

## **Affidavit of Andile Mngxitama on corruption charge against Cyril Ramaphosa based on leaked audio recording**

I the undersigned Andile Mngxitama, do hereby make oath and state:

1. I am the President of Black First Land First (BLF), a political organisation situated at 253 Park Street, Jeppestown, Johannesburg. I am duly authorized to depose to this affidavit on behalf of BLF.

2. The contents of this affidavit are, unless the context indicates otherwise, within my personal knowledge and are to the best of my knowledge both true and correct. The submissions of law that I make are based on the advice given to me by my legal team.

3. I am laying a criminal charge of corruption against the President of the Republic of South Africa, Cyril Ramaphosa (President Ramaphosa) whose registered office and principal place of business is Parliament Street, Cape Town.

4. In an audio recording of an ANC National Executive Committee (NEC) meeting, which was released by the Insight Factor on 20 December 2021, President Cyril Ramaphosa can apparently be heard to be responding to Tony Yengeni (NEC member) and other people regarding the allegations against him of buying votes during the CR17 campaign. The audio can be accessed via the link: [pic.twitter.com/Hdp8SVPAF6](https://pic.twitter.com/Hdp8SVPAF6)

5. President Ramaphosa can be heard admitting that they as ANC cadres know that state money has been used in some cases in some campaigns. He said:

“Comrade Oscar has just said that in campaigns money is used for a variety of things, and we all know that, but we also know as ANC cadres that in some cases state money has been used in some campaigns, we know that, we will not talk about it to the extent comrade Tony where some comrades had said, well, let’s investigate all campaigns and not just one.”

6. The President can further be heard saying that he is “willing to fall on the sword” rather than reveal who stole state funds, as his main concern was the image of the party. He explained:

“I even said to the officials, I think it’s enough to focus on one only CR17, and even said because I don’t want the ANC to be dragged, once again, in the mud when those assessments, investigations will reveal that a lot of money, of public funds, was used, and I

said that in this case I am prepared to fall on the sword so that the CR17 campaign, yes should be the only one that is looked at, and not the others, because the image of the African National Congress is what I am most concerned about.”

7. Ramaphosa further elaborates on his admission of having knowledge of the ANC using public funds for its campaigns. He elaborates:

“Each one of us knows that quite a bit of money that is used in campaigns, in busing people around, in doing all manner of things, is often from state resources and public resources and we cannot kid ourselves when it comes to that. One of the officials said, you know as these people from the state security were testifying, one of the officials said, soon they will be revealing how about how money from the SSA was used for some campaign, and I said heaven forbid, I would rather they say yes you got money from this businessman for CR17 than for the public to finally hear that their money, public money, was used to advance certain campaigns.

8. President Ramaphosa can also be heard stating that the practice of vote buying has continued in the ANC. He clarified:

“So as far as I am concerned, nothing comrade Tony that I would want to hide, nothing that even politically, that I feel would be so devastating even against me because I know what we did in CR17, no money was used to buy any votes, and even where some comrades got tempted, yes we all get tempted, I said to comrades I would rather lose than to have money bought, be utilised to buy votes, I said I would rather use, then it’s not worth it, because once it get to that level as an organisation, then we have no organisation left but that practice has continued, now it is up to the NEC and indeed to the NGC must discuss this matter as should conference.”

9. It must be stated that following the release of the audio recording, the head of the ANC’s Presidency Sibongile Besani did not dispute the fact that it was President Ramaphosa who had made the relevant utterances that were in the audio recording, neither did she dispute the authenticity of the recordings itself.

10. President Ramaphosa has clearly known that there are people who used state money for ANC campaign purposes. He had knowledge of criminal acts that have taken place but did not report those acts to the police.

11. It is unlawful for the President not to report any corruption that he has knowledge of. The President came to power on the ticket of anti corruption, accountability and transparency but chose to do nothing about the criminal acts of corruption that he had knowledge of.

12. President Ramaphosa has contravened Section 34 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) which provides that any person holding a position of authority and "who knows of or ought reasonably to have known or suspected that any other person has committed an offence" is obliged to "report such knowledge or suspicion to any police official". To this end, any "person who holds a position of authority" has this "duty to report". This "person" is defined in the Act as someone holding a public or a quasi public office.

13. Cyril Ramaphosa accordingly had the Statutory duty under section 34 of the Prevention and Combating of Corrupt Activities Act 12 of 2004, to report the alleged offences that he had knowledge of.

14. The South African Police Services (SAPS) are urged to investigate this matter, to prosecute Cyril Ramaphosa to the full extent of the Law and to do all that may be necessary to ensure that true justice is obtained. Regarding any other offence committed by President Ramaphosa, that relates to the particulars of this complaint which has not been mentioned here - the President must also be prosecuted for it

15. This affidavit is made in support of the criminal case opened by BLF against President Ramaphosa for the offence as indicated above.

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Andile Mngxitama

I hereby certify that the deponent knows and understands the content of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and sworn to before me at \_\_\_\_\_ on this \_\_\_\_\_ day of 2022 and the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

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COMMISSIONER OF OATHS

Full names:

Address:

Capacity: