

**REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION 182(1)(b) OF THE  
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND SECTION 8(1)  
OF THE PUBLIC PROTECTOR ACT, 1994**



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**INVESTIGATION INTO ALLEGATIONS OF BREACH OF THE EXECUTIVE ETHICS  
CODE BY THE FORMER MINISTER OF POLICE, MR BHEKOKWAKHE HAMILTON  
CELE**

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## LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS/ ABBREVIATION	DESCRIPTION
<b>Constitution</b>	The Constitution of the Republic of South Africa, 1996
<b>EMEA</b>	Executive Members' Ethics Act, 1998
<b>Public Protector Act</b>	Public Protector Act, 1994
<b>Public Protector Rules</b>	Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, as amended
<b>The Code</b>	Executive Ethics Code 2000, published by proclamation in Government Gazette: No 21399 Notice No 41 Regulation 6853
<b>The Guide</b>	Guide for Members of the Executive, approved by the President, 2022

## Executive Summary

- (i) This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (Constitution) and section 8(1) of the Public Protector Act, 1994 (Public Protector Act), as well as Rule 40(b) of the Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018 as amended (Public Protector Rules) as promulgated under section 7(11) of the Public Protector Act.
- (ii) The report relates to an investigation into allegations that Mr Bhekokwakhe Hamilton Cele (Mr Cele), the former Minister of Police, acted in breach of clause 2.1(a)-(d), 2.3(c), 2.3(d) and 2.3(f) of the Executive Ethics Code<sup>1</sup> (the Code) by using public funds to attend the 2023 Rugby World Cup in Paris, accompanied by his Executive Assistant, and exposed himself to a potential conflict of interest by accepting sponsorship from a private company.
- (iii) The investigation emanates from a complaint lodged with the Public Protector in terms of section 4(1) of the Executive Members' Ethics Act, 1998 (EMEA), on 08 December 2023, by the then Deputy Shadow Minister of Police of the Democratic Alliance (the DA), Mr Okkie Terblanche (the Complainant).
- (iv) In the main, the Complainant alleged that Mr Cele, in response to parliamentary questions relating to his trip, admitted that:
  - (a) He attended the 2023 Rugby World Cup in Paris ("the World Cup"), with his trip being fully funded and fully sponsored by a private company, save only for the Subsistence and Travel (S&T) claim and Travel Insurance;

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<sup>1</sup> The Executive Members' Ethics Act provides for a Code of Ethics No. 21399 Notice No. 41 Regulation 6853.

- (b) The total cost for Mr Cele, as incurred by the state, to attend the World Cup amounted to thirty-three thousand, two hundred and fifty-six rand (R33 256);
- (c) His Executive Assistant accompanied him to the World Cup, with their expenses being incurred by the state in the total sum of four hundred and forty-six thousand, three hundred and thirty-nine rand and forty-three cents (R446 339.43), save for meals and access to the stadium, which, according to Mr Cele, were also sponsored by the aforesaid private company;
- (d) The Complainant further alleged that Mr Cele's trip to the Rugby World Cup was wholly unrelated to his official duties as Minister, and as a result, the use of public funds was unjustifiable, improper, irregular, and inconsistent with the principles of good governance, transparency and contrary to the Code;
- (e) Mr Cele's use of state funds in the sum of R446 339.43 to secure his assistant's attendance at the World Cup was contrary to the Minister's duties and obligations as a member of the national executive and Parliament. There was no need for Mr Cele to have his assistant in attendance and the loss thereby suffered by the state purse is significant;
- (f) Mr Cele abused his position as a Member of the Executive by using public funds to benefit himself and his Executive Assistant and exposed himself to a potential conflict of interest by accepting sponsorship from a private company; and
- (g) The mere fact that he earmarked nearly half a million rand for his assistant to journey to the World Cup for a single game when government finances are already in a dire state and his own Ministry is suffering from serious budgetary constraints, is not only gravely

concerning but also highly irresponsible, shows bad faith, and is at odds with the principles of good governance; and

- (h) The lack of detail in his responses which, though mentioning a private company which funded and sponsored his trip, was not forthcoming as to the identity of this entity, his relation to it, the reason behind the gift, or the value of the funding received.
- (i) The Complainant set out the following provisions of the Executive Ethics Code (the Code) that Mr Cele allegedly violated and stated that:
  - (aa) Clause 2.1(a)–(d) of the Code provides that members of the Executive must, to the satisfaction of the President or the Premier, as the case may be, perform their duties and exercise their powers diligently and honestly, fulfil all the obligations imposed upon them by the Constitution and law, act in good faith and in the best interest of good governance and act in all respects in a manner that is consistent with the integrity of their office or the government;
  - (bb) Clause 2.3(c) of the Code provides that members of the Executive may not act in a way that is inconsistent with their position;
  - (cc) Clause 2.3(d) of the Code provides that members of the Executive may not use their position, or any information entrusted to them, to enrich themselves or improperly benefit any other person; and
  - (dd) Clause 2.3(f) of the Code provides that members of the Executive may not expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests.

- (v) On analysis of the complaint, the following issues were identified to inform and focus the investigation:
- (a) Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3 (c) and (d) of the Executive Ethics Code;
  - (b) Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1 (a), (b), (c) and (d) and Clause 2.3 (c) and (d) of the Executive Ethics Code; and
  - (c) Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office and/or failed to manage any actual, potential or perceived conflict of interest when he accepted a sponsorship from a private company that paid for his trip to the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c), (d) and (f) of the Executive Ethics Code.
- (vi) On 11 March 2025, a Notice in terms of Rule 41(1) of the Public Protector Rules was issued to the Complainant, providing him with an opportunity to make submissions in relation to the proposed closure of the investigation. The Notice was also issued to Mr Cele for noting.
- (vii) The Complainant did not make any submissions.

- (viii) Having considered the evidence uncovered during the investigation against the relevant regulatory framework, the following findings are made:
- (a) **Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3 (c) and (d) of the Executive Ethics Code**
- (aa) The allegation that Mr Cele acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, **is not substantiated.**
- (bb) Mr Cele was invited by SuperSport to attend the 2023 Rugby World Cup in Paris. The sponsorship included hotel accommodation, return flights, domestic travel in France, match tickets and meals. Public funds were used for travel insurance and S&T allowance.
- (cc) Mr Cele sought approval from Mr Ramaphosa to undertake the international travel in line with Paragraph 1.3 of the Guide which requires Ministers to approach the President in writing to request approval for the intended visit. Mr Ramaphosa approved Mr Cele's request on 23 October 2023 by means of the *President's Act No. 302 of 2023*.
- (dd) Therefore, there is no evidence before the Public Protector indicating that Mr Cele acted in a manner that is inconsistent with his office
- (ee) Based on the standard imposed by the Code, the Public Protector finds that there is no basis upon which to conclude that Mr Cele breached clauses 2.1(a)–(d) and 2.3(c)–(d) of the Code.
- (b) **Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he**



**used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1 (a), (b), (c) and (d) and Clause 2.3 (c) and (d) of the Executive Ethics Code**

- (aa) The allegation that Mr Cele acted in a manner that is inconsistent with his office when he used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, **is not substantiated.**
- (bb) Ministers and Deputy Ministers are permitted in terms of the Guide to be accompanied by departmental staff and/or special advisers and, in addition to the departmental staff, no more than two (02) support staff when they travel abroad.
- (cc) Mr Cele indicated in the memorandum to the President, requesting permission to attend the Rugby World Cup in France, that he will be accompanied by his Executive Assistant. The inclusion of his Executive Assistant in the trip to France was supported by Captain R Sekudu, the Financial Manager in the Ministry, who confirmed the availability of funds and General SF Masemola, the National Commissioner of Police who approved the funds as evidenced by the memorandum submitted to Mr Ramaphosa.
- (dd) There is no evidence before the Public Protector to prove that Mr Cele was not authorised by the Guide to be accompanied by an Executive Assistant.
- (ee) Based on the standard imposed by the Code, the Public Protector finds that there is no basis upon which to conclude that Mr Cele breached clauses 2.1(a) to (d) and 2.3(c) to (d) of the Code.
- (c) **Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office and/or**

**failed to manage any actual, potential or perceived conflict of interest when he accepted a sponsorship from a private company that paid for his trip to the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c), (d) and (f) of the Executive Ethics Code**

- (aa) The allegation that Mr Cele acted in a manner that is inconsistent with his office and/or failed to manage any actual, potential or perceived conflict of interest when he accepted sponsorship from a private company for his trip to the 2023 Rugby World Cup in Paris, **is not substantiated.**
- (bb) There is no evidence before the Public Protector to show that Mr Cele dealt with a matter as a Member of the Executive involving SuperSport and failed to declare any personal or private financial or business interest that he may have, as required by the Code.
- (cc) The Public Protector could not find any evidence showing that Mr Cele exposed himself to a situation where he was required to declare and/or manage the perceived conflict of interests in accordance with the Code.
- (dd) Based on the standard imposed by the Code, the Public Protector finds that there is no basis upon which to conclude that Mr Cele breached clauses 2.1(a) to (d) and 2.3(c), (d) and (f) of the Code.

