**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS NO EVIDENCE DUE TO FEARS OF WITNESS**

**Parliament, Wednesday, 22 February 2023 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office, today suspended its hearings to consider an issue raised by Mr Rodney Mataboge, Chief Investigator in the Office of the Public Protector South Africa (PPSA), who received an sms yesterday, which he regarded as threatening, after adjournment of his first day of testimony.

At the resumption of the hearings today, Committee Chairperson Mr Qubudile Dyantyi, informed the meeting that the committee had become aware of a situation last night that required his and Parliament Legal Adviser, Ms Fatima Ebrahim’s urgent attention. Mr Dyantyi requested Ms Ebrahim to address Members of the committee on the matter.

Ms Ebrahim requested that the discussion and deliberation happen only in the presence of Members of the Committee and support staff and that everyone else be excused from the meeting until further notice. She told the committee that she received a message from Mr Mataboge yesterday in which he indicated that he received a concerning message from someone who had been adversely affected by a previous investigation in which Mr Mataboge was involved.

The message indicated that its writer had been waiting for Mr Mataboge’s testimony and accused him of being “hell-bent” on producing an adverse report on him in a matter investigated by the PPSA. The writer of the message claimed in the message that Mr Mataboge is not an honest person and further accused him of hiding evidence in respect of Rule 53 records in cases lost by the PP’s Office in which he was involved.

The committee deliberated during its morning session on a way forward regarding the message. Several options were put to the committee on how to address the matter. The options included approaching the Speaker of the National Assembly to craft a special rule to allow for hearings to be held in closed session provided the committee was satisfied that it was just and reasonable in an open and democratic society to do so, excusing Mr Mataboge from giving any further evidence or summoning him to continue with his evidence before the committee if he refuses.

The committee then provided Mr Mataboge, still behind closed doors, an opportunity to address it on the message and his concerns. He informed the committee that he feels strongly that he cannot continue to give evidence as he does not feel safe to do so. He indicated that should the committee decide to subpoena him to testify, he will seek a legal advice on such action. Committee members felt that the evidence of Mr Mataboge was relevant and that he should conclude his testimony.

Ms Ebrahim had earlier explained to the committee that although Mr Mataboge was one of the witnesses on the list that the committee previously resolved to summon, the process of getting concurrence from the Speaker was finalized but that he had not been served a summons yet as he indicated that he was willing to testify before the committee.

The committee later opened the meeting to everyone and Mr Dyantyi announced to all in the meeting what happened behind closed doors and the resolution the committee had taken.

The committee resolved to complete the summoning process and request the Secretary to Parliament to issue the summons. As the witness was due to appear before the committee until Friday, the committee resolved that summoning should be fast-tracked and that it expected Mr Mataboge back before it tomorrow morning. It will also communicate with the Office of the PPSA as the threat or intimidation does not relate to Mr Mataboge’s evidence before the committee, but rather to his general responsibilities at the PPSA. A request will be made for a security risk assessment by the PPSA.

In relation to the writer of the message, the committee indicated that its work cannot be impeded by someone interfering with a witness. The writer of the message had already been contacted by the Secretariat and made aware that he was interfering with the work of the committee and should refrain from doing so. The committee was informed that during this discussion the author indicated that the message was never meant to threaten.

Mr Dyantyi said: “The committee is of the view that it has to protect its witnesses, but at the same time it has to be consistent in ensuring that the process is fair and rationale. All of this must be done within the rules in which the committee operates.”

The hearing is expected to 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](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=dfcd64687c&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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