**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 AGREES TO PP’S REQUEST TO SUMMON ADV THULI MADONSELA**

Parliament, Tuesday, 24 January 2023 – The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today resolved to accede to the PP’s request to have her predecessor, Adv Thuli Madonsela, summoned to appear before the committee to testify.

Committee Chairperson Mr Qubudile Dyantyi said the committee agreed that Adv Madonsela could add value to the process, as she handled some of the investigations that constitute the subject matter of the motion before the committee. It further agreed to the request to have Ms Bianca Mvuyana, an investigator in the Office of the PP, summoned to testify.

In today’s meeting, the committee received an update on correspondence received since its last meeting in December 2022, including five applications from the public to summons several witnesses. The committee also received a briefing from the Parliamentary Legal Adviser, Ms Fatima Ebrahim, on the principles it should consider in its consideration of the applications.

Mr Dyantyi said in terms of section 14 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, the committee may summons any person recommended by the evidence leaders or identified by the committee in the course of gathering evidence to appear before it and/or to provide a sworn written statement and/or

produce documents where the presence of such a witness or the furnishing of such documents or sworn statement is material to the assessment of the motion. The Chairperson confirmed that the procedure, as set out in the Act, which includes obtaining the concurrence of the Speaker before instructing the Secretary to Parliament to issue the summons, will be followed.

The committee further deliberated on the PP’s application to summon DA MP Ms Natasha Mazonne, the Deputy PP and current Acting PP Adv Kholeka Gcaleka and Minister Pravin Gordhan. However, the committee resolved to decline these applications due to, amongst other considerations, irrelevance. “The committee felt that bringing them before the committee would not add value to the work and mandate of the committee. Members agreed to work with the documentation already provided by these persons in other forums,” said Mr Dyantyi. He continued: “In the case of the acting PP, the committee felt the charges in the motion are not relevant to her tenure as Deputy PP and it predates her appointment”.

Earlier in the proceedings, the PP’s legal team indicated their desire to call President Cyril Ramaphosa as a witness. The committee obtained a legal opinion and resolved not to call him.

The committee further resolved to request Mr Rodney Mataboge, an investigator in the office of the PP, to assist the committee, as he worked closely with Ms Mvuyana. A request will also be made to Adv Kevin Malunga, the former Deputy PP, to testify before the committee. Calling these two witnesses is a committee initiative and not on the request of the PP. The committee agreed that in the event they decline the invitation, they will be summonsed.

Mr Dyantyi said the committee agreed that engagements to secure the evidence of the agreed witnesses will start in earnest, as the committee wants to adhere to its draft adopted programme and it wants to finalise its work on 21 April 2023. The hearings will resume on Monday.

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

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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