## **1. INTRODUCTION**

- 1.1. This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution), and section 8(1) of the Public Protector Act, 1994, (the Public Protector Act).
- 1.2. The report is submitted in terms of section 8(1) read with section 8(3) of the Public Protector Act, which empower the Public Protector to make known the findings of an investigation to affected parties (including the Complainant) for such persons to note the outcome of the investigation:
- 1.2.1. Mr MC Ramaphosa, President of the Republic of South Africa;
- 1.2.2. Mr BH Cele, the former Minister of Police; and
- 1.2.3. Mr O Terblanche, the Complainant.
- 1.3. The report relates to an investigation into allegations that the former Minister of Police, Mr Bhekokwakhe Hamilton Cele (Mr Cele) acted in breach of clause 2.1(a)-(d) and 2.3(c), (d) and (f) of the Executive Ethics Code<sup>2</sup> (the Code), by using public funds to attend the 2023 Rugby World Cup in Paris, accompanied by his Executive Assistant, and exposed himself to a potential conflict of interest by accepting sponsorship from a private company.

## **2. THE COMPLAINT**

- 2.1 The investigation emanates from a complaint received from the Complainant relating to a response of Mr Cele on or about 22 November

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<sup>2</sup> The Executive Members' Ethics Act provides for a Code of Ethics No. 21399 Notice No. 41 Regulation 6853

2023 to parliamentary questions relating to his trip, accompanied by his Executive Assistant, to the 2023 Rugby World Cup in Paris, France.

2.2 The Complainant stated that, in his responses to the questions, Mr Cele admitted, *inter alia*, that:

2.2.1 He attended the 2023 Rugby World Cup in Paris (the World Cup), with his trip being fully funded and fully sponsored by a private company, save only for the Subsistence and Travel (S&T) claim and Travel Insurance;

2.2.2 The total cost for Mr Cele as incurred by the state, to attend the World Cup amounted to thirty-three thousand, two hundred and fifty-six rand (R33 256);

2.2.3 His Executive Assistant accompanied him to the World Cup, with their expenses being incurred by the state in the total sum of four hundred and forty-six thousand, three hundred and thirty-nine rand and forty-three cents (R446 339.43), save for meals and access to the stadium, which, according to Mr Cele, were also sponsored by the aforesaid private company; and

2.3 The Complainant requested the Public Protector to investigate the conduct of Mr Cele, in terms of section 4(1)(a) of EMEA, on the grounds that:

2.3.1 Mr Cele's trip to the Rugby World Cup was wholly unrelated to his official duties as Minister and as a result, the use of public funds was unjustifiable, improper, irregular, and inconsistent with the principles of good governance, transparency and contrary to the Code;

2.3.2 Mr Cele's use of state funds in the sum of R446 339.43 to secure his assistant's attendance at the World Cup was contrary to the Minister's duties and obligations as a member of the national executive and Parliament. There was no need for Mr Cele to have his assistant in attendance and the loss thereby suffered by the state purse is significant;

- 2.3.3 Mr Cele abused his position as a Member of the Executive by using public funds to benefit himself and his Executive Assistant and exposed himself to a potential conflict of interest by accepting sponsorship from a private company;
- 2.3.4 The mere fact that Mr Cele earmarked nearly half a million rand for his assistant to journey to the World Cup for a single game when government finances are already in a dire state and his own Ministry is suffering from serious budgetary constraints, is not only gravely concerning but also highly irresponsible, shows bad faith, and is at odds with the principles of good governance; and
- 2.3.5 The lack of detail in Mr Cele's responses which, though mentioning a private company which funded and sponsored his trip, he was not forthcoming as to the identity of this entity, his relation to it, the reason behind the gift, or the value of the funding received.
- 2.4 The Complainant further specifically referred to the following provisions of the Code that Mr Cele allegedly breached:
- 2.4.1 Clause 2.1(a) to (d) of the Code which provides that members of the Executive must, to the satisfaction of the President or the Premier, as the case may be, perform their duties and exercise their powers diligently and honestly, fulfil all the obligations imposed upon them by the Constitution and law, act in good faith and in the best interest of good governance and act in all respects in a manner that is consistent with the integrity of their office or the government;
- 2.4.2 Clause 2.3(c) and (d) of the Code provides that Members of the Executive may not act in a way that is inconsistent with their position, use their position, or any information entrusted to them, to enrich themselves or improperly benefit any other person; and

- 2.4.3 Clause 2.3(f) of the Code provides that Members of the Executive may not expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests.

### 3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

- 3.1 The Public Protector is an independent constitutional institution established under section 181(1)(a) of the Constitution to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

- 3.2 Section 182(1) of the Constitution provides that:

*“The Public Protector has the power, as regulated by national legislation –*

*(a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;*

*(b) to report on that conduct; and*

*(c) to take appropriate remedial action”.*

- 3.3 Section 182(2) of the Constitution directs that the Public Protector has additional powers and functions prescribed by national legislation. The Public Protector’s powers are regulated and amplified by the Public Protector Act which states amongst others that, the Public Protector has the powers to investigate and redress maladministration and related improprieties in the conduct of state affairs.

- 3.4 Section 4(1)(a) of EMEA, provides *inter alia* that, the Public Protector *“...must investigate, in accordance with section 3, an alleged breach of the Code of Ethics on receipt of a complaint by the President, a Member of the*

*National Assembly or a permanent delegate to the National Council of Provinces, if the complaint is against a Cabinet Member or Deputy Minister...”*

- 3.5 Section 3(4) of EMEA provides that *“When conducting an investigation in terms of this section, the Public Protector has all the powers vested in the Public Protector in terms of the Public Protector Act, 1994.”*
- 3.6 It is also important to note that the investigation, as envisaged in section 4(1) of EMEA, must relate to the breach of the Code, by Cabinet Members, Deputy Ministers and Members of the Executive Council (MECs).
- 3.7 Paragraph 1 of the Code provides that *“member of the Executives means a Cabinet member, a Deputy Minister or a member of a Provincial Executive Committee, and ‘member’ and ‘Executive’ have corresponding meanings.”*
- 3.8 Paragraph 2.1 of the Code encapsulates the general standards which the members of the Executive must comply with, to the satisfaction of the President or the Premier, whichever is applicable.
- 3.9 In paragraph 11 of the *Public Protector and Others v President of the Republic of South Africa and Others* [2021] ZACC [19] the court denoted that:

*“Section 3 empowers the Public Protector to investigate any breach of the code. The scheme that emerges from the reading of this provision is that the Public Protector’s power to investigate is subject to a formal complaint. This suggests that the scope of an investigation is determined by the breach of the code contained in the complaint. It is important to note that section 3 does not authorise the Public Protector to investigate a violation of the Act itself but limits her authority to investigating a breach of the code.”*

- 3.10 The complaint was lodged by a member of the National Assembly in terms of EMEA against Mr Cele, who was a member of Cabinet at the time of the complaint and therefore the complaint falls within the purview and jurisdiction of matters that should be investigated by the Public Protector. The alleged breach of the Code is contained in the complaint and determines the scope of the investigation.

#### **4. ISSUES IDENTIFIED FOR INVESTIGATION**

- 4.1 Based on the analysis of the complaint, the following issues were identified to inform and focus the investigation:
- 4.1.1 Whether Mr Bhelokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3 (c) and (d) of the Executive Ethics Code;
- 4.1.2 Whether Mr Bhelokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1 (a), (b), (c) and (d) and Clause 2.3 (c) and (d) of the Executive Ethics Code; and
- 4.1.3 Whether Mr Bhelokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office and/or failed to manage any actual, potential or perceived conflict of interest when he accepted a sponsorship from a private company that paid for his trip to the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of



Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c), (d) and (f) of the Executive Ethics Code.

## **5. THE INVESTIGATION**

### **5.1 Methodology**

5.1.1 The investigation is conducted in terms of section 182 of the Constitution, read with sections 3 and 4 of the EMEA and sections 6 and 7 of the Public Protector Act.

5.1.2 The Public Protector Act confers on the Public Protector the sole discretion to determine the format and procedure to be followed in conducting any investigation with due regard to the circumstances of each case.

### **5.2 Approach to the investigation**

5.2.2 The approach to the investigation included an exchange of documentation between the Public Protector, the Complainant and Mr Cele.

5.2.3 All relevant documents and correspondence were obtained and analysed, and relevant laws, policies and related prescripts were considered and applied throughout the investigation.

5.2.4 The investigation was approached using an enquiry process that seeks to determine:

(a) What happened?

(b) What should have happened?

(c) Is there a discrepancy between what happened and what should have happened?

- (d) In the event of a violation of the Constitution or breach of the Code, what action should be taken?

5.2.5 The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and independently sourced during the investigation. Evidence is evaluated and a determination is made on what happened based on a balance of probabilities. In this case, the factual enquiry principally focused on whether the alleged conduct of Mr Cele constitutes improper conduct and violation of the Constitution and a breach of the Code.

