55*	*Motheo FM @*	*President, Elections media team*
Travel	*13h55 - 14h05*		
Lunch with identified stakeholders	*14h05 - 15h30*	*Lesley Monnanyana Hall. Next to Home Affairs Offices Rockland*	*Prov and Nat officials Invited Guests*

Independently sourced information

ANC's Free State social media page accessed on 12 April 2024

6.2.10 As indicated above, the information in paragraphs 6.1.14 to 6.1.16 above, on the online search conducted by the Investigation Team on 12 April 2024, confirmed that the President was in Bloemfontein on 23 April 2022 to launch the ANC Letsema Campaign. On the same date, he handed over the keys to a house to MS Ntsaku.

6.2.11 A screenshot was obtained from the video clip of Mr Ramaphosa handing over the picture of a house that Ms Ntsaku.



Virtual Meeting between the Investigation Team and Ms Ntombela, 13 May 2024

6.2.12 On 13 May 2024, the Investigation Team held a virtual meeting with Ms Ntombela to obtain clarity regarding her response to the Public Protector, dated 03 May 2024. During the virtual meeting with Ms Ntombela, she submitted *inter alia* that:

6.2.12.1 On the morning of the launch of the Letsema Campaign event, she invited Mr Ramaphosa to hand over the Freedom Square House and it was fortunate that it was completed, and no government funds were utilised; and

6.2.12.2 Mr Ramaphosa did not go to the Hillside View House to handover that house to Ms Ntsaku, he only handed over the Freedom Square House and she handed over the Hillside View House to Ms Ntsaku about a week later.

Responses to the Notices issued in terms of section 7(9)(a) of the Public Protector Act, 1994

6.2.13 A notice in terms of section 7(9)(a) of the Public Protector Act (section 7(9) notices), dated 11 December 2024, was issued to Mr Ramaphosa, and Ms P Baleni, the Director-General and Secretary of the Cabinet

6.2.14 On 18 December 2024, the Public Protector received a response from Mr Mphaphuli, the Acting Unit Head: Legal and Executive Services in the Presidency wherein he stated, *inter alia,* that the President and the Director-General in the Presidency have taken cognisance of the provisional findings and remedial action contained in the section 7(9)(a) Notice.

Applicable law

The Constitution of the Republic of South Africa, 1996

6.2.15 Section 83(a) of the Constitution provides that the President is the ead of State and head of the national executive.

6.2.16 Section 91(1) of the Constitution states that "*The Cabinet consists of the President, as the head of the Cabinet, a Deputy President and Ministers".*

6.2.17 Section 96(2)(b) of the Constitution regarding the conduct of Cabinet members and Deputy Ministers provides that:

"…

(2) Members of the Cabinet and Deputy Ministers may not-

(b) act in a way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests"

Electoral Act, 1998

6.2.18 Section 17 of the Electoral Act dealing with the Proclamation of elections of National Assembly, states that:

"

a. Whenever the President or Acting President calls an election of the National Assembly the proclamation concerned must set a single day and date for voting.

b. The voting day must be determined after consultation with the Commission."

6.2.19 Section 18 of the Electoral Act dealing with the Proclamation of elections of provincial legislatures, states that:

"

(1) Whenever the President or the Premier or Acting Premier of a province calls an election of the provincial legislature the proclamation concerned must set single day and date for voting.

(2) The voting day must be determined after consultation with the Commission."

6.2.20 Section 20 of the Electoral Act, dealing with Election timetables states that**:**

"

i. The Commission must after consultation with the party national liaison committee—

(a) compile an election timetable for each election substantially in accordance with Schedule 1; and

(b) publish the election timetable in the Government Gazette".

6.2.21 Section 26 of the Electoral Act dealing with the requirements for parties to contest election states that:

"

A party may contest an election only if that party-

(a) is a registered party; and

(b) has submitted a list of candidates in terms of section 27".

6.2.22 Section 27 of the Electoral Act, dealing with the submission or lists of candidates states that:

"

ii. A registered party intending to contest an election must nominate candidates and submit a list or lists of those candidates for that election to the chief electoral officer in the prescribed manner by not later than the relevant date stated in the election timetable."

Schedule 2 of the Electoral Code of Conduct contained in the Electoral Act, 1998

6.2.23 Section 3 of Schedule 2 of the Electoral Code of Conduct contained in the Electoral Act, 1998 (the Code) states that:

"

Compliance with Code and electoral laws

Every registered party and every candidate must—

(a) comply with this Code;

..."

