



**Address by Public Protector Adv. Thuli Madonsela on the occasion of  
a media briefing on Thursday, February 07, 2013 at the Public  
Protector House in Pretoria**

**Programme Director and Public Protector South Africa Spokesperson, Ms Kgalalelo Masibi;**  
**Members of the media and guests;**  
**Deputy Public Protector, Adv. Kevin Malunga;**  
**Senior Management of the Public Protector South Africa and staff;**  
**Stakeholders of the Public Protector South Africa;**

Good morning and welcome to the first Public Protector media briefing of the 2013 calendar year, which is also the fourth for the 2012/13 financial year. We trust that you had a good start to 2013. My team and I continue to count on you to play your watchdog role while helping us in the pursuit of our promise to be accessible to and trusted by all persons and communities.

Our briefing this morning is multi-faceted. We are releasing finalised investigation reports as usual. We will also be sharing selected success stories from our Early Resolution processes, which primarily involve Alternative Dispute Resolution. We will also give you a progress report on selected on-going investigations.

We also intend to share with you the findings of a baseline survey we commissioned last year on awareness, access, trust, confidence and faith of the public and stakeholders in the Public Protector. Our response to the findings is two-fold. We are implementing measures to review our compliance with our customer service charter whilst taking into account our resource constraints. We are also doubling our communication and outreach efforts. Related to this, we are unveiling our social media sites officially today in a move seeking to optimize our outreach efforts.

As I have already indicated, my office commissioned a study with a view to ascertaining the levels of awareness, access, trust, confidence and faith in the Public Protector among members of the public and stakeholders. This was the first such survey to be commissioned by my office.

With a sample of nearly a thousand people coming from different Public Protector stakeholder groupings and detailed demographics as spread across the country, the survey was conducted by the University of Pretoria's Business Enterprise and its Department of Psychology.

Among other things, the survey revealed the following:

- Across the board, levels of awareness stand at 77 percent;
- 80 percent were aware that the Public Protector exists to promote good governance while 79 percent were aware that the Public Protector fights corruption and misconduct in state affairs;
- 78 percent were aware that the Public Protector helps protect people's rights against the state and 78 percent said we exist to promote accountability in government;
- 79 percent said the Public Protector has integrity, another 79 percent said the office is professional, 77 percent said it is accountable, 75 percent said it is fair, 74 percent said it is transparent and a further 76 percent said it is trustworthy;
- 76 percent have confidence in the Public Protector;
- 76 and 75 percent said the office lives up to its vision and mission statements respectively while 73 percent said it lives up to its service promise
- 63 percent of the sampled persons were satisfied with the manner in which their complaints were handled;

Of major concern for us were the following:

- Only 43 percent of the respondents were aware of [the location and existence of] our provincial offices;
- 65 percent were not aware of our public campaigns;
- Only 6 percent had attended our public events; and
- Only 32 percent were aware of the Good Governance Week.

As I have indicated, part of our response involves reviewing and refocusing our integrated Outreach, Education and Communication Strategy. We particularly seek to respond to the dire need of marketing our campaigns and location of our offices not only to increase accessibility but also to heighten visibility.

Among other long term goals aimed at boosting our footprint, is to relocate some of our offices, where underutilisation appears to be prevalent. This includes moving the Mabopane office in Gauteng to Germiston, where figures show that there is a need for a satellite office and relocating the Vryburg office in the North West to the Klerksdorp area. We are also in the process of opening another office in Limpopo to be located in Thohoyandou. In Limpopo, we currently have a solitary service point in Polokwane catering for the province's 5.4 million people. Also on the cards is the establishment of a fully-fledged call centre to replace the old-fashioned switchboard system currently dependent on one person. Of course, all these ambitious projects require funding.

To further reach out to other quarters of our jurisdiction, we are tapping into the social media sector. Social media is emerging as the future of mass communication. It provides a platform for unmediated communication at the scale of traditional media. While the significance of traditional media is not going to decline anytime soon, it is important to keep up with the changes in people's communication patterns.

Latest figures show that Twitter has in the region of 500 million registered users with an average visit time of 11:50 minutes. In South Africa, the *Twitterati* is made up of some 1.1 million people. Facebook, on the other hand, has approximately 850 million users worldwide, 31 percent of whom check in more than once a day. In South Africa, there are around 4.2 million Facebook users.

