

# **11. Press Statement and sworn Affidavit by Prof. Xulu**

## **Background**

Reverend Professor Musa Xulu is a South African Christian minister, academic, and public religious figure who became prominent in the national debate concerning the role of the CRL Rights Commission and the proposed regulation of religious communities in South Africa. He was appointed to chair the CRL Rights Commission's Section 22 Committee, a body established to consider concerns relating to abuses within the religious sector and to develop proposals around accountability, governance, and self-regulation among religious institutions.

Professor Xulu's significance lies not merely in his appointment, but in his subsequent resignation from the committee in January 2026. In resigning, he raised serious concerns about the independence of the process, the influence of the CRL leadership, and the constitutional implications of state involvement in the internal affairs of churches and religious bodies. His public statements placed him at the center of a wider controversy over whether the CRL's work amounted to legitimate protection of vulnerable congregants or an impermissible movement toward state control of religion.

For purposes of assessing the CRL issue, Reverend Professor Xulu is therefore an important witness to the internal controversy surrounding the Commission's approach. His position is notable because he was not an outside critic alone, but a person appointed to lead the very process under discussion. His resignation and public objections provide evidence that concerns about the CRL's religious regulation agenda were not limited to external religious freedom groups, but also arose from within the structure created by the Commission itself.

## **Committee Chair Resigns: CRL Commission's regulatory process rocked by controversy**

**2026-01-15**

**<https://iol.co.za/pretoria-news/news/2026-01-15-committee-chair-resigns-crl-commissions-regulatory-process-rocked-by-controversy/>**

The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission) has been plunged into deeper controversy, with its process to have religious institutions regulated backfiring following the resignation of the commission's Section 22 Committee chairperson, the Reverend Professor Musa Xulu.

Announcing his resignation on Thursday, Xulu said: "I have done everything within my power to discharge my duties faithfully and in line with my appointment. However, I can no longer serve as Chair of a Committee the

processes of which I do not control, the outcomes of which I do not endorse, and the existence of which is being used as a front to disguise a predetermined agenda of State control of religion, driven in part by personal hostility toward particular Christian faith and traditions.”

Xulu resigned with immediate effect and made the announcement at a briefing to which senior church and other religious leaders had been invited at the Birchwood Hotel and OR Tambo Conference Centre.

He said to remain would have compromised his integrity as an ordained and commissioned religious minister, thus he decided to resign “with sadness, but with a clear conscience”.

## **Subsequent investigation by State Security police**

This supporting document is a sworn statement by Reverend Professor Musa Khulekani Xulu, the former Chairperson of the CRL Rights Commission’s Section 22 Committee on the Christian Sector.

It is submitted as important corroborating evidence of the growing pressure placed upon Christian religious bodies in South Africa through the CRL process.

Professor Xulu’s evidence is significant because he was appointed to lead the very committee tasked with engaging the Christian sector, yet he later resigned and placed on oath his concerns regarding procedural irregularities, exclusionary conduct, alleged interference by the CRL Chairperson, and the possible use or threatened use of state-security structures against Christian leaders and organizations that opposed the CRL’s regulatory agenda.

Although Professor Xulu states that he could not independently verify the identity of the caller who claimed to represent national intelligence or state security, the affidavit remains highly relevant because it records that, from the perspective of the former chairperson of the CRL’s own committee, dissent by Christian organizations was being treated not merely as disagreement within a democratic consultation process, but potentially as a **matter for state investigation, profiling, or surveillance.**

**This document therefore supports the applicant’s fear that Christians who conscientiously resist state control or regulation of religious practice in South Africa may face official suspicion, intimidation, and state-driven interference with religious freedom.**

## **12. First draft of policy / white paper framework**

### **a. Policy Paper - Executive Summary:**

In Mid 2025, the CRL produced a white paper as a first draft of policy. This shows their intent. and it is severe in consequences.

Even though the CRL Section 22 Committee has publicly stated it is still “consulting” and will produce recommendations only after these consultations end (into 2026), this draft:

- Contains a complete definition set, policy framework, governance structure, and proposed legislation
- Establishes a detailed regulatory regime for churches
- Creates a new authority — the Religious Peer Review Council (RPRC) — with investigative, disciplinary, and sanctions powers
- Outlines mandatory codes of conduct, training, vetting, reporting, investigation timelines, and review mechanisms

This is not the “research” or “consultation” stage. It is the planned law. **The outcome is predetermined.** The Committee is not merely gathering views — it has already articulated a structured regulatory system for religion. They have openly declared that they will not be turned aside.

