**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 ENQUIRY BEGINS FIRST DAY OF ENQUIRY WITH LEGAL ARGUMENTS**

**Parliament, Monday, 11 July 2022 –** The Committee for Section 194 Enquiry today began its hearings into Public Protector Adv Busisiwe Mkhwebane’s fitness to hold office. Committee Chairperson Mr Qubudile Dyantyi said day one of the hearings was set aside for opening remarks from both legal teams. Adv Nazreen Bawa (SC) and Adv Ncumisa Mayosi appeared on behalf of the committee, whilst Adv Dali Mpofu appeared for the Public Protector.

The committee was established by the National Assembly (NA) on 16 March 2021 to conduct a constitutional inquiry into the Public Protector’s fitness to hold office.

Mr Dyantyi emphasised in his opening remarks that the process has a two-fold possible outcome. “We are determined to hear evidence from all witnesses who indicated that they would want to do so. Two possibilities will be our outcome: either we find evidence that exonerates the Public Protector or we might find evidence that leads to adverse findings. We want to conduct a thorough and fair process, and deal only with evidence before us. All Members are aware that we enter this hearing unbiased in order to ensure fair proceedings.”

Both legal teams went to great lengths to explain the reason their presence at the hearings. Adv Bawa reminded the committee that this is the first impeachment process. She emphasised that it is important to understand it is not a court of law, nor a quasi-judicial process. The committee has no power to rewrite previous judgements, but can take note of them; that these are not criminal proceedings and the committee does not have final powers, as these lie with the NA. Adv Bawa said that as evidence leaders and not prosecutors, appointed by the committee, the team aims to be neutral and fair.

Adv Mpofu said in his remarks that the PP wants to assure the nation that she is fit and proper, as well as willing and able to do her duties. She has been unable to open her emails for a month due to the suspension, which has had an impact on preparing for this hearing and thus on its fairness. According to Adv Mpofu, Adv Mkhwebane preparation for the court action has been sabotaged and further prejudiced by the letter written by the Speaker to the President, which he claimed resulted in her suspension.

Mr Dyantyi said the committee has done everything in its power to ensure that it operates on the basis of fairness. “We stopped our work due to court judgements when it was necessary and resume after other court judgements that opened up the process again. We are impartial and not involved in the suspension of the Public Protector. That is the President’s prerogative.”

Mr Dyantyi said the committee is expected to finalise its work by the end of September 2022. The enquiry will be hybrid and can be followed live on Parliament’s media platforms.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE COMMITTEE FOR SECTION 194 ENQUIRY, MR QUBUDILE DYANTYI.**

For media enquiries or interviews, please contact the committee’s Media Officer:
**Name: Rajaa Azzakani (Ms)**
**Tel: 021 403 8437**