We aim to achieve the following:

- To be accessible to all persons and communities;
- To communicate with the public and stakeholders directly;
- To maximise opportunities presented by social media;
- To take advantage of the immediacy of social media;
- To complement traditional media and events in communicating and interacting with the public;
- To be part of the information highway;
- To have a publicity channel that the office controls; and
- To leverage media awareness to communicate Public Protector activities, including reports and functions to promote good governance and sound administration in the public sector.

Today we are specifically launching our Twitter and Facebook pages. In future, we will include the likes of YouTube all in an effort to make it easier for you and the rest of the public to access important information from the Public Protector. We believe young people and professionals will particularly benefit from our social media efforts.

***Ladies and gentlemen;***

Before I move into the investigation reports, I will hand over to the Deputy Public Protector, Adv. Kevin Malunga, to bring to your attention some of the success stories from the Early Resolution Branch, which I delegated to him shortly after his arrival as previously announced.

Early Resolution matters are resolved through Alternative Dispute Resolution and are cases that we call “bread and butter” matters. These are cases that need to be resolved with speed because complainants in such cases are often on the verge of losing their houses or sources of income unless my office steps in to help

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The reports we are releasing today focus on the main reason for my office’s existence as the ombudsman office, which is to right administrative wrongs of the state. At the core of the decisions I have made in these reports is the quest for fair and just decisions or actions of the state.

During the Good Governance Conference in 2012, Deputy Minister of Justice and Constitutional Development, Andries Nel, reminded us of the basis the founders of our constitution made for the Public Protector. In this regard, he stated the following quote from the certification judgement, a case that sought to determine the draft constitution’s compliance with the constitutional principles it was based on:

***“The independence and impartiality of the Public Protector will be vital to ensuring effective, accountable and responsible government. The Office inherently entails investigation of sensitive and potentially embarrassing affairs of government. It is our view that the provisions governing removal of the Public Protector from office do not meet the standard demanded by Constitutional Principle XXIX.”***

Deputy Minister Nel further quoted President Mandela, who said:

***“We were mindful from the very start of the importance of accountability to democracy. Our experience had made us acutely aware of the possible dangers of a government that is neither transparent nor accountable. To this end our Constitution contains several mechanisms to ensure that government will not be part of the problem; but part of the solution.***

***Public awareness and participation in maintaining efficiency in government within the context of human rights are vital to making a reality of democracy. Many South Africans can still recall a time when the face of the Public Service was hostile, and a complaint could lead to victimisation or harassment; when access to justice seemed an unrealistic dream. In the new South Africa the face of the Public Service is changing radically.***

***However, we are not yet out of the woods; much still needs to be done in terms of transformation. In this sense, therefore, our Public Protector's Office is not only a critical instrument for good governance. It also occupies a central place in the transformation of the public service by, among other means, rooting out the arrogance, secrecy and corruption so rampant during the apartheid years.”***

In our drive to operate as a purpose driven organisation, we stated last year that we deemed that our purpose is: ***“Committed to being the conscience of a State that ensures fairness and opportunity for all”***

The decisions I am about to announce are informed by this purpose. In addition they are informed by our vision, mission, core principles and values.

### ***Power to the People***

In *Power to the People* I investigated allegations of unfair treatment of a resident by the City of Cape Town. A resident of Lansdowne complained that the City had unfairly rejected her claim for compensation after an electrical power failure resulted in her appliances being damaged.

I found that the City was negligent and had failed to take appropriate measures to safeguard and maintain its Kanarieway substation, thus failing to comply with section 25 of the Electricity Regulations Act and was therefore negligent.

I found that the City's negligence constitutes maladministration. I further found that the complainant suffered prejudice due to the damage caused to her electrical appliances, including a washing machine, desktop and laptop computers, microwave oven, refrigerator, DVD player and a sound system, constituted maladministration.

As remedial action, I have directed that the City Manager takes urgent steps to verify and assess the amount of R18 407.98 claimed by the complainant and ensure that an agreement is reached and the claim is settled within 30 days from the date of this report. The City Manager must also extend a written apology to the complainant for the inconvenience caused by the delay to finalise this matter.

The City Manager is further directed to ensure that the security measures at the Kanarieway substation comply with NERSA standards and consider taking disciplinary action against any

official that could be found to have neglected their duties after having had regard to the roles and responsibilities of officials. The City Council must take steps to align section 22 of its Standard Electricity Supply By-Law with the provisions of section 25 of the Electricity Regulation Act. The City has accepted the remedial action and will implement.