It is not a discussion paper.

It is not a stakeholder questionnaire.

It is a **policy and legislative framework**.

## **b. Policy Paper - already defines what counts as “abusive religious practices”**

Dozens of paragraphs define:

- control
- shaming
- manipulation
- guilt
- unsubstantiated extraordinary claims (miracles, prophecy, etc.)

These definitions are sweeping and subjective, meaning they can easily be applied to ordinary Christian doctrine, such as:

- preaching repentance
- teaching obedience
- separation from evil
- church discipline
- belief in miracles
- prophecy
- pastoral authority

This confirms intentional ideological framing.

## **c. Policy Paper - already specifies regulatory obligations for churches**

The document demands that religious institutions:

- create policies

- adopt codes of conduct
- undergo mandatory training
- provide external reporting channels
- be subject to monitoring, auditing, and inspections

This is not consultation. This is prescriptive regulation.

## **d. Policy Paper - Framework Treats Normal Christian Practice as Potential “Harm”**

Examples directly from the document:

Repentance is framed as abuse

*“no condemnation, no shaming, and no repentance required.*

Separation from evil is treated as psychological harm

Any form of separation, discipline, or exclusive fellowship can be classified as “isolation” or “coercion.”

This is not neutral policy. It is ideological hostility toward high-commitment, doctrinally strict Christian communities.

## **e. Policy Paper - Mandatory Reporting & Oversight = De Facto State Control**

The framework repeatedly mandates:

- external reporting mechanisms
- mandatory reporting to RPRC
- external audits
- compliance inspections
- whistleblower protections
- cooperation with SAPS (police)

This is not voluntary. It establishes state-linked oversight of doctrine and practice.

## **f. Policy Paper - Conclusion: The Committee’s Agenda Is Already Set**

The document proves:

- The regulatory model is already chosen
- The legislative framework is already drafted
- The governance and enforcement mechanisms already exist

- The doctrinal definitions already pathologize normal Christian practice
- Consultations are now a procedural formality — not genuine engagement

It is overwhelmingly clear that the Section 22 Committee is not consulting neutrally. It is advancing a predetermined state-supervised religious regulatory regime that intrudes into:

- doctrine
- leadership
- pastoral authority
- membership
- church discipline
- supernatural belief
- fellowship practices
- repentance
- exclusivity
- theology
- church governance

**This is a massive red flag for a high-commitment, separation-based Christian fellowship..**

**c. FULL TEXT Press Statement and Affidavit  
by Prof Xulu**

**PRESS STATEMENT BY REV. PROFESSOR MUSA XULU**

**FORMER CHAIRPERSON OF THE CRL RIGHTS COMMISSION SECTION 22 COMMITTEE ON THE CHRISTIAN SECTOR**

**ON THE ALLEGED INVOLVEMENT OF STATE SECURITY STRUCTURES IN THE CRL'S CAMPAIGN AGAINST CHRISTIAN ORGANISATIONS AND LEADERS**

**For Immediate Release**

I believe South Africans, and especially the Christian community, must now confront a deeply disturbing possibility. What began publicly as a debate about the CRL Rights Commission's Section 22 process and proposals concerning the regulation of religion may in fact involve something far more serious: the apparent use of state-security structures against Christians and organisations opposing the CRL Chairperson's agenda.

I make this statement following my recent affidavit concerning a telephone conversation I received on 14 May 2026 from a person identifying himself as Mr Vincent Mnguni Mothutkung, who stated that he was acting on behalf of the National Intelligence Agency and/or State Security Agency. In that conversation, I was informed that the Chairperson of the CRL Rights Commission, Ms Thoko Mkhwanazi-Xaluva, had allegedly referred me for investigation regarding legal opinions concerning the Section 22 Committee process which had already been circulating publicly.

Even more disturbing were allegations made during that discussion that Christian organisations and leaders, including FOR SA, Church Defenders and others opposing the current CRL process, had allegedly also been referred to State Security structures for investigation, profiling and/or possible surveillance.

I have placed these matters on oath because I believe the South African public has a right to know that such allegations now exist. Although I must emphasise that I cannot independently verify the identity of the individual who contacted me, the broader context within which this conversation occurred cannot be ignored. The National Security Strategy 2024-2028 publicly identifies the "mushrooming of charismatic churches" as a domestic national-security concern. The same document expressly references the CRL Rights Commission's 2017 Report on the "Commercialisation of Religion and Abuse of People's Belief Systems", which was compiled by Ms Mkhwanazi-Xaluva during her previous term as the CRL Chair.

