

POLICE MINISTER VINDICATED IN A COURT BID AGAINST PUBLIC PROTECTOR REPORT REGARDING WITNESS PROTECTION

In August 2018, a report by Public Protector, Busisiwe Mkhwebane accused the Minister of Police, General Bheki Cele, of gross negligence, improper conduct and maladministration.

This, for what she termed 'failure' by Minister Cele and the South African Police Service, to protect the lives of two whistleblowers from Kwa-Zulu Natal.

The informants, Thabiso Zulu and Lesley Stuta, were witnesses in her investigation into alleged multi- million-rand corruption in the UMzinkhulu local municipality.

The report claimed there had been 'undue delay' on the part of Cele and the police, in providing personal protection to the two men who were living in fear for their lives.

In the report, Mkhwebane stated that failure by the Police Minister and the police to act, exposed the duo to assassination attempts.

The Public Protector even went as far as ordering the President to 'reprimand' Minister Cele, for what she termed a 'lapse in judgement.'

General Cele has always been vocal about his serious reservations on the findings and proposed remedial actions by the office of the Public Protector. This is the very reason why he decided to take the report under Judicial review.

In what is becoming a familiar sight, yet another court has declared a report by the Public Protector invalid. This time, the North Gauteng high court has found the Public Protector to have misdirected herself, in saying the South African Police Service should provide personal protection to the two witnesses.

In a separate but related matter, the same court granted an order on the 26th of March, which stated that Thabiso Zulu is only entitled to witness protection, provided by the Department of Justice and Constitutional Development and not the SAPS.

In light of that ruling, the judicial review brought forward by Minister Cele, which was heard on Wednesday, 03 June 2020, concluded that the Public Protector's report should be declared invalid and set aside.

Minister Cele has welcomed the outcome saying, "The turn of events has vindicated the South African Police Service and restored its integrity, especially since the Public Protector's report swayed public opinion to come across as if the SAPS was simply dragging its feet in protecting whistleblowers."

The Police Minister has called on the office of the Public Protector to exercise due diligence in her findings, especially pertaining to structures of Government.

"It has always been clear that while protection of witnesses is paramount, it remains the sole responsibility of the National Prosecution Authority as stated in the Witness Protection Act. The Public Protector should have known this." - Cele concluded.

Minister Cele remains empathetic to the plight of witnesses in any matter that

seeks to bring about justice and root out acts of corruption and misappropriation of taxpayers monies. He believes they must be protected at all cost.