

research done, and satisfy myself that the legislation applied is correct, and also consider if there were relevant court judgements, or PP reports that were issued with the same facts and issues. However, in practice, this was not possible to do as the ACOO: there simply was not sufficient time, given the deadlines to which reports were held. It could take up to a day to go through one report properly. There were too many reports, and I did not have enough time: I would often receive reports from the investigators on the day that they were due to the PP or when the media briefing had already been scheduled. That left me with little or no time to engage with the substance of the reports.

69. In a number of instances I was able to refuse to sign off on reports with which I was not satisfied and would send them back to Executive Managers to consider further issues, even in the face of time pressures and deadlines. By way of example I annex –

69.1. “**NM10**”: comments to Mr Ndou requiring a report to be revised rather than sent on to the PP; and

69.2. “**NM11**”: comments to Mr Sekele, returning a report so that more information could be provided.

70. Over time, I required reports to be submitted to me a week or two before the due date for submission to the PP, in an effort to build in sufficient time for me to engage in a genuine quality assurance function. Nevertheless, given the lateness of submissions and the volume of reports, it remained impossible to adhere to the PP’s deadlines and do a thorough job of vetting reports.

71. The COO post was reduced to being a proof-reader rather than a quality assurer, and I found it had no value-add to the reports to be issued. I did not have sufficient time to

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ensure that the reports could withstand judicial scrutiny or to undertake an independent assessment of the contents of the report.

72. I was of the view that it was better to step down as Acting COO. This was particularly so given that I had seen the PP willing to take action against employees who were trying to ensure thorough investigations and had in fact been issued with an *audi* myself in those circumstances. The stress, the overwhelming pressure flowing from the PP's impractical deadlines, low staff morale, tension and toxicity in the office and the unhappiness and fear instilled in the PPSA's investigating staff were all too much for me to deal with. The role was not what I had expected when I had agreed to take it. I expected well researched reports, thorough brainstorming and debating and critical analysis of the reports, skills transfer, learning from newly qualified lawyers, development of investigators and management through information sharing, mentoring and coaching.
73. After I stepped down as Acting COO, Ms Basani Baloyi was permanently appointed to that position as from 1 February 2019. Mr Lucky Mohalaba occupied the post from May 2020 to September 2021. Thereafter Ms Lethabo Mamabolo was appointed as Acting COO from October 2021 until June 2022. Ms Nelisiwe Nkabinde has been Acting COO since July 2022. Since January 2022 the CEO, Ms Thandi Sibanyoni was tasked to oversee investigations, with the ACOO to report to her, in addition to her responsibility for the institution's various administrative functions.

D. ACTING EXECUTIVE MANAGER: GGI

74. At some point in mid-2018, Adv Stoffel Fourie was moved from being Executive Manager: GGI to Provincial Representative: Eastern Cape. Whilst I was never formally appointed as the Acting Executive Manager: GGI, as Acting COO, those in the GGI unit



then had to report to me directly as no one was immediately appointed to replace him, even in an acting capacity.

75. However, that meant that the GGI investigators, including Mr Madiba, did not have an Executive Manager to whom they could, among other things, submit their reports.

E. UNHEALTHY WORKING ENVIRONMENT


(i) Culture of fear

76. The various reporting meetings that the PP required us to hold – leadership meetings, dashboard meetings, task team meetings – became gatherings of fear, both for attendees and for those affected by the meetings, alert that as deadlines were not met that at any time an *audi letter* would be ordered.
77. At those meetings, the PP would insist that a particular milestone be identified, and that a deadline be recorded for that milestone. For example, if an EM was reporting on a particular investigation, the EM might be required to issue a section 7(9) notice by a particular date. I experienced this during the short stint when I was the Acting COO.
78. If the PP was unhappy with that deadline, the PP would impose her own deadline, leaving no room for argument with that deadline being recorded. Once so recorded the PP would often refuse to accommodate any extensions thereto, even if they were motivated on the basis of legitimate, investigation-related considerations. Meetings could therefore result in unreasonable deadlines imposed that were, from the outset, unlikely to be achieved. Whilst it was so that there were complaints outstanding for more than two years that needed attending to, it did not mean that the investigators charged with those investigations were the ones that had not conducted it; or that those were the only cases



they had to deal with or that it meant that the outstanding issues could readily be resolved. I realised that it was the complexity of many matters that resulted in them not being finalised.