### 5.3 Key sources of information

- 5.3.1 Invitation letter from Supersport Group Chairman, Mr Imtiaz Patel (Mr Patel) to Mr Cele, titled *Invitation to the Rugby World Cup France 2023*, dated 16 October 2023;
- 5.3.2 Memorandum from Mr Cele to President Ramaphosa titled “*Official visit to attend the 2023 Rugby World Cup in France, Paris*”, dated 20 October 2023;
- 5.3.3 Letter from the Principal State Law Adviser Legal and Executive Services, Mr Geoffrey Mphaphuli (Mr Mphaphuli), to the Ministry of Police communicating the President’s approval of Mr Cele’s request for travel to France, dated 24 October 2023;
- 5.3.4 Mr Cele’s claim form for Subsistence and Travelling, dated 31 October 2023;
- 5.3.5 Complaint letter from Mr Terblanche to the Public Protector, dated 08 December 2023;
- 5.3.6 Allegations letter from the Public Protector to Mr Cele, dated 28 December 2023;

- 5.3.7 Letter from the Public Protector to Mr Ramaphosa informing him of the investigation, dated 28 December 2023;
- 5.3.8 Letter from the Public Protector to the Ms Nosiviwe Mapisa-Nqakula, Speaker of the National Assembly requesting written parliamentary questions and responses provided by Mr Cele, dated 11 January 2024;
- 5.3.9 Response letter from Mr M Xaso, Secretary of the National Assembly to the Public Protector, dated 17 January 2024;
- 5.3.10 Response letter from Mr Cele, dated 13 February 2024; and
- 5.3.11 Letter from the Public Protector to Ms Phindile Baleni (Ms Baleni), the Secretary of Cabinet requesting a copy of the President's approval of Mr Cele's Trip, dated 28 February 2024;
- 5.3.12 Notice in terms of Rule 41(1) of the Public Protector Rules, issued to the Complainant, dated 10 March 2025.

## **5.4 Legal framework**

- 5.4.1 The Constitution of the Republic of South Africa, 1996;
- 5.4.2 The Public Protector Act, 1994;
- 5.4.3 Executive Members Ethics Act, 1998; and
- 5.4.4 Executive Ethics Code 2000 published by proclamation in Government Gazette: No 21399 Notice No 41 Regulation 6853.

## **5.5 Independently sourced information**

- 5.5.1 "President's Act No. 302/2023", dated 23 October 2023; and

- 5.5.2 Written National Assembly questions and responses by Mr Cele, dated 22 November 2023.

## **5.6 Case law**

- 5.6.1 *Democratic Alliance and Another v Public Protector of South Africa and Others* [2023] ZACC 25; and

- 5.6.2 *Mthimunye-Bakoro v Petroleum Oil and Gas Corporation of South Africa (SOC) Limited and Another* 2015 (6) SA 338 (WCC) (4 August 2015).

## **5.7 Notice issued in terms of Rule 41(1) of the Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, as amended**

- 5.7.1 On 11 March 2025, a Notice in terms of Rule 41(1) was issued to the Complainant for response by 26 March 2025.

## **6 THE DETERMINATION OF THE ISSUES IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS**

- 6.1 **Whether Mr Bhokokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c) and (d) of the Executive Ethics Code**

### *Common cause*

- 6.1.1. Mr Cele received an invitation from SuperSport to attend the 2023 Rugby World Cup in Paris. He submitted a request for approval to travel to Paris,

dated 20 October 2023, to the President of the Republic of South Africa, Mr MC Ramaphosa, in the form of a memorandum titled “*official visit to attend the 2023 Rugby World Cup in France, Paris: 25 October 2023 to 30 October 2023*”.

6.1.2. Mr Ramaphosa approved Mr Cele’s request on 23 October 2023, by means of President’s Act No. 302 of 2023.

6.1.3. Mr Cele travelled to Paris, France, to attend the 2023 Rugby World Cup.

*Issue in dispute*

6.1.4. The issue for determination by the Public Protector is whether Mr Cele, by attending the 2023 Rugby World Cup, acted in a way that is inconsistent with his position as a member of the Executive and breached the general standards as outlined in the Code which required him to act in good faith and in the interest of good governance.

*Complainant’s version*

6.1.5. The Complainant contended that Mr Cele’s trip to the Rugby World Cup was wholly unrelated to his official duties as the Minister of Police. As a result, the use of public funds was unjustifiable, improper, irregular, inconsistent with the principles of good governance, transparency and contrary to the obligations imposed on him by the Code.

6.1.6. The Complainant further stated that in terms of section 96(1) of the Constitution, members of the Executive are required to act in accordance with a Code of Ethics prescribed by national legislation.

6.1.7. The Complainant specifically referred to the following provisions of the Code that Mr Cele allegedly breached:

- 6.1.7.1. Clause 2.1(a) to (d) of the Code which provides that members of the Executive must, to the satisfaction of the President or the Premier, as the case may be, perform their duties and exercise their powers diligently and honestly, fulfil all the obligations imposed upon them by the Constitution and the law, act in good faith and in the interest of good governance, act in all respects in a manner that is consistent with the integrity of their office or the government; and
- 6.1.7.2. Clause 2.3(c) to (d) of the Code which provides that members of the Executive may not act in a way that is inconsistent with their position, use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.

*Mr Cele's response*

- 6.1.8. On 28 December 2023, the Public Protector Investigation Team (Investigation Team) sent an allegations letter to Mr Cele. In his response letter dated 13 February 2024, Mr Cele stated, *inter alia*, that:
- 6.1.8.1. The trip to France was sponsored by SuperSport<sup>3</sup> and was initiated by SuperSport, a group of television channels owned by MultiChoice. The invitation was extended to the Minister in his official capacity and was accordingly accepted in such capacity. The sponsorship included hotel accommodation, return flights, domestic travel in France, match tickets and meals;
- 6.1.8.2. Sport has been proved to be an important thread in the building of a unified national identity of a democratic South Africa. The success of our national teams, in particular the Springboks, has made a substantial contribution transforming everyone into a united South Africa. Sporting victories have provided a particular effective platform for the celebration of national successes within the diversity of our country. Therefore, the support of the

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<sup>3</sup> SuperSport is a prominent sports broadcaster, under the ownership of Multichoice, dedicating their television broadcasts to major sports.

Minister, as a member of the Executive, of the progress of our national team during a World Championship in support of national unity and the promotion of social cohesion can hardly be viewed as a contravention of the Code;

- 6.1.8.3. Paragraph 1.1 (Chapter 6 of the Guide for Members of the Executive) provides that Ministers and Deputy Ministers may travel on official visits abroad if these are essential, in the national interest and with due regard to the availability of Departmental funds. Ministers are required to approach the President in writing to request approval for such intended visits. All of these requirements have been met, and the President furthermore appointed an Acting Minister of Police for the duration of the absence of the Minister of Police;
- 6.1.8.4. The expenses incurred by the public funds in respect of the Minister were limited to travel and subsistence allowance; and
- 6.1.8.5. There are no grounds for any allegation that the Minister acted in a manner that is inconsistent with his position or that he used his position to enrich himself or improperly benefit any other person because of the sponsorship that he received to travel to France for the World Cup.

*Documents received from Mr Cele*

- 6.1.9. Mr Cele provided the Investigation Team with the following documents:

*Invitation letter from SuperSport*

- 6.1.9.1 The invitation letter dated 16 October 2023, which was signed by SuperSport Group Chairman, Mr Patel and Mr Calvo Mawela, the Group Chief Executive Officer, is addressed to Minister Cele and his spouse to attend the Rugby World Cup. The letter stated that “*we wish to invite you, as an interested stakeholder in the promotion of SA as a mecca of global events and sports tourism, to attend the Rugby World Cup in France as our*

*guest from Thursday 26 October to Sunday 29 October 2023 in Paris. Whilst attending the Bronze Final and the Final, this will give you a first-hand opportunity to understand and experience what is required for a country to be a consistent and preferred host of major events. We will cover all related costs of the visit, including travel, accommodation and match access”.*

- 6.1.9.2 The invitation letter further stated that any protocols (where relevant) relating to acceptance of this invitation, should be managed and dealt with directly by the Minister, including securing a Visa.

*Memorandum from Mr Cele to President Ramaphosa, dated 20 October 2023*

- 6.1.9.3 A Memorandum (Ref: 3/1/5 (1/2023), titled “*Official visit to attend the 2023 Rugby World Cup in France, Paris: 25 October 2023 to 30 October 2023: Minister of Police, General BH Cele, Minister’s spouse, Mrs TM Cele and the Executive Assistant to the Minister of Police, Ms SMK Gaehler*” was addressed by Mr Cele to President Ramaphosa.
- 6.1.9.4 The Memorandum states in Paragraph 1 that “*an official invitation was extended and received from the SuperSport Group Chairman, Mr Imtiaz Patel, and Group CEO, Mr Calvo Mawela, to attend the 2023 Rugby World Cup that will take place in France, Paris. The invitation letter is attached for ease of reference. The invitation was extended as an interested stakeholder in the promotion of South Africa as a Mecca of Global events and sports tourism for the Minister of Police to consider attending the 2023 Rugby World Cup, from Thursday 26 October 2023 to Sunday 29 October 2023, in France, Paris... in honour of the request and acceptance of the invitation, I hereby request permission to travel to France*”.
- 6.1.9.5 It is further stated in the Memorandum that the travel costs, return flights and accommodation for the period 26 to 29 October 2023, for the Minister



of Police's Executive Assistant, Ms SMK Gaehler, will be paid by the Ministry of Police. The delegation that will accompany the Minister of Police upon approval by the President, will be the Minister of Police's spouse, Mrs TM Cele and the Executive Assistant to the Minister of Police, Ms SMK Gaehler.