Proclamation Notice 158 of 2024, dated 21 February 2024

6.2.24 The Proclamation Notice dated 21 February 2024, in terms of section 49(2) of the Constitution, read with section 17 of the Electoral Act, proclaimed 29 May 2024 as the date for the general national and provincial elections.

Government Gazette Number 50185, dated 24 February 2024

6.2.25 Notice 2340 of 2024, was published in Government Gazette Number 50185, dated 24 February 2024, regarding the Election Timetable for the Election of the National Assembly and the Election of Provincial Legislatures.

Article 17 of the African Charter on Democracy, Elections and Governance, adopted on 30 January 2007

6.2.26 Article 17 of the African Charter on Democracy, Elections and Governance states that "*State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa*".

United Nations International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966

6.2.27 Article 2, states that State parties are required to adopt legislative and other measures to give effect to the rights recognised in the International Covenant on Civil and Political Rights (ICCPR).

6.2.28 Article 25 of the ICCPR states that:

"*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

...;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; ...".

General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25): 12/07/96.CCPR/C/21/Rev.1/Add.7, General Comment No. 25, adopted by the Human Rights Committee on 12 July 1996

6.2.29 Paragraph 19 of the General Comment No 25, states that:

"*In conformity with paragraph (b), elections must be conducted fairly and freely on a periodic basis within a framework of laws guaranteeing the effective exercise of voting rights. Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will"*

Public Protector Report No: 1 of 2016/17, State and Party Colours

6.2.30 The Public Protector Report No: 1 of 2016/17, titled "State and Party Colours" *on an investigation into allegations of maladministration regarding Operation Hlasela and the Hlasela Fund of the Free State Provincial Government and alleged conflation between party and state* (Report No: 1 of 2016/17), was issued by Adv. Madonsela on 05 May 2016.

6.2.31 The allegations in Report No: 1 of 2016/17 were *inter alia* that:

6.2.37.1 Operation Hlasela is a FSPG Programme and has been marketed as such by the then Premier of the Free State;

6.2.37.2 During the 2011 local government elections, the ANC election vehicles had Hlasela printed on it, as a form of a campaigning strategy; and

6.2.37.3 The complainant regarded the logo of Hlasela on a political party vehicle as an abuse of state resources for political party purposes and a conflation of political party and state.

6.2.32 The findings of Report No: 1 of 2016/17 were as follows:

*"**Regarding whether the Free State Government abused state resources to advance the African National Congress' (ANC) election campaign during the 2011 municipal elections, it was found that**:*

(a) There is no conclusive evidence showing abuse or misuse of state resources to advance the ANC's electoral campaign during the 2011 local government elections.

(b) Evidence reveals that at the time the complaint arose, there were two Hlasela initiatives, one called Operation Hlasela, an official state funded service delivery acceleration project by the Free State government driven by the Premier and a private Hlasela Fund funded by private individuals, including civil servants and civil society entities to support the state's Hlasela initiative. In pursuit of following the Public Protector's advice to the Premier, the Private Hlasela Fund was renamed Friends of the Free State and also brands its programme as Friends of the Poor,

(c) *The private Hlasela initiative openly endorsed the ANC's electoral campaign and had a truck advertising "Vote ANC" during the 2011 local government elections;*

(d) *Although no state funds were used for the private Hlasela initiative, state platforms and communication resources were used to advertise and laud Operation Hlasela without distinguishing between the government's Operation*

(e) *Hlasela and the ANC Manifesto-endorsing private Hlasela Fund, whose benefit to the ANC, in terms of free publicity and skewed implications for electoral fair play cannot be reasonably denied; and*

(f) *Regardless of intention, the undermining of fair play in the electoral process was inconsistent with Schedule 2 of the Electoral Act, Sections 136 and 195 of the Constitution, the spirit of article 17 of the African Charter on Democracy, Elections and Governance and article 5 of the ICCPR.*

Regarding whether the Free State government implemented Operation Hlasela in a manner that amounts to conflation of party and state, I find that:

(g) *The allegation of conflation of party and state is sustained;*

(h) *Regardless of intentions and separate ownership as well as separate sources of funding for the two Hlaselas, the branding and marketing of the two was indistinguishable and the two were marketed and lauded in government platforms;*

(i) *The arrangement not only confused the public regardless of what activities are government sanctioned and funded, and which are privately sponsored, government itself used state communication resources to promote and laud both without always distinguishing the two.*

(j) *Until the two Hlaselas were distinguished, the private initiative cannot be said to have not benefited from the shared branding and the free advertising of the Government's Operation Hlasela, at state expense.*