79. For example, I annex a copy of an extract from a GGI Task Team submission as at 23 November 2018 (annexure "NM12"). It refers to an investigation into the Department of Transport, regarding panel van conversions. It records that, initially, the report was due to be finalised 31 March 2018. However, that was plainly an unreasonable and impractical deadline: by August 2018 section 7(9) notices were still being prepared and in October 2018 meetings with interested parties were still being held. It makes little sense to insist on deadlines that are unrelated to the realities of an investigation, and only creates unnecessary stress.
80. At the next meeting, the EM would have to account for whether the deadline had been met and, if not, explain why. Quite often, in investigations, it is necessary to have a flexible approach to deadlines, because they may be complex matters (more complex than initially thought), there may be an issue with the availability of witnesses, and organs of state who need to submit information, and more often than not this does not happen timeously and the investigator is asked to extend deadlines, a refusal of which may well be pointless.
81. This further plays out in an institution such as the PPSA, which is significantly under-capacitated and where investigators do not have the luxury of only working on one or a few cases and do not have adequate resources to expedite investigations – even transport to interview witnesses was an issue.

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82. However, the PP was generally not interested in listening to any explanations for missed deadlines, no matter how genuine or reasonable they were. In this manner, unreasonable deadlines would have to be rigidly adhered to. As an example, I have discussed the PEU investigation above.
83. Rather, and despite the EM apprising the PP of the reasons for the delay, the EM would be required to issue an *audi* letter to the responsible investigator or staff member (i.e. a letter calling on the individual to explain why (s)he should not be subject to disciplinary action), or would be threatened with disciplinary steps themselves, sometimes in the presence of colleagues and junior personnel. Aside from the prospect of disciplinary action threatening staff members' livelihood, these threats – and the manner in which they were delivered – were humiliating.
84. As far as I can recall, I was issued with an *audi* letter in respect of the failure to finalise the Department of Transport matter referred to in paragraph 79 above, along with many other "old cases". I have not been able to locate the letter. However, I have been able to locate my response, a copy of which is annexed, marked "NM13". Among other things, I explained that, as Executive Manager: CSM, I was not responsible for investigations and had never been required to conclude investigations within four months.
85. I agree that the PPSA should aim to reduce its backlog of cases, and that deadlines should be set in this regard. However, those deadlines should be set with due regard to the nature of the PPSA's work, and the challenges associated with finalising old cases (such as absence of original investigators and lack of evidence). They should not be established in a blanket and impractical fashion, which renders them likely to be missed from inception, particularly in circumstances where missed deadlines are likely to result

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- in *audi* letters. That only aggravates the workplace and intimidates the employees charged with investigations resulting in corners being cut to meet expectations.
86. During 2018, I had been issued with another *audi* letter. I have also not been able to locate this letter, but it related to alleged failure to ensure compliance with the PP's instructions. My response (annexure "NM14") shows that, in fact, I had ensured compliance, and that I was buckling under the pressure of acting as COO and assuming responsibility for GGI in the wake of Adv Fourie being posted to the Eastern Cape.
87. The PPSA is the harshest environment that I have ever worked in. There was distrust amongst staff members, uncertainty and insecurity, fear and increased applications of sick leave by staff members.
88. Given this environment, the PPSA had not been functioning as well as it could. With many staff members in constant fear of *audi* letters and unreasonable workplace discipline, as well as relentless stress from working long hours, many people take sick leave and work not getting done. The unreasonable deadlines, and threats of discipline and *audi* letters, and general workplace stress have an adverse effect on PPSA staff's ability to undertake investigations, deliver reports that can withstand review in court and discharge other PPSA functions.

