**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 TO HEAR TESTIMONY OF PROF MADONSELA ON MONDAY**

**Parliament, Thursday, 2 March 2023 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office, today indicated that it will hear the evidence of Prof Thuli Madonsela on Monday and Tuesday next week.

This follows correspondence by committee Chairperson, Mr Qubudile Dyantyi, last night to the PP’s legal team in which he repeated the committee’s offer of having the testimony either over the weekend or early next week.

Yesterday Adv Dali Mpofu, SC, said that PP’s legal team does not intend to lead the evidence of Prof Madonsela as she was not their witness and he has not consulted with her. Evidence Leader Adv Nazreen Bawa, SC, said that Prof Madonsela’s presence at the hearings comes after a request by the PP’s legal team to have her subpoenaed and based on that she is therefore a witness of the PP. The committee then resolved that if none of the parties is willing to take ownership of the witness, it will use Prof Madonsela’s statement as provided to the committee without hearing oral evidence.

In his correspondence Mr Dyantyi states that having regard to the oral submission yesterday morning by the PP’s legal team and further confusion created by the tendering by Prof Madonsela of an “edited” statement a few minutes before the committee was due to commence, the committee willingly made the offer notwithstanding the fact that the corrected statement contained no material changes and the content and substance, save for minor cosmetic changes, remained the same.

Mr Dyantyi said the new date would give the PP’s legal team an opportunity to lead the evidence of Prof Madonsela on Monday and Tuesday, “giving you the time you indicated you require to prepare for her appearance”. Mr Dyantyi announced at the end of today’s meeting that the PP’s legal team accepted the offer and will lead Adv Madonsela’s evidence next week.

Earlier in the day the committee concluded its engagement with Mr Rodney Mataboge, Chief Investigator at PPSA. Mr Mataboge had further cross-examination from Adv Dali Mpofu, SC, questions from Members of the committee and lastly questions by Adv Nazreen Bawa, SC, in re-examination.

Mr Mataboge told the committee today that the PP did not conceal that she had the classified Inspector-General of Intelligence (IGI) report in her possession. He further stated that because he and the PP both had top secret security clearance, he did not think it was unlawful to possess the classified IGI report. He said he believed that they were legally in possession of the report.

The cross-examination mainly focused on the investigation into the South African Revenue Service (SARS) investigation unit and the Pillay-pension matters. Mr Mataboge already indicated that he was supervising these investigations and reports and was the lead investigator in the CR17/Bosasa matter. All these reports were taken on review and were set aside.

The hearings will continue on Monday with the testimony of Prof Madonsela. 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=d6b41b698b&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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