### ***Looking after One's Own***

In *Looking after One's Own*, I investigated allegations of nepotism regarding the appointment of certain employees and non-compliance with the Employment Equity Plan at the Drakenstein Local Municipality in the Western Cape.

I found that the main allegations regarding improper relationships and favouritism were not substantiated by evidence except in one case. In the case of one Mr A. E. Endley my finding was that there was improper conduct in that he got involved in the practical test on his nephew, prior to the interview. This amounted to non-compliance with section 2.3 of the Municipality's Staffing Policy and Item 4 of the Code of Conduct applicable to municipal staff members found in Schedule 2 of the Municipal Systems Act, as he used his position to improperly benefit another person. The act constitutes maladministration.

The Municipality was also found to have failed to comply with its Staffing Policy, which requires it to employ proper records and document management systems during the recruitment processes. Regarding the allegation of non-compliance with the Municipality's Employment Equity Plan, I found that the municipality is not meeting the numerical goals in its Employment Equity Plan.

As remedial action, I have directed the Municipal Manager to take urgent steps to consider subjecting Mr A E Endley to an internal disciplinary process for acting in breach of the provisions of the staffing policy. The Municipal Manager should also introduce a system for all staff involved with interviews to confirm that they have knowledge of the Staffing Policy to prevent claims of ignorance at a later stage. In addition, the Municipal Manager should ensure that the Municipality's Staffing Policy is revised to address deficiencies relating to record and document management.

The Municipality has accepted the remedial action and will implement.

### ***Above the Law***

In *Above the law*, I investigated allegations of maladministration by Bloemwater involving failure to reinstate an official as recommended by its Internal Appeals Authority and failure to comply with the award of the South African Local Government Bargaining Council and the Labour Court. The award was that Bloemwater should reinstate the complainant and pay him an amount equal to a 21 months' salary.

I found that Bloemwater failed to reasonably justify its failure to comply with the SALGB award and a court order. While I had no problems with the respondent choosing to subject the award to an appeal or review, my finding is that no reasonable steps were taken to pursue such review process. This prejudiced the complainant by using time against him. I found the delay tactics of Bloemwater to constitute maladministration and further found that such maladministration had prejudiced the complainant. He was unduly kept in limbo without an income for a long time. I directed Bloemwater to reinstate the complainant and pay as directed by law.

### *Service Dates*

In *Service Dates*, I investigated a complaint from Ms M (the Complainant) regarding the incorrect data submitted on her Z102 Pensions Withdrawal Form by the Free State Department of Social Development and the Government Pensions Administration Agency (GPAA). She complained that the incorrect data resulted in the incorrect calculation of her pension benefits.

I found that the GPAA and the Department failed to correctly calculate the pension benefits due to the Complainant even after my office and the Complainant brought the incorrect calculation to their attention.

The Complainant was prejudiced by these acts of maladministration in that she did not receive her correctly calculated pension benefits with the additional benefit of one third of her pensionable service being added to her actual service in accordance with Rule 14 of the Rules of the Government Employee Pension Fund and an annuity and gratuity in terms of the Rules of the Government Employees pensions Law (GEPL).

As remedial action, I directed that the Head of the Department and the CEO of the GPAA provide the Complainant with a letter of apology for the prejudice suffered.

The Head of the Department must re-imburse the Complainant for the 240 days sick leave granted and pay the contributions to the GPAA in accordance with the GEPL.

The Head of the Department must also submit a revised Z102 withdrawal form indicating the additional service period and the withdrawal form must state that the Complainant retires in terms of Rule 14 with reference to ill-health retirement.

The CEO of the GPAA must take steps to ensure that the pension benefits of the Complainant are recalculated to include her pensionable service for the 240 days sick leave granted as well as the ill health retirement in terms of Rule 14.

The Head of the Department and the CEO of the GPAA must pay interest on the amounts payable to the Complainant which is to be calculated in accordance with the Prescribed Rate of Interest Act, 1975, calculated from the date of her last payment of pension benefits to date of payment of the correct pension benefits.

### ***In Search of Access to Justice***

*In Search of Access to Justice* is a report following a systemic investigation I launched into allegations by prison inmates, of undue delays by the Mafikeng Justice Centre in regards to the processing of appeal applications.

I found that the complainants had timeously approached the Justice Centre for legal aid with applications to appeal convictions or sentences and that the Justice Centre unduly delayed to process applications for legal aid from the complainants. I also found that the Justice Centre failed to provide regular feedback to the complaints and to allocate file reference numbers to complainants. All these amounted to maladministration, which prejudiced the complainants.