6.1.9.6 Mr Cele also requested the President to consider appointing Ms Stella Ndabeni-Abrahams as the acting Minister of Police should he accede to his request.

6.1.9.7 The memorandum requesting the approval for Mr Cele to travel to France was signed by Captain R Sekudu, the Financial Manager in the Ministry who confirmed the availability of funds, and the funds were approved by General SF Masemola, the National Commissioner of Police.

*Letter requesting appointment of Acting Minister*

6.1.9.8 Mr Cele addressed a letter to Mr Ramaphosa, dated 20 October 2023, requesting the President to appoint an acting Minister of Police upon approval of the request to travel to Paris.

*Letter from the Presidency to the Private Secretary in the Ministry of Police*

6.1.9.9 Mr Mphaphuli, the State Law Adviser, Legal and Executive Services in the Presidency, addressed a letter dated 24 October 2023, to the Private Secretary in the Ministry of Police, informing him that the President has approved by means of the President's Act No. 302 of 2023, Minister Cele's request to travel to France for the period 25 October to 30 October 2023.

6.1.9.10 The letter also stated that the President has appointed Minister S Ndabeni-Abrahams in terms of section 98 of the Constitution, 1996 as acting Minister of Police for the period of Minister Cele's absence from the Republic.

*Claim form for Subsistence and Travelling*

- 6.1.9.11 A claim for subsistence and transport for foreign journeys Form 157(a) for Mr Cele and his spouse was completed for a daily allowance of two thousand five hundred and ninety three thousand rand (R2 593.00) each for six (06) days. The total claim amounted to thirty one thousand one hundred and sixteen rand (R31 116.00) and was approved by General SF Masemola, on 31 October 2023.

*Travel insurance quotation*

- 6.1.9.12 The travel insurance quotation for Mr Cele and his spouse was two thousand one hundred and forty rand (R2 140); and

*Request for advance payment*

- 6.1.9.13 Mr Cele also submitted the SAPS Form 156, requesting advance payment to attend the 2023 Rugby World Cup and made an undertaking to settle the advance payment within fourteen days, after return from the journey.

*Addendum to the initial memorandum*

- 6.1.9.14 In the memorandum with Reference: 3/1/5 (1/2023) on 27 October 2023, Mr Phokane, the Chief of Staff, requested an additional R167 680. 50 for amendments on the finances for the Minister of Police and the delegation for VIP services at the Charles Gaulle International Airport on 26 October 2023 (departure leg) and 29 October 2023 (return leg). Captain Sekudu confirmed the availability of funds on 27 October 2023 and was approved by General Masemola approved on the same date.

*Independently sourced information*

*President's Act No. 302/2023*

- 6.1.10. The Investigation Team wrote a letter to Ms Baleni, the Secretary of Cabinet, dated 28 February 2024, requesting a copy of the recorded approval by the President. The Ms Baleni responded though a letter dated 11 March 2024 and attached the President's Act No. 302/2023 dated 23 October 2023, approving the request by Mr Cele to travel to France as well as the appointment of an acting Minister of Police.

*Mr Cele's written response to the National Assembly*

- 6.1.11. On 11 January 2024, the Investigation Team also wrote a letter to Ms Mapisa-Nqakula, the Speaker of Parliament, requesting Mr Cele's written response to National Assembly questions No. 3758, 3776 and 3945 relating to his trip to France.
- 6.1.12. On 17 January 2024, Mr Xaso, the Secretary to the National Assembly responded through a letter attaching Mr Cele's written response.
- 6.1.13. In his response to the National Assembly, Mr Cele stated that his trip "was fully funded by a private company, except for the S&T and travel insurance. The total costs for the Minister of Police: R33 256.00".

*Applicable law*

**The Constitution of the Republic of South Africa, 1996**

- 6.1.14. Section 96 of the Constitution provides that:

*"(1) Members of the Cabinet and Deputy Ministers must act in accordance with a code of ethics prescribed by national legislation.*

*(2) Members of the Cabinet and Deputy Ministers may not-*

*...*

*(b) act in any way that is inconsistent with their office..."*

## **Executive Members' Ethics Act, 1998**

- 6.1.15. Section 1 of the EMEA provides that Cabinet means the Cabinet referred to in section 91(1) of the Constitution<sup>4</sup>. The Public Protector is empowered, in terms of section 3 of the EMEA, to investigate breaches of the Code when a complaint is made in terms of section 4 of the EMEA.
- 6.1.16. Section 2(1) of the EMEA provides that *"The President must, after consultation with Parliament, by proclamation in the Gazette, publish a code of ethics prescribing standards and rules aimed at promoting open, democratic and accountable government and with which Cabinet members, Deputy Ministers and MECs must comply in performing their official responsibilities"*.
- 6.1.17. Section 4 of the EMEA provides that the Public Protector must investigate in accordance with section 3, an alleged breach of the Code on receipt of a complaint by the President, a member of the National Assembly or a permanent delegate to the National Council of Provinces, if the complaint is against a Cabinet Member or Deputy Minister.

## **The Executive Ethics Code**

- 6.1.18. The general standards which the members of the Executive<sup>5</sup> must comply with are contained in clause 2.1 of the Code, which provides that:

*"2.1 Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be-*

- (a) perform their duties and exercise their powers diligently and honestly;*

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<sup>4</sup> Cabinet means Members of the Cabinet and Deputy Ministers.

<sup>5</sup> Member of the Executive means a Cabinet member, a Deputy Minister or a Member of a Provincial Executive Committee, and 'Member' and 'Executive' have corresponding meaning.

- (b) *fulfil all the obligations imposed upon them by the Constitution and law;*
- (c) *act in good faith and in the best interest of good governance;*
- (d) *act in all respects in a manner that is consistent with the integrity of their office or the government”.*

6.1.19. Clause 2.2 provides that *“In deciding whether members of the Executive complied with the provisions of clause 2.1, the President or Premier, as the case may be, must take into account the promotion of an open, democratic and accountable government.”*

6.1.20. Clause 2.3(c) and (d) provides that Members of the Executive may not act in a way that is inconsistent with their position and may not use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.

### **The Guide for Members of the Executive**

6.1.21. The purpose of the Guide is stated as *“to provide a guide for benefits, tools of trade and allowances to which Members and their families are entitled, in the execution of a member’s duties”.*

6.1.22. In terms of Chapter 1 of the Guide *“Official”* means in the course and scope of the duties of the Member executing their powers and functions as assigned by the relevant authority.

6.1.23. International travel is covered under Chapter 6 of the Guide. Paragraph 1.1 states that Ministers and Deputy Ministers may travel on official visits abroad if these are essential, in the national interest and with due regard to the availability of Departmental funds.

6.1.24. Paragraph 1.3 states that Ministers and Deputy Ministers should approach the President in writing to request approval for the intended visit.

- 6.1.25. Paragraph 1.7 states that Ministers and Deputy Ministers may be accompanied by their spouse on no more than two (02) international trips per year, if the trip undertaken is longer than three (03) days and the Minister or Deputy Minister is invited to attend official duties accompanied by a spouse.
- 6.1.26. Paragraph 5(b) states that for official travel abroad, the following compensation is payable by the relevant department in respect of a member and spouse: a daily allowance of 110% of the maximum daily allowance payable in terms of the Financial Manual as issued by the Minister responsible for the Public Service and Administration.
- 6.1.27. Paragraph 5(c) states that in cases where the host bears all expenses towards accommodation and meals and notwithstanding (b) above, a maximum daily allowance equal to 30% of the approved maximum daily allowance for a specific country is payable to a Member and his/her spouse (or an adult family member who accompanies the Member instead of a spouse for official purposes) to compensate him/her for incidental expenses not paid for by the host.

### *Analysis*

- 6.1.28. The evidence before the Public Protector indicates that Mr Cele was invited by SuperSport, in his official capacity as Minister of Police, together with his spouse, to attend the 2023 Rugby World Cup in Paris. The invitation letter dated 16 October 2023, further indicates that SuperSport will pay the travel, accommodation and match access costs for both Mr Cele and his spouse.
- 6.1.29. The definition of “*Official*” in Chapter 1 of the Guide means “*in the course and scope of the duties of the Member executing their powers and functions as assigned by the relevant authority*”. However, the Guide does not prescribe the procedure to be followed with respect to invitations for

international travel addressed to Members in their official capacity but not related to the substantive course and scope of their duties, as assigned by the relevant authority.

