



## Minutes of the Committee for Section 194 Enquiry

**Date:** Wednesday, 13 July 2022

**Time:** 10:00

**Venue:** Hybrid (Virtual & Physical at Committee Room M46)

**Agenda:**

- **Hearings: Day 3 – Mr Johann Loggerenberg appearing before the Committee**

### Members

Status	Name of Member	Political Party
Present	Mr QR Dyantyi (Chairperson)	African National Congress (ANC)
	Ms D Dlakude	
	Ms J Hermans	
	Ms TM Joemat-Pettersson	
	Ms TI Legwase	
	Mr S Luzipo	
	Mr MG Mahlaule	
	Ms JS Mananiso	
	Ms T Mgweba	
	Mr BS Nkosi	
	Mr X Nqola	
	Ms ED Peters	
	Mr AM Seabi	
	Ms VS Siwela	
	Mr BM Maneli	
	Ms ME Tlhape	
Ms GK Tseke		
Mr GJ Skosana		
Ms J Tshabalala*		
	Dr A Lotriet	Democratic Alliance (DA)
	Mr KJ Mileham	
	Mr BB Nodada	
	Dr M Gondwe	
	Ms BM Van Minnen*	
	Mr JS Malema Ms OMC Maotwe	Economic Freedom Fighters (EFF)
	Dr CP Mulder Ms H Denner* (FF+)	Freedom Front Plus (FF+)

Ms ME Sukers	African Christian Democratic Party (ACDP)
Mr AM Emam-Shaik	National Freedom Party (NFP)
Mr B Herron	GOOD
Mr B Holomisa	United Democratic Movement (UDM)
Mr MGE Hendricks	Al Jama-ah

\*indicates that a member is an alternate

#### Parliamentary Officials and other

Name	Organization	Designation
Mr TK Ngoma	Parliament	Committee Secretary
Ms TC Morie	Parliament	Graduate Trainee
Ms H Davids	Parliament	Graduate Trainee
Adv. N Bawa	Parliament	Evidence Leader
Adv. N Mayosi	Parliament	Evidence Leader
Adv. A Pillay	Parliament	Evidence Leader Support
Mr H Ebrahim	Member of the Public	Committee Witness
Adv. D Mpofo	Seanego Attorneys	PP Legal Representative
Adv. B Shabalala	Seanego Attorneys	PP Legal Representative
Adv. H Matlhape	Seanego Attorneys	PP Legal Representative
Mr T Seanego	Seanego Attorneys	PP Legal Representative
Ms N Patel	Seanego Attorneys	PP Legal Representative
Adv ML Tau	Parliament	Acting Section Manager
Mr M Dano	Parliament	Committee Researcher
Ms S Sipamla	Parliament	Content Advisor
Mr S Magagula	Parliament	Content Advisor
Dr S Khuzwayo	Parliament	Content Advisor
Mr P Dlomo	Parliament	Content Advisor
Ms F Ebrahim	Parliament	Legal Advisor
Mr S Njikelá	Parliament	Legal Advisor
Mr T Nage	Parliament	Procedural Officer
Mr P Hahndiek	Parliament	Procedural Officer
Mr S Thwala	ANC Caucus	Content Advisor

## **1. Opening and welcoming**

The Chairperson opened the meeting and welcomed all participants attending physically and virtually to the third day of hearings. He granted Ms Ebrahim the opportunity to swear in the witness of the day, Mr Johannes van Loggerenberg (Mr van Loggerenberg) who was virtually present. Mr van Loggerenberg was duly sworn in.

## **2. Mr van Loggerenberg**

Adv. Bawa provided the background on the evidence that the witness, Mr van Loggerenberg would present to the Committee. She indicated that documents detailing the timeline of the relevant events had been shared with the Public Protector's legal team and the members of the Committee. She highlighted that Mr Pravin Gordhan had taken the Public Protector's report on the SARS Investigative Unit on review on 5 July 2019. Adv. Bawa cited various paragraphs in relevant Constitutional cases, reviews and appeals, including the Constitutional Court case of *Gordhan v Public Protector and Others (48521/19) [2019] ZAGPPHC 311; [2019] 3 All SA 743 (GP) (29 July 2019)*, to further detail the background of the basis of the evidence that was to be presented to the Committee.