(ii) Draft watermarks

89. During my stint as Acting COO, one initiative I introduced – in an attempt to assist the investigators reporting to me to cope with their deadline pressures – was to place the "DRAFT" watermark on reports that were due for submission but not yet complete. The PP lambasted me for this initiative. As far as I can recall, this happened during the



strategic planning meeting in 7 – 8 November 2018 in the presence of external and internal stakeholders, including all PPSA executives, senior managers and junior support staff members.

90. The PP had copies of the draft reports circulated. She indicated that she did not want “draft” reports. She wanted final reports and did not care about the explanations that were provided to me by Ms Mogaladi and Mr Madiba or the extent to which certain avenues still needed to be explored or certain aspects of the investigation closed off. The PP used the draft reports to indicate to the meeting’s attendees what she viewed to be the unacceptable work that she received from her staff.
91. The PP mentioned that the reports were long overdue, which was true, without any acknowledged of the workload and the circumstances under which she was expecting the impossible from the investigation teams. All that mattered was that the reports were not completed and could not be signed and issued.
92. The introduction of the watermark was an endeavour to avoid the precipitous signature of shoddy or incomplete section 7(9) notice and/or reports.
93. The manner in which the PP spoke publicly about the work she had received to the meeting’s attendees made me feel humiliated, embarrassed, victimised and belittled.

(iii) Working hours

94. Under the PP, we had to work very long hours. We would often work late into the night, or into the early hours of the morning. We would also regularly work on weekends. Executive Managers, Chief Investigators and Senior Investigators worked abnormally long hours.



95. Technically, the PPSA's working hours are 08h00 – 16h30. This is reflected in various emails which show the hours outside of normal working hours that PPSA staff were required to work. The evidence leaders have indicated that these would not be annexed to the affidavit but instead uploaded to the electronic bundles available to the Committee and the parties, for ease.
96. The PP required Executive Managers to sit in meetings that would last for hours, if not days, to account mostly on the deadlines and progress of deliverables of work rather than debate the substance/merits of the contents of reports being prepared by those reporting to the EMs. These meetings would then eat into the time required to perform our other functions – i.e. managing our respective branches and various PPSA operations – and require us to work very long hours to discharge those functions.
97. The meetings also became more frequent and more intense. For example, Dashboard meetings initially occurred on a quarterly basis and focused on backlog cases and the overall performance of each PPSA branch. Later, they occurred more frequently, almost on a monthly basis. Dashboard meetings have now gone back to being held on a quarterly basis, but there are other meetings that occur more frequently (such as Task Register).
98. Under the PP, Dashboard meetings became more expansive, and included reporting on all active cases. Although I reported on CSM functions, I was expected to sit through other presentations dealing with *"what product and when"*. That was a significant increase from previously only reporting on backlog cases. Responsible EMs would be required to report on each ongoing case for which they were responsible, which took up a great deal of time. The reporting required for a Dashboard meeting therefore deprived



the organisation of significant time that would otherwise have been devoted to its core functions.

99. Taking leave by Executive Managers is not encouraged; we end up offering reasons for why we are taking annual leave, even though we are entitled to do so.
100. In January of every year, when the PP comes back from her festive season leave, she indicates that clearing the backlog must be prioritised and leave should not be taken until backlog cases have been finalised.
 - 100.1. In December 2021, I did not take leave so that staff in CSM could take leave. This was with the understanding that I would take leave in January 2022, in accordance with my leave plan.
 - 100.2. However, the Acting COO then indicated that we had to prioritise finalising the backlog cases and prepare for the next Dashboard, so leave was not permitted to be taken in January 2022. The Acting COO announced this as a decision of the PP.
 - 100.3. In February and March 2022 I could not take leave because I was required to attend the PP's roadshows. I complied and was exhausted after the roadshows. However, I was then told by the Acting COO that I could not take leave until after the April 2022 Dashboard.
 - 100.4. I then applied for leave again, by which time I had accumulated 40 days of leave and was at risk of forfeiting some of those days if they were not taken before



the end of June 2022. A copy of the correspondence in this regard is annexed, marked "NM15".