- 6.1.30. In this case, it is clear that when Mr Cele received the invitation from SuperSport addressed to him as Minister of Police, he deemed the invitation as *“Official”*, thus compelling compliance with the procedure prescribed in paragraph 1.3 of the Guide for Ministers and Deputy Ministers to approach the President in writing to request approval for the intended visit. Mr Cele stated in his response to the Public Protector dated 13 February 2024 that the trip to France was initiated and sponsored by SuperSport. The invitation was extended to the Minister in his official capacity and was accordingly accepted in such capacity.
- 6.1.31. As a result, Mr Cele submitted a memorandum to the President titled *“Official visit” to attend the 2023 Rugby World Cup in France, Paris: 25 October 2023 to 30 October 2023: Minister of Police, General BH Cele, Minister’s spouse, Mrs TM Cele and the Executive Assistant to the Minister of Police, Ms SMK Gaehler*, requesting the President to approve the international travel. On 23 October 2023, the President approved Mr Cele’s request by means of the President’s Act No. 302 of 2023.
- 6.1.32. The Guide further provides in Paragraph 1.1 that Ministers and Deputy Ministers may travel on official visits abroad if these are essential, in the national interest and with due regard to the availability of departmental funds. Mr Cele did not address these elements of the Guide in the memorandum seeking the approval of the President to undertake the international travel but merely reiterated the reasons stated in the invitation letter from SuperSport that, the invitation was extended to him as *“an interested stakeholder in the promotion of South Africa as a Mecca of Global events and sports tourism”*. The Guide does not define *“essential”* or *“national interest”*.

- 6.1.33. The memorandum requesting the approval for Mr Cele to travel to France was signed by Captain R Sekudu, the Financial Manager in the Ministry, who confirmed the availability of funds, and the funds were approved by General SF Masemola, the National Commissioner of Police in line with Paragraph 1.1 of the Guide which provides, *inter alia*, that the Ministers must have due regard to the availability of Departmental funds.
- 6.1.34. Paragraph 1.3 states that Ministers and Deputy Ministers should approach the President in writing to request approval for the intended visit. In compliance with the aforementioned provision, Mr Cele sought approval of the trip from the President through the memo dated 20 October 2023, which was authorised by the President, on 23 October 2023. It therefore can be concluded that by approving Mr Cele's request, the President conferred upon the trip, official status.
- 6.1.35. Therefore, the contention by the Complainant that Mr Cele's trip to the Rugby World Cup was wholly unrelated to his official duties as Minister, and as a result, the use of public funds was unjustifiable, improper, irregular, and inconsistent with the principles of good governance, transparency and contrary to the Code cannot be sustained. Mr Cele's request to travel abroad was approved by the President as prescribed in Paragraph 1.3 of the Guide.
- 6.1.36. Paragraph 1.7 of the Guide states that Ministers and Deputy Ministers may be accompanied by their spouse on no more than two (02) international trips per year if the trip undertaken is longer than three (03) days and the Minister or Deputy Minister is invited to attend official duties accompanied by a spouse.
- 6.1.37. Mr Cele submitted a claim for daily allowance for him and his spouse amounting to R31 116. The claim was approved by General SF Masemola on 31 October 2023. Paragraph 5(b) of the Guide states that for official travel abroad the Minister and his spouse may claim a daily allowance.



- 6.1.38. The evidence before the Public Protector indicates that SuperSport undertook to pay for all related costs of the visit, including travel, accommodation and match access for Mr Cele and his spouse. The expenses incurred from the public funds in respect of Mr Cele were limited to travel insurance and S&T allowance, in the total amount of R33 256.
- 6.1.39. There is no evidence before the Public Protector which indicate that Mr Cele acted in a manner that is inconsistent with the applicable legal prescripts, as he applied and obtained approval from the President to undertake an official trip.
- 6.1.40. In terms of clauses 2.1(a)–(d) and 2.3(c) and (d) of the Code, Mr Cele, as a member of the Executive, he is required to perform his duties and exercise his powers diligently and honestly, fulfil all the obligations imposed upon him by the Constitution and law, act in good faith and in the best interest of good governance and act in all respects in a manner that is consistent with the integrity of his office or the government, not act in a way that is inconsistent with his position and may not use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person. The contention by the Complainant that Mr Cele acted in breach of the Code cannot be sustained.
- 6.1.41. On 11 March 2025, a Notice in terms of Rule 41(1) was issued to the Complainant giving him an opportunity to make representations in connection with the intended closure of the complaint within fourteen (14) days of delivery of the notification.
- 6.1.42. The Complainant did not make any further submission in respect of the matter.

### *Conclusion*

- 6.1.43. Accordingly, the Public Protector finds no basis upon which to conclude that Mr Cele acted or conducted himself in breach of clauses 2.1(a)–(d) and 2.3(c) and (d) of the Code.
- 6.1.44. Mr Cele was invited by SuperSport to attend the Rugby World Cup in his capacity as the Minister of Police. He sought the approval of the President as required in Paragraph 1.3 of the Guide, which was granted.
- 6.2 Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c) and (d) of the Executive Ethics Code**

### *Common cause*

- 6.2.1 Mr Cele submitted a request for approval to travel to Paris to President Ramaphosa, in the form of a memorandum titled *Official visit to attend the 2023 Rugby World Cup* in France, Paris: 25 October 2023 to 30 October 2023. Paragraph 2 of the memorandum states that “*this letter requests the approval for the attendance of the Minister of Police, General BH Cele, the Minister of Police’s spouse and the Executive Assistant of the Minister of Police, Ms SMK Gaehler*”.
- 6.2.2 Mr Ramaphosa approved Mr Cele’s request on 23 October 2023 by means of *President’s Act No. 302 of 2023*.
- 6.2.3 Mr Cele was accompanied by his Executive Assistant during his trip to Paris to attend the 2023 Rugby World Cup.

*Issue in dispute*

- 6.2.4 The issue for determination by the Public Protector is whether Mr Cele, by using public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, acted in a manner that is inconsistent with his position as a member of the Executive and breached the general standards as outlined in the Code that required him to act in good faith and in the interest of good governance.

*Complainant's version*

- 6.2.5 The Complainant contends that Mr Cele's trip to the Rugby World Cup was wholly unrelated to his official duties as the Minister of Police and as a result, the use of public funds was unjustifiable, improper, irregular, inconsistent with the principles of good governance, transparency and contrary to the obligations imposed on him by the Code.
- 6.2.6 Furthermore, in terms of section 96(1) of the Constitution, members of the Executive are required to act in accordance with a code of ethics prescribed by national legislation.
- 6.2.7 The Minister's use of public funds in the sum of R446 339.43 to secure his assistant's attendance at the World Cup is contrary to the Minister's duties and obligations as a member of the National Executive and of Parliament.
- 6.2.8 The Complainant further specifically referred to the following provisions of the Code that Mr Cele allegedly breached:
- 6.2.8.1 Clause 2.1(a) to (d) of the Code provides that members of the Executive must, to the satisfaction of the President or the Premier, as the case may be, perform their duties and exercise their powers diligently and honestly, fulfil all the obligations imposed upon them by the Constitution and the law, act in good faith and in the interest of good governance, act in all respects

in a manner that is consistent with the integrity of their office or the government; and

- 6.2.8.2 Clause 2.3(c) to (d) of the Code provides that Members of the Executive may not act in a way that is inconsistent with their position, use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.

*Mr Cele's response*

- 6.2.9 On 28 December 2023, the Public Protector requested Mr Cele to respond to the Complainant's allegations and he responded through a letter dated 13 February 2024, stating that:
- 6.2.9.1 The trip to France was sponsored by SuperSport and was initiated by SuperSport. The invitation was extended to the Minister in his official capacity and was accordingly accepted in such capacity. The sponsorship included hotel accommodation, return flights, domestic travel in France, match tickets and meals;
- 6.2.9.2 Paragraph 1.1 (Chapter 6 of the Guide for Members of the Executive) provides that Ministers and Deputy Ministers may travel on official visits abroad if these are essential, in the national interest and with due regard to the availability of Departmental funds. Ministers are required to approach the President in writing to request approval for the intended visit. All of these requirements have been met, and the President furthermore appointed an acting Minister of Police for the duration of the absence of the Minister of Police;
- 6.2.9.3 In addition, Paragraph 1.11 of the Guide provides that a Minister may be accompanied by departmental staff and/or special advisers, after taking cognizance of necessary prudent financial considerations as well as the

allocation of official tasks. The Guide furthermore allows a maximum of two support staff to accompany a Minister abroad;

- 6.2.9.4 In this regard, the Minister was authorised, in accordance with the relevant prescripts of the Guide, to be accompanied by an Executive Assistant. Cost saving measures were implemented by only authorizing one official from his office to undertake the journey. This indicates that measures were implemented to restrict expenses in respect of international travel by officials that accompany the Minister;
- 6.2.9.5 There are no grounds for any allegation that the Minister acted in a manner that is inconsistent with his position or that he used his position to enrich himself or improperly benefit any other person because of the sponsorship that he received to travel to France for the World Cup.

*Documents received from Mr Cele*

- 6.2.10 Mr Cele provided the Investigation Team with the following documents:

*Invitation letter from SuperSport*

- 6.2.10.1 Invitation letter from SuperSport to attend the Rugby World Cup, dated 16 October 2023, addressed to Minister Cele and his spouse. The full content of which was canvassed in issue one above.