Adv. Bawa interacted with the witness, Mr van Loggerenberg, and addressed the content of his affidavit. Mr van Loggerenberg detailed the circumstances under which fellow staff members and himself found themselves in the duration of his employment at SARS Investigative Unit. He shared details of his professional background and events that led to his decision to submit a complaint at the Public Protector's Office in 2016. Mr van Loggerenberg submitted the required evidence to the Public Protector's Office and testified that he received acknowledgement of receipt on 16 August 2016. Moreover, he testified that the Public Protector ignored the evidence that he provided for the investigation.

Adv. Bawa indicated that a recording would be played for the Committee to listen to. On behalf of the Public Protector, Adv. Mpofu indicated that his team had not been able to open the recording of the meeting in question. Adv. Bawa explained that the recording had been available from 30 June 2022, and that she had offered to forward the recording to Adv. Mpofu and his team if they had any trouble accessing it. The recording of the meeting between the Public Protector, Adv. Mkhwebane, and other participants of the Intelligence Agency regarding the report on the SARS "Rogue Unit" investigation was played for the Committee.

Thereafter, Adv. Bawa sought confirmation from Mr van Loggerenberg regarding the content of the Public Protector's Report and submissions to subsequent cases that ultimately resulted in the reports being set aside on review by the courts.

Mr van Loggerenberg was allowed to leave the platform. The Committee was informed that a further evidence presentation and cross-examination from the Public Protector's legal representatives would resume on the following day.

Adv. Bawa provided the Committee members with a detailed timeline of events with reference to the case of *Gordhan v Public Protector and Others (48521/19) [2019] ZAGPPHC 311; [2019] 3 All SA 743 (GP) (29 July 2019)* and two other cases that were before the courts, subsequent to the Public Protector's Report.

### **3. Closing remarks**

The Chairperson granted Adv. Bawa the opportunity to address the issue of the Public Protector's inability to access her emails. Adv. Bawa indicated that she had contacted the Acting Public Protector, Adv. Gcaleka regarding the matter. She explained to the Committee that she received two letters that had been addressed to the suspended Public Protector, Adv. Mkhwebane regarding the issue of access to emails.

On behalf of Adv. Mkhwebane, Adv. Mpofo questioned the appropriateness of sharing a personal letter addressed to Adv. Mkhwebane with the Committee. He reported to the Committee that the letters had not been shared with himself and the Public Protector's legal team, and further raised concerns about the letter possibly containing information that may necessitate Adv. Mpofo be privy to prior to the contents of the letter being shared with the Committee.

Adv. Bawa indicated that the first letter, dated 10 June 2022, was attached to one of the court judgements in question, and was therefore in the public domain. She further assured the Public Protector that as a privacy measure she would only share the contents of the last paragraph of the second letter in question. Adv. Bawa presented the content of the first letter wherein the Acting Public Prosecutor indicated that the office was informed of Adv. Mkhwebane's suspension on 9 June 2022, and read the last paragraph of the second letter. She highlighted that the Acting Public Protector had indicated that access had been granted to the Public Protector and that IT services could be utilised to assist if the problem persisted.

Adv. Mpofo reported that even after the second letter was received, Adv. Mkhwebane could still not access her emails. He then expressed gratitude to Adv. Bawa, the Evidence Leaders and the Committee for the assistance and urgent attention to the matter.

The Chairperson reminded members and all present that the testimony by Mr van Loggerenberg will resume on Thursday, 14 July 2022.

**4. Adjournment**

The meeting adjourned at 15:27

*Signed electronically*

16 August 2022

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**Mr QR Dyantyi, MP**  
**Chairperson: Committee for Section 194 Enquiry**

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**Date**

Adopted Minutes