**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 REAFFIRMS ITS DECISION TO SUMMON PROF THULI MADONSELA**

**Parliament, Wednesday, 1 February 2023 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office has today reaffirmed the decision it took last week to summon the former PP, Adv Thuli Madonsela, to appear before it to answer questions.

The committee’s reaffirmation of its decision today follows a letter it received from Adv Madonsela declining the request for her to appear before the committee as a witness. Committee Chairperson, Mr Qubudile Dyantyi, said the committee agreed last week that Adv Madonsela could add value to the process as she handled some of the investigations that are before the committee. He further stated that the decision was based on a request by Adv Mkhwebane, who had approached Adv Madonsela in November last year requesting her assistance to the committee.

Mr Dyantyi said: “According to the PPs legal team at last week’s meeting, they had not received any response from Adv Madonsela. The committee then resolved to accede to the request by the PP to have Adv Madonsela subpoenaed.”

Today the committee discussed the letter in which Adv Madonsela presented her reasons to decline the request to appear before the committee. According to the letter Adv Madonsela does not see the rational connection between the majority of matters the PP wishes to put to her and Section 194(1) inquiry, which stems from judgements by court, up to the Constitutional Court regarding Adv Mkhwebane’s integrity, honesty and professional competence.

She further stated that the information that was sought is with the PP as an institution. “Having left the institution more than six years ago, it is the institution that is best suited to respond to questions regarding its relationship with organs of state in line with its constitutional position as an independent constitutional institution that is set up to hold other organs of state accountable, including the State Security Agency,” Adv Madonsela argues in the letter. She indicated that she did not take any records with her or emails at the end of her tenure.

Mr Dyantyi said the committee still felt today that Adv Madonsela can contribute to the work of the committee especially on matters related to the delay of some of the key investigations. The summonsing process will now continue.

The committee further noted that the summoning of Ms Bianca Mvuyana, an investigator in the Office of the PP is underway. The committee also resolved last week to request Mr Rodney Mataboge to assist it with his testimony as he worked closely with Ms Mvuyana. A request was also to be made to Adv Kevin Malunga, the former Deputy PP, to assist the committee in testifying. The committee heard that both these gentlemen will avail themselves to assist it.

Today, the committee heard the evidence of Mr Nchaupe Peter Seabi, a member of the public from Polokwane. He testified how he was assaulted by a staff member in the Office of the PP, Mr Sphelo Samuel. Mr Samuel, who had laid a complaint against Adv Mkhwebane with the Speaker of the National Assembly, had previously testified that he had been found guilty of assault, but had appealed the matter and the appeal has not been finalised.

Mr Seabi testified that Adv Madonsela did not assist him when he tried to raise the matter of Mr Samuel’s assault with her. He said he was assisted by Adv Mkhwebane when she took over from Adv Madonsela. According to him Adv Mkhwebane disciplined and terminated Mr Samuel’s employment. However, according to Mr Seabi Mr Samuel was reinstated after a Commission for Conciliation, Mediation and Arbitration process.

Mr Seabi said 11 years after he was assaulted, he still experienced pain in his right arm and in his shoulder and because he is an older person healing will take a very long time.

Evidence leader Adv Ncumisa Mayosi only asked two questions to Mr Seabi. She asked if he looked at the motion with the charges to which he said he never had the opportunity. Mr Seabi confirmed his testimony only relates to the assault by Mr Samuel. Afterwards four Members of the committee engaged Mr Seabi questioning the relevance of his testimony to the charges faced by the PP.

The hearings will resume on 13 February 2023. 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=8cdad4397c&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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