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08 July 2016

Honourable Dr Makhosi Busisiwe Khoza

Member of Parliament and Chairperson of the Ad Hoc Committee on Appointment of Public Protector

Per email: mkhoza@parliament.gov.za

And to: Members of the Ad Hoc Committee on Appointment of Public Protector

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Vhonani Ramaano

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Public submissions on nominated/applied candidates

Dear Honourable Dr Khoza

1. Please find attached the results of the high level vetting exercise of the 62 nominations/applications received for the position of public protector. This vetting exercise was conducted by Corruption Watch and the Democratic Governance and Rights Unit.

2. Please note that for the purposes of this exercise we have not attempted to verify the candidates' educational qualifications. We have solely relied upon their CVs issued on Parliament's website, as well as information in the public domain.
3. We have outlined whether or not candidates meet the minimum requirements for position of public protector, as stipulated in the Public Protector Act, by examining the candidates' various qualifications and work experience. This, however, will have to be verified and further investigated by the Ad Hoc Committee through Parliament's own vetting processes.
4. We trust that this information will assist the Ad Hoc Committee in its deliberations when shortlisting.
5. If you would like to meet with us to further discuss our campaign and any aspect of this correspondence, please indicate your availability and we will attend to all the necessary meeting arrangements.

Yours faithfully

David Lewis

Executive Director of Corruption Watch

[Unsigned due to electronic transmission]

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ASHOOK KIRPAL

Executive summary: Kirpal has run his own firm of attorneys in Pretoria for much of the past twenty years. He has previously been a law clerk and a financial consultant. He was briefly employed by arms manufacturer, Denel, as the acting head of their Forensic Management Unit. However, this stint ended under contested circumstances.

Present employment:	Attorney- Kirpal Attorneys (2005-date)
Qualifications	<ul style="list-style-type: none"> • Diploma in Financial Management- Damelin (1988) • Certificate in Income Tax- Southern (1991) • B. Proc- University of Durban Westville (1991)
Previous employment	<ul style="list-style-type: none"> • Law Clerk at Kissoon, Singh and Company (1980-1992) • Financial Consultant at Southern Life Insurance (1990-1992) • Candidate Attorney at Singh and Singh Attorneys (1992-1995) • Attorney at Kirpal Attorneys (1995-2005) • Head: Forensic Management Unit (Acting) at Denel (July 2005-December 2005)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Pertinent professional conduct	<p><u>Court told Denel executives involved in fraud cover up¹</u></p> <p>Allegations of conspiracy to cover up alleged fraud and corruption by the senior management of Denel, the defence parastatal,</p>

¹ http://www.armsdeal-vpo.co.za/articles07/denel_execs.html

	<p>and external professional practitioners surfaced in the Pretoria high court yesterday.</p> <p>A report on the alleged fraud and corruption was sent to public enterprise minister Alec Erwin, said Wil Dreyer, counsel for Ashook Kirpal, the acting head of the Denel forensic management unit until his suspension on February 3 on alleged sexual harassment charges.</p>
Pertinent personal conduct	No available information.
Known political affiliation	No available information
Nominated/applied	Nominated by Elaine Moonsamy, Deputy Director of Public Prosecutions, Mpumalanga.

AUDREY MPOFU

Executive summary: Audrey Mpofo is currently serving as a Magistrate at the Soweto Magistrates Court. She obtained a B Juris, LLB and Masters in Development Law from the University of the North respectively. The bulk of Mpofo’s career has been spent as a magistrate in the Soweto and Giyani magistrates’ courts where is often involved in criminal matters of a sensitive nature.

Present employment:	<ul style="list-style-type: none"> Regional Court Magistrate- Soweto Magistrate’s Court (2002- Date)
Qualifications	<ul style="list-style-type: none"> B. Juris- University of the North (1988) LLB- University of the North (1997) Masters in Developmental Law- University of the North in Collaboration with the University of Potchefstroom (2002)
Previous employment	<ul style="list-style-type: none"> Magistrate- Giyani Magistrate’s Court (1993-2002). Control Prosecutor- Department of Justice (1988-1993).
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Public and other service	No available information.
Pertinent professional conduct	<p><u>Life Sentence for teacher Who Raped Boy</u>²</p> <p><i>Magistrate Audrey Mpofo found in the Protea Magistrate’s Court in Soweto on Tuesday that there was no reason for her to give the 46-year-old teacher a lesser sentence than the prescribed minimum of life for the rape of a child younger than 16.</i></p> <p><u>Magistrate explains bail to angry community</u>³</p>

² <http://www.heraldlive.co.za/life-sentence-teacher-raped-boy/>

³ <http://www.iol.co.za/news/crime-courts/magistrate-explains-bail-to-angry-community-1888980>

	<p><i>“The community can’t be screaming from the sidelines. Bail is not punishment, but assurance of court attendance. It doesn’t mean the accused is discharged from the matter,”</i></p> <p><i>magistrate Audrey Mpofu explained on Tuesday</i></p> <p><u>Women Cleared of Rape</u>⁴</p> <p><i>On Thursday, magistrate Audrey Mpofu found both women not guilty on all charges because the boy who was allegedly raped had difficulty answering questions during cross-examination.</i></p> <p><u>Cop charged with bribery granted bail</u>⁵</p> <p><i>“It is alleged that after stopping the man driving the bakkie and demanding R6 000, the two took him to the Lenasia police station.”</i></p>
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	Mpofu was nominated for the position of public protector by Khethiwe Marais, who runs Masihlangane Communications- a Johannesburg based translation services company.

⁴ <https://www.enca.com/south-africa/women-cleared-rape>

⁵ <http://www.security.co.za/fullStory.asp?NewsId=18313>

BERNARD AGULHAS

Executive summary: Agulhas is a chartered accountant and the CEO of the Independent Regulatory Board of Auditors. He holds a B.Com degree from Rhodes University and is a member of the South African Institute of Chartered Accountants. Agulhas was previously employed as the centre manager in charge of research development and technical support services at the Auditor-General of South Africa and was the director of the entrepreneurial advice division for Coopers and Lybrand.

Present employment:	<ul style="list-style-type: none"> • Chief Executive Officer- Independent Regulatory Board for Auditors (2008-date)
Qualifications	<ul style="list-style-type: none"> • B. Com- Rhodes University • Certificate, Theory of Accountancy- UNISA • Member- South African Institute of Chartered Accountants.
Previous employment	<ul style="list-style-type: none"> • Director: Auditing Standards, Independent Regulatory Board for Auditors (June 2003 - May 2008) • Technical Advisor-International Federation of Accountants, South Africa. (2003 – 2006) • Project Director, Technical- South African Institute of Chartered Accountants. (July 2001 - May 2003) • Centre Manager: Research and Development, Technical Support Services- Auditor-General of South Africa (May 1998 - June 2001) • Director- Entrepreneurial Advice Division, Coopers & Lybrand. (February 1987 - April 1998)

Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Pertinent professional conduct	<p><u>New programme offers hope for change in auditing industry</u></p> <p><i>“CEO of the IRBA Bernard Agulhas said “transformation in the profession has been slower than we would have hoped” although progress had been made over the past 20 years.”⁶</i></p> <p><u>White collar criminals still get off scot free⁷</u></p> <p><i>“Auditors are doing “an excellent job” of reporting white-collar crime, but the authorities “don’t do anything about it”, says the CEO of the Independent Regulatory Board for Auditors, Bernard Agulhas</i></p> <p><u>Auditor Body points to liability regime⁸</u></p> <p><i>“We protect the interest of the public against auditors. We regulate auditors. If members of the public have a complaint against an auditor, they can report the auditor to us, we’ll investigate and we’ll take action against said auditor.”</i></p>
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	

⁶<http://www.bdlive.co.za/business/financial/2015/04/01/new-programme-offers-hope-for-change-in-auditing-industry>

⁷<http://www.timeslive.co.za/sundaytimes/businesstimes/2015/09/13/White-collar-criminals-still-get-off-scot-free>

⁸<http://www.iol.co.za/business/news/auditor-body-points-to-liability-regime-1834054>

Boiki-John Tamako

Executive summary: Tamako currently serves as the Regional Supervisory Attorney for Legal Aid South Africa. He holds a B Proc Degree from the University of Free State (2000) and was admitted as an Attorney of the High Court in 2001. Tamako also obtained the right of Appearance in the High Court of South Africa in 2007. Tamako has been practicing in the legal profession since 1998.

Present employment:	Regional Supervisory Attorney at Legal Aid South Africa (2007-date)
Qualifications	<ul style="list-style-type: none"> • B.Proc- University of the Free State (2000) • Attorney- High Court of the Republic of South Africa (2001)
Previous employment	<ul style="list-style-type: none"> • Partner at Lengau Tamako Attorneys (2007) • Professional Assistant at MJD Sizephe Attorneys (2005 -2007) • Professional Assistant at Matsepes Incorporated (2000 – 2005) • Candidate Attorney at Symington & De Kok Attorneys (1998-2000)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Pertinent professional conduct	No information available.
Pertinent personal conduct	<ul style="list-style-type: none"> • Appointed as Director at OBMT Enterprise (PTY) LTD in May 2016
Known political affiliation	No Information available.
Nominated/applied	No cover letter available, presumed to have applied himself.

BOITUMELO MMUSINYANE

Executive summary: MMusinyane is an academic based at the University of South Africa, and has been for close to ten years. His areas of expertise are Land and housing law, the law of persons and private law. He has previously worked for the Office of the Public Protector as an investigator in the North West Province and has published extensively in his academic capacity.

Present employment:	Senior Lecturer- UNISA
Qualifications	<ul style="list-style-type: none"> • LLB- Vista University (2002) • LLM- University of Pretoria (2003) • LLD- UNISA (2015)
Previous employment	<ul style="list-style-type: none"> • Assistant Director of the Liquor Compliance Unit at the Gauteng Department of Economic Development (2005-2007) • Investigator- Office of the Public Protector, North-West Province (2004-2005)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Public and other service	<ul style="list-style-type: none"> • Part-time commissioner, Broadcasting Complaints Commission of South Africa (2012-2016)
Pertinent professional conduct	<p>AN ANALYSIS OF THE GAPS IN THE NEWLY ESTABLISHED SOUTH AFRICAN MILITARY OMBUD⁹</p> <p>The South African Department of Defence and Military Veterans can be commended for having taken a bold step in an endeavour to establish an independent entity capable of conducting</p>

⁹ <http://scientiamilitaria.journals.ac.za/pub/article/view/1054>

	oversight of its military through the introduction of the Military Ombud Act
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	Applied himself.

BONGANI CHRISTOPHER MAJOLA

Executive summary: Professor Majola is an Advocate of the High Court and former member of the Johannesburg Bar Council. He obtained a Masters of Law degree from Harvard Law School in 1988 and has previous experience as the National Director for the Legal Resources Centre. He occupied the post of Dean of the Law Faculty at the University of Limpopo. Majola was appointed as the deputy chief prosecutor at the United Nations International Criminal Tribunal for Rwanda (UNICTR) in 2003 and was subsequently promoted to Assistant Secretary General of the UN and Registrar of the UNICTR in 2013. Majola was nominated for the position of Public Protector in 2002, but declined the nomination.

Present employment:	Advocate of the High Court of the Republic of South Africa.
Qualifications	<ul style="list-style-type: none"> • LLM (Masters of Law) degree – Harvard Law School (1988) • LLB (Bachelor of Law) degree – University of Zululand (1982) • B Juris (Bachelor of Law) degree – University of Zululand (1980) • Public Service Senior Law Certificate – University of Zululand (1977) • Public Service Law Diploma – University of Zululand (1975)
Previous employment	<ul style="list-style-type: none"> • Assistant Secretary-General of the UN and the Registrar of the UN International Criminal Tribunal for Rwanda (UNICTR) (2013 – 2015) • Deputy Chief Prosecutor UNICTR (2003-2012) • National Director for Legal Resources Centre (1996-2003) • Professor and Dean of the Law Faculty at the University of Limpopo (1989-1996)

	<ul style="list-style-type: none"> • Senior Lecturer and then Associate Professor of Law (1982-1988) • District Court Magistrate – Madadeni District (1977-1979) • Public Prosecutor – Madadeni District (1975-1977) • Administrative Clerk and Clerk at the Magistrates Court – Madadeni District (1971-1974)
<p>Does the candidate possess the formal qualifications and experience required by the Public Protector Act?</p>	<p>Yes.</p>
<p>Pertinent professional conduct</p>	<p><u>Filling Bagwa's big shoes</u>¹⁰</p> <p><i>“MPs have re-opened the process of finding a suitable successor for Public Protector Selby Baqwa, after only seven nominations were received for the key post. Other contenders include the national director of the legal resources centre, Professor Bongani Christopher Majola; Vista University’s Dean of Law, John Baloro; the University of the Transkei’s Dean of Law Mzambo Gumbi; and senior advocate Ferdinand Gustav Preller.”</i></p> <p><u>Acquitted of Rwanda genocide, now left in legal limbo</u>¹¹</p> <p><i>“Initially convicted for inciting mass killings -- at least 800,000 mainly ethnic Tutsis were slaughtered in just 100 days -- he was acquitted on appeal in 2013, theoretically left a free man but in reality a virtual prisoner with nowhere to go. ICTR registrar Bongani Majola explained that no country wants to take them in, leaving</i></p>

¹⁰ <http://mg.co.za/article/2002-01-01-filling-baqwas-big-shoes>

¹¹ <http://www.dailymail.co.uk/wires/afp/article-2879322/Acquitted-Rwanda-genocide-left-legal-limbo.html>

	<p><i>the court -- which is in the process of wrapping up its last cases and closing its doors -- with a final logistical headache.</i></p> <p><u>ICTR Deputy Prosecutor Takes Office¹²</u></p> <p><i>“The Prosecutor of the International Criminal Tribunal for Rwanda (ICTR), Ms Carla Del Ponte, has announced that the Secretary General has appointed Mr. Bongani Christopher Majola of South Africa as Deputy Prosecutor for the ICTR. Mr Majola arrived in Arusha yesterday and will take up his duties immediately.”</i></p> <p><u>Chapter titled <i>Cumulative Charges under International Criminal Law</i>, in the book, <i>Promoting Accountability under International Law for Gross Violations</i></u></p>
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	No available information- presumed to have applied himself.

¹² <http://unictr.unmict.org/en/news/ictr-deputy-prosecutor-takes-office>

BURT LAING

Executive summary: Laing is an attorney and conveyancer with a number of years' experience in the management of his own practice. He has also been on the executive committee of the Black Lawyers Association. He has been an acting judge on the Kwazulu Natal High Court, Durban.

Present employment:	Attorney- Laing and Associates (1997-date)
Qualifications	<ul style="list-style-type: none"> • BA- University of Natal (1980) • LLB- University of Natal (1982)
Previous employment	<ul style="list-style-type: none"> • Attorney- Farouk, Vahed and Company (1985) • Partner- Laing, Frank and MacDonald (1986-1997) • Acting judge - KwaZulu-Natal High Court, Durban. (2015-2016)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Public and other service	<ul style="list-style-type: none"> • Exco member- Black Lawyers Association (2013-2016) • Director of Bethel Men (2014-date)
Pertinent professional conduct	<p><u>Involvement in the high profile murder trial of Nicole Lotter:</u>¹³</p> <p>“On Monday she sang religious songs and prayed with her new attorney, Bert Laing, while she consulted with him in the cells at the Durban High Court.</p> <p>But on Wednesday - in the public glare - murder accused Nicolette Lotter, 28, turned on Laing, accusing him of wanting her to lie about “demons” and of being friends with KwaZulu-Natal Deputy Judge President Chiman Patel, who is to oversee the trial in which she and her</p>

¹³ <http://www.iol.co.za/news/crime-courts/lotter-sacks-lawyer-1043081> and <https://witsjusticeproject.files.wordpress.com/2011/04/mystery-over-pupils-death-in-cell.pdf>

	brother, Hardus, 23, are accused of killing their parents.
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	No available information.

Busisiwe Mkhwebane

Executive summary: Mkhwebane is currently the Director of the Country Information and Cooperation Management Unit for the Department of Home Affairs. She obtained a B Proc and LLB from the University of the North and a Diploma in Corporate Law and a Higher Diploma in Tax Law from the University of Johannesburg. Mkhwebane is an advocate of the High Court and previously worked in the Office of the Public Protector for a period of seven years during which time she was mainly a senior investigator but ultimately rose to the position of acting provincial head. In her other positions she has largely focussed on immigration issues having worked for the Department of Home Affairs and the South African Embassy in China in senior positions.

Present employment:	<u>Current Position</u> : Director: Deputy Country Information and Cooperation Management- Department of Home Affairs (2014-date)
Qualifications	<ul style="list-style-type: none"> • B.Proc- University of the North • LLB- University of the North • Diploma in Corporate Law- University of Johannesburg • Higher Diploma in Tax Law- University of Johannesburg • Advocate- High Court of the Republic of South Africa
Previous employment	<ul style="list-style-type: none"> • Director of Refugee Affairs at the South African Embassy in the Republic of China (2010-2014) • Acting Chief Director Asylum Seeker Management at the Department of Home Affairs (2009-2010) • Senior Investigator at the Office of the Public Protector (1999-2005) • Senior Researcher at the South African Human Rights Commission (1998-1999) • Legal Administrative Officer at the Department of Justice (1994-1996)

<p>Does the candidate possess the formal qualifications and experience required by the Public Protector Act?</p>	<p>Yes.</p>
<p>Pertinent professional conduct</p>	<p>Foreigners are Abusing Asylum Permit¹⁴ <i>"The challenge in South Africa is that the asylum permit is abused by economic migrants. This permit is not a work permit but is a temporary one while awaiting the final decision to determine whether you are a refugee or not."</i></p> <p>Foreigners with Skills to be Fast Tracked¹⁵ <i>"South Africa needs more skills, and because migrants need work permits and then have to apply for permanent residence, long delays are caused. We are now looking at amending the acts to grant immediate permanent residence to those with scarce skills."</i></p> <p>Despite the attacks, they still come¹⁶ <i>"At the forum, Home Affairs director of refugee affairs Busisiwe Mkhwebane-Tshehla said the department didn't know about the facility (the Musina refugee detention centre, which had been accused of having inhumane conditions and multiple human rights violations). A day later, Director-General Mavuso Msimang released a statement confirming Home Affairs' association with the centre."</i></p>

¹⁴ <http://dailyguideafrica.com/news24-com-13-shortlisted-for-iec-part-time-commissioner/>

¹⁵ <http://www.iol.co.za/news/south-africa/foreigners-with-skills-to-be-fast-tracked-460693/>

¹⁶ <http://www.cormsa.org.za/wpcontent/uploads/Media/Despite%20the%20attacks,%20they%20still%20come.pdf>

	<p>Refugee Director Promises Probe¹⁷</p> <p><i>“She [Mkhwebane] strongly attacked officials who only asked Zimbabwean asylum seekers for passports, while others were being served without any form of identity.”</i></p>
Pertinent personal conduct	No information available.
Known political affiliation	No information available.
Nominated/applied	No information available, presumed to have nominated herself.