This is not a minor or accidental development. The phrase "charismatic churches" refers to a recognised stream of Christianity involving millions of South Africans. Yet this broad religious category now appears in a national-security framework alongside organised crime, violent extremism, corruption, cyber threats and terrorism.

This raises profound constitutional and moral questions. As I stated publicly when I resigned as Chairperson of the Section 22 Committee in January 2026, I became increasingly alarmed by what I witnessed inside the CRL process itself.

I observed:

- procedural irregularities,
- exclusionary conduct,
- hostility toward Pentecostal and Charismatic churches,

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- attempts to marginalize dissenting voices,
- and sustained interference by the CRL Chairperson in the work of the Committee.

I repeatedly warned that the process was becoming toxic, predetermined and unrepresentative. I further warned that the Committee was increasingly being used as a front for a broader agenda of State involvement in the regulation and control of religion. At the time, these warnings were dismissed. However, recent developments now raise the deeply troubling possibility that opposition to the CRL process may not merely have been treated as disagreement, but potentially as a matter requiring state-security attention. This is especially concerning in light of previous public denials by the CRL that it had any involvement with state-security structures regarding the National Security Strategy and its references to charismatic churches. If the allegations now contained in my affidavit are accurate, then those denials become increasingly difficult to reconcile with the facts emerging from within the process itself.

The issue here is not whether the State may investigate criminal conduct where genuine criminality exists. Of course it may. The issue is whether a Chapter 9 institution established to protect religious rights has instead participated, directly or indirectly, in portraying lawful Christian organisations, leaders and movements as security concerns because they opposed a controversial State-linked regulatory agenda. That would represent a grave departure from constitutional democracy.

South Africans should be extremely careful whenever broad religious categories begin appearing in security frameworks, particularly where those same communities are simultaneously being targeted through exclusionary regulatory processes. Our Constitution protects religious freedom, freedom of association, human dignity and freedom of belief precisely because history teaches us how dangerous it becomes when ideological disagreement is treated as a security problem.

I therefore call for:

- full parliamentary oversight of these developments,
- clarification regarding the CRL's engagement with state-security structures,
- investigation into the inclusion of "charismatic churches" in the National Security Strategy,
- and urgent constitutional scrutiny of the CRL's Section 22 process.

No democratic society should permit the blurring of the line between legitimate constitutional dissent and national-security suspicions



Rev Professor Musa Xulu \_\_\_\_\_ 17 May, 2026

Former Chairperson: **CRL Rights Commission Section 22 Committee on the Christian Sector**

**CONTACT: 0793924247**

AFFIDAVIT

BY PROFESSOR MUSA KHULEKANI XULU

FORMER CHAIRPERSON OF THE CRL RIGHTS COMMISSION SECTION 22 COMMITTEE ON THE CHRISTIAN SECTOR

REGARDING CONTACT BY A PERSON CLAIMING TO REPRESENT THE NATIONAL INTELLIGENCE AGENCY / STATE SECURITY AGENCY

I, the undersigned,

PROFESSOR MUSA KHULEKANI XULU

do hereby make oath and state as follows:

INTRODUCTION

1. I was the Chairperson of the CRL Rights Commission's Section 22 Committee on the Christian Sector.
2. I voluntarily resigned from this position on 15 January 2026, citing, amongst other concerns, dissatisfaction regarding interference in the work of the Committee by the Chairperson of the CRL Rights Commission, Ms Thoko Mkhwanazi-Xaluva.
3. Following my resignation, I have on various occasions been invited by the Portfolio Committee on Cooperative Governance and Traditional Affairs ("COGTA") in the National Assembly to make contributions regarding my experiences relating to the Section 22 Committee process.
4. I hereby record that on 14 May 2026, at approximately 13h16, I received a telephone call from a person identifying himself as Mr Vincent Mnguni Mothutkung, who stated that he was from the National Intelligence Agency and/or the State Security Agency ("SSA").
5. For purposes of identification and reference, I attach a brief profile relating to the said Mr Mnguni Mothutkung, insofar as I was able to obtain such information.
6. I must state that I cannot independently verify the identity of the caller and it remains possible that the individual may not in fact be affiliated with the National Intelligence Agency or State Security Agency. I nevertheless consider the contents of the conversation sufficiently serious to place on record and to share with the Christian community and relevant stakeholders.

