



PARLIAMENT OF  
THE REPUBLIC OF SOUTH AFRICA

**Kevin Mileham MP**

*Shadow Minister: Co-operative Governance & Traditional  
Affairs*

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Hon. Q. Dyantyi MP  
Chairperson of the s194 Committee on the Impeachment of the Public Protector  
Via email

Dear Mr. Dyantyi,

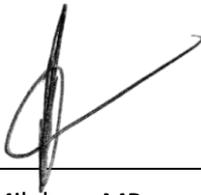
**RE: APPLICATION FOR RECUSAL**

1. Upon advice received that recusal is personal in nature (i.e. that one must “recuse oneself”), I hereby advise that I have no intention of recusing myself from these proceedings. I shall lay out my reasons for this decision below.
2. The Public Protector, in her application, suggests that I have an “inherent bias” given the nature of my relationship with the complainant. It is indeed common cause that I am married to Hon. Natasha Mazzone MP, having been married since 10 July 2017.
3. At various points in the proceedings, it has been suggested by the Public Protector’s legal counsel that I have “failed to declare” my relationship with the complainant. This is untrue. My relationship with Hon. Mazzone has been and is declared annually (since the date of our marriage) in the Register of Member’s Interests. Furthermore, our marriage was celebrated in Parliament, during a sitting of the House in August 2017, by Hon. Baleka Mbete MP, then Speaker of Parliament. This is on record in Hansard. Given the public nature of these declarations and House proceedings, it cannot be said that Parliament or its members generally were unaware of our marriage.
4. As a Member of Parliament, I have, on 3 separate occasions, sworn an oath to be faithful to the Republic of South Africa and to obey, respect and uphold the Constitution and all other law of the Republic. Furthermore, I have solemnly promised to perform my functions as a member of the National Assembly to the best of my ability. (s4(1) of Schedule 2 of the Constitution of South Africa)
5. In this regard, I am no different from any other member, and must put aside personal interests to serve the best interests of the country. I reject the idea that I am a “member of a member” and/or that I am unable to think independently and impartially on any matter. I do not take instruction from Hon. Mazzone in regard to this matter, and we do not discuss it in any detail whatsoever.
6. The recusal application goes on to note that I am hostile and condescending towards the legal representative of the Public Protector. I point out that I have been unfailingly polite to Mr. Mpofu, who has in turn ranted, shouted and told me “Shut up, Mileham!” I have raised a number of objections to Mr. Mpofu’s behaviour and attitude towards the committee, its members, the chairperson and the witnesses. None of these imply any “inherent bias” towards the Public Protector, but rather are a response to the shameful behaviour of her chosen advocate.
7. With regard to the second ground of application, namely my remarks on Twitter: I note that throughout the chain of tweets, I did not comment on the Public Protector’s fitness to hold office at all. Instead, I limited my comments to Mr. Mpofu’s behaviour and noted that “*I haven’t made up my mind on Adv.*”

*Mkhwebane's fitness to hold office yet.” and “None of which indicates I cannot consider the evidence before me with an open mind. I have not yet reached a conclusion and will wait and see what argument and evidence is still to be presented before deciding how I will proceed (as part of the committee).”*

8. It must be pointed out that all of the tweets were in reply to tweets from others. I did not initiate these discussions, nor did I seek to promote a particular position with regard to the impeachment process.
9. I am unaware of why the comments of the DA's leadership or the fact that the Party included various (public) documents in its court papers should have any bearing whatsoever on my ability to perform my duty impartially. Furthermore, it is difficult to fathom why the DA (and its members) should receive special scrutiny in this regard, when other political parties and their members have been particularly vocal about the fitness of the Public Protector to hold office (both for and against). I reiterate that I will consider the evidence before me at the conclusion of the inquiry, and at that point will draw my own conclusions in this regard.

I trust that this clarifies my position. I assert my right to participate in these proceedings as a full member of the National Assembly, with all rights, obligations and privileges associated thereto, and reject any call for my recusal.

A handwritten signature in black ink, consisting of a large, stylized initial 'K' followed by a long horizontal stroke extending to the right.

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Kevin John Mileham MP