¹⁷ <http://www.thezimbabwean.co/2006/02/refugee-director-promises-probe/>

DALI MPOFU

Executive summary: Mpofu is a senior advocate. He obtained a B Proc and LLB from the University of Witwatersrand. He is the vice-chairperson of the Johannesburg Bar Council and is the Secretary General for Advocates for Transformation. He previously served as the Group CEO of the SABC and the Group Executive Director of Altron. He had a problematic tenure at the SABC and was accused of politicising the board members and received multiple multi-million rand bailouts from treasury during his term in office.

<p>Present employment:</p>	<ul style="list-style-type: none"> • Advocate- High Court of the Republic of South Africa • Chairperson- Economic Freedom Fighters
<p>Qualifications</p>	<ul style="list-style-type: none"> • LLB: Wits University (1992) • B Proc: Wits University (1988)
<p>Previous employment</p>	<p>Law</p> <ul style="list-style-type: none"> • 1987: Registered articles of clerkship at Kathleen Satchwell Attorneys, Johannesburg. • 1990: Admitted as an attorney. • Admitted as an advocate in 1993, resigned in 2000 to join the private sector, returned to the bar in 2009. • Acting Judge, Labour Court (2000) • Became senior counsel in 2014 (recommended in 2012 by Johannesburg Bar). <p>Has also held numerous leadership positions within the profession:</p> <ul style="list-style-type: none"> • 2015: Elected Vice Chairperson of the Johannesburg Bar Council • 2013-14 Elected Chairperson: Advocates for Transformation

	<ul style="list-style-type: none"> • 2014 Elected Chairperson of the Johannesburg Bar Council / Society of Advocates • 2012-2013 Appointed by General Council of the Bar: Deputy Chair of the National Advocacy Training Committee • 2011 to date: Johannesburg Secretary General, Advocates for Transformation. <p>Business:</p> <ul style="list-style-type: none"> • 2005 – 2009: Group CEO: SABC • 2000-2005 Group Executive Director: Altron Group of Companies; Board Member: Altech, Powertech; Bytes Technology Group (listed companies); Chair of Board: Rentech (Pty) Limited (unlisted) <p>Other:</p> <ul style="list-style-type: none"> • 2015: Appointed Chairperson of Wits University Insourcing Task Team • 2006 Appointed by Kofi Anan to chair the International Board of Global Media Aids Initiative (GMAI) • 1999 Elected first Chair of National Anti-Corruption Forum (NACF), made up of Government Ministers, Business, Labour and Civil Society representatives to combat corruption in SA
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<p>Does the candidate possess the formal qualifications and experience required by the Public Protector Act?</p>	<p>Yes.</p>
<p>Pertinent professional conduct</p>	<p><u>SABC Controversies</u></p> <p><i>When Dali Mpofu was the CEO of the SABC he was accused of politicizing the board of directors as well as the corporation (SABC) itself. During his tenure, the SABC was bailed out by the South African national government on numerous occasions. It has been reported that in 2006-2007 the SABC bailout was R119 million, in 2007-2008 it was R132 million and in his final year the bailout had multiplied more than five times to that of the previous year to R780 million.¹⁸</i></p> <p><i>While CEO and amid this financial turmoil, the SABC paid R123, 000 for a cover story on Leadership Magazine which featured his portrait on the magazine's cover page.¹⁹</i></p> <p><i>In 2006 when Snuki Zikalala was head of news at the SABC, the corporation was accused of created a blacklist which sought to side-line certain political commentators and prevent them from commenting on certain news items.²⁰</i></p> <p><i>Dali Mpofu sanctioned a commission of inquiry which was shrouded in mystery. In 2012 the Freedom of Expression Institute withdrew its case after a court case to have the matter heard by the Independent Communications Authority of South Africa (ICASA).</i></p>

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

Following his dismissal, Dali Mpofu pursued a financial compensation case against the SABC where he was seeking a R16 million settlement. Ultimately he was reportedly paid R13.4 million including what was due to him, legal costs and restraint of trade among other things.²¹

Marikana Massacre and The Farlam Commission of Inquiry

Was reported to have charged R15,000 per day to represent the injured miners, and in July 2013 had to withdraw after the funds ran out and the miners could no longer afford representation. His withdrawal was also after the South African government resisted paying private lawyers to represent the injured miners. His withdrawal led to accusations of seeking public attention by charging exorbitant fees, although he was defended, and it was claimed that the representatives of the police had charged R30,000 per day, twice what he was charging the miners.

Departure from the ANC and Joining the EFF

In November 2013 Dali Mpofu submitted a letter of resignation to the ANC. He cited disillusionment with the ANC as the reason for his departure, saying the ANC was not the vehicle to deliver the economic freedom ordinary South Africans needed to improve their lives. He was later quoted saying: "The path we are going to follow between now and 2030 is in my view

²¹ Ibid

	<i>the wrong prescription. So I don't think we have to wait until 2031 to say this was not the correct prescription. By then the patient we are dealing with may be dead".²²</i>
Pertinent personal conduct	<u>Winnie Madikizela-Mandela</u> <i>In 1992, while Mpofu was Winnie Madikizela-Mandela's deputy in the ANC Social Development Department, the pair were accused of embezzling money from the department's account. Dismissed from the position in May 1992 in light of the allegations.</i>
Known political affiliation	Economic Freedom Fighters (National Chairperson) Previously ANC from 1980 - 2013
Nominated/applied	No information available, presumed to have applied himself.

²² <http://www.incwajana.com/dali-mpofu/>

KHUNOANA HARRY TSWAGO

Executive summary: Tswago is the Director of Tswago Inc. Attorneys. He obtained his B Proc and LLB degrees from the University of South Africa and holds a Certificate in Commercial law from the Law Society of Ireland and Bar Council of Ireland in cooperation with Law Society of South Africa. He is an admitted attorney of the High Court of South Africa, with the right of appearance in the High Court.

Current employment	<ul style="list-style-type: none"> • Director at Tswago Inc. Attorneys since 2009 • Instructor at the Law Society of South Africa since 2012 • Teaching Assistant in law at UNISA since 2012
Qualifications	<ul style="list-style-type: none"> • B Proc degree – University of Pretoria (2002) • LLB degree – UNISA (2007) • Diploma in Legal Practice Management with the Law Society of South Africa • Admitted as an attorney of the High Court in 2008 • Training programme in commercial law with the Law Society of South Africa • Certificate in commercial law practices with the Black Lawyers Association (2011) • Training programme in mergers and acquisitions (2012)
Previous employment	<ul style="list-style-type: none"> • Attorney at UNISA Law Clinic (2008-2009) • Legal advisor at NEHAWU (2002-2007) • Administration officer at UNISA (1996-2007)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information

Nominated/applied	No available information
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HISHAAM MOHAMMED

Executive summary: Mohamed is currently the Provincial Head of the Western Cape Department of Justice. He obtained B Juris and LLB degrees, as well as a Masters in Public Administration from the University of Western Cape. Mohamed has a Senior Executive Management Certificate from Harvard Business School. Mohammed has been in the Western Cape Department of Justice for close to 20 years and previously served on the Liquor Board as a National Trainer.

Present employment:	Provincial Head: Western Cape Department of Justice (1997-Present)
Qualifications	<ul style="list-style-type: none"> • B. Juris- University of the Western Cape (1990) • LLB- University of the Western Cape (1993) • Senior Executive Management (Certificate)- Harvard Business School • Masters in Public Administration- University of the Western Cape (2003)
Previous employment	Family advocate at the Office of the Family Advocate (1995-1997): National Trainer at the Liquor Board (1996): Public Prosecutor at the National Prosecuting Authority (1992-1994)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Pertinent professional conduct	http://www.saflii.org/za/journals/DEREBUS/2013/136.pdf <i>“Western Cape regional head of the Justice Department, advocate Hishaam Mohamed who also manages sheriff appointments, told De Rebus that the newly appointed sheriffs reflect the demographics of the country in respect of race and gender. Of the 71 appointed sheriffs, there are 47 Africans, representing 66%; 11 whites, representing 16%; 6 coloureds, representing 8% and 7 Indians, representing 10%”</i>

	<p><u>Hishaam Mohammed Shouldn't be on ANC Western Cape Task Team²³</u></p> <p><i>"The DA expressed its disapproval at the fact that the ANC asked Adv Hishaam Mohamed, Western Cape regional head of the Department of Justice and Constitutional Development, to serve on an internal party political task team appointed to investigate the disruption of a memorial lecture delivered by President Zuma in Cape Town. It is equally unacceptable that Adv Mohamed accepted this deployment.</i></p>
Pertinent personal conduct	No available information.
Known political affiliation	<p>Affiliations to African National Congress:</p> <p>Evident from Facebook Page (https://www.facebook.com/hishaam.mohamed.904)</p>
Nominated/applied	No available information.

²³ <http://www.politicsweb.co.za/news-and-analysis/hishaam-mohamed-shouldnt-be-on-anc-wcape-task-team?sn=Marketingweb+detail>

JANINE KIM MYBURGH

Executive summary: Myburgh is currently the managing director of her own law firm, Myburgh Attorneys. She holds a B Proc from the University of Port Elizabeth and was admitted as an attorney of the High Court in 1993. Myburgh previously served as the deputy president of the Chamber of Commerce and Industry and is currently the president and chairperson of the Cape Chamber of Commerce and Industry.

Present employment:	Managing director at Myburgh Attorneys (1999-Present).
Qualifications	<ul style="list-style-type: none"> • B. Proc- University of Port Elizabeth (1994) • Attorney- High Court of the Republic of South Africa (1996)
Previous employment	<ul style="list-style-type: none"> • Steyl Incorporated Attorney (1997-1999) • Professional Assistant at Pincus, Matz, Marquard, Hugo, Hamman Attorneys (1996-1997) • (Unknown position) at the Road Accident Fund (1996) • Candidate Attorney at Malcolm Roup and Associates Attorneys (1994-1996)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Pertinent professional conduct	<ul style="list-style-type: none"> • Deputy President of the Chamber of Commerce and Industry (2004-2005) • Chairperson of the Accredited Chambers of Commerce (2006): • Chairperson of Business Western Cape (2008)

	<ul style="list-style-type: none"> • President and Chairperson of the Cape Chamber of Commerce and Industry (Present)
Pertinent personal conduct	No Information available
Known political affiliation	No information available.
Nominated/applied	Nominated for the position of public protector by Michael Bellairs, a Partner at Bellairs and Solomons Attorneys.

JILL OLIPHANT

Executive summary: Oliphant is currently a shareholder and director of DMO Incorporated. Oliphant has a legal and financial background, and has been involved in various cases of due diligence and forensic investigations for public entities, financial institutions and the Asset Forfeiture Unit. She is an admitted attorney of the High Court and is currently completing her Masters in Business Administration at Regenesys Business Schools. Oliphant co-authored a book, titled *Management's Daly's Guide to Corporate Law*, to assist businessmen in understanding the Companies Act. In her CV, she notes her involvement in the drafting of the Legislation for Business Rescue, as well as, initiating the process for the formation of the Association of Business Administrators of South Africa.

Present employment:	Director at Daly Incorporated (1995-present)
Qualifications	<ul style="list-style-type: none"> • B PROC Degree (1993) • LL.M specialising in Commercial Law (2006) • Admitted as an attorney of the High Court • Admitted as a Conveyancer • Admitted as a Notary
Previous employment	<ul style="list-style-type: none"> • Financial Management Officer at Nedcor Bank (1990-1992) • Various positions within Nedbank Limited (1988-1990)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Pertinent professional conduct	<ul style="list-style-type: none"> • Co-presenter of proposal to Government on business rescue within the ambit of current legislation (2003) • Co-drafted the first Bill for Business Administration and Rescue in South Africa, appointed by State Law Advisor, Enver Daniels

	<ul style="list-style-type: none"> • Co-author of Management's Daly's Guide to Corporate Law • Served on the King III Committee in respect of the new Companies Act (Act 71 of 2010)
Pertinent personal conduct	<ul style="list-style-type: none"> • Shareholder and Director of DMO Incorporated
Known political affiliation	No available information.
Nominated/applied	No available information, presumed to have applied herself.

JONAS SIBANYONI

Executive summary: Sibanyoni is the director of the law firm Maluleke Seriti Makum Matlala Inc. He obtained a B Proc from the University of Zululand and is currently completing his LLM in Constitutional Litigation at the University of the Western Cape. Sibayoni served as a Member of Parliament for the ANC and was shortlisted in 2014 for a position at the Independent Electoral Commission.

Current employment	Director of law firm of Maluleke Seriti Makume Matlala Inc
Qualifications	<ul style="list-style-type: none"> • B Proc, University of Zululand (1981) • LLM in Constitutional Litigation in progress (UWC) • Admitted as an attorney 1984. • Member of NADEL
Previous employment	<p>Also appears that he practised as Sibanyoni Attorneys, in association with Mohlolo Masego Inc, while a member of parliament> The ANC “granted the necessary consent to practice Law whilst serving as a MP simultaneously”, according to CV.</p> <p>2004 – 2014: Member of Parliament (ANC).</p> <ul style="list-style-type: none"> - Served on Justice and Constitutional Development Portfolio Committee; - Joint Rules Committee; Social Development Portfolio Committee; - Joint Security Committee on Defence; Convenor of sub-committee on Civil Jurisdiction for Regional Courts; - Member of sub-committee on Traditional Courts Bill; co-chair of the ad-hoc joint committee dealing with the Judicial Code of Conduct - Chairperson of the Ad-hoc committee responsible for the appointment of the Deputy Public Protector (2004 / 2005). - Former member of the Judicial Service Commission • PR Officer, Spokesperson, then HOD, Corporate Services and Community Services – Metsweding District

	<p>Municipality, Bronkhorstspuit, Kungwini office (2001 – 2004)</p> <ul style="list-style-type: none"> • Practised as an attorney – Mukhari, Thobane and Sibanyoni (1996-2005) • Member of TRC’s Amnesty Committee (1998-2001) • National Co-ordinator of National Institute for Public Interest Law and Research advice offices (1996-1998) • Human Resource Manager, RDP project, Presidency (1995-1996) • Attorney with Mpho Molefe Attorneys (1990-1993) • Practised as an attorney (sole practitioner) (1985-1990) • Employed by SABC as DJ on Radio Ndebele (1984-1985)²⁴
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	In 2008, former Public Protector Lawrence Mushwana found that Sibonyoni had solicited an “unlawful and irregular” donation from Kungwini municipality for his constituency office. Mushwana recommended that Parliament address his improper conduct, but no action was taken. ²⁵
Pertinent personal conduct	No available information
Known political affiliation	African National Congress
Nominated/applied	No available information

²⁵ <http://www.iol.co.za/news/politics/public-protector-slams-donation-413272>

KARABO.B. KGOROEDIRA

Executive summary: Kgoroeadira has been an advocate for nine years and is currently a director at the Benmore Chambers. She has been involved in cases in a variety of fields and was involved in representing indigenous mining communities at the Farlam Commission of Inquiry. Prior to her legal career she worked for consulting firms.

Present employment:	Advocate- Benmore Chambers (2015-date)
Qualifications	<ul style="list-style-type: none"> • LLB- UNISA (2004)
Previous employment	<ul style="list-style-type: none"> • Mathari Consulting • Ikitsi Consulting • Advocate- Thulamela Group (2013-2015) • Advocate- Maisels Group (2007-2013)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	No, she has only been admitted as a practicing advocate for nine years.
Pertinent professional conduct	<ul style="list-style-type: none"> • Represented indigenous mining communities in the Farlam Commission into the Marikana Massacre. • Currently conducting litigation for the Presidency. • Advisor to the North West Premier.
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	No available information.

KEVIN SIFISO MALUNGA

Executive summary: Malunga is currently the Deputy Public Protector. He obtained a BA Law Degree from the University of Swaziland. LLB from the University of South Africa, LLM from Georgetown University and is a candidate for a Doctor of Juridical Science from the University of Wisconsin. Malunga was appointed as an Advocate of the High Court in 2005 and previously served as the Acting Chief of Staff in the Office of the Chief Justice.