- 100.5. The Acting COO tried to convince me to cash in my leave instead of taking it. However, I needed the time off for my own health.
101. Although I demonstrate this with reference to the most recent example, this has not been the first instance where annual leave is refused due to investigative backlogs. It is simply a perpetuation of what had been experienced by others in the past. As manager I had to refuse leave twice for operational reasons.
102. The effect of the conditions and as vacation leave approval was not a given, staff started taking more and more sick leave. I motivated more to get approval for annual leave than any other leave.
103. It reached the point where I applied for early retirement. The PP indicated that she would approve the early retirement, even though she did not yet have the documentation and had not yet engaged with the CEO. However, GEPF would have required a significant penalty from the PPSA (more than a million). I gave notice and intended to apply for medical boarding, but due to much-improved working environment and reduced stress levels I retracted my notice.
104. The lack of leave, and the hostile approach to leave within the PPSA, made the working environment difficult for employees to cope with and undoubtedly impacted on the work environment.



(iv) Ms Mogaladi

105. Ms Mogaladi has been able to provide her own evidence of her workplace experiences under the PP. Below I relate some incidents which supplements her evidence and of which I have personal knowledge.
106. One night, while I was working late at the office, Mr Kabinde (the PP's personal assistant) asked me to go to Ms Mogaladi's office. There I found her crying at her desk while typing a report. She had suffered a bereavement of a close relative but was not able to be with her family because the PP had insisted on a report being furnished.
107. I called the PP, at around 20h00, to inform her about the situation and indicate that no one could prepare a meaningful report in Ms Mogaladi's condition. The PP insisted that she wanted the report. However, I held firm, and asked the PP to hold me responsible for the production of the report, but only to allow Ms Mogaladi a day with her grief, attend the funeral, and then to resume the report on the following Monday. The PP eventually agreed, subject to the condition that I took responsibility.
108. Notwithstanding the allocation procedure described earlier in my affidavit, there are cases that have been allocated directly by the PP upon receipt of a complaint. This happened, for example, in an investigation into the confiscation of electronic devices by the Hawks, and their arrest of an activist and political influencer (see annexure "NM16").
109. Regarding the FSCA complaint: while I was Acting CEO, the PP called me into her office and told me she was taking the FSCA investigation away from the assigned investigator, Mr Matlawe. She did not, as far as I can remember, provide me with any reasons. I did not have any knowledge of the matter at that stage.



110. The PP informed me that the matter was complex, and that she needed investigators who would be able to handle it. She asked for recommendations as to who could replace Mr Matlawe. I recommended Mr Madiba and Ms van Eeden, as I considered them to be among the PPSA's best.
111. The PP then asked me to call Mr Madiba and Ms van Eeden into her office, which I did. At that point she allocated the investigation to them and directed them to the two boxes of evidence (containing lever-arch files of documents). Thereafter I was not involved in the investigation, and I do not know how it ended up with Ms Mogaladi and Ms Sekele.
112. While I accept that there is nothing wrong with the PP taking an interest in classifications and assessments, and even in the appointment of investigators, it should be done through the proper channels. This sort of direct intervention in operational matters, circumventing the lines of authority, makes it difficult for managers to ensure that the relevant personnel are held accountable.
113. Later on, the PPSA wanted to discipline Ms Mogaladi, Ms Sekele and Mr Madiba because the FSCA report was set aside by the High Court. Mr Mhlongo (the Senior Manager: Legal Services) indicated that the PPSA would '*require someone senior*' to corroborate the evidence Ms van Eeden (the intended lead witness) and to testify regarding charges such as insubordination.
114. The PP directed that I should give evidence against Ms Mogaladi '*on handing over the matter to her as acting COO, and requesting her to take action [against] Madiba for failure to finalise the section 7(9) on the promised date*' and '*on how the matter was dealt with on handing over to Ms Mogaladi*'.