(k) *Regardless of intention, the undermining of fair play in the electoral process was inconsistent with Schedule 2 of the Electoral Act, Sections 136 and 195 of the Constitution, the spirit of article 17 of the African Charter on Democracy, Elections and Governance and article 25 of the ICCPR.*

Regarding whether any person or political party was prejudiced by the conduct in question, I find that:

(l) *Other political parties and independent candidates were indeed prejudiced.*

(m) *Although I have no reason to doubt the bong fides of Premier Magashule and the Free State Government regarding the intention of using the two Hlaselas to accelerate service delivery, the arrangement which allowed for the use of government platforms to promote the ANC-Manifesto-endorsing private Hlasela Fund, did provide free advertisement for the ANC which was not provided to other parties and independent candidates and accordingly undermined equal access to advertising and other communications channels thus compromising fair play between the ANC and other parties".*

Analysis

6.2.33 The evidence before the Public Protector indicates that on 23 April 2022, the ANC held the launch of the Letsema Campaign in Bloemfontein, which was also attended by Mr Ramaphosa. Evidence further reveals that, on the same day, Mr Ramaphosa, in the presence of Ms Ntombela handed over the keys of a house to Ms Ntsaku.

6.2.34 Ms Ntombela submitted in her response dated 03 May 2024, and also reiterated during an interview with the Investigation Team on 13 May 2024, that Mr Ramaphosa handed over the house to Ms Ntsaku as part of the Letsema Campaign. She, however, stated that she only informed the President about the handing over of the house to Ms Ntsaku on the morning of the event and that Mr Ramaphosa formally handed over the Freedom Square House and not the Hillside View House to Ms Ntsaku.

6.2.35 Ms Baleni corroborated Ms Ntombela and stated in her response to the Investigation Team dated 08 September 2024, that there can be no question that the Letsema Campaign is not a government programme and when Mr Ramaphosa launched the ANC's Letsema Campaign, he did so in his capacity as the President of the ANC, which was arranged by the Office of the Secretary-General of the ANC. In addition, she stated that Mr Ramaphosa was "*not in any event attending a provincial government event*".

6.2.36 This is also evident from the draft programme that was submitted by Ms Baleni that the event was the "*National Letsema Launch" though it* does not indicate that a house would be handed over during the event. Ms Baleni further stated that Mr Mabe, as Secretary-General of the ANC at the time, was responsible for the arrangements of the launch of the Letsema Campaign.

6.2.37 According to Ms Baleni, Mr Ramaphosa neither anticipated nor was made aware that he would be handing over a house until the morning of the event and he was informed that safe housing was being made available to Ms Ntsaku by a donation from a private businessperson, the identity of which is not known to Mr Ramaphosa. This was confirmed also by Ms Ntombela during the virtual meeting with the Investigation Team on 13 May 2024, wherein she stated that on the morning of the launch of the Letsema Campaign event, she invited Mr Ramaphosa to hand over the Freedom Square House to Ms Ntsaku, which was funded by a private donor.

6.2.38 She further stated that Mr Ramaphosa was therefore not aware that the house that he was handing over to Ms Ntsaku was funded by the government.

6.2.39 In addition, the video clip attached to the ANC Free State social media post recorded Mr Mabe introducing Mr Ramaphosa during the handing over of the house to Ms Ntsaku and stating that "…*the President is doing the formal hand over of the keys and some of the goodies that would be handed over to the family, but the President will outline the programme when we go where the masses have gathered, over to you President".*

6.2.40 Mr Dukwana disputed the notion that Mr Ramaphosa and Ms Ntombela acted in their capacities as members of the ANC when they handed over the Hillside View House to Ms Ntsaku. He maintained that they acted in their capacities in government and not as ANC functionaries and/or members. However, an independent verification of the social media post on the ANC Free State Facebook page dated 23 April 2024, regarding the handing over of the house to Ms Ntsaku, shows, *inter alia,* that "*ANC President comrade Cyril Ramaphosa handed over a newly built house during the official launch of #Letsema, in Mangaung Bloemfontein....The President met Lerato and her two*

brothers from Freedom Square, Bloemfontein, to hand over the keys to their newly built house in Hillside View".

6.2.41 The evidence before the Public Protector, on a balance of probabilities, does not support the submissions by Mr Dukwana that Mr Ramaphosa and Ms Ntombela acted in their capacities in government and not as ANC functionaries when they handed over the keys to Ms Ntsaku. Even if Mr Dukwana's contention were to be accepted, Ms Baleni as indicated above stated that Mr Ramaphosa was not attending a government event and Mr Mabe, as the Secretary-General of the ANC would not have introduced Mr Ramaphosa when the house was handed over to Ms Ntsaku, as he was not a government official at the time.

