



Minutes of the Committee for Section 194 Enquiry

Date: Tuesday, 12 July 2022

Time: 10:00 – 17:00

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

Agenda:

- **Hearings: Day 2 – Briefing by Mr Hassen Ebrahim on the contextualisation of the role of the Office of the Public Protector**

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	Economic Freedom Fighters (EFF)
	Ms OMC Maotwe	
	Dr CP Mulder	Freedom Front Plus (FF+)
	Ms H Denner* (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
Mr M Sweet	ANC Caucus	Head: Research and Development

1. Opening and welcoming

The Chairperson opened the meeting welcomed all members present, the evidence leaders of Parliament led by Adv. Bawa, the Public Protector, Adv. Mkhwebane, together with her legal team led by Adv. Mpofu to the second day of the hearings.

He stated that the discussion on the directives would be deferred towards the end of the day's proceedings. He welcomed the first expert witness, Mr Hassen Ebrahim.

2. Mr Hassen Ebrahim – Contextualisation of the role of the Office of the Public Protector

Mr Hassen Ebrahim, was sworn in as a witness in the Enquiry and was granted the opportunity to introduce himself and to briefly provide a summary of his background, qualifications and experience.

The witness presented expert evidence to the Committee on the role of the Public Protector, the powers and duties that are vested in him/her. He further elaborated on the relevant sections of the Constitution and the Public Protector Amendment Act 22 of 2003. The witness affidavit is attached as Annexure 1.

3. Cross-examination of witness

Mr Ebrahim was led by Adv. Bawa and later cross-examined by Adv Mpofu. A record of the cross-examination will form part of the Committee report, which will be considered and adopted at the end of the inquiry.

4. Directives

The Chairperson granted Ms Fatima Ebrahim the opportunity to explain the Directives that were sent to all members of the Committee and the two legal teams.

She explained some of the definitions contained in the Directives and further presented the functions of the Committee. She provided that the Directives enabled Adv. Mpofu to make a second opening statement prior to his commencement of leading the Public Protector's witnesses. The Chairperson welcomed comments from the members of the Committee.

Adv. Mpofu stated that the Public Protector's legal team disputed the document, particularly around the scope of the Directive in terms of whether the proceedings would be based on the

motion tabled in the National Assembly by Ms Mazzone or the report of the Independent Panel. The document containing Directives is marked as Annexure 2.

5. Closing remarks

The Chairperson summarised the proceedings of the day. He further indicated that he had noted all the comments and concerns raised regarding the Directives and would apply his mind and soon make a ruling.

Adv. Mpfu explained to the Committee that it was the Public Protector's request to put it on record that she cannot access her emails. He explained that the matter made it difficult for the Public Protector to properly prepare for the Committee proceedings. However, Parliament evidence leader, Adv Bawa explained to the Committee that there were interactions between her Office and the Office of the Acting Public Protector to address the matter.

Other issues raised included the fact that, the Committee needed to make sure that the process was not tainted by illegalities, which may compromise the process; the need to ensure that all witnesses were treated fairly, with respect and without being bias; the need to ensure that the decorum of the Committee and rules were always adhered to by all participants; and evidence leaders should ensure that all pieces of information, which was going to be used during the session was shared with the Committee, especially referred cases.

The Chairperson expressed his gratitude to the witness, Mr Hassen Ebrahim, for availing himself and sharing his knowledge and expertise with the Committee.

6. Adjournment

The meeting adjourned at 20:20.

Signed electronically

16 August 2022

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

Date