

African National Congress



National Disciplinary Committee of Appeal (NDCA)

OFFICE OF THE CHAIRPERSON: CDE JEFF RADEBE

**IN THE NATIONAL DISCIPLINARY COMMITTEE OF APPEAL
(NDCA)**

HELD AT ST. GEORGE HOTEL, IRENE, PRETORIA

ON SATURDAY 22 AND SUNDAY 23 NOVEMBER 2014

CASE NUMBER: 10/2014

In the application of

AYANDA NUKU

Applicant

In the matter between

AFRICAN NATIONAL CONGRESS

Complainant

AND

AYANDA NUKU

Charged Member

NDCA RULING

1. The Eastern Cape PWC suspended the Applicant on 30 October 2014 pending the institution of disciplinary proceedings against him.

2. The PWC alleged that the Applicant was continuing to deny a directive of the NEC issued in June 2013 regarding the holding of two positions simultaneously.
3. The Applicant applied to the NDCA to set aside the temporary suspension on the grounds that the PWC did not give him an opportunity to be heard prior to imposing and that the allegation against him was vague.
4. The disciplinary hearing is scheduled to commence today in King Williams Town.


EVALUATION BY NDCA

5. In deciding whether a temporary suspension should be enforced or dismissed, the primary consideration is whether the applicant is likely to engage in further acts of misconduct during his disciplinary hearing.
6. Failing to obey a directive of the NEC, the highest decision-making structure in the ANC between National Conferences is a very serious offence.
7. The Applicant's current continuing conduct of refusing to obey the NEC directive is sufficient to convince the NDCA that the Applicant has no regard for the authority of the highest decision-making structure in the ANC.
8. The alleged conduct of the Applicant if proved at the disciplinary hearing, constitutes a serious breach of the ANC Constitution and would put the orderly functioning of the ANC at risk.
9. In the circumstances of this case, the interest of the ANC to maintain order and stability within the organisation takes precedence over any prejudice which the applicant may suffer by his temporary inability to participate in the activities of the organisation during his disciplinary hearing.
10. The high premium placed by the ANC on maintaining orderly functioning is underpinned by Rule 25.58 which authorises structures of the ANC to suspend a member telephonically and without prior notice.

NDCA Ruling

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

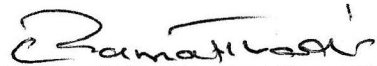
Dated at Irene, Pretoria this 23rd day of November 2014



**JEFF RADEBE
CHAIRPERSON
NDCA**



**NALEDI PANDOR
MEMBER
NDCA**



**NGOAKO RAMATLHODI
MEMBER
NDCA**

**SANKIE MTHEMBI-
MAHANYELE
MEMBER
NDCA**