6.2.42 The contention by the Complainant that the abuse of state resources is very similar to the abuse referred to in Report No:1 of 2016/17, and that Mr Ramaphosa and Ms Ntombela violated the spirit of Schedule 2 of the Electoral Code of Conduct; the spirit of Article 17 of the African Charter on Democracy Elections and Governance; and Article 25 of the United Nations International Covenant in Civil and Political Rights is not applicable to the circumstances of the matter under investigation.

6.2.43 Although this matter also relates to allegations of abuse of state resources and conflation between state and party, the circumstances of Report No: 1 of 2016/17 and the matter under investigation are distinguishable.

6.2.44 Whilst Report No: 1 of 2016/17 related to the conduct of government officials during the election period, the launch of the Letsema Campaign, in Bloemfontein and the handing over of the house to Ms Ntsaku on 23 April 2022, were held twenty-two (22) months prior to the Proclamation Notice for the

Elections and Election Timetable being issued on 21 February 2024 and 24 February 2024, respectively.

6.2.45 Therefore, the scope of the investigation did not include the conduct of Mr Ramaphosa and Ms Ntombela in relation to the provisions of Schedule 2 of the Electoral Code of Conduct, Article 17 of the African Charter on Democracy, Elections and Governance and Article 25 of the ICCPR, as the Letsema Campaign occurred prior the Proclamation Notice for the Elections.

6.2.46 The Public Protector notes the responses to the section 7(9) notice, dated 18 December 2024, Mr Mphaphuli stated that the President and the Director-General in the Presidency have taken cognisance of the provisional findings and remedial action contained in the section 7(9)(a) Notice.

Conclusion

6.2.47 Based on the information and evidence, the Public Protector concludes that on 23 April 2024, Mr Ramaphosa and Ms Ntombela attended the launch of the Letsema Campaign, in Bloemfontein. During the event, Mr Ramaphosa in the presence of Ms Ntombela handed over the keys of the Hillside View House to Ms Nsaku in their capacities as members of the ANC.

6.2.48 The Public Protector further concludes that the handing over of the Hillside View House to Ms Ntsaku on 23 April 2024, was part of the launch of the ANC Letsema Campaign and not an official handover process facilitated by the Department of Human Settlements.

6.2.49 There is no evidence before the Public Protector to rebut the contention by Ms Ntombela that she only informed Mr Ramaphosa on the morning of the event that he would be handing over a house that was funded by a private donor. Mr

Ramaphosa was therefore misinformed by Ms Ntombela into handing over the keys of the government funded Hillside House, during the Letsema Campaign, instead of the privately funded Freedom Square House.

7. FINDINGS

Having regard to the evidence, the regulatory framework determining the standard the FSPG should have complied with and the impact thereof on good administration, the Public Protector makes the following adverse findings against the FSPG:

7.1 Whether Ms Sefora Ntombela, the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994

7.1.1 The allegation that Ms Sefora Ntombela, the former Premier of the Free State Provincial Government utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, in the handing over of a house to Ms Ntsaku, which resulted in the conflation between state and political party, **is substantiated**.

7.1.2 Ms Ntombela approached officials of the Department of Human Settlements to obtain a donation from a private donor to rebuild the Freedom Square House, which was supposed to be handed over to Ms Ntsaku, during the launch of the

Letsema Campaign. However, the Hillside View House was handed over to Ms Ntsaku by Mr Ramaphosa and Ms Ntombela.

7.1.3 The Department of Human Settlements approved the Hillside View house, for Ms Burgers and Ms Ntsaku was not the approved beneficiary for Hillside View House. She was an approved beneficiary for the area Freedom Square; however, no house had yet been built for allocation to her. Ms Ntsaku is currently residing in a house that she is not legally entitled to, as the title deed for the Hillside View House is under the name of Ms Burgers.

7.1.4 Any official process for the handing over of the keys of a government funded house, such as the Hillside View House to Ms Ntsaku was supposed to take place under the auspices and authority of the FSPG and not a party-political event.

7.1.5 The handing over of the keys to the Hillside View House to Ms Ntsaku which was paid for by the Free State Department of Human Settlements, during the Letsema Campaign, was marketed on the *ANC Free State* social media post and other media reports to advance the interest of the ANC, resulted in a conflation between state and party.

7.1.6 Ms Ntombela's conduct and role in facilitating the handing over of the Hillside View House to Ms Ntsaku, as part of ANC political campaigning was in violation of sections 136(2)(b) and 195(1)(a) and (f) of the Constitution and contravened Paragraph 5 of the Policy.

7.1.7 The conduct of Ms Ntombela constitutes improper conduct as envisaged in section 182(1) of the Constitution and maladministration as envisaged in section 6(4)(a)(i) of the Public Protector Act.

7.2 Whether Mr Ramaphosa, the President of the Republic of South Africa utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party, if so, whether such conduct is improper as envisaged in section 182(1)(a)(i) of the Constitution and amounts to maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act, 1994.

7.2.1 The allegation that Mr Ramaphosa, the President of the Republic of South Africa utilised state resources to advance the interests of the African National Congress during the Letsema Campaign, in Bloemfontein, by handing over a RDP house to Ms Ntsaku, which resulted in the conflation between state and political party is **not substantiated.**

7.2.2 On 23 April 2022, Mr Ramaphosa attended the launch of the Letsema Campaign and in the morning of the event he, in the presence of Ms Ntombela handed over the keys of the Hillside View House to Ms Ntsaku, which was paid for by the FSPG.

7.2.3 Mr Ramaphosa was invited by Ms Ntombela only on the morning of the launch of the Letsema Campaign to hand over the keys of a house to Ms Ntsaku. He was neither aware that the handing over of a house would take place during the Letsema Campaign, nor did he have knowledge that the house was paid for by the FSPG, as he was informed that he would be handing over a house paid for by a private donor.

7.2.4 Accordingly, the conduct of Mr Ramaphosa does not constitutes improper conduct as envisaged in section 182(1) of the Constitution and maladministration as envisaged in section 6(4)(a)(i) of the Public Protector Act.

8. REMEDIAL ACTION

8.1 The Public Protector is empowered in terms of section 182(1)(c) of the Constitution to take appropriate remedial action with a view of redressing the conduct referred to in this notice upon the conclusion of an investigation where adverse findings are made.

8.2 In ***Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and Others,*** the Constitutional Court per Mogoeng, CJ held that the remedial action taken by the Public Protector has a binding effect.

8.3 The Public Protector has taken cognisance of the fact that Ms Ntombela is no longer the Premier of the Free State or in the employ of government, therefore remedial action that the Public Protector would have taken as a result of the irregularities identified herein will serve no judicious purpose.

8.4 Having regard to the evidence, the regulatory framework determining the standard the functionaries that the FSPG should have complied with, the Public Protector takes the following remedial action in terms of section 182(1)(c) of the Constitution:

The President of the Republic of South Africa

8.4.1 To take cognisance of the findings and remedial action contained in this report.

The Premier of the Free State

8.4.2 Within ninety **(90)** calendar **days** from the date of this Report, in terms of section 125(1) of the Constitution, table the Report before the Provincial Legislature for deliberation in order to sensitise Members of the Executive of their obligations in terms of section 136 of the Constitution and the Policy.

The MEC COGTA and Human Settlements

8.4.3 Within ninety **(90)** calendar **days** from the date of this Report, in terms of section 7(3) of the Housing Act,1997 ensure that the HOD Human Settlements undertakes the necessary processes to rectify the incorrect allocation of the Hillside View House to Ms Ntsaku.

The HOD Human Settlements

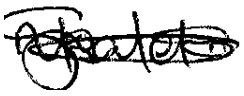
8.4.4 Within one hundred and twenty **(120)** calendar **days** from the date of this Report, in terms of section 7(3) read with section 7(5) of the Housing Act,1997, rectify the incorrect allocation of the Hillside View House to Ms Ntsaku, to reflect the details of the rightful owners in line with section 16 of the Deed Registries Act,1937, as undertaken in the meeting held with the Investigation Team on 05 February 2025.

9. MONITORING

9.1 The Premier of the Free State and the HOD, Free State Department of Human Settlements to submit an action plan to the Public Protector within **thirty (30) calendar days** from the date of this report on the implementation of the remedial action referred to in paragraph 8 above.

9.2 The submission of the implementation plan and the implementation of the remedial action shall, in the absence of a court order, be complied with within the period prescribed in this report to avoid being in contempt of the Public Protector.

9.3 In line with the Constitutional Court Judgement in the matter of *Economic Freedom Fighters*, and in order to ensure the effectiveness of the Public Protector, the remedial action prescribed in this Report is legally binding unless there is an Interim Interdict or Court Order directing otherwise.



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ADV KHOLEKA GCALEKA
PUBLIC PROTECTOR
REPUBLIC OF SOUTH AFRICA
DATE: 31 MARCH 2025

Assisted by: Ms Vanessa Mundree
Free State Provincial Representative