**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS PUBLIC PROTECTOR’S OFFICE HAD CLOSE TIES WITH STATE SECURITY AGENCY**

**Parliament, Wednesday, 17 August 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office heard today evidence from Mr Gumbi Tyelela, Acting Head: Corporate Services in the Office of the Public Protector.

Mr Tyelela testified that he is responsible for several departments within the Office of the Public Protector, including Human Resources, Legal Services, ICT, Communication and Knowledge Management.

The committee heard that during Adv Mkhwebane’s tenure, the Office of the PP forged close ties with the State Security Agency (SSA). Mr Tyelela agreed with Members that securitisation has increased, along with a greater involvement of the SSA in the Office of the PP. When asked by Committee Chairperson Mr Qubudile Dyantyi to describe his understanding of examples of securitisation, Mr Tyelela said: “We now have a stand-alone security unit with a senior manager. We were working with officials from the SSA. Security functions were elevated under her.”

Mr Tyelela said that ties with the SSA were further strengthen when the SSA Chief Financial Officer was seconded to the PP and was involved in vetting staff. Some members of the committee stated that the SSA became involved in the PP “quite extensively”. They went so far as to suggested that the Office of the PP became a branch of the SSA after Adv Mkhwebane’s arrival.

Mr Tyelela further testified that labour-related matters fall into three categories, namely grievances, disciplinary hearings and Labour Court proceedings. Grievances and some of the disciplinary disputes do not have cost implications because they are dealt with internally. He said unrealistic deadlines were given to staff to complete investigations and reports. When they did not meet the deadline, they would have to explain why they should not be disciplined.

He explained audi letters that have been given to several employees and which give employees the opportunity to provide reasons why they have not done what was expected of them. He was unable to indicate how many audi letters have been issued or how common this practice is, as these notices are generally not provided to the HR department, but are dealt with by line managers. In most cases, the HR department only becomes involved once formal disciplinary steps are taken.

Mr Tyelela was extensively cross-examined on staff members’ disciplinary hearings and the audi letters. He agreed that some of the costs incurred in labour disputes were wasteful and said he believed some should not have been pursued. The committee heard that there was a culture of fear about being dismissed or disciplined in the organisation.

Adv Dali Mpofu (SC), acting on behalf of the PP, raised a concern at the beginning of today’s proceedings regarding the committee’s resolution yesterday to decline his request to subpoena President Cyril Ramaphosa as a witness. Adv Mpofu said that Adv Mkhwebane's team would not have asked the President about the suspension issues that are being addressed by the courts. He also said that although there are no legal impediments against President Ramaphosa being called, he would not be called as the President, but as a witness who had implicated Adv Mkhwebane in impeachable conduct.

Adv Mpofu also said it is untenable to call former South African Receiver of Revenue Service executives Mr Johann van Loggerenberg and Mr Ivan Pillay, but not the President. He further stated that the Public Protector’s legal team does not accept the committee’s decision and they will take whatever legal steps are necessary to call President Ramaphosa.

In response, Mr Dyantyi said the committee will await correspondence from the Public Protector’s legal team on this matter.

The hearings will continue tomorrow. 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=d341597f52&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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