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115. A copy of the relevant email correspondence is annexed to this affidavit, marked "NM17". The PP's reference to an *audi* in respect of Ms Mogaladi shows why many employees feared the *audi* letters would be used: as evidence of a pattern of misconduct should the PP wish to hold a disciplinary hearing.
116. However, as far as I know, the FCSA matter was never allocated to Ms Mogaladi. I therefore could not give the evidence that the PP wanted. Mr Mhlongo interviewed me twice about the matter, but I consistently told him that my involvement had been limited to what I have said above and that I had no knowledge implicating Ms Mogaladi. In the end I was never called to testify against Ms Mogaladi.

(v) Ms Baloyi

117. Ms Baloyi was appointed as the COO and, as an EM I reported to her. I have never met such a hands-on hard worker, or dedicated public servant, in my entire career. She would regularly work very long hours, even from 08h00 one morning until 04h00 the next morning and would thereafter return to office for a full day's work. This happened even when her 8-year old daughter was hospitalised: Ms Baloyi would leave the office very late in the evening to spend the night with her daughter in hospital then come to work the next day until her daughter was discharged.
118. Ms Baloyi resisted the PP's insistence that she, as COO, issue *audi* letters to every EM. However, I recall that one night, I found Ms Baloyi broken and sitting in her office, mulling over the prospects of her employment being terminated as she was still on probation. She said she had reached the end of the road in that if she does not comply with the PP's instructions to charge us, she is going to be terminated. She was broken and as a single parent, had two dependent children. I asked her what the reasons were advanced

MS

for issuing *audi* letters to EMs. She advised that we failed to eradicate the backlog of cases older than two years. As I understood the purpose of the *audi alteram partem* principle, it meant that EMs will be given an opportunity to give reasons for this alleged failure (even though I was not doing investigations). I suggested to her that she just issue the EMs with the *audi* letters so we can provide the reasons to PP with the hope that she will know and understand our unbearable circumstances. It was clear that Ms Baloyi was overwhelmed by the pressure to which the PP subjected her and advised her that the *audi* will provide us an opportunity to be heard.

119. Ms Baloyi had the responsibility of having to address the backlog in investigations. She made great strides and a significant contribution in this regard. Even though I was responsible for CSM and not directly involved in investigations, I assisted Ms Baloyi in compiling and managing the backlog database and there had been significant inroads made.
120. Ms Baloyi was also given unreasonable and unmanageable deadlines. Each investigation has its own particularities. Some investigations dated back many years, preceding her appointment. Some investigations involved uncooperative organs of state and some concerned very complex matters.
121. That sort of top-down imposition ignored the realities that the investigators had to deal with and so was unworkable. Ms Baloyi was attempting to work within more realistic deadlines, having consulted the investigators and understood the constraints within which they were operating. She was also attempting to avoid cases of malicious compliance, where investigators would submit reports simply to submit a document by a

particular deadline, without taking the necessary care to ensure a product of the appropriate quality.

F. THE DISPUTE REGARDING MS CLEOPATRA MOSANA

122. During January 2018, while I was Acting CEO, it was brought to my attention that a dispute had developed between the PP and one of her direct reports – her spokesperson, Ms Cleopatra Mosana. I do not know, and cannot recall ever being informed by the PP, as to what the dispute was. I was simply informed that Ms Mosana's services as spokesperson needed to be terminated because of a breakdown in the relationship with the PP.
123. When I got to the office on the day in question (I cannot now recall the specific date, although it was a day when I was on leave, and I was only in the office to attend a specific meeting), I was informed by Mr Tyelela, Mr Nemasisi and the Acting Chief of Staff (Ms Molelekoa) that they were in the process of negotiating a settlement package in respect of Ms Mosana's departure. Ms Mosana had at that point recently been appointed on a fixed-term contract. The settlement contemplated paying Ms Mosana out for the balance of her contract period, or a portion thereof, at a cost that could have exceeded R5,000,000, as far as I recall.
124. As Acting CEO I was requested to take note of the engagement with Ms Mosana, with a view to ultimately approving the settlement. However, I was concerned that it would amount to fruitless and wasteful expenditure to pay out the balance of Ms Mosana's contract and frankly given the PPSA's state of finances at the time we could not incur this cost.