Current employment	Deputy Public Protector since 2012
Qualifications	<ul style="list-style-type: none"> • BA Law, University of Swaziland (1998) • LLB, UNISA (2000) • LLM, Georgetown University (2001 – 2002); • Candidate for a Doctor of Juridical Science from the University of Wisconsin – Madison Law School, USA. (ongoing) • Advocate of the High Court since 2005.
Previous employment	<ul style="list-style-type: none"> • Appointed by the Minister of Higher Education and Training to serve as a Board member of the South African Qualifications Authority (SAQA) (2010-2015) • Spokesperson of the Marikana Judicial Commission of Inquiry (2012) • State Law Advisor, Policy Co-Ordination and Monitoring, Department of Justice and Constitutional Development (listed responsibilities include Traditional Courts Bill and Discussion Document on the Transformation of the Judiciary) (2012) • Researcher and Legal Advisor – Judicial Research, Legislation and Policy, Office of the Chief Justice (2011-2012) • Acting Chief of Staff, Office of the Chief Justice (2011) • Aide and researcher to the Committee on Institutional Models, Office of the Chief Justice (then part of DOJCD) (2011)

	<ul style="list-style-type: none"> • Former Lecturer at the University of Natal's Faculty of Law and at Wits Law School.
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	<p>Rampant corruption is on the rise in government and has reached crisis levels.</p> <p>Advocate Kevin Malunga called for corrupt public servants to be jailed, saying the country was now like other African countries where corruption had become a way of life. Malunga told Sowetan that graft was on the rise because those who dirtied their hands stealing from the public were not punished.²⁶</p> <p>Criticised the lack of incentives for whistle blowers</p> <p>"The protection of public and private sector whistle-blowers is really integral to combating corruption... we want to see a more enabling environment for protected disclosure." Malunga said part of the problem in reporting corruption was that those reported often got away with no consequences.²⁷</p> <p>Malunga distanced himself and the rest of the public protector's office from the views expressed by Thuli Madonsela</p> <p>Malunga noted "there is a certain decorum with regards to how we handle the institution we report to". Malunga wrote to the Parliamentary Portfolio Committee distancing himself from Madonsela's views. "The spirit of my correspondence is that we must respect Parliament, of course, not suck up to it," Malunga said. "I have a view based on the law. Section 181 (5) of the</p>

²⁶ <http://www.sowetanlive.co.za/news/2015/11/21/corruption-now-a-way-of-life-in-south-africa>

²⁷ <http://www.fin24.com/Economy/Incentive-for-whistle-blowers-lacking-Malunga-20150128>

	<p>Constitution. We have to account to Parliament. We can't be a law unto ourselves."²⁸</p> <p>Remarks on the powers of the public protector</p> <p>Malunga said the Constitutional Court judgment in the Nkandla matter will pave a way in South Africa to ensure the work done by the office is protected. "What we want is really an affirmation of the rule of law in South Africa. This is a great day in that institutions of democracy are being tested and South Africans will know in finality the status of the Public Protector."²⁹</p> <p>Deputy Public Protector Kevin Malunga said that he was immune to bribes because he was paid well</p> <p>"I am immune to bribes and part of it is... because I get paid decently as a civil servant so there is no way someone can come to me and ask me to drop an investigation. I will add another charge to the sheet," Malunga said.³⁰</p> <p>In a speech on the challenges faced by the Public Protector and the need to expand the Public Protector's powers:</p> <p>"Some of the challenges relate to the fact that State Institutions –</p> <ul style="list-style-type: none"> a) Do not show and willingness to take responsibility for findings of maladministration and to reverse the consequences as indicated in the remedial action; b) Try their best to provide justification, using their information and resources to find support from experts and legal advisors, to avoid compliance with the findings and remedial action of the Public Protector. c) Do not understand the constitutional imperative of the Public Protector in terms section 182 of the Constitution for providing
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²⁸ <http://mg.co.za/article/2013-05-10-00-thuli-madonselas-deputy-agrees-to-disagree>

²⁹ <http://www.news24.com/SouthAfrica/News/we-want-people-to-respect-work-of-public-protector-kevin-malunga-20160331>

³⁰ <http://www.dispatchlive.co.za/im-immune-to-bribes-because-i-get-paid-well-deputy-public-protector/>

	<p>remedial action for prejudice resulting from improper administrative action.</p> <p>d) Confuse lawfulness and fairness. Fairness involves considering both legal and non-legal issues. Appropriate weight should be given to broad questions of reasonableness, the effect of decisions and the ethical obligations of fairness and accountability.</p> <p>e) Do not live up to the principles and values contained in section 195 of the Constitution. These ethical principles for public sector agencies, including the Batho Pele Principles, are consistent with a redress framework which provides that, when people are unfairly or unreasonably affected by decisions, the agencies should take all fair and reasonable steps to make good.”³¹</p> <p>Opinion piece (Business Day, 2 December 2010) after the DA challenges the appointment of Menzi Simelane as National Director of Public Prosecutions was rejected by the High Court (a decision which itself was overturned by the Supreme Court of Appeal and Constitutional Court):</p> <p>“LAST month, the Democratic Alliances's (DA's) application to remove national director of public prosecutions (NDPP) Menzi Simelane was dismissed by the Pretoria High Court. The footnote status this major legal event was given by the mainstream media is curious. ...This comes against the backdrop of a litany of court actions by political parties- including the DA, the Congress of the People (COPE), Inkatha Freedom Party (IFP) and the African National Congress (ANC) Youth League - attempting to settle in the courts what are really political disputes. If anything, the recent dashes to the courts by the DA especially are an indictment of the weak state of opposition politics in SA. Why else would they constantly abuse what is a critical branch of the government to settle political scores?”³²</p>
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³¹[http://www.pprotect.org/media_gallery/2013/ADDRESS%20BY%20ADV%20K%20MALUNGA%2013March2013%20\(1\).pdf](http://www.pprotect.org/media_gallery/2013/ADDRESS%20BY%20ADV%20K%20MALUNGA%2013March2013%20(1).pdf)

³²<http://www.bdlive.co.za/articles/2010/12/02/kevin-malunga-judiciary>

Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

KRISH NAIDOO

Executive summary: Naidoo is an attorney and currently consults for the African National Congress at Luthuli House. He is noted as one of the founding members of the National Association of Democratic Lawyers (NADEL) and serves as a non-executive director on the board of the SABC. Naidoo was also the CEO of Boxing South Africa (BSA) between 2004-2007.

Present employment:	Consultant to the ANC at Luthuli House and legal advisor to the ANC's National Disciplinary Committee
Qualifications	<ul style="list-style-type: none"> • B Proc. Law (1979)- University of Durban Westville • M. Litt. (Strategic Studies) (1991)- University of Aberdeen • Attendance certificate in Banking Law and Financial Markets (2009)- University of the Witwatersrand
Previous employment	<ul style="list-style-type: none"> • Consultant to Attorneys DLA Cliffe Dekker Hofmeyr (2012-2013) • Private Practice in Association with Paul Rananame (2008) • general manager and acting CEO of Boxing South Africa (2004-2007) • Managing director of Public Sector Consultants (2001-2003) • Director at Peregrine Treasury Solutions, a subsidiary of JSE-listed company (1998-2000) • employed at SA's Armaments Corporation (Armscor) as senior manager of corporate communications (1995-1997) • Managing partner at Naidoo, Nicholls and Cambanis and partner in the PE

	<p>firm of Krish Naidoo, Brereton and Co. (1987-1990)</p> <ul style="list-style-type: none"> • Commenced practice as an attorney and conveyancer. The practice primarily focused on human rights and administrative law, commercial law and conveyance. (1985)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Public and other service	<ul style="list-style-type: none"> • Founding member of the National Association of Democratic Lawyers (NADEL) • Member of the Transitional Executive Council • Appointed as a non-executive director of the South African Broadcast Corporation in 2013 for a period of five years
Pertinent professional conduct	<p><u>Hlaudi: How the minister conned the SABC board</u></p> <p><i>Naidoo voted against the appointment of Hlaudi Motsoeneng as SABC's permanent COO³³</i></p> <p><u>Night of long lies as police try to dupe media and Spear suspects charged</u></p> <p><i>Naidoo represented a suspect who was charged with malicious damage to property and vandalism at the Goodman Gallery in 2012, over Brett Murray's <i>The Spear</i> painting.³⁴</i></p>

³³ <http://www.timeslive.co.za/politics/2014/07/13/hlaudi-how-the-minister-conned-the-sabc-board>

³⁴ <http://www.dailymaverick.co.za/article/2012-05-23-night-of-long-lies-as-police-try-to-dupe-media-and-spear-suspects-charged/#.V3TCF6JrOPI>

Opinion Piece in the New Age: Nkandla findings are flawed; Public Protector’s findings have no legal foundation – By Krish Naidoo

“Her findings are fatally flawed. In effect, what the Public Protector has done is to impose an overarching but non-existent constitutional duty on the President to protect state resources, and then proceed to shoot down her proposition to support the findings.”³⁵

Trio to fight SABC expulsion

“Throughout the meeting, myself and Krish Naidoo tried in vain to show Professor Maguvhe that what he was doing, presiding over a kangaroo style interrogation... on another board member is illegal and that he needed to stop the meeting, follow due process and proper procedures as provided in the Broadcasting Act and Company’s Act.” – Hope Zinde³⁶

Naidoo faces BSA music³⁷

Boxing South Africa is finally charging Krish Naidoo, who was suspended on July 27. Naidoo, who served as general manager, had been in the office for only two days.”

Suspended Boxing SA boss Naidoo gets R1.2m

FORMER Boxing South Africa (BSA) general manager Krish Naidoo will get a R1.2 million golden handshake following the end of a two-year legal wrangle between the two parties.³⁸

³⁵ <https://groups.google.com/forum/#!topic/ycls-a-eom-forum/qwhmDMYlrT8>

³⁶ <http://www.iol.co.za/news/south-africa/trio-to-fight-sabc-expulsion-1838429>

³⁷ <http://www.sowetanlive.co.za/sowetan/archive/2007/08/17/naidoo-faces-bsa-music>

³⁸ <http://m24arg02.naspers.com/argief/berigte/citypress/2008/10/27/CP/13/emnaidoo.html>

Pertinent personal conduct	No available information.
Known political affiliation	African National Congress employee.
Nominated/applied	Self-nominated.

LINDA CAROL MABASO

Executive summary: Mabaso is currently the Chairperson of Transnet Group. She obtained a B Proc degree from the University of Pretoria and attended the School for Legal Practice in 2002. Mabaso is currently pursuing a Post Graduate Diploma in Commercial Law. She was previously employed as the assisting director at Corporate Business Dynamics and was the CEO of the Ark Foundation.

Current employment	Chairperson of Transnet Group (PTY) Ltd
Qualifications	<ul style="list-style-type: none"> • B Proc. Law (1995-1999) University of Pretoria • School for Legal Practice (2000) Law School-LEAD • Articled Clerk (2001), Blom Germishuizen firm, Pretoria • Currently pursuing a Post Graduate Diploma in Commercial Law at the University of Witwatersrand
Previous employment	<ul style="list-style-type: none"> • Assisting Director at Corporate Business Dynamics (PTY) Ltd (2011-2014) • CEO of the Ark Foundation (2007-2014) • Master of the High Court (2005-2007) • Director at Mabaso Attorneys (2003) • Director at Groenewald van Dyk Attorneys (2002) • Articled Clerk at Blom Germishuizen (2001)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	The Mail and Guardian highlighted links between the Gupta family and key parastatals. The Gupta's long-time associate, Salim Essa is said to be the former businessman of Mabaso's son, Malcolm Mabaso. Malcolm was a director with Essa in a company called

	Premium Security and Cleaning Services, but resigned in October 2015, presumably to take up the position with Minister of Mineral Resources Mosebenzi Zwane. Linda Mabaso is said to be close to the Guptas and to Zuma. ³⁹
Known political affiliation	No available information
Nominated/applied	No available information

³⁹ http://www.parliament.gov.za/live/content.php?Item_ID=9197

LOYISO MPUMLWANA

Executive summary: Mpumlwana is currently employed as a Member of Parliament for the African National Congress and serves on the Portfolio Committee on Justice and Constitutional Development. He was admitted as an Advocate of the High Court in 1995. He was previously employed as a legal advisor to the Eastern Cape Premier’s office and the Regional Head Investigator for Truth and Reconciliation Commission in the Eastern Cape. Mpumlwana applied for the position of Public Protector in 2009 but was unsuccessful. He was appointed to the Human Rights Commission in 2009 but the appointment was revoked for his failure to disclose dismissal from the TRC – as he was found not to be fit and proper.

Present employment:	Member of Parliament (2014 – date)
Qualifications	<ul style="list-style-type: none"> • BA Law: University of Lesotho (1986) • Postgraduate Diploma in Intellectual Property Law: University of London (1988) • Post Graduate Diploma in International Commercial Arbitration Law: University of London (1990) • Advocate- High Court of the Republic of South Africa (1995)
Previous employment	<ul style="list-style-type: none"> • Deputy Chairman, Parole Board, Department of Correctional Services (2012 – 2014) • Practising Advocate at the Mthatha High Court (1997 – 2012) • Eastern Cape Regional Head Investigator – TRC (1996 – 1997) • Senior Legal Advisor, Premier’s Office, Province of the Eastern Cape (1994 – 1996) • Commercial Law Consultant – Central Business Consultants (UK) (1993 – 1994) • Deputy Director – Luthuli Educational Trust (UK) (1989 – 1992)

<p>Does the candidate possess the formal qualifications and experience required by the Public Protector Act?</p>	<p>Mpumlwana meets the requirements in part due to his time as an advocate, however at the same time he lists being managing the legal division at Khanyisa Business consultancy, but only part time. It may be important to scrutinise his tenure as an advocate at this time.</p>
<p>Public and other service</p>	<ul style="list-style-type: none"> • Chairman of the Eastern Cape Provincial Geographical Names Committee (2010 – 2013) • Councillor: South African Geographical Names Council (2003 – 2006) • Councillor: Nelson Mandela National Museum (2003 – 2010). CV states that he was a member of the board’s audit committee and corporate governance committee. • Trustee: Fundani Sign Language Project (2002 to date)
<p>Pertinent professional conduct</p>	<p><u>Criticism on the Public Protector</u></p> <p>Has lambasted outgoing Public Protector Thuli Madosela, claiming that she is “a law unto herself” and “shows no respect for parliament”.⁴⁰</p> <p><u>Human Rights Commission</u></p> <p>Criticised for his performance during his interview for the Human Rights Commission, for failing to show a good understanding of human rights issues. Also made radical statements such as he would ban private legal practice if he had a choice. Raised questions about the positions he would take if he held the position of a Commissioner.⁴¹</p>

⁴⁰ <http://citizen.co.za/386199/anc-pronounce-on-madonsela>

⁴¹ <http://www.publiclaw.uct.ac.za/news/sahrc-new-appointments#sthash.G9pXw2Yb.dpuf>

	<p><u>Revocation of appointment</u></p> <p>In 2010 he was appointed as a commissioner of the South African Human Rights Commission (SAHRC). However, he failed to disclose that he was previously found guilty of fraudulent misrepresentation by the TRC (after being found to be moonlighting while employed by the Commission). In July 2010, the National Assembly's justice committee decided unanimously that Mpumlwana's failure to disclose a civil judgment against him during the nomination process meant that he was not fit and proper to serve on the SAHRC.⁴²</p>
Pertinent personal conduct	No available information.
Known political affiliation	African National Congress Member of Parliament.
Nominated/applied	No available information, presumed to have nominated himself.

⁴² <http://www.iol.co.za/business/news/advocate-not-fit-and-proper-to-serve-on-hrc-806262>

LYNETTE GAIL MARAIS

Executive summary: Marias is currently an acting magistrate in the East London Magistrate’s Court. She obtained a Bachelor of Arts and Bachelor of Law degrees from the University of the Western Cape. She worked at Legal Aid for over 10 years and was previously employed at Legal Wise and Derek Light Attorneys.

Current employment	Acting Magistrate in the East London Magistrate’s Court
Qualifications	<ul style="list-style-type: none"> • Matric- Spandau Senior Secondary School • Bachelor of Arts- University of the Western Cape • Bachelor of Laws- University of the Western Cape • Certificate Programme in Leadership Development- University of the Witwatersrand Business School • Certificate Programme for Senior Women Lawyers- Law Society of the Republic of South Africa
Previous employment	<p>Legal Aid (2004-2016):</p> <ul style="list-style-type: none"> • Justice Centre Executive • Regional Supervisory Professional Assistant • Supervisory Professional Assistant • Civil Professional Assistant • Criminal Professional Assistant <p>Legal Wise (2000-2004):</p> <ul style="list-style-type: none"> • Head of claims department • Claims Co-ordinator • Senior Legal Advisor <p>Saambou Bank (2000):</p> <ul style="list-style-type: none"> • Legal Advisor <p>Derek Light Attorneys (1997-1999):</p> <ul style="list-style-type: none"> • Candidate Attorney <p>Professional Assistant</p>
Does the candidate possess the formal qualifications and	Yes

experience required in the Public Protector Act?	
Public and other service	Not disclosed
Pertinent professional conduct	Not available
Pertinent personal conduct	Not available
Known political affiliation	Not disclosed
Nominated/applied	Applied

MZAMO ALEXANDER GUMBI

Executive summary: Professor Gumbi is a legal and human rights consultant. He obtained a Juris Diploma, B Juris degree and LLB from the University of Zululand. He was admitted as an attorney of the High Court in 1998. Professor Gumbi was previously employed as a Professor of Criminal Law at the Walter Sisulu University and served as a presiding officer in the Electoral Tribunal of the Independent Election Commission. He applied for a position at the Independent Electoral Commission in 2014⁴³ and for the post of public protector in 2002.⁴⁴ He was unsuccessful in both attempts.

Current employment	Legal and Human Rights Consultant since 2010
Qualifications	<ul style="list-style-type: none"> • IURIS Diploma – University of Zululand (1976) • B IURIS – University of Zululand (1981) • LLB – University of Zululand (1981-1983) • Obtained a Diploma in Law at Michigan State University on American Legal Systems. • Admitted as an Attorney of the High Court in 1998
Previous employment	<ul style="list-style-type: none"> • Walter Sisulu University, School of Law - Professor of Criminal Law (2008-2010) • Elected to be the Dean of the Faculty of Law at Walter Sisulu University (2000-2002) • Appointed as professor and head of Department of Public and Private Law at Unitra. Chairperson of the Disciplinary Committee for Academics and non-Academics of the University of Transkei (2000) • Managing Director of MA Gumbi Incorporated, a firm of Attorneys based in Umtata, and also part-time professor of Law at the University of Transkei. (1998) • Admitted and practiced as an Attorney in the High Court of South Africa (Transkei Division), with right of appearance (1998)

⁴³ <http://www.news24.com/SouthAfrica/News/Introduce-e-voting-IEC-candidate-20141120>

⁴⁴ http://www.armsdeal-vpo.co.za/articles02/who_will_fit.html

	<ul style="list-style-type: none"> • Appointed to be a member of the Board of Directors for the Eastern Cape Development Corporation (ECDC) (1997) • Served as a Presiding Officer in the Electoral Tribunal of the Independent Election Commission (1994) • Appointed as Registrar Academic Administration by the University of Zululand (1996-1994) • Admitted as an Advocate in the Supreme Court, Transkei Division (1993-1997) • Seconded to the University of Zululand as a Lecturer in Criminal and Procedural Law. • Transferred to Umlazi as a Senior Magistrate in Criminal, Civil, Children's Courts and being a Supervising Officer in the Revenue and Accounts sections. (1982) • Magistrate of Civil and Criminal Courts (1977-1982) • Zingolweni/Harding Magistrate's Court as an Assistant Magistrate (1973-1977)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

MADIBENG CHRIS MOKODITWA

Executive summary: Mokoditwa has been an advocate of the High Court since 1994. He obtained a Bachelor of Arts degree from the University of South Africa, an LLB from the University of Bophuthatswana and an LLM from the University of Johannesburg. Mokoditwa was previously employed by South Gauteng High Court as an assessor in criminal trials and served as the directorate for the Special Pensions Review Board in the National Treasury. Mokoditwa was shortlisted for the position of public protector in 2002, however he was unsuccessful as Lawrence Mushwana was appointed to the post.

Current employment	Advocate of the High Court
Qualifications	<ul style="list-style-type: none"> • Matric- Pax Institute Polokwane • BA- UNISA • LLB- University of Bophutatswana • LLM- University of Johannesburg • Advocate- High Court of the Republic of South Africa
Previous employment	<p>South Gauteng High Court (2008-2015):</p> <ul style="list-style-type: none"> • Assessor- Criminal Trials <p>National Treasury (2003-2007):</p> <ul style="list-style-type: none"> • Directorate- Special Pensions Review Board <p>Educational opportunities Council (1988):</p> <ul style="list-style-type: none"> • Executive Assistant to Director • Pan Africanist Congress • South African Students Organisation (Vice Chairperson- Soweto: 1970-1972) • National Union of South African Students • Black People's Convention (Vice-President) • Azanian People's Organisation (Head of Legal Secretariat)
Does the candidate possess the formal qualifications and	Yes

experience required in the Public Protector Act?	
Public and other service	Shortlisted by the The Independent Electoral Commission of SA IEC for the vacancy of part-time commissioner.
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	<ul style="list-style-type: none"> • Pan Africanist Congress • South African Students Organisation (Vice Chairperson-Soweto: 1970-1972) • National Union of South African Students • Black People's Convention (Vice-President) • Azanian People's Organisation (Head of Legal Secretariat)
Nominated/applied	Applied

MAKUNGU MTHEBULA

Executive summary: Mthebula’s legal career has involved both public and private sector work in executive or advisory legal roles. She has been at the South African Revenue Service for eight years and has held a number of senior managerial roles in this time. She holds law degrees from the University of Fort Hare and the University of Pretoria respectively. She has been an attorney for more than ten years.

