**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS PUBLIC PROTECTOR WOULD EMERGE AS A POWERFUL WOMAN AFTER CR17 INVESTIGATION**

**Parliament, Monday, 22 August 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office heard today that external investigator, who reported directly to the PP, conducted the investigation into the CR17 matter.

The former Chief Operations Officer in the Office of the PP, Ms Basani Baloyi, who was employed in that position from 1 February 2019 until October 2019, told the enquiry that the process of external investigators was “highly unusual” adding that it was only acceptable to use external investigators when capacity was lacking in the Office of the PP. According to her this was not the case in the CR17 matter. She said there was no legitimate reason why the complaints could not have been reviewed through an ordinary process.

The committee heard that Ms Baloyi was informed by the late Chief of Staff, Mr Sibusiso Nyembe, that the CR17 report would be dealt with by the Office of the PP and she “will emerge as a powerful woman in the country after dealing with this particular matter”. She told the committee she was removed from the investigation. “I started to have doubts as to whether our removal from there was due to issues that were genuine or in the interests of the organisation.”

She told the committee that Adv Mkhwebane’s leadership style was authoritarian. The staff apparently had to address her as “madam” and she had to be bowed down to, “quite literally”. “Her style of leadership was characterised by inflexibility, irrationality and failure or refusal to treat her staff with dignity and respect. “She fostered a culture of mistrust and insecurity within the organisation,” said Ms Baloyi. According to her, staff had to rise whenever the PP entered the room. Ms Baloyi told the committee that she interpreted that as an imposition of power.

Ms Baloyi alleged that Adv Mkhwebane also involved herself in operational matters of the Office to the detriment of reporting structures, and management relationships. It created immense confusion and tension within the office.

Ms Baloyi said she believed that she was purged from the Office of the PP. She told the committee that, two months after her probation period ended, she was furnished with a letter from Mr Vussy Mahlangu who was the Chief Executive Officer in the Office of the PP to provide reasons why she should be employed permanently.

At the start of today’s proceedings, Adv Dali Mpofu (SC) objected on legal, financial and other grounds to the evidence of the witness being allowed. He argued that Ms Baloyi’s evidence was not relevant to the charges and therefore can be seen as a waste of tax payers’ money.
He said that evidence should not be used for purposes that have nothing to do with the committee. According to him allowing the witness to testify would just further unnecessarily consume time of the committee.

Committee Chairperson Mr Qubudile Dyantyi said Adv Mpofu’s objection was recorded. He ruled that as everyone agreed that the process is “unprecedented” and in “uncharted waters” the testimony should be approached with an open mind. He said: “It would only be fair to allow the testimony at this stage and later to decide whether to accept or ignore the evidence given.”

The hearings will continue on 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=ab33aca622&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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