125. I was of the view that, rather than paying out such a large sum of money, there were other viable solutions to resolve the impasse, including, first, training, mentoring and coaching; second, initiating a disciplinary procedure should she continue to underperform; or third, if the relationship had indeed broken down irretrievably between Ms Mosana and the PP, then transferring Ms Mosana to a position outside the Private Office, on the same level that she occupied and without losing her benefits.
126. I advised the PP about the alternatives available that can ensure that the PPSA does not incur fruitless and wasteful expenditure. The PP indicated that I should put the proposal in writing for approval. Since I refused to approve severance pay for Ms Mosana, I requested to transfer Ms Mosana to CSM and transfer Ms Sekele from CSM to Investigations (she was an admitted attorney and able to alleviate the pressure within Investigations). A formal proposal was drafted and submitted to the PP for approval.
127. To get her buy-in, I needed to consult and engage with Ms Mosana so that I could explain the financial status of the PPSA and the reasons for the alternative proposal I made. Through Mr Tyelela we arranged to meet with Ms Mosana to communicate the proposal, which was by then approved by the PP.
128. On the date of consultation and whilst we were about to engage Ms Mosana, I received a call from the PP and she told me that she heard that I was meeting with Ms Mosana and she wanted to know the reasons for the meeting. I informed the PP that Mr Tyelela and I would be serving Ms Mosana with the letter containing an offer to transfer her to CSM and we wanted to explain the grounds for the proposal for transfer and get her views on the matter. The PP told me in no uncertain terms not to discuss anything with

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Ms Mosana, just to give her the letter and tell her to leave the office and go consider the offer at home. That is what I did.

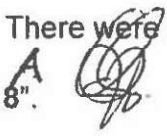
129. As a result Ms Mosana was, without any proper consultation, simply transferred to the position of Senior Manager within the CSM branch, where she continued to earn the same salary. Ms Mosana challenged her transfer before the Commission for Conciliation, Mediation and Arbitration ('CCMA'), which concluded that Ms Mosana had, in fact, been unfairly demoted. She was awarded around R520,000.00 in compensation, as far as I can recall. This was, however, substantially less than the amounts contemplated in the negotiations for the settlement package. I believed that the CEO would accept this outcome and it would result in the end of the year-long conflict with Ms Mosana.
130. However, in May 2019 Ms Mosana came to my office to advise me that she had tendered her resignation, which had been accepted by the Human Resources Department. I immediately took her to the COO's Office (as the Head of PPSA core functions) so that she could inform the COO about this sudden change of events. The COO, Ms Basani Baloyi, had a discussion with Ms Mosana to get the reasons for her resignation.
131. Ms Baloyi ordered me to retract Ms Mosana's resignation. I asked her to issue me with a written instruction. I believe that if Ms Mosana wanted to withdraw her resignation, she should be the one to retract it. I received no written instruction and did not withdraw Ms Mosana's resignation.
132. I later learned that Ms Mosana had lodged a case against the PPSA for constructive dismissal, in which she was successful.



G. VREDE

133. The Vrede investigation did not fall within my responsibilities as Executive Manager: CSM. I do recall seeing the report presented at the Think Tank (I think it was in August 2017) and, in particular, I recall the pictures of the gate and security structure that allegedly cost more than R2,000,000. I could not believe that such structures could cost such an excessive amount of money. It seemed to me that such conduct must have entailed wrongdoing.
134. However, I had some interactions with the report being finalised during my stint as Acting CEO at the beginning of 2018. At that stage (unlike the case under Mr Mahlangu or Ms Lusibane), the CEO had responsibility for both the PPSA's administration and its investigating operations. Accordingly, it was expected that I would at least be provided with the opportunity to consider the Vrede report before the PP signed off on it.
135. I was, however, never party to the finalisation of the report in that I never scrutinised or revised the contents thereof: the final version of the report should have been signed off by Mr Ndou, as the relevant Executive Manager for Provincial Investigations, and then submitted to me, as the Acting CEO. Once I had checked the report, I would have submitted it (with my input if any) to the PP but that never occurred.
136. On 22 January 2018, the PPSA received a request from the SABC for an interview regarding the status of the Vrede investigation. The PP required Mr Ndou to prepare a memorandum on the status of the investigation and to remind Mr Maimane to send the PPSA information about the intended Vrede beneficiaries. On the next day, I followed up with Mr Ndou as to whether he had prepared the memorandum for the PP. He indicated that the memorandum was being prepared, and that he had already drafted the request