*Memorandum to President Ramaphosa*

- 6.2.10.2 Memorandum (Ref: 3/1/5 (1/2023), dated 20 October 2023, addressed to the President, Mr Ramaphosa, titled “*Official visit to attend the 2023 Rugby World Cup in France, Paris: 25 October 2023 to 30 October 2023: Minister of Police, General BH Cele, Minister’s spouse, Mrs TM Cele and the Executive Assistant to the Minister of Police, Ms SMK Gaehler*”.
- 6.2.10.3 Paragraph 3 of the Memorandum states that “*the delegation is in compliance with Chapter 6 paragraph 1.11 of the Guide for Members of the*

*Executive*". Paragraph 8 states that *"it is recommended that the above-mentioned members accompany the Minister of Police, General BH Cele on the trip scheduled as per the mentioned dates, 25 to 30 October 2023 to France, Paris"*.

6.2.10.4 The memorandum contained the financial implications including those of the Executive Assistant as part of the delegation that will accompany Mr Cele. Paragraph 1 of the memorandum stated that *"the travel costs, including a return flight and accommodation for the period 26 to 29 October 2023 for the Executive Assistant to the Minister of Police, Ms SMK Gaehler, will be paid by the Ministry of Police"*.

6.2.10.5 The Financial Manager, Captain R Sekudu, signed the memorandum on 19 October 2023, indicating that funds are available. The National Commissioner of SAPS, General SF Masemola, approved the allocation of funds, on 19 October 2023.

#### *Letter from Presidency*

6.2.10.6 The Presidency addressed a letter to the Ministry of Police, dated 24 October 2023, to inform them about the approval by the President of the request by Mr Cele to travel to Paris.

#### *Independently sourced information*

#### *President's Act No. 302/2023*

6.2.11 On 28 February 2024, the Investigation Team wrote a letter to Ms Baleni, the Secretary of Cabinet, requesting a copy of the recorded approval by the President. On 11 March 2024, Ms Baleni responded through a letter attaching the *President's Act No. 302/2023*, dated 23 October 2023, approving the request of Mr Cele to travel to France as well as the appointment of the Acting Minister of Police.

- 6.2.12 The approval by the President stated that *“I hereby approve General BH Cele’s request to travel to France for the period 25 October to 30 October 2023, as requested”*.

*Mr Cele’s written responses to the National Assembly*

- 6.2.13 On 11 January 2024, the Investigation Team wrote a letter to Ms Mapisa-Nqakula, the then Speaker of Parliament, requesting Mr Cele’s written responses to National Assembly questions 3758, 3776 and 3945, relating to his trip to Paris.
- 6.2.14 In a response letter to the Investigation Team dated 17 January 2024, Mr Xaso furnished Mr Cele’s written response.
- 6.2.15 In his response to the National Assembly, Mr Cele stated that *“the Executive Assistant to the Minister of Police, accompanied the Minister of Police as an official assistant, flights, accommodation and ground transport were incurred by the Ministry of Police, however, meals and access to the stadium was sponsored by the Private Company. The total costs for the Executive Assistant to the Minister: R446 339.43.”(sic)*

*Applicable law*

**The Constitution of the Republic of South Africa, 1996**

- 6.2.16 Section 96(1) and (2)(b) of the Constitution applies mutatis mutandis herein.

**Executive Members Ethics Act, 1998**

- 6.2.17 Section 1 of the EMEA defines *“Cabinet”* as the Cabinet referred to in section 91(1) of the Constitution<sup>6</sup>. The Public Protector is empowered, in

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<sup>6</sup> Cabinet means Members of the Cabinet and Deputy Ministers.

terms of section 3 of the EMEA, to investigate breaches of the Code when a complaint is made in terms of section 4 of the EMEA.

6.2.18 Section 2(1) of EMEA provides that *“the President must, after consultation with Parliament, by proclamation in the Gazette, publish a code of ethics prescribing standards and rules aimed at promoting open, democratic and accountable government and with which Cabinet members, Deputy Ministers and MECs must comply in performing their official responsibilities”*.

6.2.19 Section 4 of the EMEA provides that the Public Protector must investigate in accordance with section 3, an alleged breach of the Code on receipt of a complaint by the President, a member of National Assembly or a permanent delegate to the National Council of Provinces, if the complaint is against a Cabinet Member or Deputy Minister.

### **The Executive Ethics Code**

6.2.20 The general standards which the members of the Executive must comply with are contained in clause 2.1 of the Code, which provides that:

*“2.1 Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be-*

- (a) perform their duties and exercise their powers diligently and honestly;*
- (b) fulfil all the obligations imposed upon them by the Constitution and law;*
- (c) act in good faith and in the best interest of good governance;*
- (d) act in all respects in a manner that is consistent with the integrity of their office or the government.”*

6.2.21 Clause 2.2 provides that *“in deciding whether members of the Executive complied with the provisions of clause 2.1, the President or Premier, as the*



*case may be, must take into account the promotion of an open, democratic and accountable government”.*

- 6.2.22 Clause 2.3(c) and (d) provides that Members of the Executive may not act in a way that is inconsistent with their position and may not use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.

### **The Guide for Members of the Executive**

- 6.2.23 The purpose of the Guide is stated as to provide a guide for benefits, tools of trade and allowances to which Members and their families are entitled, in the execution of a member’s duties.
- 6.2.24 International travel is covered under Chapter 6 of the Guide. Paragraph 1.1 states that Ministers and Deputy Ministers may travel on official visits abroad if these are essential, in the national interest and with due regard to the availability of Departmental funds.
- 6.2.25 Paragraph 1.3 states that Ministers and Deputy Ministers should approach the President in writing to request approval for the intended visit.
- 6.2.26 Paragraph 1.11 states that Ministers and Deputy Ministers may be accompanied by departmental staff and/or special advisers, after taking cognizance of necessary prudent financial considerations as well as the allocation of official tasks. In addition to the departmental staff, no more than two (02) support staff should accompany a Minister or Deputy Minister abroad.

### *Analysis*

- 6.2.27 The evidence before the Public Protector indicates that Mr Cele submitted a request to President Ramaphosa, in the form of a memorandum titled “*Official visit to attend the 2023 Rugby World Cup in France, Paris: 25*

October 2023 to 30 October 2023”, requesting approval to undertake international travel. Mr Cele stated in the memorandum that the Executive Assistant to the Minister of Police will be part of the delegation.

- 6.2.28 It is evident from the heading and contents of the memorandum submitted to the President that Mr Cele indicated the delegation that will accompany him as his spouse and Executive Assistant, Ms SMK Gaehler. Furthermore, the memorandum stated that the travel costs, return flight and accommodation for the period 26-29 October 2023 for his Executive Assistant would be paid by the Ministry of Police, should the President approve his request to attend the Rugby World Cup. As stated above, Mr Ramaphosa approved Mr Cele’s request on 23 October 2023 by means of *President’s Act No. 302 of 2023*, aware that he would be accompanied by his Executive Assistant, Ms Gaehler.
- 6.2.29 Ms Gaehler was part of the delegation that accompanied Mr Cele to Paris and the costs incurred by the Ministry of Police is a total of R446 339.43. Paragraph 1.11 of the Guide states that Ministers and Deputy Ministers may be accompanied by departmental staff and/or special advisers, after taking cognizance of necessary prudent financial considerations as well as the allocation of official tasks. In addition to the departmental staff, no more than two (02) support staff should accompany a Minister or Deputy Minister abroad.
- 6.2.30 There is no evidence before the Public Protector to rebut the contention that Mr Cele was authorised by the Guide to be accompanied by an Executive Assistant.
- 6.2.31 In these circumstances, there is no evidence before the Public Protector to prove that Mr Cele acted in a manner that is inconsistent with the applicable legal prescripts.

- 6.2.32 In terms of clauses 2.1(a)–(d) of the Code Mr Cele, as a member of the Executive is required to perform his duties and exercise his powers diligently and honestly, fulfil all the obligations imposed upon him by the Constitution and law. Furthermore, he is required to act in good faith, in the best interest of good governance and in all respects act in a manner that is consistent with the integrity of his office or the government.
- 6.2.33 In terms of clause 2.3(c) and (d) of the Code, Mr Cele was further required to not act in a way that is inconsistent with his position and not use his position or any information entrusted to him, to enrich himself or improperly benefit any other person. The contention by the Complainant that Mr Cele acted in breach of the Code, cannot be sustained.
- 6.2.34 On 11 March 2025, a Notice in terms of Rule 41(1) of the Public Protector Rules was issued to the Complainant giving him an opportunity to make representations in connection with the intended closure of the complaint within fourteen (14) days of delivery of the notification.
- 6.2.35 The Complainant did not make any further submission in respect of the matter.