Present employment:	Group Executive within Legal Counsel Division at the South African Revenue Service (2008-Present)
Qualifications	<ul style="list-style-type: none"> • B. Proc- University of Fort Hare (1994) • LLB- University of Fort Hare (1996) • Attorney- High Court of the Republic of South Africa (1999) • LLM (Public law)- University of Pretoria (2002)
Previous employment	<ul style="list-style-type: none"> • Acting Legal and Institutional Executive at EDI Holdings (2004-2007) • Senior Legal Advisor at the South African Nuclear Energy Corporation (1999-2004) • Candidate Attorney at Mohlaba and Moshoana Inc. (1998-1999)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Unclear and dependant on the nature of her previous work experience.

Public and other service	No information available.
Pertinent professional conduct	<p><u>SARS & Financial and Fiscal Commission</u> <u>2015/16 Annual Performance & Strategic Plans;</u> <u>Committee Reports</u>⁴⁵</p> <p>Ms Mt(h)ebule replied that the ombud was not part of internal resolution. The ombud could be approached if the taxpayer was not happy. It was mostly with regard to procedural, not material issues. Reports were received from the ombud about the kind of issues raised and analysed.</p>
Pertinent personal conduct	No information available.
Known political affiliation	No information available.
Nominated/applied	No information available.

⁴⁵ <https://pmg.org.za/committee-meeting/21511/>

MALCOLM JOHN SIPHIWE NHLEKO

Executive summary: Nhleko served as a senior magistrate in the Eastern Cape from 1995 to 2014. His work focused mainly on presiding over civil and criminal courts, private courts and he administrated as cluster head.

<p>Current employment</p>	<p>Senior Magistrate – Lusikisiki (2014) Eastern Cape. Presiding in the following courts:</p> <ul style="list-style-type: none"> • Civil • Criminal • Private courts • Administration as sub cluster head
<p>Qualifications</p>	<ul style="list-style-type: none"> • D Juris (1976) University of Zululand
<p>Previous employment</p>	<p>Senior Magistrate – Mount Fletcher and Lusikisiki (1995 – 2014) Eastern Cape. Presiding in the following courts:</p> <ul style="list-style-type: none"> • Civil • Criminal • Private courts • Administration as sub cluster head <p>Chief Magistrate Mount Fletcher and Mount Frere (1993 – 1994) Eastern Cape. Presiding in the following courts:</p> <ul style="list-style-type: none"> • Civil • Criminal • Private courts • Administration as sub cluster head <p>Principal Magistrate Sterkspruit and Lusikisiki (1986-1993) Eastern Cape. Presiding in the following courts:</p> <ul style="list-style-type: none"> • Civil • Criminal • Private courts • Administration as sub cluster head

	<p>Magistrate</p> <p>Flagstaff (1980-1983) Eastern Cape</p> <p>Presiding in the following courts:</p> <ul style="list-style-type: none"> • Civil • Criminal • Private courts • Administration as sub cluster head.
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	
Pertinent professional conduct	<p>Nhleko was charged with corruption after he allegedly made a questionable ruling of "not guilty" in a trial after allegedly receiving a bribe of R1000.</p> <p>Below is the news coverage on the case:</p> <p>The wrong side of the law⁴⁶</p> <p>“A magistrate from Lusikisiki in the Transkei region appeared in the Umtata regional court on Tuesday after he was charged with corruption. He allegedly made a questionable ruling of "not guilty" in a trial after receiving a bribe. Attorney Mduma Mjobo in June allegedly paid R1 000 to the magistrate, Malcolm Simphiwe John Nhleko.</p> <p>At the time, Mjobo faced a charge of defeating the ends of justice.”</p> <p>Magistrate in court⁴⁷</p> <p>A senior magistrate in Lusikisiki in the Eastern Cape appeared in the Umtata regional court yesterday on corruption charges. Malcolm Nhleko (54), was not asked to plead. He was granted bail of R5 000</p>

⁴⁶ <http://www.news24.com/SouthAfrica/News/The-wrong-side-of-the-law-20041123>

⁴⁷ <http://m24arg02.naspers.com/argief/berigte/dailysun/2003/12/02/DS/28/01.html>

	and his case was postponed to 19 January next year. An official from the office of the director of public prosecutions Umtata said Nhleko's arrest centred on a case he presided over last month when the accused was acquitted.
Pertinent personal conduct	Not available
Known political affiliation	Not disclosed
Nominated/applied	Applied

MAMIKI GOODMAN (NEE SHAI)

Executive summary: Shai is an executive manager at the National Gambling Board of South Africa. She obtained a B Proc, LLB and LLM from the University of South Africa. Shai was previously employed as Deputy Public Protector and was the Divisional Manager and Head of Legal Services at the Gauteng Department of Education.

Current employment	Executive Manager: Chief Compliance Officer at the National Gambling Board of South Africa since 2013
Qualifications	<ul style="list-style-type: none"> • South African Development Administration (DAB) – UNISA (1983) • B Proc – UNISA (1987) • Certificate of Practice as an Attorney – The Law Society of the Northern Provinces (1991) • LLB – UNISA (2001) • LLM – UNISA (2016) • Introduction to Leadership for Africa Renewal – UNISA (2016)
Previous employment	<ul style="list-style-type: none"> • Deputy Public Protector (2005-2012) • Chief legal advisor to Minister, Deputy Minister & administration on policy, legislation and implementation (2005) • Divisional (general) manager support services (acting) and Head of legal services at the Gauteng Department of Education (2001-2005) • Managing Director of Mamiki Shai Attorneys (1999-2001) • Administrator/Managing Director at Mike Langa Attorneys, Johannesburg (1998-1999) • Public Defender with extra responsibilities to train candidate attorneys (1993-1998) • Administrator (Managing Director) at Tholi Vilakazi Attorneys, Johannesburg (1990-1992)

	<ul style="list-style-type: none"> • Tutor to attorneys (Continuing Legal Education (CLE) Law Society of the Transvaal – now of Northern Province) on financial management and strategic planning of legal firms (2000) • Candidate Attorney: serving articles of clerkship doing practical legal practice (1988-1990) • Ledger Clerk at Standard Bank of South Africa (1986-1987) • Tutor to University of South Africa Law students (criminal law and criminal procedure) (1984-1986)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No information available
Pertinent professional conduct	<p>Alleged sexual harassment against former Public Protector, Lawrence Mushwana</p> <p>Media reports indicate that Shai accused Mushwana of sexually harassing her and other female colleagues while she was serving as his deputy. Mushwana refuted the claims and noted that Shai only started the allegations after her reprimanded her about her work and unnecessary expenses.⁴⁸</p> <p>Allegations against Public Protector Thuli Madonsela</p> <p>Shai advised Parliament to investigate Madonsela and the former CEO of the Office of Public Protector, Themba Mthethwa. Madonsela was accused of protecting Mthethwa after he allegedly forged Shai’s signature in order to pay himself a performance bonus. Shai opened a case of fraud with the police's commercial crimes unit, but Madonsela allegedly wanted Shai to withdraw the charges because of the embarrassment the publicity would cause Madonsela and her office.</p>

⁴⁸ <http://www.iol.co.za/news/south-africa/protector-hits-back-after-harassment-claims-285705>

	Mthethwa is also accused of deliberately misleading the standing committee on public accounts. Other complaints relate to preferential treatment allegedly given to white and Indian employees. ⁴⁹
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

⁴⁹ <http://mg.co.za/article/2012-11-16-00-public-grilling-for-thuli-madonsela>

MAMODUPI MOHLALA-MULAUDZI

Executive summary: Mohlala-Muluadzi has a long standing record for public service which include being the part-time National Consumer Commissioner and her current position, chairing the Gauteng Rental Housing Tribunal. She is a practising attorney with an MBA. Mohlala-Muluadzi served briefly as the director in the Department of Communications.

<p>Current employment</p>	<ul style="list-style-type: none"> • Gauteng Rental Housing Tribunal (Part-time): Chairperson (2013 to date). First female to hold office.
<p>Qualifications</p>	<ul style="list-style-type: none"> • BA (Law), University of Swaziland (1989-1993) • LLB, Wits University (1994-1995) • LLM, Wits (1996-1997) • MBA (Mini-MBA), Telecoms Academy in the UK (2007) • World Bank Training Program on Utility Regulations and Strategy, University of Florida (USA) (2008) • Senior Executive Programme, London Business School in the UK (2009) • She possesses Diplomas and certificates in other disciplines mostly in the field of telecommunications.⁵⁰ • Admitted Attorney of the High Court of South Africa on the 23rd of March 1998 • Admitted Attorney with right of appearance in the Transvaal Provincial Division admitted 27th March 2002. • She has 16 years post admission experience
<p>Previous employment</p>	<ul style="list-style-type: none"> • National Consumer Commissioner (2010 – 2012): Placed here by default without job applications, interview process and normal procedure for occupying public office. Throughout these disputes she was quoted saying she is afraid all these incidences will make the public perceive her as a “trouble maker”.⁵¹ Again in this position she alleged

⁵⁰ http://www.judiciary.org.za/doc/IEC-Candidate-2016_Ms-Mohlala-Mulaudzi.pdf

⁵¹ Ibid

	<p>that Minister Davis was threatening to release her from her position with due consultation with her by advertising her position on the newspaper.⁵² She further alleged that the department of Trade and Industry, particularly Director General October, had abused the power of their office by excusing undue influence on her department: Financial and Human Resource management with proper consultation with her office.⁵³ As a result she lodged a complaint with the Public Protector [see further under Media Coverage]</p> <ul style="list-style-type: none"> • Director-General of the Department of Communications: Occupied the office for a brief period (2009 – 2010) until she was recalled “with immediate effect” by the then Minister of Communications Sipiwe Nyanda.⁵⁴ “The Department has been facing a number of challenges relating to internal processes and procedure, and in trying to find solutions, it became apparent trust between Minister Sipiwe Nyanda and the director general had broken down irretrievably,” the DoC said in a press statement.⁵⁵ Disgruntled Mrs Mohlala Mulaudzi “however fought back, and took the matter to court. President Jacob Zuma stepped in, and the issue was finally resolved by making Mohlala the National Consumer Commissioner.”⁵⁶ • Pension Fund Adjudicator: Adjudicated over various Pension related disputes (2007-2009) Has the same status as that of the judge of the High court in terms of the relevant legislation for the office.⁵⁷
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⁵² Ibid

⁵³ Ibid

⁵⁴ <http://mybroadband.co.za/news/telecoms/13998-communications-dg-mohlala-fired.html>

⁵⁵ Ibid

⁵⁶ Ibid and <http://www.iol.co.za/news/politics/consumer-commission-head-im-being-victimised-1295874>

⁵⁷ Ibid

	<ul style="list-style-type: none"> • Commissioner at the CCMA (part time commissioner): Nomination letter claims that all Labour disputes she ruled on were never taken on appeal or review. • Independent Commission Authority of South Africa: Commissioner at the ICASA and acted as an adjudicator (2002-2007) • UNISA: Lecturer (1991-2001) • Practical Legal Studies: Lecturer (1991-2002) • Denezy Reitz Attorneys: Candidate Attorney (1996-1998) • Mohlala Attorneys Inc.: Managing Director (to date)
<p>Does the candidate possess the formal qualifications and experience required in the Public Protector Act?</p>	<p>Yes</p>
<p>Public and other service</p>	<p>Mohlala-Mulaudzi is involved in various community projects and women development and empowerment organisations.</p>
<p>Pertinent professional conduct</p>	<p>Public Protector’s report on tenure as National Consumer Commissioner:</p> <p>The report found that there was abuse of power and made recommendations that there should be clearly defined roles of the National Consumer Commissioner, The Director General and the Minister of Trade and industry where their roles intersects.⁵⁸</p> <p>However the report, titled “<i>There are No Heroes</i>”, significantly states that “neither party wanted to be the bigger person. Both parties found to have failed in their attempts at cooperative governance and in the end the breakdown in the relationship between the parties led to the entity (NCC) becoming dysfunctional”.⁵⁹</p>

⁵⁸ Ibid http://www.pprotect.org/library/investigation_report/2013-14/THERE%20ARE%20NO%20HEROES.PDF and <http://www.politicsweb.co.za/documents/dti-vs-mamodupi-mohlala-mulaudzi-public-protectors>

⁵⁹ <http://www.moneyweb.co.za/archive/mamodupi-mohlalamulaudzi-not-set-up-public-protector/>

	<p>Performance of the National Consumer commission under her leadership</p> <p>“Under her watch, the National Consumer Commission (NCC) lost several matters in front of the National Consumer Tribunal because it had not followed procedures laid out in the Consumer Protection Act”.⁶⁰</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated

⁶⁰ http://www.itweb.co.za/index.php?option=com_content&view=article&id=67547

MARK ANDREW HAWYES

Executive summary: Hawyes became an admitted Advocate of the High Court of South Africa in 1995 and has held various leadership positions in the Bar Council. He has a long and distinguished career in labour law, arbitration and mediation. He is currently a mediator and arbitrator for the private company, Tokiso and has recently acted as a judge of the High Court and the Labour Court.

Present employment:	Mediator and Arbitrator for Tokiso (2011-date)
Qualifications	<ul style="list-style-type: none"> • Bachelor of Law (B.luris) – University of South Africa (1986) • Diploma of Laws (Dip.Legum) – University of South Africa (1992) • Bachelor of Laws (LL.B) University of South Africa (1994) • Admitted Advocate of the High Court of South Africa (1995)
Previous employment	<ul style="list-style-type: none"> • Acting labour Court Judge (2016) • Acting Judge- South Gauteng High Court (2015) • Part-time Commissioner CCMA (2007) • Advocate of the High Court (1995-2011) • District Court Magistrate- Durban (1990-1995) • District Court Prosecutor (1986-1990)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.

<p>Public and other service</p>	<p>Chairperson- mental Health Review Board (2005-2008)</p>
<p>Pertinent professional conduct</p>	<p>Made the following findings in his judgment in <i>IBM South Africa (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration (CCMA) and Others</i> (JR64/2014) [2016] ZALCJHB 151 (19 April 2016):⁶¹</p> <p>“It is evident that the Arbitrator did not apply her mind to a number of important aspects of this case. ... The Arbitrator did not take cognizance of the fact that the Third Respondent was serving a six months’ probation period. ... Of particular relevance to any challenge to an employer’s right to dismiss a probationary employee is Item 8 (1) (j) that states as follows;</p> <p>“Any person making a decision about the fairness of an employee for poor work performance during or on expiry of the probationary period ought to accept reasons for dismissal that may be <u>less compelling</u> than would be the case in dismissals effected after the completion of the probationary period.”</p> <p><u>Other important matters:</u></p> <p><i>SADTU obo Motlale / North West Department of Education</i> [2011] 8 BALR 810 (ELRC)</p> <p><i>National Union of Mineworkers and Another v Hawyes NO and Another</i> (JR 2327-09) [2012] ZALCJHB 2 (20 January 2012)⁶²</p>

⁶¹ Available at <http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZALCJHB/2016/151.html&query=%20Hawyes%20AJ>

⁶² <http://www.saflii.org/za/cases/ZALCJHB/2012/2.pdf>

	<i>National Union of Mineworkers and Another v Commission for Conciliation Mediation and Arbitration and Others (JR2016/2009) [2013] ZALCJHB 47 (20 March 2013)</i> ⁶³
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	No available information.

⁶³ <http://www.saflii.org/za/cases/ZALCJHB/2013/47.pdf>

MATHYS GILDENHYS

Executive summary: Gildenhys is a Legal Advisor and Pro-Forma Prosecutor at the Council for Debt Collectors. He obtained a B Iuris and LLB from UNISA and was admitted as an Advocate of the High Court in 2006. Gildenhys previously worked as a prosecutor in the Regional and District Courts.

Current employment	Legal advisor and Pro-forma Prosecutor: Council for Debt Collectors since 2007
Qualifications	<ul style="list-style-type: none"> • B IURIS – UNISA (1995) • LLB – UNISA (2004)
Previous employment	<ul style="list-style-type: none"> • Pupilage at Pretoria Bar (2007) • Admitted as an Advocate of the High Court (2006) • Regional Court Prosecutor (1997-2006) • District Court Prosecutor (1995-1997)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

MHLALISENI MICHAEL MTHEMBU

Executive summary: Mthembu is an advocate of the High Court. He obtained a B Proc and LLB from the University of KwaZulu-Natal. He was admitted as an attorney of the High Court in 1981, and subsequently admitted as an advocate of the High Court in 2002. He was previously employed as an acting judge in the Eastern Cape and served as the commissioner of the Broadcasting Complaints Commission of South Africa (BCCSA). Mthembu is also a judge in the Electoral Court, having been appointed for a six-year term in 2011. He previously applied for the position of public protector but was unsuccessful.

Current employment	Advocate of the High Court of the Republic of South Africa (2002-Present)
Qualifications	<ul style="list-style-type: none"> • B. Proc- University of Zululand (year unknown) • LLB- University of Kwa-Zulu Natal (Year unknown) • Attorney- High Court of the Republic of South Africa (1981) • Advocate- High Court of the Republic of South Africa (2002)
Previous employment	<p>Current employment:</p> <ul style="list-style-type: none"> • Advocate of the High Court of the Republic of South Africa (2002- Present) <p>Previous employment:</p> <p>Eastern Cape High Court (1997-2009):</p> <ul style="list-style-type: none"> • Acting Judge • Acting Judge President (6-10 April 2009) <p>Broadcasting Complaints Commission (2001):</p> <ul style="list-style-type: none"> • Commissioner <p>Magistrate’s Court- KwaZulu Natal (2005- Present):</p> <ul style="list-style-type: none"> • Regional Court Magistrate

	<p>Tax Appeals Tribunal- KwaZulu Natal (2009):</p> <ul style="list-style-type: none"> • Commissioner <p>Small Claims Court- Durban (1987 and 1997):</p> <ul style="list-style-type: none"> • Judge <p>KwaZulu Natal Tender Appeals Tribunal (1998):</p> <ul style="list-style-type: none"> • Member <p>Rental Housing Tribunal- KwaZulu Natal (2002):</p> <ul style="list-style-type: none"> • Member <p>University of KwaZulu Natal (1999):</p> <ul style="list-style-type: none"> • Senior Lecturer <p>Electoral Court (2011- Present):</p> <ul style="list-style-type: none"> • Judge
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	
Pertinent professional conduct	<p>Some of his high profile cases include the following:</p> <p>Mthembu was the defendant in two matters in the Durban High Court, the judgments for both are listed as “Judgment by default”</p> <ul style="list-style-type: none"> • The plaintiff in the first matter was Nedbank Limited and involved an amount of R38 329,43. • The Plaintiff in the second matter was the South African Revenue Service and involved an amount of R216 389,00.
Pertinent personal conduct	None available

Known political affiliation	None available
Nominated/applied	Applied

MOHLALE MALULEKE

Executive summary: Maluleke is currently employed at the Gauteng Health Department in SCM Contract Management. He obtained a BA and LLB from the University of South Africa. He was previously employed as a legal practitioner at the Gauteng Mental Health Review Board and was the Deputy Director of Corporate Services and Student Support at UNISA.

