**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS ABOUT PUBLIC RELATIONS STRATEGY TO COUNTER “MEDIA ONSLAUGHT” AGAINST PUBLIC PROTECTOR**

**Parliament, Tuesday, 1 November 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today heard evidence from Mr Neels Van der Merwe, Senior Manager for Legal Services in the Office of the PP.

His evidence today related mainly on the appointment of media communication consultants and strategy directed at improving the public and media image of the PP and the Office. The committee was shown an invoice from Seanego attorney for services that included  billing for meetings conducted with  Ms Kim Heller, Prof Sipho Seepe and Mr Paul Ngobeni as part of legal fees. The invoice also included disbursements from an entity styled as “Ngobeni Executive Consultants” for rendering of various products   – most of which were tasked with countering the “media onslaught” against Adv Mkwebane.

According to the invoice, Seanego Inc billed R 12 000 for attending one such meeting.  Mr Van der Merwe testified that records showed that an invoice for services labelled "Media Publications" to the legal services department was not paid after the former Chief Executive Officer objected and confirmed that there was no record that it was paid.

An annexure to Mr van der Merwe’s affidavit, is a letter dated 8 February 2018 from , Adv Mkhwebane's late chief of staff, Mr Sibusiso Nyembe - following up on previous communication with Adv Mkhwebane dating back to November 2017 and again on 15 January 2018 – when sought to conclude a long term contract with the PP for the duration of her period in Office, alternatively three years, either as Lawyers for Radical Economic Transformation, the company of which Mr Nyembe was the sole director or in his personal capacity.  He was shortly thereafter unlawfully engaged as a special adviser and, several months later, was employed as Adv Mkhwebane’s Chief of Staff.

Evidence Leader Adv Nazreen Bawa, SC, also referred to  an email that Mr Nyembe sent to Seanego Inc, saying Adv Mkhwebane wanted Mr Ngobeni (erroneously referred to as Adv) included in the proposal from Ms Heller and Prof Seepe. Seanego responded via email that Ms Heller would speak to Prof Seepe. In later emails Ms Heller sent a cost breakdown for her and Prof Seepe’s services, and indicated that Mr Ngobeni would provide his costs in a separate letter. Mr Van der Merwe told the committee that neither Ms Heller, Prof Seepe nor Mr Ngobeni were in the database of the Public Ptrotector South Africa as service providers for consultancy services.

Today, the committee heard less than an hour of evidence from Mr Van der Merwe as the bulk  of the time set down for the meeting was spent on matters related to the PP’s legal representation. The PP confirmed that her legal team was briefed for the entirety of the Enquiry.  Members of the committee indicated that it remained unclear who had narrowed the mandate on Thursday last week to restrict it only to the postponement application.

This followed the walkout by the PP’s legal team during the meeting of the committee after the application for postponement was declined, with Adv Mpofu indicating at that time that the legal team could no longer continue in the “illegal proceedings” of the committee.

Adv Mkhwebane again today stated that she never terminated the mandate of her legal team – including that of Seanego Inc or Adv Dali Mpofu, SC.  She indicated that although she was unable to meet with Seanego Inc in person, they had indicated that they never withdrew and she confirmed they are still her attorneys of choice. She further confirmed that Adv Mpofu, SC together with  co-counsel Advocate Bright Tshabalala and Adv Hangwi Matlhape remained her advocates of choice.

She informed the committee that the legal practitioners merely implemented, in the most appropriate manner available in their opinion and in the circumstances, their mandate at that stage was only to deal with the postponement application without giving any recognition to the committee as presently constituted, until otherwise advised. No clarity was provided to the committee as to who precisely had issued such instruction, especially in light of the PP’s surprise of their leaving the proceedings last week.

The PP said since the committee meeting on Friday, she was unable to physically meet with her counsel as there were no scheduled committee hearings for this week. She said her counsel is unavailable as they are preparing head of arguments in seven matters that have been consolidated for hearing before the Constitutional Court that is due by Friday. In addition, to all of the above, the team also has to finalise the judicial review application of which the committee was notified about last week. She indicated that her legal team will therefore only be available from Monday 7 November.
In their deliberations certain members of the committee expressed concerns about the delays, the lack of a clear explanation from the PP as to what precisely transpired last week. Furthermore, Members of the committee also shared a view that there was some mischief at play last week. Committee Chairperson Qubudile Dyantyi ruled that the meeting today must continue as per its agenda and its last week’s resolution, with Mr Van der Merve as evidence leader in chief. He said the PP and her legal team were aware of the scheduled meetings this week. He said that it is clear that there are a number of questions about last week's walk-out by Adv Mkhwebane's lawyers that "remain unanswered".  Whilst the evidence of Mr Van der Merwe continued, cross-examination would occur at a later date.
The committee adjourned it will continue with the hearings tomorrow. 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=f7d7e694e2&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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