BACKGROUND CONTEXT

7. I am aware that previous South African state security-related assessments and reports have, in certain instances, referred to so-called "mushrooming charismatic churches" as a potential internal security concern, and that references have reportedly been made in such assessments to the CRL Rights Commission's earlier

report into the commercialisation of religion and the abuse of people's belief systems.

8. Against that background, I considered the contents of the conversation referred to below to be particularly concerning.

#### CONTENT OF THE CONVERSATION

9. During the conversation, Mr Mnguni informed me that he was acting in his capacity as a representative of the NIA/SSA.
10. He stated that he had been tasked to investigate me following a referral by the Chairperson of the CRL Rights Commission, Ms Thoko Mkhwanazi-Xaluva.
11. According to him, the focus of the inquiry concerned how I had obtained and circulated:

11.1 the analysis of the legal opinion presented to the CRL Rights Commission Plenary on 11 February 2026 regarding the establishment of the Section 22 Committee; and

11.2 the Parliamentary legal opinion relating to the same matter,

which I had posted in the iNdonsa Yesizwe Institute WhatsApp group during the afternoon of 11 February 2026.

12. I explained to him that the documents and opinions in question were already circulating widely on various social media and communication platforms.
13. During the course of the discussion, which initially appeared confrontational but later became more cordial and professional, Mr Mnguni indicated to me that he considered it possible that State Security resources may have been improperly invoked or utilised in relation to internal disputes and disagreements surrounding the CRL Section 22 process.
14. Mr Mnguni further informed me that various Christian leaders and organisations, including FOR SA, Church Defenders, and others, had allegedly been referred to State Security structures for investigation, profiling, and/or possible surveillance.
15. He further stated that Ms Thoko Mkhwanazi-Xaluva was unhappy with the fact that the COGTA Portfolio Committee had engaged directly with members of the Christian sector regarding concerns surrounding the Section 22 process, and that this dissatisfaction had allegedly been raised with State Security structures.
16. Mr Mnguni also requested that I explain the reasons for my resignation as Chairperson of the Section 22 Committee.
17. Following this discussion, I shared with him via WhatsApp:

17.1 my public resignation statement; and

17.2 my formal resignation letter,

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both of which had already been made public on or about 15 January 2026.

18. I subsequently telephoned Mr Mnguni again after the initial conversation, during which he requested further assistance in understanding my experiences as Chairperson of the Section 22 Committee.

19. During our interactions, it appeared to me that State Security structures may already have been aware of concerns regarding:

19.1 the manner in which members of the Section 22 Committee were selected; and

19.2 allegations that certain members may have been handpicked by the Commission and/or its Chairperson.

#### CONCLUSION

20. I was deeply unsettled by this interaction.

21. My last direct interaction with state security structures was in approximately 1982, when, as a second-year student at the University of Zululand during the apartheid era, I and other fellow students were accused by apartheid security officials of inciting insubordination following Africa Day activities organised by students.

22. I am concerned that methods reminiscent of apartheid-era state security intimidation may again be emerging, this time directed toward members of the Christian community and those expressing dissenting views regarding the CRL Section 22 process.

23. Mr Mnguni expressed concern to me that the CRL Rights Commission was increasingly being perceived as disproportionately focused on Christian organisations and leaders, while not applying the same level of scrutiny to other religious, cultural, or linguistic communities.

24. I explained to him that concerns regarding what many perceive to be a disproportionate focus on Christians by the CRL had arisen particularly during the period from approximately 2015 to 2019, and again from 2025 onwards.

25. It appeared to me from the discussion that he was already aware of these concerns and that, according to what he conveyed, some persons within or associated with State Security structures were themselves uncomfortable with the apparent determination by elements within the CRL Rights Commission to focus negatively on sections of the Christian community.

26. I make this statement because I believe South Africans, and especially members of the Christian sector, should be aware of these developments and allegations, particularly where concerns exist regarding possible profiling, monitoring, or surveillance of individuals and organisations based on their religious beliefs or their opposition to perceived abuses of power.

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27. The contents of this affidavit are, to the best of my recollection and belief, a true account of the events and discussions between myself and the individual identifying himself as Mr Vincent Mnguni Mothutkung on 14 May 2026.

28. Mr Mnguni did not indicate that the engagement between the two of us as initiated by himself, was confidential, neither did I perceive it to be so, and I appreciated his openness to me.

  
DEPONENT: \_\_\_\_\_  
REV. PROF. MUSA KHULEKANI XULU

I certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at EMPANGENI on this 15 day of MAY 2026, the regulations contained in Government Notice R1258 of 21 July 1972, as amended, having been complied with.

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