Current employment	Gauteng Health Department SCM Contract Management since 2014
Qualifications	<ul style="list-style-type: none"> • Bachelor of Laws (LLB) 1994-1999 (University of South Africa- UNISA) • Bachelor of Arts (BA) 1986-1989 (UNISA) <p>Although described as an advocate in his CV, no details are given as to when Maluleke was admitted, or the nature of his practice.</p>
Previous employment	<ul style="list-style-type: none"> • Legal Practitioner Gauteng Mental Health Review Board (2009-2012) • JHB Central College- Council member (2007-2013) • MTR Project Solutions: Managing Member (2005-2013) • Member of the National Board of Further Education and Training (2005-2009) • UNISA: Deputy Director of Corporate services and Student Support (1995-1996) • SACHED Trust: Assistant National Coordination (1989- 1994)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	<ul style="list-style-type: none"> • Rand Water Services (Pty) Ltd Board Non-Executive Director (2002-2009)

Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by Advocate Emmanuel Mokutu

MTHUTHUZELI MOSHESH NYIKI

Executive summary: Nyiki is currently a senior associate at Dicks Van der Merwe Attorneys. He obtained a B Proc Degree in 1994, was admitted as an Attorney of the High Court in 1997, and obtained the right of appearance in the High Court in 2014.

Current employment	Senior Associate at Dicks Van der Merwe Attorneys (2006)
Qualifications	<ul style="list-style-type: none"> • Obtained the right of appearance in the High Courts in – 2014 • Admitted as an attorney in – 1997 • B PROC Degree - 1994
Previous employment	<p>Previous employment:</p> <ul style="list-style-type: none"> • Professional Assistant to Nongogo Nuku Incorporated (2005-2006) • Professional Assistant to Justice Centre King Williams Town (2002-2005) • Director of Nyiki and Company (1998-2001) • Professional Assistant to Obose & Associates (1997 – 1998)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	None available
Pertinent professional conduct	None available
Pertinent personal conduct	None available

Known political affiliation	Not disclosed
Nominated/applied	Applied

MUVHANGO LUKHAIMANE

Executive summary: Lukhaimane is currently serving as the Pension Funds Adjudicator. She is admitted as an Advocate of the High Court and obtained various qualifications such as a B Iuris, LLB, LLM, as well as an MBA. Lukhaimane has a background in dealing with pension funds and was previously employed at the Eskom Pension and Provident Fund, Sanlam Employee Benefits and Liberty Personal Benefits. She was promoted to the post of PFA by Pravin Gordhan after serving one year as deputy adjudicator and has been commended for clearing the backlog of complaints at the Office of the Pension Funds Adjudicator in 15 months.

Current employment	Pension Funds Adjudicator at the Office of the Pension Funds Adjudicator (OPFA) since 2013
Qualifications	<ul style="list-style-type: none"> • B IURIS – University of Venda (1992) • LLB – University of Pretoria (1994) • Admitted as an Advocate of the High Court of South Africa (1995) • LLM – University of South Africa (1997) • Postgraduate Diploma in Management Studies – Buckinghamshire Chilterns University College (2000) • Postgraduate Diploma in Financial Planning – University of Free State (2002) • Certificate in Compliance Management – University of Cape Town (2003) • Global Certificate in Knowledge Management – JT Frank Academy (2008) • Global Remuneration Professional - South African Remuneration Association (2010)

	<ul style="list-style-type: none"> • Masters of Business Administration – Wits Business School (2013)
Previous employment	<ul style="list-style-type: none"> • Deputy Pension Funds Adjudicator at OPFA (2012-2013) • Chairperson of the Intelligence Services Council at the Ministry of State Security (2011-2012) • General Manager in the human resources department at the State Security Agency (2007-2011) • General Manager of research at the State Security Agency (2005-2007) • Principal Officer at the Eskom Pension and Provident Fund (2003-2005) • Legal Consultant, Sales Development and Accreditation for Liberty Personal Benefits (2002-2003) • Legal advisor at Sanlam Employee Benefits (2001-2002) • Research consultant at Sanlam Employee Benefits (2000-2001) • Lecturer in Private Law at the University of Venda (1995-2000)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes – is admitted as an Advocate and has experience in public administration
Public and other service	No information available
Pertinent professional conduct	<p>Lukhaimane is noted to have improved efficiencies and turn-around times of complaints lodged to the OPFA and has been commended for wiping out the historical backlog of complaints received, which was a first since the OPFA was established 17 years ago.</p> <p>Pension Funds adjudicator reappointed until 2018</p> <p>“Advocate Dube Tshidi, executive officer of the Financial Services Board (FSB), said the extension of Ms Lukhaimane’s appointment would only help take the Office of the Pension Funds Adjudicator to</p>

	<p>greater heights, given the exemplary manner in which she has managed to restore the tribunal to operational efficiency.”⁶⁴</p> <p>Hard work, fair play</p> <p>“The pension lawyer fraternity uses words like “driven” and “hard-working” to describe Muvhango Lukhaimane, the fifth Pension Funds Adjudicator. Bringing to the job an unusual blend of legal and human resources skills and a no-nonsense approach to work, Lukhaimane has proved herself worthy of the job in the eyes of the Finance Minister, Pravin Gordhan. He appointed her deputy adjudicator in June 2012, but after just one year in office promoted her to the post of adjudicator.”⁶⁵</p> <p>Pension funds adjudicator</p> <p>“She may be called the deputy pension funds adjudicator now, but unless Muvhango Lukhaimane does something embarrassing, she will be the new pension funds adjudicator before the year is out. Lukhaimane has a different style from those who will have been her predecessors; unlike Vuyani Ngalwana, she is not there to brush her credentials to be considered a great jurist and unlike Mamodupi Mohlala she is happy to stay in the background. The relationship with stakeholders such as pension lawyers and administrators is substantially better under her.”⁶⁶</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Applied

⁶⁴ <http://www.cover.co.za/retirement/pension-funds-adjudicator-reappointed-until-2018>

⁶⁵ <http://www.iol.co.za/business/personal-finance/retirement/hard-work-fair-play-1685295>

⁶⁶ <http://www.financialmail.co.za/fm/2012/10/17/pension-funds-adjudicator>

NARNIA BOHLER-MULLER

Executive summary: Prof Bohler-Muller is currently the Executive Director of the Africa Institute of South Africa and the Human Science Research Council. She obtained a B Juris, LLB and LLM from the University of Port Elizabeth and a LLD from the University of Pretoria. Bohler-Muller was the official BRICS country representative from 2013-2015 and is a NRF rated academic with significant research output.

Current employment	<p>Executive Director of the Africa Institute of South Africa and the Human Sciences Research Council</p> <ul style="list-style-type: none"> • Adjunct Professor, Nelson R Mandela School of Law, University of Fort Hare
Qualifications	<ul style="list-style-type: none"> • B JURIS –University of Port Elizabeth (1993) • LLB – University of Port Elizabeth (1995) • LLM – University of Port Elizabeth (1999) • LLD – University of Pretoria (2006)
Previous employment	<ul style="list-style-type: none"> • Executive Director, Africa Institute of South Africa, Human Sciences Research Council (HSRC); Adjunct Professor, Nelson R Mandela School of Law, University of Fort Hare (2015-2016) • Deputy Executive Director, Democracy, Governance and Service Delivery HSRC; Adjunct Professor, Nelson R Mandela School of Law, University of Fort Hare (2013-2015) • Official BRICS country representative appointed by the Minister of Higher Education and Training (2013-2015) • Acting Executive Director at HSRC (2013) • Acting Head, Legal Services, and Acting Executive Director: Democracy, Governance and Service Delivery, HSRC (2012)

	<ul style="list-style-type: none"> • Director: Social Science Research and Library and Documentation Services Africa Institute of South Africa (AISA) (2011) • Professor of Law Vista University and Nelson Mandela Metropolitan University (1996 – 2011)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

Present employment	Country RRP for Pharmacovigilance & QA at Sonke Pharmaceuticals since 2014
Qualifications	<ul style="list-style-type: none"> • Bachelor of Pharmacy – University of the North West (2004) • Marketing Management – UNISA (2010) • SA Code of Practice for the Marketing of Health Products in South Africa – Quad Pharma (2011) • Introduction to Thought Leadership for Africa’s Renewal – UNISA (2012)
Previous employment	<ul style="list-style-type: none"> • Senior Regulatory Affairs and Compliance at Reckitt Benckiser (2013-2014) • DRA Pharmacist at Sandoz (2010-2013) • Project manager for Southern Africa at GNLD (2007-2010) • Production pharmacist at Pharma-Q (2007) • Community service pharmacist at Untunjambili Hospital (2006) • Pharmacist intern at Novartis (2005)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	No – the candidate only has qualifications and experience in the pharmaceutical industry
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Applied

NOKUTHULA SINCERCIA NWAOSHAI

Executive summary: Nwaoshai is currently the Country RRP for Pharmacovigilance & QA at Sonke Pharmaceuticals. She has vast experience in the pharmaceutical industry and previously worked at Reckitt Benckiser, Sandoz and Pharma-Q.

NONKOSI PRINCESS CETYWAYO

Executive summary: Cetwayo is an Advocate of the High Court. She holds a BA and LLB from the University of Cape Town. She is the current sheriff of the Bleville High Court. Her experience includes working in the National Assembly as the Head of the Office on Institutions Supporting Democracy (Chapter nine institutions).

Present employment:	Sheriff of the Bellville High Court (2014- date)
Qualifications	BA- University of Cape Town (1991) LLB- University of Cape Town (1994)
Previous employment	<ul style="list-style-type: none"> • 2010 – 2014: Head of the Office on Institutions Supporting Democracy, National Assembly (Chapter nine institutions) (2010-2014) • CoGTA (Department of Co-operative Governance and Traditional Affairs) – special advisor to the Minister (2010) • Strategic Advisor to the Deputy President, Presidency. (2008-2009) • Executive Director in the Office of the Speaker of Parliament. (2006-2008)

	<ul style="list-style-type: none"> • Provincial Head: Department of Justice, North West then Eastern Cape. (1997-2005) • Researcher, Parliament (1996-1997) • Assistant Law Advisor, Constitutional Assembly. (1994-1996) • Chairperson of the Board for Sheriffs (1999-2001) • Chairperson, North West Province Liquor Board. (1998-1999)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	It is unclear and depends on the nature of her previous work experience. Her CV titles her as "Adv", it provides no details as to when and where she was admitted as an advocate- she does not seem to have practised at any stage.
Public and other service	
Pertinent professional conduct	No information available.
Pertinent personal conduct	No information available
Known political affiliation	African national Congress- CV discloses that she was the secretary of the ANC Women's League in Langa between 1995 – 1996, and Vice Secretary of the ANC's Lana branch between 1992 – 1993.
Nominated/applied	No available information.

PHILANI MTHETHWA

Executive summary: Mthethwa is currently the deputy executive director at the Private Security Industry Regulatory Authority. He obtained a B Juris and LLB from the University of Zululand and was admitted as an advocate of the High Court in 2003. He was previously employed as a senior legal advisor at the KwaZulu-Natal Department of Education as well as within the detective services of the South African Police Services. Whilst at the SAPS, Mthethwa was seconded to the Truth and Reconciliation Commission.

Present employment	Deputy Executive Director at the Private Security Industry Regulatory Authority (PSIRA)
Qualifications	<ul style="list-style-type: none"> • B. Juris- University of Zululand (2000) • LLB- University of Zululand (2003) • Advocate- High Court of the Republic of South Africa (2003) • Certificate in Legal Practice- University of KwaZulu Natal (2004) • Dispute Resolution Certificate- CCMA (2006)
Previous employment	<ul style="list-style-type: none"> • Part-time panellist at the National Bargaining Council for Wood and Paper (2009-2014) • Security Manager at SASSA (2007-2010) • Senior Legal Advisor at the KwaZulu-Natal Department of Education (2004-2007) • Assistant Director (Taxi Conflict Monitoring Unit) at the KwaZulu-Natal Department of Transport • Pro-forma Prosecutor at the Private Industry Regulatory Body (2001-2003) • Investigative Unit Assistant Head of the Truth and Reconciliation Commission (1996 -1999) • Sub unit commander at the South African Police Services (1986-2000)
Does the candidate possess the formal qualifications required in the Public Protector Act?	Yes – the candidate has legal qualifications and experience in public administration and administration of justice
Public and other service	No available information

Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by Xolani Gwala

PHILIP DEXTER

Executive summary: Dexter is currently a Post-Doctoral Research Fellow at the University of Cape Town. He holds a BA, MA and Doctor of Philosophy from the University of Cape Town. Dexter has mainly worked in politics, trade unions and business. He has also spent some time spent in academia.

Present employment:	Post-Doctoral Research Fellow at UCT Department of Religious Studies (2012-2015)
Qualifications	<ul style="list-style-type: none"> • Doctor of Philosophy – University of Cape Town (2010) • Master of Philosophy – University of Cape Town (1998) • Bachelor of Arts – University of Cape Town (1992)
Previous employment	<ul style="list-style-type: none"> • Chief Advisor to the Chief Whip of ANC (2013-2014) • Director at Urafields⁶⁷ (2012-2013) • Member of Parliament for the Congress of the People (2009-2012) • Acting CEO of Mpumalanga Economic Empowerment Corporation (2005-2006) • Founding director and Acting CRO of Proudly South African (PSA) (2004-2005) • Chairman of the Mpumalanga Economic Growth Agency (MEGA) (2004-2006) • Senior Research Manager at HSRC - Social Cohesion and Integration Research Programme (2003-2004) • 2002 – 2006: Director at Izingwe

⁶⁷ <http://www.news24.com/Archives/City-Press/Dexter-failed-to-deliver-on-promises-20150429>

	<ul style="list-style-type: none"> • Executive Director of the National Economic Development and Labour Council (NEDLAC) (1999-2003) • Chairman of NEWAHU Investment Company (NIC) (1996-2007) • General Secretary of the National Education Health and Allied Workers Union (NEHAWU) (1991-1994) • ANC MP – serving on Labour, Public Service and Administration, and Finance Portfolio Committees (1994-1999)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Unclear that his qualifications meet the legislative requirements for Public Protector.
Public and other service	<ul style="list-style-type: none"> • Vice-President of the Africa-China Friendship Association • Director of multiple companies
Pertinent professional conduct	<p><u>Dexter failed to deliver on promises</u></p> <p>Press report that Dexter was allegedly fired from Urafields for not delivering.⁶⁸</p> <p><u>Dexter resigns from SACP</u></p> <p><i>Dexter, who had been suspended and who faced disciplinary action stemming from the donation controversy, said in the letter he remained committed to the aims of the SACP and the ideal of a socialist society.”⁶⁹</i></p> <p><u>COPE’s Dexter Rejects Nondisclosure Allegations</u></p>

⁶⁸ <http://www.news24.com/Archives/City-Press/Dexter-failed-to-deliver-on-promises-20150429>

⁶⁹ <http://mg.co.za/article/2008-09-09-dexter-resigns-from-sacp>

	<i>Cope MP Phillip Dexter has rejected allegations of non-disclosure of assets and interests in Parliament's register of members' interests.⁷⁰</i>
Pertinent personal conduct	<u>Ruckus at the Dexter house</u> <i>“Congress of the People MP Phillip Dexter and his academic wife, Neeta Misra Dexter, have laid assault and malicious damage to property charges against each other after a domestic dispute last month.”⁷¹</i>
Known political affiliation	African National Congress Congress of the People (2009-2012)
Nominated/applied	No available information

⁷⁰ <http://mg.co.za/article/2011-03-16-copes-dexter-rejects-nondisclosure-allegations>

⁷¹ <http://mg.co.za/article/2010-07-30-ruckus-at-the-dexter-house>

PIERRE De VOS

Executive summary: de Vos is the Claude Leon Foundation Chair in Constitutional Governance at the University of Cape Town (UCT). He obtained a B Com, an LLB and an LLM from Stellenbosch University, an LLM from Columbia University and an LLD from the University of the Western Cape. de Vos taught law at the University of the Western Cape from January 1993 to July 2009, when he was appointed to his current position. He was appointed deputy dean of the UCT Law Faculty in January 2011. de Vos currently teaches undergraduate courses on South African Constitutional Law, the South African Bill of Rights and a post-graduate course on Governance and the South African Constitution.

