**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS MORE EVIDENCE ON HOW PUBLIC PROTECTOR TRIED TO PROTECT POLITICIANS**

**Parliament, Thursday, 11 August 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office heard today from another witness, Adv Nditsheni Raedani, how the Vrede Diary investigation report was changed in order to exclude findings against Free State politicians.

Adv Raedani was employed at the Office of the PP from October 2008 to December 2018. Within that period he was promoted from an ordinary investigator to the position of senior investigator and worked in various parts of the Office. He told the committee that as far as he could recall, in 2017 he was transferred to the office of Adv Mkhwebane, which was known as the private office to, among other things, do quality assurance of investigation reports together with a small team.

Adv Raedani who was involved in the Vrede Dairy investigations claimed that the draft report was amended in order to exclude findings of financial misconduct. He said the September 2017 draft Vrede Dairy report had a finding of financial misconduct against the accounting officer, and the following November 2017 report did not have that finding. Adv Raedani further confirmed that the Office had evidence on what former Free State Premier Mr Ace Magashule and former Free State Agriculture MEC Mosebenzi Zwane had done. He recalled that at some stage there were findings against them.

He also referred to a meeting that the PP had with Mr Magashule where he as the senior investigator was only allowed for a certain part of the meeting. He found it very strange that Adv Mkhwebane closed the meeting early and met privately with Mr Magashule.

The committee heard that notable changes that were made to the report included removing the findings of gross irregularity, abuse of power, infringement of the Constitution, improper conduct and maladministration in respect of the Accounting Officer's procurement activities. Adv Raedani said whereas previous versions of the draft had recorded that the Department had failed to comply with applicable procurement prescripts, the final report concluded that the department never entered into a public-private partnership with Estina/Vrede Diary.

The committee heard that members of the team tasked with completing the Vrede Dairy investigation were of the view that there was basis to find that the conclusion of the Vrede agreement violated the relevant procurement prescripts, including Section 217 of the Constitution, the conduct of the Accounting Officer was improper, the prices of goods and services for construction, processing equipment, procurement of cows and administration costs were inflated and the prices of the milking equipment, the gate, guard house and the cows were considerably higher than the prevailing market prices. This was recorded in a memorandum.

Adv Raedani said the changes came from the meeting they had with Adv Mkhwebane. He said Adv Mkhwebane instructed them to make those changes. He did not agree with the changes Adv Mkhwebane effected.  He said he cautioned Adv Mkhwebane as to what legal experts would say about the report, and warned that her changes would cause trouble. Adv Raedani told the committee that Adv Mkhwebane responded by saying “anginandaba” which means in English “I don't care at all”.

The committee heard that the environment at the Office of the PP was “toxic” to a point where staff were uncertain about the last day at the Office. The committee also heard that at some point during 2018 Adv Raedani was given an "audi letter", requesting that he provides reasons why he should not be charged with misconduct for his alleged failure to complete certain work on time. He said he responded, at the time by saying that, that was a performance related issue and not a misconduct matter. He further pointed out that, in any event, the requisite disciplinary policies were not being followed. According to him he heard nothing further in relation hereto and was not subjected to any disciplinary action.

He told the committee that part of the reason that he regarded the Office of the PP as being an unpleasant working environment, was his perception that he was targeted by the PP.
He said he feared reprisal because he was a union member. He said he was never charged for anything. He said he did not want his name to be “dragged through the mud” so he opted to leave the Office of the PP. “I had a feeling that I jumped before I was pushed,” he said.

Adv Dali Mpofu (SC) during his cross examination stated that certain findings were removed because other bodies were investigating. He further indicated that some of the changes came after a group debate and individual discussions. Adv Raedani conceded and said “that can happen.”

Committee Chairperson Mr Qubudile Dyantyi said the committee will meet on Tuesday next week in order to get an idea of how many witnesses still to be called. 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=6079080323&e=da105e4f6a)

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

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