**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 REJECTS CLAIMS THAT IT VIOLATES PUBLIC PROTECTOR’S RIGHTS AND OPERATES LIKE A KANGAROO COURT**

**Parliament, Wednesday, 9 November 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today rejected claims by the PP’s legal team that it was violating Adv Mkhwebane’s rights and it operates like a kangaroo court.

Committee Chairperson Mr Qubudile Dyantyi’s remarks this evening came after Adv Dali Mpofu, SC, sought to  clarify what had transpired on 27 October when the PP’s legal team left the committee meeting and to raise concerns about the continuation of the proceedings thereafter. Mr Dyantyi, after allowing Members of the committee to comment, noted Adv Mpofu’s denial that the legal team walked out but stated that the committee rejected this.

He also stated that the committee rejected Adv Mpofu's allegations that  the hearings are akin to a  kangaroo court. Furthermore, Mr Dyantyi said the process is accordance with the instruction of the National Assembly to carry it through and that the committee is subject to the NA rules.

Adv Mpofu claimed that Adv Mkhwebane's legal team was “indisposed” when they did not attend the hearings on 1 and 2 November and said that the committee acted unconstitutionally when it continued with witness evidence. It was pointed out by a Member of the committee that Mr Seanego, the PP’s attorney of record, was on the virtual platform.  Adv Mpofu insisted that there was no “walk-out” by the PP’s legal representatives on 27 October. He said there has been a lot of misrepresentation around the events of 27 October and it is false that they withdrew or staged a walk-out.

He further voiced discomfort with the time allocated to lead his witnesses. He said Adv Mkhwebane alone would take the 10 days that have been allocated to them as she has to deal with all lawyers and advocates by the Office of the PP noting that the disclosure was focused on “black people”. The fees were made public last week during the testimony of Mr Neels Van der Merwe, Senior Manager for Legal Services in the Office of the PP. Adv Mpofu objected to the disclosure of the legal fees paid to lawyers.

He claimed that the disclosure has put lawyers and their families in danger because they may now be targeted by criminals. According to him some of these lawyers would be taking the matter further.

Committee Members deliberated briefly on Adv Mpofu’s submissions and the majority of Members who participated indicated that the committee took a resolution to continue with the hearings and it should stick to that decision. Several Members also maintained their view that the events of the 27 October constituted a wal-kout with some Members insisting that it was “staged.”

Earlier in the day the committee heard the cross-examination of Ms Nelisiwe Thejane, Executive Manager: Provincial Investigation and Integration: Inland at the PP.  Ms Thejane’s cross-examination focused on charge four of the motion in terms of which Adv Mkhwebane is alleged to have intimidated, harassed or victimized staff or alternatively failing to protect staff, harassment or victimization from the former Chief Executive Officer, Mr Vussy Mahlangu.

Adv Mpofu put it to the witness that her affidavit did not contain her own words and that she was a disgruntled employee. Ms Thejane rejected this and said she was requested by the evidence leaders to assist the committee as to how the Office of the PP was managed and staff was treated. Speaking on the issue of backlogs she said the PP wanted to deal with the backlog of cases but the unrealistic deadlines affected the quality of the investigations.

The hearings will continue tomorrow. The committee was established by the NA on 16 March 2021 to conduct a constitutional inquiry into the PP’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=0252ac706a&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**