

Protection of whistleblowers key to fighting corruption, says advocate Andy Mothibi

Special Investigating Unit (SIU) head, Advocate Andy Mothibi, says whistleblowers remain an important aspect of combatting corruption.



Source: robert hyrons – 123RF.com

He was speaking during the first webinar in a five-part series, which will explore the importance of whistleblowing and the challenges that whistleblowers experience.

“More often, corruption goes undetected until a whistleblower comes out. To bring any successful litigation and prosecution, you need credible evidence, and the evidence doesn’t just flow from nowhere.

“It’s given by people, and those people have to be assured that the framework of the witness protection and whistleblower protection functions, such that they are protected,” he said.

Mothibi explained that in the case of Personal Protective Equipment corruption cases, for example, the SIU has ensured that those coming forward with information are not put in any danger.

“We’ve got an independent company that’s running our whistleblower hotline. We do that to ensure that there’s confidentiality [and] it is also to ensure that there is anonymity. Almost 90% to 95% of our PPE investigations are procurement based and that’s simply because that’s where all the money is.

“More often, it is officials who become aware of this corruption and maladministration around procurement processes, and we have seen that officials do come out in many instances. Then it becomes very important that the... Protected Disclosures Act really kicks [in], so that those officials are protected.”

Mothibi said the death of Gauteng Health Department Chief Director of Financial Accounting, Babita Deokaran, spurred the unit to raise awareness on the legal options that whistleblowers have in order to receive protection.



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Deokaran was killed in an alleged hit after she exposed potential corruption within the department.

“It is so important for would-be witnesses and would-be whistleblowers to understand the legal framework to protect them. But we as law enforcement agencies are really geared up to ensuring that when matters and cases are reported to us, we put in place measures that will make sure that the whistleblowers and witnesses are protected,” Mothibi said.

The legal framework includes the Protected Disclosures Act – also known as the Whistleblowing Act – which protects workers from civil or legal liability after they have disclosed information to law enforcement about unlawful acts committed by their employer.

Witnesses also have protection through the Witness Protection Act.

Mothibi acknowledged that both of these Acts needed to be broadened to include those who witness corrupt acts while not necessarily working for the government.

The SIU will hold the second whistleblowers webinar on 3 October, which will unpack whistleblower legal frameworks and regulations.

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