### *Conclusion*

- 6.2.36 Accordingly, the Public Protector finds no basis upon which to conclude that Mr Cele acted or conducted himself in breach of clauses 2.1(a) to (d) and 2.3(c) and (d) of the Code.
- 6.3 Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office and/or failed to manage any actual, potential or perceived conflict of interest when he accepted a sponsorship from a private company that paid for his trip to the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the**

**Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c), (d) and (f) of the Executive Ethics Code**

*Common cause*

- 6.3.1 Mr Cele submitted a request for approval to travel to Paris to the President, Mr Ramaphosa, in the form of a memorandum titled *Official visit to attend the 2023 Rugby World Cup in France, Paris: 25 October 2023 to 30 October 2023*, in response to an invitation from SuperSport.
- 6.3.2 President Ramaphosa approved Mr Cele's request on 23 October 2023 by means of *President's Act No. 302 of 2023*.
- 6.3.3 Mr Cele travelled to Paris to attend the 2023 Rugby World Cup.

*Issue in dispute*

- 6.3.4 The issue for determination by the Public Protector is whether Mr Cele by accepting a sponsorship from a private company exposed himself to a potential or perceived conflict of interest and acted in a way that is inconsistent with his position as a member of the Executive and breached the general standards as outlined in the Code that required him to act in good faith and in the interest of good governance.

*Complainant's version*

- 6.3.5 The Complainant contends that Mr Cele, having accepted sponsorship of significant value from a private company, placed himself in a position where a real likelihood exists of a conflict of interest. Furthermore, that Mr Cele did not disclose the identity of the private company, his relation to it, the reason behind the gift, or the value of the sponsorship.
- 6.3.6 In terms of section 96(1) of the Constitution, members of the Executive are required to act in accordance with a code of ethics prescribed by national legislation.

6.3.7 The Complainant specifically referred to the following provisions of the Code that Mr Cele allegedly breached:

6.3.7.1 Clause 2.1(a) to (d) of the Code provides that members of the Executive must, to the satisfaction of the President or the Premier, as the case may be, perform their duties and exercise their powers diligently and honestly, fulfil all the obligations imposed upon them by the Constitution and the law, act in good faith and in the interest of good governance, act in all respects in a manner that is consistent with the integrity of their office or the government; and

6.3.7.2 Clause 2.3(c), (d) and (f) of the Code provides that Members of the Executive may not act in a way that is inconsistent with their position, use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person, expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests.

*Mr Cele's response*

6.3.8 On 28 December 2023, the Public Protector requested Mr Cele to respond to the Complainant's allegations and he responded through a letter dated 13 February 2024 stating that:

6.3.8.1 The trip to France was sponsored by SuperSport and was initiated by SuperSport. The invitation was extended to the Minister in his official capacity and was accordingly accepted in such capacity. The sponsorship included hotel accommodation, return flights, domestic travel in France, match tickets and meals;

6.3.8.2 Paragraph 1.1 (Chapter 6 of the Guide for Members of the Executive) provides that Ministers and Deputy Ministers may travel on official visits

abroad if these are essential, in the national interest and with due regard to the availability of Departmental funds. Ministers are required to approach the President in writing to request approval for the intended visit. All of these requirements have been met, and the President furthermore appointed an acting Minister of Police for the duration of the absence of the Minister of Police;

- 6.3.8.3 The sponsor has no business relationship with the Minister or any of the departments that report to the Minister. The sphere of responsibility of the Minister does not relate to any sport, sporting body or broadcasting rights;
- 6.3.8.4 The Minister has no influence or power that may promote the business or interest of the sponsor, or that may constitute an actual or perceived conflict of interest. There is also no risk that the sponsor could gain any benefit from the Minister or be in a position to influence the Minister pertaining to matters that fall within his portfolio; and
- 6.3.8.5 There are no grounds for any allegation that the Minister acted in a manner that is inconsistent with his position or that he used his position to enrich himself or improperly benefit any other person because of the sponsorship that he received to travel to France for the World Cup.

*Documents received from Mr Cele*

- 6.3.9 The documents submitted by Mr Cele to the Investigation Team in support of his response such as the Invitation letter from SuperSport, Memorandum to President Ramaphosa requesting permission for him to undertake the trip to the Rugby World Cup in France with his wife and executive assistant as well as the President's response thereto, apply *mutatis mutandis* to this issue.

*Mr Cele's written responses to the National Assembly*

- 6.3.10 On 11 January 2024, the Investigation Team wrote a letter to the Ms Mapisa-Nqakula, the then Speaker of Parliament, requesting Mr Cele's written responses to National Assembly questions 3758, 3776 and 3945 relating to his trip to France.
- 6.3.11 On 17 January 2024, Mr Xaso, the Secretary to the National Assembly responded through a letter attaching Mr Cele's written response.
- 6.3.12 In his response to the National Assembly, Mr Cele stated that "*the Minister was invited to the Rugby World Cup by a Private Company. The trip was fully sponsored by a Private Company, except for the S&T and Travel Insurance.*"

*Applicable law*

**The Constitution of the Republic of South Africa, 1996**

- 6.3.13 Section 96(1) and (2)(b) of the Constitution applies mutatis mutandis herein.

**Executive Members Ethics Act, 1998**

- 6.3.14 Section 1 of the EMEA defines "*Cabinet*" as Cabinet referred to in section 91(1) of the Constitution<sup>7</sup>. The Public Protector is empowered, in terms of section 3 of the EMEA, to investigate breaches of the Code when a complaint is made in terms of section 4 of the EMEA.
- 6.3.15 Section 2(1) of the EMEA provides that "*The President must, after consultation with Parliament, by proclamation in the Gazette, publish a code of ethics prescribing standards and rules aimed at promoting open,*

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<sup>7</sup> Cabinet means Members of the Cabinet and Deputy Ministers.

*democratic and accountable government and with which Cabinet members, Deputy Ministers and MECs must comply in performing their official responsibilities”.*

- 6.3.16 Section 4 of the EMEA provides that the Public Protector must investigate in accordance with section 3, an alleged breach of the Code on receipt of a complaint by the President, a member of National Assembly or a permanent delegate to the National Council of Provinces, if the complaint is against a Cabinet Member or Deputy Minister.

### **The Executive Ethics Code**

- 6.3.17 The general standards which the members of the Executive<sup>8</sup> must comply with are contained in clause 2.1 of the Code, which provides that:

*“2.1 Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be-*

- (a) perform their duties and exercise their powers diligently and honestly;*
- (b) fulfil all the obligations imposed upon them by the Constitution and law;*
- (c) act in good faith and in the best interest of good governance;*
- (d) act in all respects in a manner that is consistent with the integrity of their office or the government.”*

- 6.3.18 Clause 2.2 provides that *“In deciding whether members of the Executive complied with the provisions of clause 2.1, the President or Premier, as the case may be, must take into account the promotion of an open, democratic and accountable government.”*

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<sup>8</sup> Member of the Executive means a Cabinet member, a Deputy Minister or a Member of a Provincial Executive Committee, and `Member` and `Executive` have corresponding meaning.



- 6.3.19 Clause 2.3(c), (d) and (f) provides that Members of the Executive may not act in a way that is inconsistent with their position, may not use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person and expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests.
- 6.3.20 Clause 3.1 provides that a member must declare any personal or private financial or business interest that the member may have in a matter that is before the Cabinet or an Executive Council, in relation to which the member is required to take a decision as a member of the Executive.
- 6.3.21 Clause 3.2 provides that a member must withdraw from the proceedings of any committee of the Cabinet considering a matter in which the member has any personal or private financial or business interest, unless the President decides that the member's interest is trivial or not relevant.

### **The Guide for Members of the Executive**

- 6.3.22 The purpose of the Guide is stated as to provide a guide for benefits, tools of trade and allowances to which Members and their families are entitled, in the execution of a member's duties.
- 6.3.23 International travel is covered under Chapter 6 of the Guide. Paragraph 1.1 states that Ministers and Deputy Ministers may travel on official visits abroad if these are essential, in the national interest and with due regard to the availability of Departmental funds.
- 6.3.24 Paragraph 1.3 states that Ministers and Deputy Ministers should approach the President in writing to request approval for the intended visit.
- 6.3.25 Paragraph 1.7 states that Ministers and Deputy Ministers may be accompanied by their spouse on no more than two international trips per

year if the trip undertaken is longer than three days and the Minister or Deputy Minister is invited to attend official duties accompanied by a spouse.

### *Case law*

6.3.26 In *Mthimunye-Bakoro v Petroleum Oil and Gas Corporation of South Africa (SOC) Limited and Another*<sup>9</sup> the court stated that under common law, a director may not place herself in a position in which she has, or can have a personal interest, which conflicts or possibly conflicts with her duties to the company. The test regarding a conflict-of-interest rests upon the broad doctrine that a man, who stands in a position of trust towards another, cannot, in matters affected by that position, advance his own interest (e.g. by making a profit) at that other's expense. The court further held that the common law principle of conflict of interest should be approached on a common-sense basis.

6.3.27 In *Democratic Alliance and Another v Public Protector of South Africa and Others*<sup>10</sup> (Democratic Alliance), Maya DCJ remarked that:

*".... the risk must be real. This means the risk must not be imaginary, flimsy or far-fetched. What then is the standard? At the risk of sounding as if I am importing the test for bias, for the risk to be real, it must .... be of such a nature that it would reasonably be apprehended by a reasonable person."*<sup>11</sup> (Added emphasis)

### *Analysis*

6.3.28 The evidence before the Public Protector revealed that Mr Cele received an invitation from SuperSport to attend the 2023 Rugby World Cup in Paris. He then submitted a request to the President, in the form of a memorandum titled "*Official visit to attend the 2023 Rugby World Cup in France, Paris: 25*

<sup>9</sup> 2015 (6) SA 338 (WCC) (4 August 2015) at para 20.