Present employment	Claude Leon Foundation Chair in Constitutional Governance at the University of Cape Town
Qualifications	<ul style="list-style-type: none"> • Bcom- University of Stellenbosch (1986) • LLB- University of Stellenbosch (1988) • LLM- University of Stellenbosch (1993) • LLM- Columbia University (1992) • LLD- University of the Western Cape (2000)
Previous employment	<ul style="list-style-type: none"> • University of the Western Cape (1993-2010) <ul style="list-style-type: none"> - Full time lecturer - Senior lecturer - Associate Professor - Professor of Law - Senior Professor • Journalist at Die Suid-Afrikan (1989) • Journalist at the Institute for Democratic Alternative (Idasa) (1989)
Does the candidate possess the formal qualifications required in the Public Protector Act?	Yes – the candidate has been lecturing in law since 1993 and has the relevant legal qualifications

<p>Public and any other service</p>	<ul style="list-style-type: none"> • Member of the Board of the Triangle Project – an NGO promoting a human rights approach to LGBTI issues (2009-present) • Member of Advisory Council for the Advancement of the South African Constitution (CASAC) • Chairperson of the Board of the Aids Legal Network (2004-present) • Founding member and member of the steering committee of Siyazela – an organisation fighting racism and homophobia on behalf of the LGBTI community in Cape Town (2003) • Member and steering committee member of the Western Cape branch of the Coalition for Lesbian and Gay Equality (1995-1997)
<p>Pertinent professional conduct</p>	<p>de Vos has published a number of academic articles on sexual orientation discrimination and same-sex marriage, the enforcement of social and economic rights, HIV/AIDS, the construction of race, racism and racial discrimination and other human rights issues.</p>
<p>Pertinent personal conduct</p>	<p>Since 2006, de Vos has written a personal blog titled Constitutionally Speaking, which deals with South African social and political issues based on his constitutional expertise. He is also a frequent contributor to Thought Leader, a news and opinion website owned by the Mail & Guardian.⁷²</p> <ul style="list-style-type: none"> • In 2008 de Vos took issue with Helen Zille after she criticised Justice Nathan Erasmus for chairing a Commission of Inquiry to investigate wrongdoing by her party. He raised on two points: that the DA was being "hypocritical" in trying to shut down the Commission and that her comment about Justice Erasmus was "politically stupid" and served to undermine the independence of the judiciary. The

⁷² http://america.pink/pierre-vos_3513230.html

	<p>Cape High Court eventually declared the Commission unconstitutional.</p> <ul style="list-style-type: none"> • In June 2009, after a radio debate between de Vos and Paul Ngobeni, a supporter of Judge President of the Cape, John Hlophe, de Vos was accused of being a racist who hated Hlophe. "This guy will be joining a group of gangsters who make Hlophe their do-or-die issue. Whites want to entrench themselves in the last unelected branch of government - the judiciary," said Ngobeni. De Vos denied the charge. He pointed out that what he had written on his blog was the opposite of what was alleged, namely: "This does not make me a person who hates the Judge President ". • In November 2015 De Vos wrote several articles arguing in favour of a change to the language policy at the University of Stellenbosch to eradicate the indirect racial discrimination imposed by the use of Afrikaans at the University. • de Vos has also written extensively on the powers and role of Chapter Nine institutions like the Office of the Public Protector. <ul style="list-style-type: none"> - No more dithering- a Constitutional duty to make a decision⁷³ - Nkandla- The National Key Points Act must be ignored⁷⁴ - Attempts to discredit Madonsela could backfire⁷⁵
Known political affiliation	No available information
Nominated/applied	Presumed to have applied

⁷³ <http://constitutionallyspeaking.co.za/nkandla-why-an-open-and-transparent-approach-is-needed/>

⁷⁴ <http://constitutionallyspeaking.co.za/nkandla-the-national-key-points-act-must-be-ignored/>

⁷⁵ <http://constitutionallyspeaking.co.za/attempts-to-discredit-madonsela-could-backfire/>

PRINCE MAFOJANE

Executive summary: Mafojane is an Admitted attorney and labour law consultant with managerial experience. He holds a B Proc and LLB from the University of Witwatersrand. Mafojane has worked at a number of high profile law firms as well as the Gauteng Gambling Board.

Present employment:	Labour consultant (2014-date)
Qualifications	<ul style="list-style-type: none"> • LLB University of Witwatersrand (1995); • B.PROC University of Witwatersrand (1993) • B.PROC University of the North (1982 – 1986).
Previous employment	<ul style="list-style-type: none"> • Director, Hogan Lovells (2013-2014) • Director, Mafojane Inc (2009-2012) • Director, Bell Dewar Inc (2008-2009) • Director, Cheadle Thompson and Haysom (2002-2008) • Transformation Manager, West Rand District Municipality (2001-2002) • Chief Executive Officer, North West Gambling and Betting Board. (1999-2001) • Director, Party Political Liaison, Independent Electoral Commission (IEC). (1998-1999) • Candidate attorney and Professional Assistant, Cheadle Thompson Haysom (1995-1998)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.

<p>Public and other service</p>	<ul style="list-style-type: none"> • Chairperson of Council- university of the North (2004-2005) • Chairperson- Gauteng Gambling and Betting Board (2012-2015)
<p>Pertinent professional conduct</p>	<p><u>Gambling board digs in its heels</u>⁷⁶</p> <p><i>The Gauteng Gambling Board has turned to the office of public protector Thuli Madonsela to resolve the impasse between it and the MEC for economic development, Qedani Mahlangu, over the relocation of its offices from Johannesburg's northern suburbs to the city centre.</i></p> <p><u>Commenting on fading confidence in collective bargaining</u>⁷⁷</p> <p><i>"The apparent opting out of labour union membership in South Africa amid a wave of wildcat strikes, could mark a rise in employee terminations, should companies lose confidence in collective bargaining, law firm Routledge Modise employment director Prince Mafojane has said.</i></p> <p>Sexual harassment in the workplace remains widespread. Make sure you know your rights.⁷⁸</p> <p>Sexual harassment, often described as persistent, unsolicited and unwanted sexual advances or suggestions by one person to another, continues to be a challenge for many</p>

⁷⁶ Available at <http://mg.co.za/article/2012-02-03-gambling-board-digs-in-its-heels>

⁷⁷ <http://www.gamblingafrica.com/news/2014/07/25/decision-imminent-on-morula-sun-casino-relocation.asp>

⁷⁸ <http://www.w24.co.za/Work/Legal/Sexual-harassment-in-the-workplace-your-legal-rights-20140722>

	employers and employees.
Pertinent personal conduct	No available information.
Known political affiliation	No available information..
Nominated/applied	Nominated by Dr TP Malatsi

PUMEZA FUTSHANE

Executive summary: Futshane is the Chief Public Prosecutor in the South Gauteng Division since 2014. She holds an LLB from the University of Transkei. Futshane was previously employed as a Senior State Advocate at the Directorate of Special Operations in Pretoria, as well as serving as a State Advocate for the Johannesburg High Court.

Current employment	Chief Public Prosecutor for Johannesburg Cluster, South Gauteng Division since 2014
Qualifications	<ul style="list-style-type: none"> • Primary Teachers Diploma - Shawbury College of Education (1992) • LLB - University of Transkei (2000) • Anti-Corruption training facilitated by USAid/South Africa (2008) • UN training in investigations of sexual and gender-based violence, Justice Rapid Response (JRR) and International Criminal Investigations training (2013)
Previous employment	<ul style="list-style-type: none"> • Senior State Advocate at Johannesburg High Court, South Gauteng Division (2009-2014) • Senior State Advocate at the Directorate of Special Operations (2007-2009) • State Advocate for the Johannesburg High Court (2005-2007) • Prosecutor for Newcastle Regional Court (2002-2004) • District Court Prosecutor for Durban Magistrates Court (2001)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes – candidate is a an advocate with 15 years of legal experience
Public and other service	No available information

Pertinent professional conduct	<p>Futshane has a high profile litigation for sexual offence cases and serial rapists.</p> <p>Media reports note that senior prosecutors within the NPA alleged that Futshane was victimising them⁷⁹</p>
Pertinent personal conduct	<p>Futshane is married to the South Gauteng Director of Public Prosecutions, Andrew Chauke. In the judgement in the case of <i>Freedom Under Law V National Director of Public Prosecutions and Others</i>, Judge John Murphy raised concerns about the independence of the acting NDPP, Nomgcobo Jiba and Andrew Chauke.⁸⁰ “The NDPP and the DPPs have not demonstrated exemplary devotion to the independence of their offices, or the expected capacity to pursue this matter without fear or favour... Further prevarication will lead only to public disquiet and suspicion that those entrusted with the constitutional duty to prosecute are not equal to the task.”⁸¹</p>
Known political affiliation	No available information
Nominated/applied	Applied

⁷⁹ <http://www.iol.co.za/news/crime-courts/claims-of-victimisation-inside-npa-1855389>

⁸⁰ <http://www.dailymaverick.co.za/opinionista/2013-09-25-the-mdluli-matter-nxasanas-first-big-test/#.V3p3B2df21s>

⁸¹ Ibid

KAAJAL RAMJATHAN-KEOGH

Executive summary: Ramjathan-Keogh is currently the Executive Director of the Southern Africa Litigation Centre (SALC). She holds a B Proc and LLB from the University of Natal and is admitted as an attorney. Ramjathan- Keogh was previously employed as the manager of the Refugee and Migrants Rights Programme at the Lawyers for Human Rights, as well as the Southern African regional representative for the International Detention Coalition.

Current employment	Executive Director of the Southern African Litigation Centre (SALC) since 2014
Qualifications	<ul style="list-style-type: none"> • B Proc - University of Natal (1992-1995) • LLB - University of Natal (1996-1997) • Articles of Clerkship School for Practical Legal Training January – July 1998 • Certificate course in International Migration Policy and Management, Wits Business School, August – November 2002. • Summer school in Forced Migration, Oxford University's Refugee Studies Centre, June – July 2003. • UNHCR distance learning programme on Statelessness (March – December 2011).
Previous employment	<ul style="list-style-type: none"> • Manager of the Refugee and Migrants Rights Programme at Lawyers for Human Rights (2007-2014) • Head of the Detention Monitoring Unit at Lawyers for Human Rights (2002-2007) • Programme Officer at the International Organisation for Migration • Various legal positions in the United Kingdom (1998-2001)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes – the candidate has the necessary legal qualifications and experience
Public and other service	<ul style="list-style-type: none"> • Board member at Sonke Gender Justice

	<ul style="list-style-type: none"> • Board member at South African History Archive • A founding member of the secretariat of the African NGO Taskforce, a network of organisations working on refugee protection in Africa. The Taskforce has been working on actively capacitating local NGOs on aspects of refugee protection.
<p>Pertinent professional conduct</p>	<p>Newsmaker – Kaajal Ramjathan-Keogh: At the centre of -the al-Bashir debacle⁸²</p> <p>Ramjathan-Keogh led the court application to have Sudanese President Omar Al-Basheer arrested for war crimes in South Africa during the African Union Summit.</p> <p>Justice for anti-apartheid activist 32 years after her torture and disappearance.</p> <p>Under Ramjathan-Keogh’s leadership, the SALC took the National Prosecuting Authority to court to compel it to prosecute the killers of anti-apartheid activist Nokuthula Simelane. She is quoted as saying Nokuthula’s case brings to the fore the need to adequately address the legacy and crimes of apartheid...gross violations of human rights should not and cannot be swept under the rug.”⁸³</p> <p>50th Anniversary of the March on Washington, Human Rights First</p> <p>Ramjathan-Keogh noted that ““I have a dream that South Africa will be a place that proudly respects the human rights of all and in particular sets minimum standards in equal protection for refugees, asylum seekers and migrants. This means that people from other parts of the African continent will no longer be deliberately targeted for xenophobic violence and that government officials, including police and justice officials, will send a clear and consistent message that xenophobic violence and other types of hate crimes will not be tolerated. It means that asylum seekers will not be denied the opportunity to apply for asylum, will have their claims for asylum</p>

⁸² <http://city-press.news24.com/News/Newsmaker-Kaajal-Ramjathan-Keogh-At-the-centre-of-the-al-Bashir-debacle-20150621>

⁸³ <https://www.ictj.org/news/justice-south-africa-anti-apartheid-activist-disappearance>

	determined by a fair and efficient system, and will be able to access their rights on an equal basis to South African citizens. And it means that people will not be unnecessarily subjected to immigration detention and risk being deported back to places where they face risks of persecution – especially in cases where they have the legal right to be protected by the South African state.” ⁸⁴
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by Students for Law and Social Justice

⁸⁴ <http://www.humanrightsfirst.org/2013/08/28/dr-king%25e2%2580%2599s-legacy-inspires-defenders-beyond-u-s-borders/>

ADV RANDALL TITUS

Executive summary: Titus is a consultant at Thomson Wilks Inc. He is a senior attorney admitted to practice in 1993. He obtained his BA LLB and LLM degrees from the University of Cape Town. Titus is the Director of his own law firm, Randall Titus & Associates. He is a member of the High Court committee and the Library Committee of the Cape Law Society and previously served as the Chairman of the Cape Town Attorneys' Association.

Current employment	Consultant at Thomson Wilks Inc.
Qualifications	<ul style="list-style-type: none"> • BA (1985-1988) University of Cape Town • LLB (1989-1990) University of Cape Town • LLM-Commercial Law (2001-2002) University of Cape Town
Previous employment	<ul style="list-style-type: none"> • Director at Randall Titus & Associates Inc
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	<ul style="list-style-type: none"> • He has membership in the Cape Law Society (CLS): High Court Committee and Library Committee • Cape Town Attorney's Association, (past Chairman) • Children's Hospital Trust, (Deputy Chairman, Trustee) • Western Province Rugby Football Union (WPRFU)- Disciplinary Committee, (Chairman) and Strategic Monitoring and Advisory Committee (member) • National Sea Rescue Institute (Director-non executive) • Commissioner for Small Claims- Goodwood Magistrates Crt • Advisor on legal and complex matters- Western Cape Women Business Chamber
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by the NAFCOG Women Chamber

RAYMOND CHALOM

Executive summary: Chalom is an attorney practising for his own account since 1976. He was admitted as an attorney by the then Transvaal Provincial Division of the Supreme Court (now the North Gauteng High Court) and has since been practising as an attorney for the past forty years. In his CV, Chalom notes that he was employed at Moss Morris Attorneys and had done trial work with Justices Kentridge and Goldstone.

Current employment	Attorney practising for own account since 1976
Qualifications	<ul style="list-style-type: none"> • Higher Diploma in Tax • LLB (Wits) • BA (Wits) • Admitted as an attorney of the High Court in 1976.
Previous employment	<ul style="list-style-type: none"> • 1972 – 1975: Articles of clerkship with Moss Morris law firm • 1976: Professional Assistant (Attorney) with Alec Singer, Johannesburg
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	In 1996, Chalom filed an objection with the Constitutional Court to the certification of the Final Constitution adopted by the Constitutional Assembly, in which he raised issues relating to the separation of powers in relation to the administration of the courts and the legal profession, and to amendments to chapter 3 which, he alleged, had the effect of reducing or withdrawing rights. If the executive controls the civil service operating in the courts as well as the behaviour of attorneys via section 57 of the Attorneys Act and the rules of the Law Society, then any judgements of the courts and their execution become a mockery especially where the judgement is against the executive itself. There will be times when attorneys

	will be called upon to do things in their representation of people, which will be highly objectionable to the government. The government must never be in a position to exert power on legal representatives to refrain from defending their clients. Only the courts should influence attorneys. By having Law Society regulations which are unconstitutional in a government created Law Society, pressure can be exerted on individual attorneys via Law Society regulations. This has occurred in the past.” ⁸⁵
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Applied

⁸⁵ <http://www.justice.gov.za/legislation/constitution/history/CERTIF/OTH12.PDF>

RHULANI BALOYI

Executive summary: Baloyi is currently employed as a Forensic Investigator at the Special Investigating Unit of the National Prosecuting Authority. He obtained a LLB from the University of Venda for Science and Technology, and a Certificate in Anti-corruption and Commercial Crime from the University of South Africa. Baloyi was previously employed as a Legal Advisor at Scorpion Legal Protection and the Africa Legal Network.

Current employment	Forensic Investigator at the Special Investigating Unit of the National Prosecuting Authority since 2007
Qualifications	<ul style="list-style-type: none"> • LLB, University of Venda for Science and Technology (2002) • Certificate an anti-corruption and commercial crime investigation, UNISA (2010) • Admitted as an Advocate (2012)
Previous employment	<ul style="list-style-type: none"> • Independent Contractor Tutor on Criminal Law at UNISA (2007 to date) • Legal Advisor at Scorpion Legal Protection (PTY) LTD (unspecified period) • Legal Advisor at Africa Legal Network (PTY) LTD (unspecified period) • Candidate Attorney at Ramapuputla Attorneys (unspecified period)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Unsure – it is not apparent from the Baloyi’s CV whether he meets the legislative requirements in terms of work experience
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

RONNIE SAMUEL MOKOENA

Executive summary: Mokoena’s most recent position was serving as a Caretaker Municipal Manager at the Abaqulusi Municipality. He obtained a B Admin degree from the University of the North and a Post-Graduate Diploma in Translation and Interpreting from the University of Free State. He previously served as deputy director for stakeholder relations and communications in the Gauteng Department of Sports, Arts, Culture and Recreation. Mokoena also served as the parliamentary/media liason to the MEC.

Current employment	Not listed
Qualifications	<ul style="list-style-type: none"> • B. Admin- University of the North • Post-Graduate Diploma in Translation and Interpreting- University of the Free State
Previous employment	<ul style="list-style-type: none"> • Caretaker Municipal Manager at Abaqulusi Municipality (2013-2014) • Gauteng Department of Sports, Arts, Culture and Recreation (2005-2013) <ul style="list-style-type: none"> - Deputy-Director: Stakeholder Relations and Communications - Deputy Director: Parliamentary and Media Liaison/ Spokesperson to the MEC • Committee Co-ordinator • COO and Acting Municipal Manager Amajuba District Municipality (2003-2005) • Human Resource Manager at Dihlabeng Local Municipality (2001-2003)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes – the candidate has 10 years of experience in public administration
Public and other service	No available information

Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

SESWANTSHO GODFREY LEBEYA

Executive summary: Lebeya has spent almost his entire career in the South African Police Service in a variety of positions culminating in his appointment as Deputy National Commissioner. Lebeya holds a National Diploma in Police Administration, and a B IURIS, LLB, LLM and LLD from the University of South Africa. He was previously nominated for the position of Inspector General of Intelligence.

Present employment:	Advocate- High Court of the Republic of South Africa
Qualifications	<ul style="list-style-type: none"> • National Diploma (Police administration)- Technikon SA (1991) • B Iuris- University of South Africa (1997) • LLB- UNISA (2005) • LLM- UNISA (2007) • LLD- UNISA (2012)
Previous employment	<ul style="list-style-type: none"> • A variety of positions in the South African Police Service with the most senior one being- Deputy National Commissioner, Crime Detection (February 2011- May 2014) • Divisional Commissioner of Priority Crimes Investigation at the Directorate for Priority Crimes Investigation (The Hawks) (2011-2012)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes. Presuming that his experience in the Police is counted as “administration of justice”. Which seems likely.
Public and other service	National Gambling Board- Republic of South Africa (2004-2006)
Pertinent professional conduct	<u>Here are the six Intelligence Inspector General Candidates⁸⁶</u> <i>Lebeya was also a witness at the inquest into whether former police intelligence head</i>

⁸⁶ <http://city-press.news24.com/News/here-are-the-six-intelligence-inspector-general-candidates-20160422>

	<p><i>Lieutenant-General Richard Mdluli was responsible for the death of a love rival, Oupa Ramogibe. After the judgment, which cleared Mdluli, Lebeya asked that the record of the inquest be corrected, because he believed certain statements had erroneously been attributed to him and had given the impression that he was part of a supposed movement to remove Mdluli</i></p> <p><i>Mdluli had mentioned him in a letter to President Jacob Zuma in November 2011, that there was a group of people trying to get rid of him. They included former national police commissioner Bheki Cele, former Gauteng provincial police commissioner Mzwandile Petros and Hawks commander Anwa Dramat.</i></p> <p><u>Successful legal challenge against his retrenchment⁸⁷</u></p> <p><u>Top cops in spat with Phiyega over streamlining⁸⁸</u></p> <p><i>In September, Phiyega wrote to Mofomme offering her the leadership of the SAPS Education Trust, and Lebeya was offered the job of running the research institute, a body yet to be formed.</i></p>
Pertinent personal conduct	Information not available.
Known political affiliation	Information not available.
Nominated/applied	Information not available.

