**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS PP COULD HAVE GIVEN MORE CONSIDERATION TO VREDE DAIRY BENEFICIARIES**

**Parliament, Tuesday, 23 August 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today continued to engage with Mr Lufuno Reginald Ndou and heard that the PP failed the public to some extent.

In response to questions from members about how investigations were handled and whether the PP failed the poor, Mr Ndou said an argument could be made that the Office of the PP should have looked at the beneficiaries [of the Vrede Dairy investigation]. “From that perspective, yes, I think we could have done better,” he said. He could not provide reasons why the beneficiaries have not been contacted, even though contact numbers were available.

Mr Ndou served in the Office of the PP for 19 years in various capacities, starting as a senior investigator and filling the role of Acting Chief Executive Officer of the PP from 1 December 2016 to 31 January 2017. He resigned in 2018.

The committee had to cut short his testimony last week, when Mr Ndou experienced connectivity challenges. Today’s meeting focused on cross-examination, as well as questions and interaction with committee members.

Comparing Adv Mkhwebane’s management style to that of her predecessor, Prof Thuli Madonsela, Mr Ndou said that when he was there during Adv Mkhwebane’s term there was a lot of emphasis on deadlines. During Prof Madonsela’s term this received less attention.

Adv Dali Mpofu (SC), representing the Public Protector, contended that when the Gupta leaks emerged, the Vrede Dairy investigation was already at an advance stage. Mr Ndou agreed with this statement and said section 7(9) notices had already been issued. However, he still believes that the Gupta-linked Estina’s use of the Vrede dairy funds should have been investigated. Having sight of Estina bank statements would have given him some assurance, Mr Ndou said.

Mr Ndou also said that Adv Mkhwebane told him that Ms Erika Cilliers, the senior investigator in the Vrede dairy case, was doing the Democratic Alliance’s (DA) bidding. However, Ms Cilliers was never confronted with these allegations. Mr Ndou also repeated the assertion that the PP made it known that she would be happy if there were no adverse findings in the Vrede dairy report. His interpretation of this was that this was Adv Mkhwebane’s wish and not an instruction. In response to committee members’ questions, he said he had worked with many PPs and no one had ever expressed such a wish before.

The committee heard there was pressure within the Office of the PP and from the complainant, the DA, to issue the final report. Mr Ndou testified that, in his opinion, the release of the report on 8 February 2018 was premature and should have been delayed until shortcomings highlighted in the draft report were addressed.

Committee Chairperson Mr Qubudile Dyantyi asked if Mr Ndou was aware of the criminal charges facing Mr Sphelo Samuel, former Free State PP representative. He said Mr Samuel reported to him and informed him of both the criminal charges and the conviction, as well as his appeal. However, during Mr Samuel’s testimony, it was inferred that he had not told his employers of the matter. Mr Dyantyi raised a concern around the informal manner in which administrative matters in the Office of the PP appear to have been dealt with.

The hearings will continue tomorrow. The committee was established by the National Assembly (NA) on 16 March 2021 to conduct an 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=4dd0f4e422&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**