

**ENQUIRY INTO THE SOUTH GAUTENG DIRECTOR OF
PUBLIC PROSECUTIONS' FITNESS TO HOLD OFFICE**

HELD AT

**SALU BUILDING, 316 THABO SEHUME STREET,
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

9 FEBRUARY 2026

DAY 23



**ENQUIRY INTO THE
SOUTH GAUTENG
DIRECTOR OF PUBLIC
PROSECUTIONS'
FITNESS TO HOLD OFFICE**

PROCEEDINGS ON 9 FEBRUARY 2026

CHAIRPERSON: Good afternoon everyone. Good afternoon, Ntate Chauke. We have agreed that Advocate Baloyi-Mere will deal with this matter.

ADV BALOYI-MERE SC: Thank you Chair. Good afternoon colleagues. My understanding is that you have now reached a settlement. Can I have, Ntate Mohlamonyane, over to you.

ADV MOHLAMONYANE SC: We have Madam Chair, and Madam, thank you, Madam Chair. We have Madam Baloyi-Mere, SC, but I do not have copies with me here. I am made to believe that copies are with the Chauke team. The Chauke team, with your permission, will hand up hard copies, three hard copies for the panelists. And this is the agreement of the parties, and we ask that it be made the ruling of this panel.

ADV BALOYI-MERE SC: Thank you, Adv Mohlamonyane. Advocate Ngcukaitobi?

ADV NGCUKAITOBI SC: Madam Chair. The situation is as follows. On Saturday, as directed by the panel, an application for the postponement of the enquiry to the 16th of February was brought. It was opposed on Sunday by Mr Chauke, and there has been an exchange of correspondence since then. The upshot of that exchange is that there is a ruling which we ask should be made a ruling of the panel and these are the terms. Paragraph 1, in line with the agreement

of the parties, the enquiry directs as follows. 1.1 The ...[intervenes].

ADV BALOYI-MERE SC: [Indistinct]... [microphone off]

better for me to read the order into the record.

ADV NGCUKAITOBI SC: Oh, I see. Yes. Oh yes, oh you wanted me to confirm that we ...[intervenes].

ADV BALOYI-MERE SC: To confirm ...[intervenes].

ADV NGCUKAITOBI SC: We consent to the ...[intervenes].

ADV BALOYI-MERE SC: Yes.

10 **ADV NGCUKAITOBI SC:** Indeed, thank you, Madam Chair. I agree.

ADV BALOYI-MERE SC: Before I read this agreement into the record, I want to make a few observations and comments, just to give context to this whole matter. This matter was postponed to today, Monday, the 9th of February, after the evidence-leading team had sought a postponement orally without a substantive application filed. They requested a postponement to Wednesday, the 11th of February.

20 The evidence-leading team were directed by the panel to file a substantive application, and they were placed on terms such that they should file their application by noon on Saturday, and Advocate Chauke's team to file by noon on Sunday, that is the 8th. The evidence-leading team were ordered to file the reply by midnight on Sunday, the 8th.

The evidence-leading team has now applied for

postponement of the hearing to the 16th of February 2026 in their substantive application. Among their reasons is that they do not have a witness that, they do not have witnesses that are ready to be called, and also the fact that Advocate Batohi's personal legal representative would be appointed soon, and we heard this morning that the legal representative were appointed yesterday. And so the evidence-leading team could not commit to when Advocate Batohi will take the witness stand if she is so advised.

