**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 WILL NOT SUBMIT TO PUBLIC PROTECTOR’S DEMANDS FOR AN APOLOGY**

Parliament, Tuesday, 21 February 2023 – The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office, today resolved not to entertain the demands made in a letter by Adv Mkhhwebane, it rather found the tone of her letter “objectionable”.

In summing up the engagement regarding a series of letters between himself and Adv Mkhwebane, the Chairperson of the committee, Mr Qubudile Dyantyi, said it is not acceptable that the committee was addressed the way it was in her latest response. Mr Dyantyi said the committee is satisfied that the matter has been ventilated, but if there is a further need, Adv Mkhwebane is not barred from requesting a further platform.

Adv Mkhwebane has indicted that she would want to make an oral representation on the initial letter by the Chairperson and also insisted that the letter be withdrawn and that Mr Dyantyi apologises unconditionally and undertakes to refrain from similar conduct.

The initial letter refers to invoices not being timeously submitted to the Office of the PP which delayed payment due to it undertaking a verification process and which in turn led to Adv Mkhwebane instructing her legal representatives not to continue until all payments are made.

Members of the committee who participated in the engagement today, indicated their support with the manner in which Mr Dyantyi had handled the matter in his correspondence. The decision was taken during a normal committee meeting earlier today that preceded the hearings for the day.

Today’s resolution follows the latest volley of correspondence between Adv Mkhwebane and the Chairperson on behalf of the committee and relates to the non-payment or late payment of fees to her legal team. In her letter Adv Mkhwebane accused Mr Dyantyi of, “biased, undignified, cruel and degrading treatment by the enquiry Chairperson and/or Section 194 committee”.

Mr Dyantyi indicated previously that, although payment of fees does not fall within this committee’s mandate, he still liaised with the Office of the PP to assist and was successful in ensuring that payments are made.

Later in the day Mr Rodney Mataboge, Chief Investigator in the Office of the PP, appeared before the committee. He made it clear at the start of the proceedings that he was there to assist the committee and not in favour of any person/party/grouping. He also opted not to provide the committee with a statement or affidavit prior to him appearing before it.

Mr Mataboge, a law graduate, started working in the former homelands as an ombudsman in the late 1980s and was then incorporated into what became the Office of the PP. He served under all Public Protectors.

Today’s questions by evidence leader, Adv Nazreen Bawa, SC, mainly revolved around the investigations in which Mr Mataboge was involved. This includes the alleged breach of the ethics code by Minister Pravin Gordhan, the Ivan Pillay/SARS pension matter, the Bosasa/CR17 investigation and the second Vrede Dairy report.

Mr Mataboge was not involved in the first Vrede report, which was reviewed and set aside, and forms part of the motion against Adv Mkhwebane. Mr Mataboge told the committee that he has top secret security clearance, and he believes that is part of the reason he was given these investigations.

He agreed with Adv Bawa who said there was a high number of investigations embarked upon by the PP into Minister Gordhan. Adv Bawa also said there is a charge against Adv Mkhwebane that she deliberately avoided making findings against some politicians, and that she deliberately made findings against others, including Minister Gordhan.

Questions also revolved around the importance of an investigation diary and documents that have gone missing or removed from the diary that was handed to evidence leaders that relates to one of the Gordhan matters.

The hearings will continue tomorrow. The committee was established by the National Assembly (NA) on 16 March 2021 to conduct a constitutional inquiry into the Public Protector’s fitness to hold office and is expected to provide the NA with a report by the end of April 2023. 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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