<sup>10</sup> [2023] ZACC 25.

<sup>11</sup> At para. 118.

October 2023 to 30 October 2023”, requesting approval to undertake international travel.

- 6.3.29 In the memorandum, he disclosed that he was invited by SuperSport to attend the Rugby World Cup, and that SuperSport would sponsor the cost of the trip. Mr Ramaphosa approved Mr Cele’s request on 23 October 2023 by means of *President’s Act No. 302 of 2023*.
- 6.3.30 The Complainant contends that in accepting the sponsorship, Mr Cele exposed himself to a risk of conflict of interest and acted in breach of clause 2.3 (f) of the Code, which states that Members of the Executive may not expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests.
- 6.3.31 The Complainant did not provide details regarding what constitutes conflict between Mr Cele’s official responsibilities as Minister of Police at the time and his private interests, he also did not indicate when the conflict arose.
- 6.3.32 Members of the Executive are required, in terms of clause 3.1 of the Code, to declare any personal or private financial or business interest that the member may have in a matter that is before the Cabinet and in relation to which the member is required to take a decision as a member of the Executive.
- 6.3.33 In terms of clause 3.2 of the Code, a member must withdraw from the proceedings of any committee of the Cabinet considering a matter in which the member has any personal or private financial or business interest, unless the President decides that the member’s interest is trivial or not relevant.
- 6.3.34 The definition of a conflict of interest is settled under common law and generally relates to a situation where a Member of the Executive places himself in a position where their private or personal interests’ conflict or possibly (potentially) conflict with their official duties and responsibilities.

- 6.3.35 The Constitutional Court, in the Democratic Alliance case, reiterated that the perception of the conflict of interest must not be “*imaginary, flimsy or far-fetched*”, but based on an assessment as to how the situation could reasonably appear to an outside observer.
- 6.3.36 Conflict of interest is defined as a situation in which a person has a duty to more than one person or organization, but cannot do justice to the actual or potentially adverse interests of both parties.<sup>12</sup> According to King IV Report on Corporate Governance in South Africa 2016<sup>13</sup>, a conflict of interest, used in relation to members of the governing body and its committees, occurs when there is a direct or indirect conflict, in fact or in appearance, between the interests of such member and that of the organisation. It applies to financial, economic and other interests in any opportunity from which the organisation may benefit, as well as the use of the property of the organisation, including information.
- 6.3.37 There are many different views on the definition of ‘*a conflict of interest*’. However, the common theme present in all definitions relates to a clash between the official or business duties of the decision maker concerned and his/her personal interests. The official or business interests are often described as the primary interests, while the personal interests are regarded as secondary interests.<sup>14</sup>
- 6.3.38 In the circumstances, it can be argued that conflict of interest, actual or perceived, or the risk of conflict between Mr Cele’s private interests and his official responsibilities as the Minister of Police could have arisen if he was required to deal with a matter involving SuperSport.

<sup>12</sup> <https://www.bing.comOxford+dictionary+meaning+of+conflict+of+interests> accessed on 14 February 2023.

<sup>13</sup> King IV Report on Corporate Governance in South Africa 2016 at page 11.

<sup>14</sup> As applied by the Public Protector in the State of Capture Report issued 14 October 2016: Report on an investigation into alleged improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of Ministers and Directors of State-Owned Enterprises resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses.

- 6.3.39 The Public Protector could not find any evidence indicating that Mr Cele dealt with a matter as a Member of the Executive, involving SuperSport or that he failed to declare any personal, private financial or business interest that he may have, as required by clause 3.1 of the Code.
- 6.3.40 The contention by the Complainant that Mr Cele acted in breach of the Code cannot be sustained.
- 6.3.41 On 11 March 2025, a Notice in terms of Rule 41(1) of the Public Protector Rules was issued to the Complainant giving him an opportunity to make representations in connection with the intended closure of the complaint within fourteen (14) days of delivery of the notification.
- 6.3.42 The Complainant did not make any further submission in respect of the matter.

#### *Conclusion*

- 6.3.43 There is no evidence before the Public Protector, indicating that Mr Cele exposed himself to a situation where he was required to declare and/or manage any perceived conflict of interest in respect of the invitation of SuperSport, in accordance with the Code.

## **7. FINDINGS**

Having regard to the evidence, the regulatory framework determining the standard that should have been complied with by Mr Cele, the Public Protector makes the following findings:

- 7.1. Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, if so,**

**whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c) and (d) of the Executive Ethics Code**

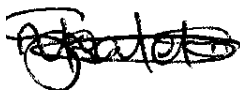
- 7.1.1 The allegation that Mr Cele acted in a manner that is inconsistent with his office when he used public funds to attend the 2023 Rugby World Cup in Paris, **is not substantiated.**
- 7.1.2 Mr Cele was invited by SuperSport to attend the 2023 Rugby World Cup in Paris. The sponsorship included hotel accommodation, return flights, domestic travel in France, match tickets and meals. Public funds were used for travel insurance and S&T allowance.
- 7.1.3 Mr Cele sought approval from Mr Ramaphosa to undertake the international travel in line with Paragraph 1.3 of the Guide which requires Ministers to approach the President in writing to request approval for the intended visit. Mr Ramaphosa approved Mr Cele's request on 23 October 2023 by means of the *President's Act No. 302 of 2023*.
- 7.1.4 Therefore, there is no evidence before the Public Protector indicating that Mr Cele acted in a manner that is inconsistent with his office.
- 7.1.5 Based on the standard imposed by the Code, the Public Protector finds that there is no basis upon which to conclude that Mr Cele breached clauses 2.1(a)–(d) and 2.3(c)–(d) of the Code.
- 7.2 Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office when he used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2.1(a), (b), (c) and (d) and Clause 2.3(c) and (d) of the Executive Ethics Code**

- 7.2.1 The allegation that Mr Cele acted in a manner that is inconsistent with his office when he used public funds to secure the attendance of his Executive Assistant at the 2023 Rugby World Cup in Paris, **is not substantiated.**
- 7.2.2 Ministers and Deputy Ministers are permitted in terms of the Guide to be accompanied by departmental staff and/or special advisers and, in addition to the departmental staff, no more than two (02) support staff when they travel abroad.
- 7.2.3 Mr Cele indicated in the memorandum to the President requesting permission to attend the Rugby World Cup in France that he will be accompanied by his Executive Assistant. The inclusion of his Executive Assistant in the trip to France was supported by Captain R Sekudu, the Financial Manager in the Ministry who confirmed the availability of funds and General SF Masemola, the National Commissioner of Police who approved the funds, as evidenced by the memorandum submitted to Mr Ramaphosa.
- 7.2.4 There is no evidence before the Public Protector to prove that Mr Cele was not authorised by the Guide to be accompanied by an Executive Assistant.
- 7.2.5 Based on the standard imposed by the Code, the Public Protector finds that there is no basis upon which to conclude that Mr Cele breached clauses 2.1(a) to (d) and 2.3(c) to (d) of the Code.
- 7.3 Whether Mr Bhekokwakhe Hamilton Cele, the former Minister of Police, acted in a manner that is inconsistent with his office and/or failed to manage any actual, potential or perceived conflict of interest when he accepted a sponsorship from a private company that paid for his trip to the 2023 Rugby World Cup in Paris, if so, whether such conduct constitutes a violation of section 96(1) and (2)(b) of the Constitution and amounts to a breach of Clause 2. (a), (b), (c) and (d) and Clause 2.3(c), (d) and (f) of the Executive Ethics Code**

- 7.3.1 The allegation that Mr Cele acted in a manner that is inconsistent with his office and/or failed to manage any actual, potential or perceived conflict of interest when he accepted sponsorship from a private company for his trip to the 2023 Rugby World Cup in Paris, **is not substantiated**.
- 7.3.2 There is no evidence before the Public Protector to show that Mr Cele dealt with a matter as a Member of the Executive involving SuperSport and failed to declare any personal, private financial or business interest that he may have as required by the Code.
- 7.3.3 The Public Protector could not find any evidence indicating that Mr Cele exposed himself to a situation where he was required to declare and/or manage a perceived conflict of interests in accordance with the Code.
- 7.3.4 Based on the standard imposed by the Code, the Public Protector finds that there is no basis upon which to conclude that Mr Cele breached clauses 2.1(a) to (d) and 2.3(c), (d) and (f) of the Code.

## 8. CONCLUSION

- 8.1 The Public Protector considers this matter as finalised and cannot take it further.



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**ADV KHOLEKA GCALEKA**  
**PUBLIC PROTECTOR**  
**REPUBLIC OF SOUTH AFRICA**  
**DATE: 31 MARCH 2025**

*Assisted by: Adv Elsabe de Waal*

*Senior Manager: Provincial Investigations and Integration: Inland*