



## Media Statement

**Attention: All Editors/News Desks**

**Monday, 11 May 2026**

**Subject: Constitutional Court Judgment on National Assembly Impeachment Process**

The Public Protector South Africa (PPSA) has noted with concern, the public comments deriving from the Constitutional Court judgment in *EFF and Another v Speaker of the National Assembly and Others*, delivered on 8 May 2026.

The Constitutional Court judgment has no bearing on the Public Protector's Report No. 12 of 2023/2024, which is an investigation into allegations of violations of the Executive Ethics Code Against the President of the Republic of South Africa, as well as allegations of improper conduct against members of the South African Police Service (SAPS) in terms of the Public Protector Act, in connection with a housebreaking that took place on or about 9 February 2020 at Phala Phala Farm, in Waterberg, Limpopo.

The Constitutional Court case dealt solely with the constitutionality of Parliament's section 89 process. It looked at:

- Whether a specific National Assembly rule (Rule 129I) is constitutional; and
- Whether Parliament's decision on 13 December 2022 not to refer the Section 89 Independent Panel's report to an impeachment committee was lawful.

The PPSA was neither a participant in the Parliamentary process nor a party to the Constitutional Court case.

Importantly, the 8 May Constitutional Court judgment:

- Does not assess or overturn the Public Protector's report;
- It makes no findings on the issues investigated by the Public Protector; and
- Does not engage with the Public Protector's conclusions or remedial action.

The actions flowing from the two processes are different:

- The Public Protector's report must undergo a judicial review process for that report to be impacted, the review process is awaiting a date from the North Gauteng High Court; and
- The Constitutional Court's order directs Parliament to refer the panel report to an impeachment committee.

These are separate legal processes, operating in different areas, and they do not conflict with one another.

The PPSA takes this opportunity to remind members of the public that insulting the Public Protector or the Deputy Public Protector constitutes a criminal offence in terms of section 9(a) of the Public Protector Act.

Any person convicted of this offence may be liable, in terms of section 11 of the Act, to a fine not exceeding R40 000-00 or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

The right to freedom of expression, guaranteed under section 16 of the Constitution is not unlimited. It is subject to lawful limitations and does not extend to conduct that constitutes a statutory criminal offence.

Members of the public are encouraged to engage with the findings, conclusions and remedial action contained in PPSA reports. It is precisely for this reason that the reports are published and made freely available.

Such engagement is a valued part of the democratic accountability that the PPSA exists to advance. However, all such engagement must take place within the confines of the law and in a manner that upholds the constitutional rights and human dignity of all persons, including holders of constitutional offices.

The PPSA remains committed to its constitutional mandate to investigate improper conduct in state affairs, to report thereon, and to take appropriate remedial action - independently, impartially, and without fear, favour, or prejudice.

**[ENDS]**

**Issued by Public Protector South Africa**

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