As remedial action, I directed that the Chief Executive Officer of Legal Aid South Africa takes urgent steps to ensure that LASA's undertakings as detailed in paragraph 7 of the report are undertaken. The Justice Centre Principal must ensure that files are not closed prematurely and

ensure effective and efficient record management. The Registrar of the High Court must take appropriate steps to reconstruct records in instances where tapes and compact discs are missing.

### ***They Called It Justice***

Programme Director;

*They Called it Justice* deals with my report following an investigation into maladministration in the handling of a whistle-blower matter resulting in immense prejudice suffered by the whistle-blower in the form of an occupational detriment as envisaged in the Protected Disclosures Act.

Studies show that, important as it is, auditing is not designed to uncover corruption and fraud. Most acts of corruption and fraud are uncovered through whistle-blowing.

As far back as 13 years ago, our nation's leaders recognised the critical role whistleblowing plays in alleviating corruption, particularly where state affairs are concerned. With this recognition came the Protected Disclosures Act 26 of 2000, a master stroke that solidified our country's commitment to the protection of whistle-blowers as one of the anchors of open and accountable democracy. Needless to say, the Act sought to contribute to our arsenal in the fight against corruption and fraud.

The thinking behind the Protected Disclosures Act was that whistle-blowers should be able to tip-off relevant authorities upon witnessing wrongdoing, without suffering any occupational detriment.

The preamble to the Act is telling:

***“[The act seeks to] create a culture that will facilitate the disclosure of information by employees relating to the criminal and other irregular conduct in the workplace in a responsible manner by providing comprehensive statutory guidelines for the disclosure of such information and protection against any reprisals as a result of their disclosures ... [it seeks to] promote the eradication of criminal and other irregular conduct in organisations of the state and private bodies.”***

Whistle-blowers therefore need to be seen for who they really are: heroes and patriots, who have our country's best interests at heart. This is why last year during a stakeholder dialogue in Klerksdorp, I quickly corrected a person who translated my speech into a local language as I spoke, where he referred to a whistle-blower as an *impimpi*. Referring to a whistle-blower as an *impimpi* during apartheid was understandable as *impimpis* collaborated with a state bent on committing wrongs against the majority of its people.

Just a few days ago, we learned with shock that big corporates in the multi-billion construction industry had allegedly colluded to fix contracts for big infrastructure projects such as the Gautrain and stadia built ahead of the 2010 FIFA World Cup. This, in a country where we allegedly lose R30 billion to corruption per annum.

As the head of an institutions empowered by law to receive and investigate protected disclosures under the Protected Disclosures Act, I cannot overemphasise the need for cushioning those among us who dare to lift the lid on what they generally consider to be corrupt activities.

With the kind of news stories we read week in and week out of alleged corrupt practices in both the public and private sectors, and with the kind of cases my office deals with time and again, we can only wish for increased acts of heroism and patriotism in the form of whistleblowing. Whistle-blowers should be seen as our bulwark against acts of fraud and corruption.

In the report titled, *They Called it Justice*, the complainant is one of those South Africans who dared to lift the lid on what she considered to be corruption and fraud. Ms M was employed by the Department of Justice and Constitutional Development (the Department) as an Assistant Director, working within the Finance division of the Guardian's Fund, in the office of the Master of the KwaZulu-Natal High Court, located in Pietermaritzburg, in May 2004.

She approached my office in 2010, alleging that she was victimised and harassed in the first few months of her employment after discovering that certain colleagues of hers were misappropriating funds from the Guardian's Fund. These are critical funds that the state manages on behalf of vulnerable persons, such as minors, who are legally considered as being in no position to manage their own affairs such.

The misappropriation concerned, which the complainant reported to the management of the Master's Office and the Department, included alleged payment of funds to non-existent beneficiaries; payment of funds to Tracing Agents under the pretext that the beneficiaries were untraceable; and the submission of empty envelopes to beneficiaries while the officials kept the original cheques for themselves.

According to the complainant, the Department failed to take immediate action against the officials involved in this conduct and such officials took retaliatory action against her.

By May 2006, two years into her job, Ms M suffered occupational stress due to the continued victimization and harassment, with medical practitioners recommending that she be transferred to another office of the Department. Her medical practitioner also applied for incapacity leave during the time she was hospitalised, leading to an investigation by the Department into her illness.

During the Department's investigation, between 2007 and 2008, the complainant was referred for assessment to at least three medical practitioners. The department later terminated her salary (March 2010) before referring her to a clinical psychologist for evaluation (June 2010).

