**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 TO DELIBERATE ON RECUSAL APPLICATION ON FRIDAY**

**Parliament, Wednesday, 21 September 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office will on Friday deliberate on the recusal application made by the PP today for the committee Chairperson Mr Qubudile Dyantyi and committee Member Mr Kevin Mileham to recuse themselves.

Mr Dyantyi said Members of the committee will get an opportunity to discuss the “comprehensive application”. Earlier today Adv Dali Mpofu, SC, made a lengthy oral submission in support of a written application for the recusal of the Chairperson and Mr Mileham. Adv Mpofu’s application was based on 12 grounds against Mr Dyantyi and on separate grounds against Mr Mileham.

Some of the alleged grounds listed for recusal by Adv Mpofu against Mr Dyantyi include: the scope of the enquiry, unlawful and unilateral amendment of directives and the misapplication thereof; refusal to subpoena President Cyril Ramaphosa and unduly favouring the evidence leaders and unwarranted proximity to collusion with them; and generally adopting an oppositional posture towards the PP and/or her representatives.

Adv Mpofu also raised allegations of undue comments/interference in high court litigation; rulings relating to cross examination and re-examination, previous utterances made by the Chairperson prejudging the issues; refusal to postpone hearings on 13 September 2022 and misrepresentations made in the public domain.

Adv Mpofu told the committee that it is common knowledge that Mr Mileham is the spouse of the complainant, Ms Natasha Mazzone, who initiated the motion. According to Adv Mpofu it is also undeniable that Mr Mileham has consistently displayed a hostile and condescending attitude towards the legal representative of the PP. He alleged that there is an inherent bias based on Mr Mileham’s relationship with the complainant.

Evidence Leader, Adv Nazreen Bawa, SC placed on record the response of the evidence leaders to the fourth ground of recusal which alleges that the Chairperson unduly favours the evidence leaders and speaks of the Chair’s “proximity to collusion” with them. Adv Bawa said that the legal definition of collusion is a relationship where there is a deceitful agreement between two or more persons, for the one party to bring an action against another for some evil purpose, as to defraud a third party of his right.

She said such allegations are “unfounded” and at no time did the evidence leaders act in a manner where they colluded with the Chairperson nor did the application include any evidence to support the allegation. She indicated that this is the third time she has acted as an evidence leader, and the interaction with Mr Dyantyi is not different from previous times and there is nothing sinister about discussions she had with him. She also strongly rejected any inference that documents displayed by the evidence leaders during the hearings could have led to fraud suffered by Seanego Attorneys.

Mr Dyantyi allowed Members to ask questions of clarity and for Adv Mpofu to respond. He said the committee will meet on Friday to deliberate on the application and take a decision on the matter. The committee was established by the National Assembly on 16 March 2021 to conduct a constitutional inquiry into the Public Protector’s fitness to hold office. 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=d83f834040&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:
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