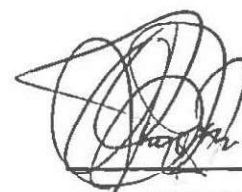
to Mr Maimane regarding the beneficiary information. A copy of the email correspondence is annexed to this affidavit, marked "NM18". There were further media requests for the release of the report. See, for example, "NM18". 

137. On 6 February 2018 I informed Mr Ndou that the PP wanted the Vrede report to be finalised urgently because, as far as I can recall, it was long overdue as the PP had previously given an undertaking that it would already have been released. A copy of my email correspondence is annexed to this affidavit, marked "NM19".
138. By the following day, Mr Ndou had still not delivering as required, even though I had made the PP's requirements clear to him and he had not complied or explained any difficulties he was facing. I emailed him accordingly. A copy of my email correspondence is annexed to this affidavit, marked "NM20".
139. On 7 February 2018, Mr Ndou sent a draft of the Vrede report through. Shortly thereafter, the PP responded to indicate that she was not happy with some aspects of the report, and directed Mr Ndou and his team, as well as Mr Nemasisi (the Senior Manager: Legal Services), to attend a meeting at 10h00 on the following morning to work through the report. I was unable to attend that meeting, as I was due to be present at a Risk Committee session.
140. I did not consider the draft that Mr Ndou sent through, because it was clear that it still required revisions to be implemented. Only once Mr Ndou had implemented those revisions would I have considered the report and then passed it on to the PP.
141. Mr Ndou ended up not being present for the finalisation of the Vrede report. The PP wanted me to initiate disciplinary action against him as a result of his absence. When I



sent him an *audi* letter, he explained, among other things, that he had been on approved leave on the day the PP required him to attend the office. In my view, that was a satisfactory explanation for his absence.

142. During the evening of 7 February 2018, Mr Nemasisi circulated his '*final comment*' on the Vrede report. He listed various concerns in his cover email but indicated that they could be addressed so that a final report could be issued by 22 February 2018.
143. A copy of the draft that Mr Nemasisi circulated – reflecting his comments and tracked changes was circulated. As far as I can recall, I never responded to the concerns expressed by Mr Nemasisi, either in his email or in his comments on the draft report, because those concerns still needed to be processed by Mr Ndou and his team before a revised draft was submitted to me.
144. As mentioned above, I had no input into the final report as Mr Ndou never submitted a final draft for my consideration and, on 8 February 2018, I had to attend another PPSA meeting. The PP informed me that Ms Molelekoa and Mr Nditsheni Rendani were involved in the finalisation of the report, because no one else was available to assist her. She indicated that it was a shame that Mr Ndou and I had not been involved.
145. I heard, once it had already happened, that the report had been finalised and issued on 8 February 2018. I am not aware, for example, of whether, or the extent to which, Mr Nemasisi's concerns were addressed. I have no knowledge as to why this report had to be finalised in that particular week.



NTHORISENG MOTSITSI



I certify that the above signature is the true signature of the deponent and that she has acknowledged that she knows and understands the contents of this affidavit which affidavit was signed and sworn to before me in my presence at Pretoria on this Tuesday of 2 **SEPTEMBER 2022**, in accordance with Government Notice No R1258 dated 21 July 1972, as amended by Government Notice No R1648 dated 19 August 1977, as further amended by Government Notice No R1428 dated 11 July 1980, and by Government Notice No R774 of 23 April 1982.


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