⁸⁷ <http://www.saflii.org/za/cases/ZALCJHB/2014/89.html>

⁸⁸ <http://amabhungane.co.za/article/2014-04-11-tops-cops-in-spat-with-phiyega-over-streamlining>

SHARISE WEINER

Executive summary: Weiner is currently a Judge of the High Court and previously a senior advocate, with bar admissions in Lesotho, England and Wales. While in practising her areas of specialisation have been in corporate law. She is extensively involved in legal training, including internationally. Weiner also served as a part-time Commissioner for the CCMA.

Present employment:	Judge- South Gauteng High Court (2011-date)
Qualifications	BA- University of the Witwatersrand (1975) LLB- University of the Witwatersrand (1977) Advocate- High Court of the Republic of South Africa
Previous employment	<ul style="list-style-type: none"> • Practiced as an advocate of the Supreme/High Court of South Africa. Specialised in corporate / commercial law, insolvency, intellectual property law and family law. Obtained senior counsel status in 1995. (1978-2011) • Acting Judge- High Court of the Republic of South Africa (1995-2011) • Part-time Commissioner for the Commission for Conciliation Mediation and Arbitration (CCMA) (1998)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Public and other service	<ul style="list-style-type: none"> • Vice-chair, General Council of the Bar (2005) • Silk Selection Review Committee, General Council of the Bar (2009) • Appointed to the Board of Trustees of the Tomorrow Trust (2009-Present)
Pertinent professional conduct	<ul style="list-style-type: none"> • <u>Ruling in case of rape of Paramedics</u>

	<p>“These offences cross the boundary of humanity. The psychological trauma and loss of dignity these victims suffered have left them with deep wounds”.⁸⁹</p> <p><u>Notable rulings</u></p> <ul style="list-style-type: none"> • <i>Registrar of Banks v Carmol (Pty) Ltd Case No 299332/15</i> About the liquidation of a company conducting a Ponzi/pyramid scheme under the Banks Act of 1990. • <i>Saicom Holdings v Altron and other Case no 33546/15</i> Alleged unlawful deregistration of Sim cards by MTN. • <i>Cell C (Pty) Ltd and others v Prokas and another Case No 46283/13</i> About Freedom of expression and balancing rights under the Constitution.
Pertinent personal conduct	No available information.
Known political affiliation	No available information.
Nominated/applied	No available information.

⁸⁹ <http://www.times.co.sz/News/77805.html>

SIRAJ DESAI

Executive summary: Desai is an experienced High Court Judge. He worked as an attorney for AM Omar, South Africa’s first post – apartheid Minister of Justice. Desai is the former chairperson of the National Council for Correctional Services where he served for 14 years. In 1996 he took up the position of deputy chairperson of the Foundation for Human Rights in South Africa. Between 1991 and 1995 he was the chairperson of the ANC Woodstock Branch. Desai is the founding member of the National Association of Democratic Lawyers. He is also a council member of the Cape University of Technology and board member of District Six Museum.

Current employment	High Court Judge
Qualifications	<ul style="list-style-type: none"> • Bachelor Arts and Bachelor of Laws, University of Durban Westville (1976) • Admitted as an Advocate (1981) • Appointed as a judge in 1995.
Previous employment	<ul style="list-style-type: none"> • 1981 – 1995: Advocate at the Cape Bar. • Served as a Clerk to Mr Essa Moosa (later Judge), • Served as an attorney for Mr AM Omar (South Africa’s first post –apartheid Minister of Justice), • Former Chairperson of the National Council for Correctional Services (NCCS), for 14 years although CV does not disclose the exact dates. • Deputy Chairperson of the Foundation for Human Rights in South Africa since 1996, • Former Chairperson of the ANC Woodstock Branch, 1991 – 1995. • Founding member of NADEL (National Association of Democratic Lawyers). <p>Council member, Cape University of Technology.</p>
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes

<p>Public and other service</p>	<ul style="list-style-type: none"> • Board Member, District Six Museum.
<p>Pertinent professional conduct</p>	<p>Highly praised judgment in <i>University of Stellenbosch Legal Aid Clinic v The Minister of Justice and Correctional Services</i>⁹⁰ where he ruled that salary deductions or garnishee orders are unlawful:</p> <p>“The principles in the Lesapo, Jaftha and Gundwana cases are clearly applicable when EAOs are issued. Those cases dealt with sales in execution of property in order to satisfy a judgment debt. EAOs are execution orders that are made against a salary or wages of an individual in order to satisfy a judgment debt. In Jaftha and Gundwana the impugned sections prescribe a process for execution similar to the process prescribed in section 65J(2) of the Act. In all these cases the absence of judicial supervision and the consequences of the execution process infringes several of the debtors’ constitutional rights. As I have already stated, the attachment of an excessive portion of a debtor’s earnings infringes on the right of the debtor and her family to dignity, as well as their rights to access to healthcare, food, education and housing.” (Para 80).</p> <p>Co-wrote the High Court Judgement in the <i>Glenister III</i> case,⁹¹ declaring parts of the legislation governing the Hawks were inconsistent with the Constitution and invalid in terms of ensuring adequate independence.</p>

⁹⁰ University of Stellenbosch Legal Aid Clinic and Others v Minister of Justice And Correctional Services and Others (16703/14) [2015] ZAWCHC 99; 2015 (5) SA 221 (WCC); [2015] 3 All SA 644 (WCC); (2015) 36 ILJ 2558 (WCC) (8 July 2015).

⁹¹ Helen Suzman Foundation v President of the Republic of South Africa and Others; In Re: Glenister v President of South Africa and Others (23874/2012, 23933/2012) [2013] ZAWCHC 182 (14 October 2013)

	<p>The court found, however, that aspects of Glenister's submissions were based on unverified opinion.⁹² The decision was substantially upheld by the Constitutional Court.⁹³</p> <p>He gave a ruling to the effect that the decision to limit the number of strikers by the city of Cape Town at the Pharrell Williams concert was unconstitutional:</p> <p>“Western Cape High Court Judge, Siraj Desai, says the City of Cape Town's decision to limit the number of protesters at the Pharrell Williams concert next week is unconstitutional.</p> <p>Desai has given the BDS movement permission to organise a 16 000 strong crowd to protest outside the venue at the Grand West Casino on Monday night.</p> <p>Desai said the permit's limitations encroach on the freedom of assembly. "This decision is inconsistent with the constitution of the Republic of South Africa and is declared to be invalid. The protest gathering shall be limited to 16 000 participants including marshals. Secondly the participants shall be entitled to assemble and remain on the area adjacent to the Grand West Arena. The city of Cape Town is to pay the applicant's costs."⁹⁴</p>
<p>Pertinent personal conduct</p>	<p>Accused of raping a South African woman, Mrs Salomé Isaacs whilst attending a conference in India in 2004. According to available reports, he initially denied having any sexual intercourse with Mrs Isaacs. He later admitted to intercourse, but insisted he did not rape her. Mrs Isaacs later withdrew the charges. The following was</p>

⁹² <https://www.enca.com/south-africa/judgement-hawks-independence-expected>

⁹³ HELEN SUZMAN FOUNDATION v PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS 2015 (2) SA 1 (CC).

⁹⁴ <http://www.sabc.co.za/news/a/da438f0049e7da0d8edcafb28a2b9957/PharrellundefinedWilliamsundefinedtundefinedfaceundefined16undefined000undefinedprotestorsundefinedduringundefinedCTundefinedconcert-20151909>

	<p>published in the 2003 Annual Survey of South African Law regarding the incident:</p> <p>“The saga spawned an intense debate, which raised a crucial issue about the relationship between private conduct and fitness for judicial office. This debate proceeds, as it must, on an acceptance that Mr Justice Desai was innocent of rape. Ordinarily, one would say that no issue therefore arises. After all, he was acquitted of wrongdoing. A dissenting view emerged from an unexpected quarter. Former Deputy Judge President of the Witwatersrand Local Division of the High Court, Mr Justice H C J Flemming, wrote to the Sunday Times on the issue.</p>
Known political affiliation	ANC
Nominated/applied	Nomintaed

SOLO JOHANNES MAKHONJWA

Executive summary: Makhonjwa is currently a Legal Administrator presiding over disciplinary matters in the Judicial Service Commission in the office of the Chief Justice. He holds a Bachelor of Law Degree from the University of South Africa and was previously employed as a clerk of the court, a court interpreter, public prosecutor and presiding officer.

Current employment	Legal Administrator presiding over disciplinary matters in the Judicial Service Commission in the office of the Chief Justice since 2007
Qualifications	Bachelor of Law Degree – University of South Africa (2004)
Previous employment	<ul style="list-style-type: none"> • Legal Administrator at the office of the Chief Justice (2004 – 2006) • Presiding Officer (1990 – 2000) • Public Prosecutor (1988 – 1990) • Court interpreter (1986 -1988) • Clerk of the court (1984-1996)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	It is presumed that the candidate applied for the post

SOPHY DINAH MOIPONE NOKO

Executive summary: Noko currently serves as the Director of Public Prosecutions in KwaZulu-Natal and has worked within the National Prosecuting Authority since 2003. She obtained a B IURIS degree from the University of Limpopo and obtained her postgraduate LLB Degree from the University of South Africa.

Current employment	Director of Public Prosecutions in KZN (2013-to date)
Qualifications	<ul style="list-style-type: none"> • B IURIS – University of Limpopo (1993) • Postgraduate LLB Degree from UNISA (2001) • Certificate in Advanced Labour Law from the University of Pretoria
Previous employment	<ul style="list-style-type: none"> • Acting Director of Public Prosecutions in KZN (2012-2013) • Appointed as Senior Deputy Director of Public Prosecutions, Head of Tax Unit (KZN) (2009-2012) • Promoted to Senior State Advocate in for the NPA (2004-2009) • State Advocate for the National Prosecuting Authority (2003-2004) • Public Prosecutor (1997-2003) • Admin Clerk and Maintenance Officer (1996-1997)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	Between April-October 2016, the NPA under Noko’s administration successfully prosecuted 18 cases related to fraud and corruption in KZN. ⁹⁵

⁹⁵ <https://www.ecr.co.za/news-sport/news/npa-victorious-numerous-kzn-corruption-cases-past-seven-months/>

	<p>According to earlier media reports, Noko was appointed to her post in 2013 despite being under investigation for maladministration, favouritism and abuse of her office. She also allegedly withdrew corruption charges against two ANC provincial leaders, Economic Development MEC Mike Mabuyakhulu and Speaker Peggy Nkonyeni. They had been implicated in the Amigos corruption case.⁹⁶</p> <p>Noko also decided to stop the prosecution of KZN businessman Thoshan Panday and police supply chain manager Colonel Navin Madhoe for allegedly attempting to bribe provincial Hawks boss Major General Johan Booysen which was the subject of a review process initiated by former national director of public prosecutions Mxolisi Nxasana.⁹⁷</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	The candidate applied for the position

⁹⁶ <http://www.news24.com/Archives/City-Press/Top-prosecutor-got-job-despite-facing-a-probe-20150429>

⁹⁷ <http://amabhungane.co.za/article/2015-10-08-how-panday-wriggled-off-the-hook>

THEMBA MTHETHWA

Executive summary: Mthethwa is the Chief Ombud at the Community Schemes Ombud Services. He obtained a B Proc and LLB from the University of Natal and a MBA from the University of Witwatersrand. Mthethwa has experience in managerial roles in the public sector, which includes being the executive manager for legal services and contracts at Transnet and the deputy CEO of the South African Local Government Association. Mthethwa was also previously employed as CEO at the Office of the Public Protector.

Current employment	Chief Ombudsman at the Community Schemes Ombud Services since 2014
Qualifications	<ul style="list-style-type: none"> • B. Proc- University of Natal (1987) • LLB- University of Natal (1989) • Post Graduate Diploma in Industrial Relations- University of Natal (1990) • MBA- University of the Witwatersrand Business School (2015)
Previous employment	<ul style="list-style-type: none"> • CEO at the Office of the Public Protector (2009-2014) • Director of Minerals, Policy and Regulation at the Department of Mineral and Energy (2008) • Deputy CEO of the South African Local Government Association (2006-2009) • Justice Centre Executive at the Legal Aid Board (2003-2005) • Special Advisor to City Manager on Maritime Affairs at Ethekwini Municipality (2002-2003) • Executive manager for Legal Services and Contracts at Transnet Limited (1996-2002) • Professional Assistant at Mlaba Makhaye and Partners (1989-1995) • Candidate Attorney at Frank Sithole and Company (1988-1989)
Does the candidate possess the formal	Yes

qualifications and experience required in the Public Protector Act?	
Public and other service	No available information
Pertinent professional conduct	<p>During his stint as CEO at the Office of the Public Protector, Mthethwa was suspended by then Public Protector, Lawrence Mushwana for failing to disclose medical information that impacted on his appointment and for not revealing information about his suspension whilst at the SA Local Government Association. It is alleged that Mthethwa's suspension was motivated by his opposition to Mushwana receiving a R6.8million pay-out. ⁹⁸When Thuli Madonsela was appointed in 2009, she reinstated Mthethwa and dropped all charges against him.⁹⁹</p> <p>Former Deputy Public Protector, Mamiki Shai, accused Mthethwa for fraudulently signing off on his own performance assessment to score a bonus in 2010. Shai claims that Mthethwa obtained her signature under false pretences while she was being hospitalised.¹⁰⁰</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	It is presumed that the candidate has applied for the post

⁹⁸ <http://mg.co.za/article/2009-10-30-shock-r7m-payout-for-mushwana>

⁹⁹ <http://www.africanews.it/english/mushwana-claims-first-hrc-casualty/>

¹⁰⁰ <http://www.sowetanlive.co.za/news/2012/11/28/my-deputy-is-lying>

THOKWANE PHINEAS POST MOLOTO

Executive summary: Moloto is currently the Director of TP Moloto and Partners and is an Admitted Attorney of the High Court. Moloto obtained a B Proc from the University of the North, a LLM from the University of Pretoria, and a Post-Graduate Diploma in Constitutional Law from the Nelson Mandela Metropolitan University.

Current employment	Director of TP Moloto and Partners since 1984
Qualifications	<ul style="list-style-type: none"> • B. Proc- University of the North (1979) • LLM- University of Pretoria (1996) • Post-Graduate Diploma in Constitutional Law- Nelson Mandela Metropolitan University (2003) • Certificate in Humanitarian Law- University of Lund (1997) • Admitted Attorney- High Court of the Republic of South Africa (1983) • Admitted Legal Practitioner- High Court of Namibia
Previous employment	<ul style="list-style-type: none"> • Director of Jibeng Investments (PTY) LTD* • Director of Ba-Moshate Developers (PTY) LTD* • Director of Moloto Mineral Holding (PTY) LTD* <p>Years and status of directorship are unknown</p>
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	<p>Moloto has an extensive public service record. Some notable positions he occupied include:</p> <ul style="list-style-type: none"> • Member of the NEC – Black Lawyers Association (1995-1997) • The examiner of the National Examination for the Law Society of the Northern Province (1995-1997) • Member of Legal Aid Committee of the Law Society of the Northern Province (1996-1997)

	<ul style="list-style-type: none"> • Chairperson of the Dilokong Land and Mineral Rights Forum (1996-1998) • Chairperson of Benoni Attorneys Association (2005-2006) • Member of the University of Pretoria Convocation Association Board • Executive Council Member of the International Criminal Bar Association • Member of the Pan African Lawyers Union • Member of the International Lawyers Union • President of the South African Land Owners Chamber (2015)
<p>Pertinent professional conduct</p>	<p>Some of the legal fields that Moloto notes he specialises in include: criminal law litigation and court work, commercial and civil litigation, constitutional and human rights law, union and educational matters, chieftainship dispute resolution, broad based black economic empowerment cases etc.</p> <p>In May 2002, Moloto was declared as a vexatious litigant and thus needs a judge’s permission before he can take his own matter to court. A judge also accused Moloto of being “greedy” for charging a R3.4-million contingency fee for representing the victims in the Miracle 2000 pyramid scam.¹⁰¹</p> <p>Moloto faced charges of housebreaking, fraud and three charges of contempt of court. The housebreaking charge arose after he allegedly advised his clients, who had been evicted from a building, to reoccupy it.¹⁰²The Legal Aid Board (LAB) laid criminal charges against Moloto and claimed that had submitted 88 false claims to the board. His documents were seized and he was banned from representing the board’s clients. Moloto subsequently sued the LAB</p>

¹⁰¹ <http://www.iol.co.za/news/south-africa/rasuge-accuseds-lawyer-a-nuisance-250561>

¹⁰² Ibid

	for R12-million and cited loss of income, defamation and damage to his law firm. The board paid R92 000 to Moloto ¹⁰³
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by The Black Lawyers Association

¹⁰³ <http://152.111.1.87/argief/berigte/citypress/2004/05/09/C1/2/03.html>

TJITLO MONALEDI

Executive summary: Monaledi currently serves as a Magistrate. She holds a B Proc and LLB, and has been admitted as an attorney of the High Court. She was previously employed as an attorney at the Legal Aid Board and was the Director of Maserumule- Monaledi inc.

Current employment	Magistrate at various Magistrate's Courts (Kroonstad, Germiston, Eesterhoek, Standerton, Johannesburg) since 2005
Qualifications	<ul style="list-style-type: none"> • B. Proc- (1995) * • LLB- (2002) * • Attorney- High Court of the Republic of South Africa <p><i>*Institution not listed</i></p>
Previous employment	<ul style="list-style-type: none"> • Director at Maserumule-Monaledi Inc (2003-2008) • Attorney at the Legal Aid Board (2003) • Partner at Mabando-Maserumule and Partners (2000-2001) • Candidate Attorney and Professional Assistant at Lepule-Mokoka Inc. (1998-2000) • Candidate Attorney and Professional Assistant
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

TSELISO THIPANYANE

Executive summary: Thipanyane is the CEO of the Safer South Africa Foundation. He is an admitted advocate of the High Court in South Africa and Lesotho and obtained a LLM from the University of the Western Cape, and LLB and B.S.c from the National University of Lesotho. Thipanyane was previously employed as the CEO of the South African Human Rights Commission and lectured in public law and criminal procedures at the University of the Western Cape.