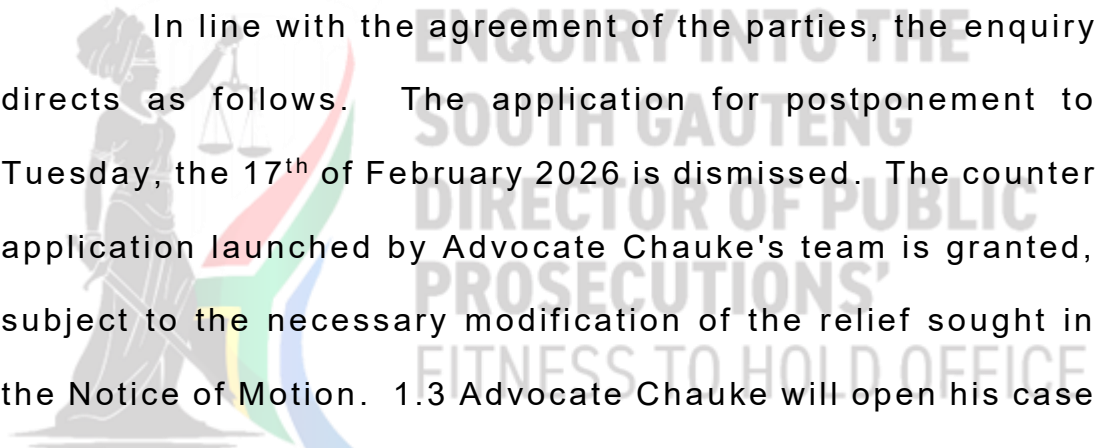
10 The application for postponement is opposed by the Chauke team, who have since filed a counter-application together with their answering affidavit, wherein they sought to call their witnesses while the evidence-leading team is still getting their house in order. The parties have since reached an agreement, which I will read into the record shortly on behalf of the panel. The agreement, which the panel accepts, take on an extraordinary process, where Advocate Chauke will lead his evidence before the evidence-leaders have finalised their evidence.

20 We, as a panel, agree with this approach for the sake of expediency, with a view to avoid prejudice on the part of Advocate Chauke if the enquiry is delayed further. We are all aware that this enquiry is regulated by the NPA Act primarily and all other relevant legislations, and section 12(5)(aA), provides for the time periods within which the

President must make a determination.

Advocate Chauke was suspended on 20 July 2025, and the President, in terms of the Act, has until the 19th of July 2026 to announce his decision following the recommendations of the panel. Given these time frames, it is clear that the enquiry does not have much time. Further undue delays cannot be entertained. Against this background, we have considered the draft ruling by the parties in terms of which an agreement has been reached.

10 And herewith follow the ruling.



In line with the agreement of the parties, the enquiry directs as follows. The application for postponement to Tuesday, the 17th of February 2026 is dismissed. The counter application launched by Advocate Chauke's team is granted, subject to the necessary modification of the relief sought in the Notice of Motion. 1.3 Advocate Chauke will open his case and commence with leading evidence on Thursday, the 12th of February 2026. 1.4 Advocate Chauke will call Advocate Maema to testify on 12 February 2026, subject to the following. Advocate Chauke will circulate Advocate Maema's witness statement on or before 10h00 on Tuesday, the 10th of February 2026, and Advocate Chauke will serve Advocate Maema's supplementary statement and relevant documents, if any, by no later than 12h00 on Wednesday, the 11th of February 2026.

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Subject to the direction of the panel, the evidence leaders may give notice of their intention to lead further evidence after Advocate Chauke's witnesses have been led and his case has been closed. The parties agree that witness statements shall be served at least two days before the witness is called to provide *viva voce* evidence. The time frames will be revisited by the panel in due course.

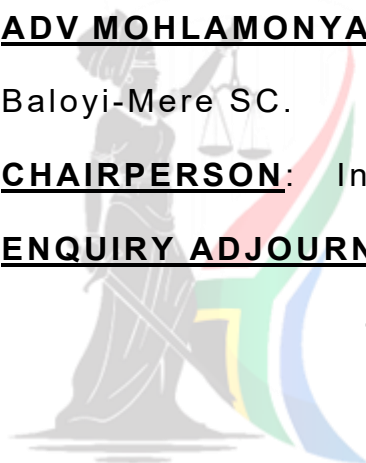
This draft ruling, by consent or agreement, is made the ruling of the panel. We so order.

10 **ADV NGCUKAITOBI SC:** Thank you, Madam Chair.

ADV MOHLAMONYANE SC: As it pleases this panel, Madam Baloyi-Mere SC.

CHAIRPERSON: In the event we will adjourn as ordered.

ENQUIRY ADJOURNS UNTIL 12 FEBRUARY 2026



TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that **so far as it is audible to me**, the foregoing is a true and correct transcript of the proceedings recorded by means of a digital recorder in the matter between:

CHAUKE COMMISSION OF ENQUIRY

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1. Verbatim transcript, no syntax or grammar alterations effected.
2. Unknown names spelled phonetically.
3. Microphones not always activated.
4. Parties speaking simultaneously.

NB: Transcriber can only transcribe what is recorded and clearly audible.

DATE COMPLETED: 09/02/2026

TRANSCRIBERS: *R SMIT*
Riëtte Smit

