**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 ENQUIRY HEARS THAT PUBLIC PROTECTOR HAD FINAL SAY ON REPORTS**

**Parliament, Wednesday, 3 August 2022 –** The Committee for Section 194 Enquiry into the Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office heard today from a senior manager in the Office of PP that Adv Mkhwebane had a final say on all the reports issued by the Office of the PP.

Mr Futana Simon Tebele, who has known Adv Mkhwebane since their university days, said the PP would read all the reports and send them back if she was unhappy with them. Mr Tebele was responsible for editing and correcting the reports. He denied that the PP ever asked him to include extra issues in the reports or that he approached her for her opinion on them after receiving the reports. Mr Tebele said: “I dealt directly with investigators when there was uncertainty.”

According to him the PP ensured that no backlog of cases existed at the end of her tenure. Mr Tebele stated that the PP ensured that the standard and quality of the reports were improved and she also ensured that deadlines were met. Mr Tebele conceded demanding for the completion of reports within their deadlines could result in quality being compromised.

He said he never saw the PP reprimanding staff during the quarterly “dashboard meetings” or harassing, victimizing and intimidating the staff. He also said that he didn't regard the 'audi' letter sent to him as harassment, although the letter came as a shock.

The committee heard that there was a tension in the quality assurance unit because the lawyers had to report to the PP’s Chief of Staff who was not a lawyer. The committee also heard that Adv Mkhwebane insisted that the investigators must determine deadlines and that, according to him, had a contribution in the tensions that existed in the Office of the PP.

He said the clearance of backlog initiative created a lot of pressure on staff. The committee heard that the work environment in the Office of the PP was unfavourable and demanding. Mr Tebele said the PP made it clear to all the investigators that she did not want to see the back-log of case increased. He said in his view, a justifiable effort was made to clear the backlog of cases to ensure that the complaints did not remain unattended or attention to them took longer.

Adv Dali Mpofu, on behalf of the PP, confirmed that Adv Mkhwebane was determined that there should be no backlog of cases when she leaves the Office of the PP in October 2023. He said the PP will testify “that the cruellest thing you can do is to leave a mess for your successor”.

Mr Tebele said Adv Mkhwebane's monitoring of the backlog of cases project led to an accelerated finalisation of the cases. He said it is possible that because the PP’s Office now completed much more reports than before, it would lead to more reviews and litigation. Adv Mpofu said that would mean that if you finalised 0 reports, you would have 0 reviews.

Adv Mpofu further contended that Adv Mkhwebane was a “victim of her own success” due to her finalization of more reports than her predecessor Adv Thuli Madonsela. According to Adv Mpofu this made Adv Mkhwebane vulnerable to greater litigation.

Committee Chairperson Mr Qududile Dyantyi thanked Mr Tebele and said the committee would consider his inputs during its deliberations. 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. The enquiry is hybrid and can be followed live on Parliament’s media platforms. Committee documents can be found on its page on [Committee for Section 194 Enquiry - Parliament of South Africa](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=5877522690&e=da105e4f6a)

**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**