

Mkhwebane calls for legal representation in her fight to hold office

Suspended public prosecutor, Busisiwe Mkhwebane has called for a halt to inquiry into her fitness to hold office, insisting the inquiry cannot continue until she is guaranteed legal funding and can again be legally represented.



Source: Twitter/@ApostleDeza. Suspended public prosecutor, advocate Busisiwe Mkhwebane.

The Office of the Public Protector indicated it would cut its funding of Mkhwebane's legal funding on 31 March, after spending R26.2m on her impeachment litigation expenses.

Mkhwebane challenged the notion of a lack of state resources for her legal representation, given that the state was continuing to fund the costs of the section 194 committee evidence leaders.

"I don't understand the reasoning behind this. They started this process; they should be funding this process. We should be helping the office to have the resources. Remember, although I am suspended I'm still the public protector, I'm still performing my official duties and I must account. I am entitled to representation."

She said the overly lengthy proceedings caused by "evidence leaders repeating everything which we've said" were hiking the legal costs which she said has already exceeded R26m - contrary to what has been reported to media.

Inquiry evidence leaders are probing accusations Mkhwebane failed "intentionally or in a grossly negligent manner to

prevent fruitless, wasteful and/or unauthorised public expenditure in legal costs" by her office. They also need to determine whether Mkhwebane had the scope to investigate the CR17 Campaign.

President Cyril Ramaphosa in hot water

Known as CR17, the campaign found President Cyril Ramaphosa had misled Parliament about campaign donations. The legal battle [centres](#) on a half a million-rand donation to Ramaphosa's campaign to become African National Congress president and Mkhwebane's finding that as President of South Africa, Ramaphosa had misled Parliament about that donation.

“ *Travesty of Justice by the Chairperson of Section 194 Inquiry to determine my fitness to hold office as*

[@PublicProtector](#) [@ParliamentofRSA](#)

This is violating my rights and it is abuse of power by Mr Dyantyi MP pic.twitter.com/DgKZxVPJMP— Adv Busisiwe Mkhwebane (@AdvBMkhwebane) [April 5, 2023](#) ”

The evidence leaders have thus far invalidated Mkhwebane's report on President Cyril Ramaphosa's CR17 campaign in the absence of her currently unfunded lawyers. Mkhwebane said she had been muted frequently while explaining herself during her inquiry this week.

Prosecutions head, Shamila Batohi stressed that the Public Protector did not have the legal power to order the National Prosecuting Authority to investigate "prima facie" evidence of money laundering in Ramaphosa's CR17 campaign

"A travesty of justice"

Mkhwebane said due process was not being followed in deciding whether or not she should be impeached, and summarised it as "a travesty of justice".

"This committee meeting is serving to poison the minds of the members of the committee and unsuspecting members of the public against me," she said.

Mkhwebane pleaded to finish her term of office which ends in October this year.

She is still awaiting judgement.

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