Honourable Chairperson

Yesterday my legal team referred you to the statements repeatedly made as follows:

1.Firstly,my attorneys letter to the Committee via its Chairperson, dated  21 October 2022 in which it was indicated that the only issue which they were prepared to deal with yesterday 27 October was postponement application;

2. Secondly in the application which was delivered to the Committee on Monday 24 October reiterating that the right of this Committee to sit as presently constituted was recognised only for the purpose of the application

3. And thirdly during the oral presentation of the application

We also pleaded with the Committee to engage my legal team in negotiations about how to handle the way forward. All this was ignored or rejected and the Committee simply rejected the application and decided to proceed with business as usual.

In doing so the Chairperson read out a decision which was clearly prepared even before the application was presented and the deliberations of the Committee.

These developments make it clear that the decisions of the Committee are predetermined and no regard is had to the inputs made on my behalf by my legal representatives. This means my right to legal representation is just empty and the lawyers are only allowed to sit here for decoration.

Following yesterday’s events I sent an email to the Chairperson which I want to read into the record the below:

1. I telephonically contacted the Director of my current legal firm, Seanego Attorneys Inc, and he confirmed that he will be in a position to consult with me by Monday or Tuesday next week. The future participation of my current counsel team will be clarified once I have had a formal audience with them following the meeting with my attorney.

2. After these meetings I will be able to give a more informed indication of the way forward as far as the question of my legal representation is concerned ,hopefully by no later than the end of next week or beginning of the following week. i.e by no later than 7 November 2022.

3. I therefore request that I be given the time and space to deal with that issue and thereafter to communicate the outcome of my discussions with my current legal team ,failing which and only as a matter of last resort, to seek the services of a new legal team.

4. I remain committed to co-operating with the Committee while protecting all my rights as provided in the Rules of the National Assembly, the Public Protector Act and the Constitution.

5. I look forward to any engagement and guidance from the Chairperson.

6. Please urgently indicate whether my attendance is required at tomorrow's proposed sitting of the Committee.

7. A copy of this e-mail will be duly sent to the Public Protector South Africa and Seanego Attorneys Inc for their attention.

I want to appeal to the Committee to do an introspection and to give proper effect to my hard fought right to legal representation which was given by the Constitutional Court in February 2022.

Whether I will succeed in convincing my counsel to represent me going forward or I will be forced as a matter of last resort, to look for new counsel, this appeal must please be taken seriously. My legal representatives continue to be abused by members of this Committee in this inquiry and even on social media platforms like Twitter without any protection from this Committee. The same members of parliament laughed when I was responding to the Committee.

I am therefore not in a position to participate further in the inquiry in the absence of legal representation. At this stage I elect not to say anything more outside of this statement and the documents referred to above in which my position has been made repeatedly clear

I hope the Committee will appreciate the difficult position I find myself in.

Adv Mkhwebane

Public Protector of South Africa