On completion of her consultation with the clinical psychologist, the complainant was allegedly informed by the Department's Human Resources division that she had been dismissed, and that there was nothing she could do to reverse the dismissal.

Initially, my office elected to resolve this matter by way of Alternative Dispute Resolution as envisaged in section 6(4) (b) of the Public Protector Act 23 of 1994. We also sought advice from the Public Service Commission. During that process, the Department concurred that the complainant's dismissal was not in line with the Public Service Act, the Regulations, the Labour Relations Act and the Policy on Procedure on Incapacity Leave and Ill-Health Retirement.

Following this, an undertaking by the Department was made to reinstate the complainant with effect from 1 March 2010, and upon reinstatement, the complainant was to be transferred to another office, preferably closer to her place of residence. The Department further undertook to ensure that the complainant would be referred for counselling through its own employee

wellness programme.

In an email, the Department informed the complainant about the settlement. We had hardly closed this chapter (April 2011) when the complainant came knocking on our door again, alleging that the Department had failed to implement the terms of the settlement and that she was subjected to further harassment by officials.

It should be noted that I had raised this matter on several occasions with the Minister of Justice and Constitutional Development, and the Director-General, where undertakings were made to resolve the matter. The leadership of the Department had always been sympathetic when this matter was raised formally and informally. The Director-General, Ms Sindane, and I often refer to an informal positive meeting we had on this matter in the ladies' room at the Treasury where we had come to motivate for additional funds for our offices.

In her second complaint, the complainant further alleged that as a result of the failure by the Department to implement the agreement, she had suffered enormous prejudice, including foreclosure on her house, exacerbated health problems and cancellation of her medical aid. In addition, her children had allegedly been traumatised by this ordeal. At that stage her lights and water were switched off and we intervened to ask for more time.

When the ADR process fell through, I proceeded to investigate the matter conclusively and to prepare a draft provisional report.

Efforts aimed at salvaging the conciliation process continued on the side. As part of this my team and I met the with the Minister in September 2012. The case of Ms M was one of the matters under discussion. The Minister's attitude was positive and he undertook to facilitate a conclusive departmental deliberation on the matter. I undertook to furnish him with a document indicating my reasoning on the matter. A draft provisional report was subsequently provided to him to discuss with his team.

The response came from the Director-General and it was not the expected positive response. I was forced to proceed to prepare a full provisional report and submit it to the Minister and Director-General. This too elicited a negative response from the Department.

I was pleasantly surprised when on 30 January 2013 we received a letter from the Director-General advising that she had reconsidered the findings of the Public Protector's Provisional Report and that the Department would take the necessary steps to re-instate the Complainant with effect from 1 March 2013.

A re-integration plan regarding the Complainant's re-integration into the Department was submitted on 4 February 2013, indicating the terms of reintegration. This includes options that incorporate the Master of the High Court. I further had a brief telephonic discussion with the Director-General to clarify this, particularly the issue of payment of salary owed from the date on which it was stopped. I was satisfied with her undertaking.

While I welcomed the willingness of the Director-General to co-operate in this manner to bring an end to the plight suffered by the complainant, I have proceeded to make the following findings:

(a) The complainant made a protected disclosure as defined in section 1 of the Protected Disclosures Act on 28 May 2004.

(b) The Department's management failed to protect the complainant against victimization from her superiors and fellow employees, by ignoring the issues reported by the complainant and failing to take action against employees implicated. As a result, the complainant has suffered an occupational detriment as defined in section 1 of the Protected Disclosures Act.

(c) The Department's initial refusal to transfer the complainant to another office constitutes further "occupational detriment" as defined in section 1 of the Protected Disclosures Act.

(d) The Department's management failed to comply with the sections 2 and 3 of the Protected Disclosures Act which required it to protect the complainant against an occupational detriment. This non-compliance amounts maladministration.

(e) The termination of the complainant's salary by the Department and her subsequent dismissal while she was in consultation with medical practitioners appointed by the Department contravenes item 10(1) of Schedule 8 to the Labour Relations Act and the Policy and procedure on Incapacity Leave and Ill-health Retirement (PILIR).

(f) The complainant's dismissal amounts to an automatically unfair dismissal as stipulated in section 4(1) of the Protected Disclosures Act and section 187 of the Labour Relations Act.

(g) In its dismissal of the complainant, the Department failed to comply with section 17(1) of Public Service Act, which requires that termination of service or dismissal should be in accordance with the Labour Relations Act.

