

SUMMARY AND CONCLUSION: INVESTIGATION INTO ALLEGATIONS OF SEXUAL MISCONDUCT, ALCOHOL ABUSE AND GROOMING AGAINST WESTERN CAPE MINISTER OF COMMUNITY SAFETY, MR ALBERT FRITZ

JL WILLIAMS

Chambers

27 February 2022

EXECUTIVE SUMMARY

Advocate Jennifer Williams ("the Investigator") was appointed by the State Attorney on behalf of the Premier of the Western Cape as an external investigator to conduct an independent investigation into the factual veracity of allegations pertaining to sexual misconduct, alcohol abuse and grooming by the Provincial Minister of Community Safety, Mr Albert Fritz ("MEC Fritz").

The terms of reference required the Investigator to assess the factual correctness of the allegations against MEC Fritz and produce a report which could inform a reasonable, rational opinion on the part of the Premier regarding the credibility of the allegations. The process to be followed by the investigation had to be fair to both MEC Fritz and the persons who made the allegations.

The complainants indicated a reluctance to participate due to concerns about their safety, job security and a strategy aimed at impugning their credibility by damaging their reputations in the media and in the communities in which they live. Both MEC Fritz (and his legal team) and the Premier undertook to respect the confidentiality of the complainants at all times.

The Investigator interviewed 18 witnesses in total, including the complainants, collateral witnesses, MEC Fritz and his nominated witnesses. The witnesses submitted photographs, emails, videos, text messages and correspondence in support of various aspects of their evidence, all of which were considered.

Before giving his response, MEC Fritz was provided with a summary of the specific allegations and a set of general questions arising from the investigation in order to provide him with an opportunity to respond to the allegations against him. Further information and documentation were made available by the Investigator in writing and during the interviews with MEC Fritz. MEC Fritz provided full responses to the allegations against him and answered all the questions. He also provided documentation, text messages, photographs and witness statements in support of his defence. Further witnesses were interviewed by the Investigator at MEC Fritz's request.

The allegations against MEC Fritz are: (a) sexual misconduct with four young female interns/staff employed by his Ministries during his tenure as MEC of Social Development and later Community Safety ("the complainants"), (b) alcohol abuse and (c) grooming of the complainants which relates to the creation of circumstances which enabled the sexual misconduct. The alleged sexual misconduct and alcohol abuse occurred at work functions or on work trips. All the allegations are denied by MEC Fritz.

Having provided his defences to each of the allegations, he further alleges that the allegations are politically motivated and rooted in factionalism in the Democratic Alliance ("DA").

The Investigator is of the opinion the factual bases supporting the allegations of sexual misconduct of the complainants, alcohol abuse and grooming are sufficiently credible and that a reasonable person, considering the evidence would conclude that allegations are true.

After having considered the evidence in totality the Investigator is of the view that:

- a. there is sufficient credibility in the allegations of sexual misconduct;
- b. there is sufficient credibility in the allegations of alcohol abuse; and
- c. there is sufficient evidence of MEC Fritz creating an environment that is conducive to sexual harassment, or alternatively, taking advantage of young women sexually.

CONCLUSION:

The conflicting versions of the identified claimants and MEC Fritz must be considered in light of the totality of the evidence, in order to test the veracity of the claims.

The individual complainants' versions are consistent, inherently probable and corroborated in material aspects. While the individual stories differ, and this is a factor which militates against a conspiracy, there are common features to the versions of the identified complainants. These are also consistent with the evidence as a whole.

The version put forward by MEC Fritz fails to substantively address the specific allegations made and is inherently incongruent with the evidence as a whole.

There are numerous common threads that flow through the evidence which constitute a pattern. The evidence indicates a sustained culture of the sexual objectification of women who work in the Ministry, underpinned by an indisputable power imbalance. The power differential favours MEC Fritz due to his age, position of authority, political connections and gender. The MEC appears to be oblivious to the power dynamics at play in his interactions with young female interns/staff.

The selection of 'victims', the building of trust, the normalising of inappropriate sexually-charged interactions in a work related context, the taking of photographs of the young women and complimenting them on their appearance, the sexual comments, the unpredictable temper outbursts and public humiliation of the 'victims' all have the hallmarks of grooming.

The availability of alcohol, the pressure to drink and removing young women from their comfort zone further enabled MEC Fritz's opportunities for sexual misconduct. It would seem that rather than protecting vulnerable young women from that risk, they were purposefully placed in these inappropriate situations and exploited.

In addition to his refusal to accept any inappropriate conduct on his part, he has attempted to impugn the credibility of the complainants as witnesses.

The alcohol abuse is not really disputed, rather the amount consumed and who provided it is the subject of the challenge. This misses the point of how inappropriate it is to have alcohol available at every work related event and on every work related trip, and to drink with your juniors (often in hotel rooms). While the drinking may take place after the work is done, it contributes to the risk of inappropriate conduct.

Having considered the evidence in totality the Investigator is of the opinion that:

- a. there is sufficient credibility in the allegations of sexual misconduct;
- b. there is sufficient credibility in the allegations of alcohol abuse; and
- c. there is sufficient evidence of MEC Fritz creating an environment that is conducive to sexual harassment, or alternatively, taking advantage of young women sexually.

This is based on the totality of the aforementioned evidence, which I am of the view would lead a reasonable person to believe that these allegations are true.