**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS HOW EFF DEPUTY PRESIDENT SENT CONFIDENTIAL SARS ROGUE UNIT REPORT TO THE OFFICE OF THE PP**

**Parliament, Thursday, 25 August 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today heard that the confidential report into the South African Revenue Services (SARS) rogue unit investigation by the State Security Agency (SSA) was sent to the Office of the PP by a Member of Parliament, Mr Floyd Shivambu.

Ms Ponatshego Mogaladi who was the Executive Manager of investigations in the Office of the PP, said Mr Shivambu was the complainant in the SARS matter and sent the document to her via email and WhatsApp. She said when she opened the report and realized what it was, she became concerned and did not read further to the second page. “I was concerned about the implications of just having that document sent,” said Ms Mogaladi. Mr Shivambu is also the Deputy President of the Economic Freedom Fighters (EFF).

Ms Mogaladi said there was no warning in the email that the document she was about to open was classified. She agreed with Members of the committee that it is unlawful and a criminal offence to disseminate, including share via email or WhatsApp, a confidential SSA report or document.

Adv Mkhwebane's version has been that the Inspector-General of Intelligence (IGI) report into the SARS unit was dropped off at her office by an anonymous whistle-blower. Ms Mogaladi said she never mentioned receiving the report to anyone as she never suspected that it was the same report that was dropped off at the Office of the PP and did not know the content of the IGI report as she never saw it.
Ms Mogaladi agreed with Members of the committee that the Office of the PP had close ties with SSA, more than with previous Public Protectors. She confirmed that the Chief Financial Officer, Mr Vusi Menzelwa was seconded to the Office from SSA.

Ms Mogaladi agreed that setting deadlines with consequences is a good practice, but only if they are achievable, she said. She further raised her concern regarding audi letters. In response to questions about taking responsibility for her wrongdoing with delayed reports, Ms Mogaladi once again said that she takes responsibility for what she did wrong, but not for everything that went wrong. She said the mistake she made was to agree to complete the report in two days.

Committee Chairperson Mr Qubudile Dyantyi asked Ms Mogaladi whether she was part of the team that accompanied the PP during her visit with Pres Cyril Ramaphosa regarding the CR17/Bosasa matter. Ms Mogaladi confirmed her presence in the meeting and said she was unaware of any private meeting or session between the President and Adv Mkhwebane. “We all left at the same time after the meeting. I have no knowledge of a private meeting with the President,” she said. Previous witnesses had indicated that the PP met privately with politicians regarding other investigations.

In response to questions from Mr Dyantyi regarding disciplinary action in the Office of the PP against other staff members that were involved in reports that had also been reviewed, Ms Mogaladi said those staff members were never suspended or faced disciplinary charges like her. According to Ms Mogaladi there was inconsistency in the manner in which discipline was meted out in the Office of the PP.

The hearing 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 at: [Committee for Section 194 Enquiry - Parliament of South Africa](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=b17595ae3b&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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