(h) Failure by the then Director-General to ensure that the provisions of section 17(1) of the Public Service Act were followed prior to and when the complainant's contract was terminated, amounts to non-compliance with the Public Service Act, the Labour Relations Act, the Protected Disclosures Act and PILIR and thus amounts to maladministration.

(i) The Director General failed to ensure that the terms of the settlement agreement entered into with the Public Protector were implemented, and this amounts to a violation of section 181(3) of the Constitution and the Public Protector Act.

(j) As a result of maladministration by the Department, the complainant suffered enormous prejudice, including foreclosure on her house, exacerbated health problems and cancellation of her medical aid. Her children have also been traumatised by the situation. The treatment received by the complainant was not in line with the value of human dignity as provided for in the Constitution.

My decision on remedial action takes into account the remedial action package offered by the Department on 30 January 2013. The remedial action required is that:

(a) The Minister and the Director-General of the Department must take urgent steps to ensure that the following undertaking made by the Department to re-integrate the Complainant is implemented within 30 days from the date of this report:

(aa) Subject to negotiations with the Complainant, explore the following placement options based on her skills:

- i. Option A : Re-instatement to the Masters Office in Bisho
- ii. Option B : Re-instatement to State Attorney in Bisho
- iii. Option C: re-instatement to the Regional Office in East London

(bb) Re-instate the Complainant with her full salary and benefits as is her entitlement by operation of the law which includes her salary being backdated to 01 March 2010 and paid with interest as provided for by the Prescribed Interest Rate Act 55 of 1975.

(cc) Upon the Complainant's re-instatement on 1 March 2013:

- i. Negotiate the terms and conditions of her re-integration with her with regard to the three placement options above;
- ii. Provide her with an orientation programme;
- iii. Provide Organisational development and EAP diagnostics of the agreed environment (for readiness purposes) and individual readiness. Support provided throughout the various stages of her re-integration in to the Department. This support is not limited to but it is inclusive of change management, counselling, training and development;
- iv. Her progress throughout the re-integration will be subject to continuous monitoring and evaluation; and
- v. A mentor and confidante will be provided to the complainant to ensure that she has a channel to communicate her needs in an environment that she feels secure. A mentor, who will be a Departmental official, will be provided to guide her assimilation into the division that she will be placed.

(b) In addition to the above undertaking made by the Department, the Minister and the Director-General must take urgent steps to ensure that:

(aa) A letter of apology is submitted to the Complainant to apologise for the maladministration referred to above;

(bb) In line with the provisions of section 16A(2) of the Public Service Act, immediately take appropriate disciplinary steps against employees who failed to comply with the provisions of the Public Service Act;

(cc) The Department appropriately deals with the allegations of corruption within the Guardian's Fund that were raised by the Complainant, with a view to ensuring that there is proper financial management in the offices of the Master KZN of the High Court and how to prevent a re-occurrence; and

(dd) The Public Protector and Parliament are furnished with a detailed report on steps taken by the Department to address corruption and maladministration in the offices of the Master of the High Court of South Africa.

(c) The Minister of Justice and Constitutional Development is to engage with the Minister of Public Service and Administration in order to determine the feasibility of the Complainant's transfer to another department or organ of state should the Complainant not be satisfied with the re-instatement options offered to her.

I thank the leadership of the Department for the courage to do the right thing. Good leaders are not necessarily those that get things right the first time. What matters is what you do when you discover that you made a mistake. I believe that the strength of our democracy will be tested by, among other things, the extent to which those with a tight grip on the levers of power are prepared to go to protect those who draw our attention to the shortcomings and imperfections of

the power holders.

The report initially went under the title *They Call it Justice*. It was meant to spark dialogue on the Department's perspective on justice versus my perspective on justice. We were saying the Department called it justice while my team called it maladministration. We were therefore posing the question: What do you call it?

The wisdom of the leadership of the Department of Justice and Constitutional Development arrested that dialogue hence the new title is *They Called it Justice*. I hope the case provides lessons on dealing with whistle-blowers not only for the Department of Justice and Constitutional Development but for the nation as a whole, including public and private sectors.

Also included in the documents you will receive today, is a report progress on current investigations.

I invite members of the media to continue working with us to continue to facilitate dialogue on good governance. It is important that we all play our respective roles in ensuring that ours is a state that is accountable, operates with integrity and is responsive to the needs of its people.

Thank you.

**Adv. Thuli Madonsela**

**Public Protector of South Africa**