Current employment	Chief Executive Officer at Safer South Africa Foundation since 2015
Qualifications	<ul style="list-style-type: none"> • B.Sc., National University of Lesotho (1986) • LLB, National University of Lesotho (1989) • LLM, University of the Western Cape (1997) • Admitted as an advocate of the High Court of Lesotho, 1993 • Admitted as an advocate of the High Court of South Africa, 2003.
Previous employment	<ul style="list-style-type: none"> • Independent consultant on human rights matters (2010-2014) • CEO of the South African Human Rights Commission (2006-2009) • Executive Director and Deputy Chief Executive Officer at SAHRC (2005-2006) • Corporate Affairs Officer at CRL Commission (2004-2005) • Head of Research and Documentation at SAHRC (1996-2004) • Lecturer in Public Law and Criminal Procedure at UWC (1994 – 1996) • Research Fellow Centre for Criminal Justice at UKZN (1990 – 1994) • Registrar of Deed, Patents and Trademarks at Ministry of Justice Lesotho (1989 – 1990)
Does the candidate possess the formal qualifications and	Yes

experience required in the Public Protector Act?	
Public and other service	<ul style="list-style-type: none"> • Member of the National Children’s Rights Committee’s Board (1995-1999) • Chairperson of the South African National NGO Coalition (1997) • Member of the SA Law Commission’s Juvenile Justice Project Committee. Appointed to the Committee by the Minister of Justice in 1996 in order to assist in the reform of the South African Juvenile Justice Legislation (1996-2000) • Member of the International Board of Advisors of the Children’s Institute of the University of Cape Town (2004-2014) • Board member of the Open Society Foundation for South Africa (2005-2007) • Board member of the Open Democracy Advice Centre (2006-2009)
Pertinent professional conduct	<p>Thipanyane was reported to have resigned from the SAHRC after some of his executive powers were removed by incoming chair, Lawrence Mushwana. Media reports state “Thipanyane had been expected to help ensure continuity after the entire team of commissioners left in September at the end of their non-renewable terms. He was arguably the most visibly active chief executive of any Chapter 9 institution. In addition to being the commission’s accounting officer in terms of the Public Finance Management Act he was its chief spokesperson under former chairperson Jody Kollapen.”¹⁰⁴</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

¹⁰⁴ <http://mg.co.za/article/2009-12-11-mushwana-claims-first-hrc-casualty>

TSHEPISO DAVID HUMPHREY RAMPHELE

Executive summary: Ramphele is currently practicing as an attorney at Ramphele Attorneys. He obtained a B Juris from the University of the North, an LLB from the University of Witwatersrand and was admitted as an attorney of the High Court in 1992. He previously worked as a Regional Director for the Lawyers for Human Rights and served as a Member of Parliament for the African National Congress between 2004-2006. In 2014, Ramphele was the first candidate for Agang South Africa's provincial election list in Limpopo.

Current employment	Practitioner at Ramphele Attorneys
Qualifications	<ul style="list-style-type: none"> • B Juris – University of the North • LLB – University of Witwatersrand • Certificate in Land Reform Policy – SARIPS • Bookkeeping 1 - Damelin • Four modules in Certified Municipal Public Diploma – WITS Business School • Admitted as an attorney in 1992
Previous employment	<ul style="list-style-type: none"> • Municipal manager at Ngaka Modiri Molema District Municipality (2006 – 2009) • Member of Parliament (ANC 2004 – 2006) • Regional Director of Lawyers for Human Rights – Bophuthaswana (1994-1996) • Lectured at the University of the North West (1992-1995)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	Agang SA
Nominated/applied	No available information

VICKQUS NKOSIKHONA MNCUBE

Executive summary: Mncube is currently the spokesperson for the South African Judiciary. He obtained B IURIS from the University of Zululand and is studying towards a LLB at UNISA. Mncube has spent most of his career at the National Prosecuting Authority in various positions. He started out as a prosecutor and later rose through the ranks holding various managerial positions before becoming the NPA’s spokesperson- a position in which he built a public profile.

Current employment	Spokesperson for the South African Judiciary since 2015
Qualifications	<ul style="list-style-type: none"> • B IURIS- University of Zululand (1994) • Currently studying towards a LLB at UNISA
Previous employment	<p>National Prosecuting Authority (1996-2014)</p> <ul style="list-style-type: none"> • State Prosecutor • Criminal Law Prosecutor • Fraud Specialist Prosecutor • Senior State Prosecutor (NPA Head Office) • 2010 FIFA World Cup Dedicated Courts Project Leader • Senior State Prosecutor in the Office of the National Director of Public Prosecutions • Senior State Prosecutor Legal Affairs Division • Spokesperson
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Unsure if the candidate has the relevant 10 years of experience required practicing in a specialised field
Public and other service	<ul style="list-style-type: none"> • Member of Lifeline – counsellor to provide telephone counselling on behalf of Lifeline • Served as a coordinator in South Africa’s first democratic elections in 1994 between voting stations and the IEC
Pertinent professional conduct	According to Mncube’s CV, most of his career was spent at the National Prosecuting Authority and he received the Best Performing Prosecutor Award in 2002.

	<p>Mncube pressed charges against then Specialised Commercial Crimes Unit Head Lawrence Mrwebi for attempting to interfere, allegedly in order to aid a close friend, in an investigation Mncube was carrying out. In an affidavit, Mncube claimed that Mrwebi attempted to instruct Mncube to go back to court and change Terrence Joubert's bail conditions. Mncube reported Mrwebi's interference to Nomgcobo Jiba, but she allegedly did not take this matter seriously. The affidavit discloses that, despite his obvious conflict of interest in the matter, Mrwebi interfered further and, in November 2012, removed Mncube from the case involving Joubert.¹⁰⁵</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

¹⁰⁵ <http://amabhungane.co.za/article/2013-05-31-whos-afraid-of-glynnis-breytenbach/>

VINCENT JAMES BOTTO

Executive summary: Botto is currently the Director of the Department of Forensics, Ethics and Integrity at the City of Cape Town. He Holds a BA, LLB and LLM from the University of the Western Cape, a Masters in Public Administration from Harvard and a B COMPT degree from the University of South Africa. He was previously employed as a Senior Manager at KMPG and was a Senior Prosecutor for the Department of Justice: Directorate of Special Operations in Cape Town.

Current employment	Director of Forensic, Ethics, and Integrity Department at the City of Cape Town
Qualifications	<ul style="list-style-type: none"> • BCOMPT (Unisa) (2013) • BA(LAW) – University of the Western Cape (1990) • LLB – University of the Western Cape (1992) • LLM - University of the Western Cape (1998) • Master of Public Administration (Harvard) (2007) [Also part-time teaching fellow].
Previous employment	<ul style="list-style-type: none"> • Acting Chief Audit Executive, City of Cape Town (2016-2016) • Acting Director: Ethics, Sub-Council and Councillor Support (2013-2014) • Member of the Board of Trustees and a Member of the Audit Committee for the Pro Sano medical Aid Scheme, positions he held for a period of about three years (2010-2012) • Member of the Audit and Risk Committee at the University of the Western Cape (since 2013) • Acting Director of Legal Strategy (2005) • Member of the Audit Committee for the Provincial Development of the Western Cape (2004-2006) • Worked for KPMG’s forensic department as a senior manager (2001-2003) • Senior Prosecutor for the Department of Justice: Directorate of Special Operations, Cape Town (1999-2001)

	<ul style="list-style-type: none"> • Practised law as an attorney in his own practice, V J Botto Attorneys (1995-1999) • Articles of clerkship with the Legal Aid Board, University of the Western Cape, where he also lectured constitutional and administrative law for a year (1994) • Temporary lecturer, UWC Law Faculty (1993) • Paralegal, CV Burgess & Associates (1992-1993)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

VUYISA VUZA

Executive summary: Vuza is the CEO of the Enterprise Village Group. He obtained B IURIS and LLB degrees from the University of Transkei and has done a course on Company Law with the University of Witwatersrand. Vuza is an attorney of the High Court of South Africa. He served his articles of clerkship at Spilkin and Miltz Attorneys, and is a member of the Law Society of the Northern Provinces. He has been a director of a number of entities, including law firms, over a period of more than fifteen years.

Current employment	Chief Executive Officer at Enterprise Village Group (Pty) Ltd since 2015
Qualifications	<ul style="list-style-type: none"> • Advanced Company Law Certificate, ADR 1, 2 and 3 (2008) University of Witwatersrand • BIURIS (1995) University of Transkei • LLB (1997) University of Transkei
Previous employment	<ul style="list-style-type: none"> • Director at Tshabala Vuza Tabane Incorporate (2006-to date) • Director at Makaula Zilwa Incorporate (2004-2006) • Director, Sihlali Molefe Incorporated (2002-2004) • Associate Director at Sihlali Molefe Incorporated (2001-2002) • Professional Assistant at Sihlali Molefe Incorporated (2000-2001) • Candidate Attorney at Spilkin & Miltz Attorneys (1998-2000)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	Board Memberships of; <ul style="list-style-type: none"> • BNT Mining Resources (Pty) Ltd (current) • Chairman, Gumba Group of Companies (Pty) Ltd (current) • Lembede Investments (Pty) Ltd (2005-2009) • Lembede Strategic Investments (Pty) Ltd (2005-2011)

	<ul style="list-style-type: none"> • Chairperson of the Finance Committee of the Board- Sihlali Molefe Incorporated (2002-2004) • Member of the HR Committee of the Board- Sihlali Molefe Incorporated (2004)
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	No available information

VUYOKAZI PAMELLA NONCEMBU

Executive summary: Noncembu is currently employed as a Magistrate at the Verulam Regional Court in KwaZulu-Natal and presides over criminal, civil and divorce matters. She has a BA Law degree and LLB from the University of the Western Cape and has more than 16 years of cumulative experience in the administration of justice.

Current employment	Regional Magistrate at the Verulam Regional Court, KwaZulu-Natal since 2013
Qualifications	<ul style="list-style-type: none"> • BA Law – University of the Western Cape (1996) • LLB – University of the Western Cape (2007)
Previous employment	<ul style="list-style-type: none"> • Acting Senior Magistrate in the Family Court (2011-2012) • Acting Regional Magistrate (2010-2011) • Control Magistrate – Criminal Section Durban (2008-2011) • Magistrate - DOJ Durban (2005-2013) • Control Prosecutor for the National Prosecuting Authority (1999-2005)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	<ul style="list-style-type: none"> • National Secretary of SAC-IAWJ since 2014 • Part of a team that organised and hosted the Africa Regional Conference in 2015 that brought together women judges on all levels and Chief Justices from the Africa region.
Pertinent professional conduct	No available information
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by the South Africa Chapter of the International Association of Women Judges (SAC-IAWJ), as well as Former Chief Magistrate Mr T.C Mabaso who noted the following: “During the period she served in the said capacity, Durban Magistrate’s Court

	<p>was consistently rated number one in South Africa by the NPA in terms of justice delivery. She was again appointed as acting senior magistrate in the family court division where she again excelled as a leader.”</p>
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WILLIE HOFMEYR

Executive summary: Hofmeyr is currently the Deputy National Director of Public Prosecutions. He obtained a Bachelor of Arts in Economics, MA in Economic History and a LLB from the University of Cape Town. Hofmeyr was previously the Head of the Asset Forfeiture Unit (AFU), as well as the Special Investigating Unit. He also served as a Member of Parliament for the African National Congress and was part of the Constitutional Assembly that was involved in drafting the final South African Constitution.

Current employment	Deputy National Director of Public Prosecutions at the National Prosecuting Authority
Qualifications	<ul style="list-style-type: none"> • LLB, UCT (initially UNISA) (1989) • MA in Economic History, UCT (1984) • BA in economics, UCT 1976 • Admitted as an attorney (1991)
Previous employment	<ul style="list-style-type: none"> • Head of the Asset Forfeiture Unit (1999-2015) • Head of the Special Investigating Unit (2001-2011) • Member of Parliament for the ANC (1994-1999) • Member of the Constitutional Assembly drafting the final Constitution (1994-1996) • Worked in the ANC Western Cape branch (1990-1994) • Articles of clerkship at Mallinicks Attorneys, Cape Town(1989-1991)
Does the candidate possess the formal qualifications and experience required in the Public Protector Act?	Yes
Public and other service	No available information
Pertinent professional conduct	<p>NPA’s annual report for 2014/2015 mentions that the AFU, under Hofmeyr’s leadership, warranted a “special mention”, with the best overall performance recorded, significantly exceeding its best performance in 2013/2014. Most noteworthy were:</p> <ul style="list-style-type: none"> • An overall success rate of 93.1%;

	<ul style="list-style-type: none"> • 436 completed forfeiture cases, with a value of R1.9-billion; • 342 freezing orders to the value of R2.7-billion; • Freezing orders to the value of R2.2-billion and recoveries of R1.5-million, relating to cases where the amount benefited from corrupt activity was more than R5-million; • R1.6-billion paid to the victims of crime; and • R11.1-million recovered in cases where government officials were convicted of corruption and other related offences. <p>AFU exit</p> <p>Media reports allege that Hofmeyr was removed from the AFU after due to his support for former National Director of Public Prosecutions, Mxolisi Nxasana.¹⁰⁶</p> <p>Spy Tapes</p> <p>Media reports indicate the Hofmeyr played a central role in dropping corruption charges against President Jacob Zuma. He is said to have been the only key NPA figure to have advocated for dropping charges prior to Acting NDPP Mokotedi Mpshe’s decision to do so.¹⁰⁷</p> <p>SIU exit</p> <p>Media speculation that Hofmeyr was removed as the Head of the SIU due to him allegedly assisting the public protector’s investigation involving cabinet ministers and the former national police commissioner, Bheki Cele.¹⁰⁸</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by Hilton van Niekerk

¹⁰⁶ <http://www.dailymaverick.co.za/article/2016-02-02-mpa-willie-hofmeyrs-affidavit-spells-trouble-for-jiba-and-abrahams/#.V3u-rPI96Uk>

¹⁰⁷ <http://www.news24.com/SouthAfrica/Politics/Mbeki-abused-NPA-Hofmeyr-20150331>

¹⁰⁸ <http://www.news24.com/SouthAfrica/Politics/Why-replace-Hofmeyr-opposition-asks-2011129>

ZARINA KELLERMAN

Executive summary: Kellerman is currently employed as an advisor to the Minister of Mineral Resources. She obtained the following qualifications: BA, LLB, FA ARB, ACI ARB (UK), and CEDR Acc (UK). Kellerman is an admitted attorney with 15 years of experience spanning across the private, semi-private and public sectors. As a CEDR accredited mediator, her experience is primarily commercial in nature with most of her mediations being conducted in the construction and mining sectors. She has also mediated for a number of government departments and state owned entities including Alexkor, Eskom, Transnet and for the Medupi Power Station Joint Venture.

Current employment	<p>Advisor to the Minister of Mineral Resources since 2015</p> <p>Director of the following companies</p> <ul style="list-style-type: none"> • Kellerman Consulting (100%) • ZK Consulting (100%) • Baruch Ministries (100%) • MRB Oil and Gas (20%)
Qualifications	<ul style="list-style-type: none"> • BA – University of Witwatersrand • LLB – University of Witwatersrand (2001) • Accredited Mediator • Accredited Arbitrator • Certificate courses through the UN on cross border negotiations • Admitted as an Attorney of the High Court in 2003 • Admitted as an Advocate of the High Court 2015
Previous employment	<ul style="list-style-type: none"> • General Council to Alexkor SOC Limited (2013-2015) • CEO of Lady Justice (2010-2013) • Partner at Eversheds Attorneys (2006-2010) • Two years as CA and two years as PA at Edward Nathan & Friedland and Knwles Husain Attorneys (2001-2005)
Does the candidate possess the formal qualifications and	Yes

experience required in the Public Protector Act?	
Public and other service	<ul style="list-style-type: none"> • Director of the Teddy Bear Clinic for Abused Children (2006-201) • Trustee of the Italtile BEE Trust
Pertinent professional conduct	<p>Most Highly Regarded Practitioners: Commercial Mediation 2013¹⁰⁹</p> <p>Kellerman was recognised as a leading South African commercial mediator in 2013</p>
Pertinent personal conduct	No available information
Known political affiliation	No available information
Nominated/applied	Nominated by JM Thomson

¹⁰⁹ <http://whoswholegal.com/news/analysis/article/30712/most-highly-regarded-practitioners-commercial-mediation-2013/>

ZWELETHU “MIGHTY” MADASA

Executive summary: The majority of Madasa’s career has been spent in politics with the ANC and the ACDP respectively. He was a Member of Parliament for both parties and was later the Secretary General of the Pan-African Parliament. He was admitted to the South African Bar Council in 1995 and practiced as an advocate till 1999.

Present employment:	Unclear from CV.
Qualifications	<ul style="list-style-type: none"> • B. Proc- university of the Western Cape • LLB- University of the Western Cape
Previous employment	<ul style="list-style-type: none"> • Secretary general of the Pan-African Parliament (2010-2015) • Member of Parliament (1999-2009) • Advocate- South African Bar Council (1995-1999)
Does the candidate possess the formal qualifications and experience required by the Public Protector Act?	Yes.
Public and other service	
Pertinent professional conduct	<p><u>How Mighty has fallen from favour</u>¹¹⁰</p> <p>Summary of allegations that led to his initial dismissal from the P-African parliament as well as Madasa’s response.</p> <p><u>Opposition turn backs on equality bill</u>¹¹¹</p> <p><i>ACDP spokesman Mighty Madasa said the ACDP did not believe this was an opportune time to make a law that promoted substantial equality, because of the financial implications this would have on the state.</i></p> <p><i>"The country is still at a sensitive economic development and growing stage to be able to sustain such huge demands on its resources as contained in the bill.</i></p> <p><u>At Odds with Kasrils</u>¹¹²</p>

¹¹⁰ <http://www.news24.com/Archives/City-Press/How-Mighty-has-fallen-from-favour-20150430>

¹¹¹ <http://www.iol.co.za/news/politics/opposition-turn-backs-on-equality-bill-26306>

¹¹² <http://www.bdlive.co.za/opinion/letters/2014/04/22/letter-at-odds-with-kasrils>

	<p><i>what is expected in a scenario like we have in South Africa, of a strong party-based political system, is that the members of political parties would raise their concerns internally.</i></p> <p><u>ACDP Bemoans Lack OF Skills, Discipline Among Youth</u>¹¹³</p> <p><i>"Our country has legalised abortion and the equality law recognises homosexual sexual liaisons and equates them to a marriage relationship. We are speaking of the need to legalise prostitution, which is certainly not the answer to unemployment," he said.</i></p> <p><i>Madasa said the removal of religious traditions and the banning of corporal punishment at schools were all done in the name of being a caring society.</i></p> <p><u>Strengthen the AU, African Court</u>¹¹⁴</p>
Pertinent personal conduct	Information not available.
Known political affiliation	Parliamentarian for both the African National Congress and the African Christian Democratic Party.
Nominated/applied	Information not available.

¹¹³ <http://www.corpun.com/zas00006.htm>

¹¹⁴ <http://www.southcoastnews.co.za/strengthen-the-au-african-court-advocate-zwelethu-madasa/>

