

APPLICATION: PUBLIC PROTECTOR SOUTH AFRICA

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BIOGRAPHICAL INFORMATION:

Full Names: Ioannis Tefanis

Postal Address : see footer.

EMAIL: ..

CELLPHONE. .

ID: ..

EDUCATION:

Bachelor of Commerce (law, psychology, submajor finance) 1997

BA Honours (Applied Psychology) 1998

PDA (Counselling) 2006

Witwatersrand University.

LANGUAGES:

English, Afrikaans, French, Greek.

CURRICULUM VITAE :

In brief I have trained and worked as a psychometrist, counselling psychologist, and real estate practitioner. For the purposes of this application it suffices to know that I have over 24 years sustained reading of legislation and jurisprudence of the Constitution of the Republic of South Africa with respect to governance, and human rights. I understand the macroeconomic environment in South Africa and have a good basic understanding of commercial transactions. My postgraduate studies fundamentally involved grappling with what today is called a developmental economy, and breaking the poverty cycle and facilitating agency, particularly with a view to reversing and avoiding mental health decline in communities through organisation and facilitation. I have a strong grounding in cross cultural perspective and do not observe the world from any fixed ethnocentric standpoint. I understand business information systems and have some coding skills.

I do not have a criminal record.

In future I am interested in a post in the Constitutional Court.

My application comprises having written to the Section 194 committee the following:

1. to the Western Cape High Court &
2. to the Constitutional Court of South Africa
3. other relevant documents.

Explaining my understanding of the caselaw and its application to the Public Protector of South Africa. This is my own work, unaided, except insofar as it comprises observation of the concerted efforts of numerous professional persons in the section 194 committee from varied disciplines, and my understanding of Commission's of Inquiry.



MOTIVATION FOR THE POSITION: CHANGES

1. Litigate or Mediate an application to read into the Intergovernmental Framework Act Chapter 3, that the Public Protector may open an intergovernmental dispute with the National Assembly using the Chapter 3 obligations of co-operative governance, over issues such as disputes over funding, and disputes over impeachment rules, if the National assembly do not propose and fast track such a procedure.
2. I would immediately rewrite and gazette the regulations for the Public Protector investigations regarding contempt provisions. These would be included in the section 7.9 notice, and in addition the purposive reading in of the act regarding Prevention and Combatting of Corrupt Activities Act obligations of the Public Protector would be included with a request for persons issued such a notice to facilitate an understanding of the legal framework as it applies to their situation, as the law is objective, where appropriate.
3. I would promulgate a procedure regarding the issuing of a rule 53 certificate, such the Public Protector can no longer be accused of not acting in good faith.
4. I would likely somewhat alter the format of reports issued by the Public Protector to more closely match those written in criminal high court judgements. The particular changes I would make would be to describe factual findings and make explicit what conclusions can be drawn and relied on from them and how this evidence was weighed during the course of an investigation. At present reports tend to only describe their findings as presented to them. I understand for recommendations to be made only a prima facie case is necessary.
5. I would recover costs in litigation where there have been no prospects of mulcting the Public Protector Office through rescission applications / or review proceedings particularly given the lack of frontal interpretation of the act in litigation of the act, and the clear view that the current Public Protector has sought to fulfil her Prevention of Organised Crime act obligations through the Prevention and Combatting of Corrupt Activities Act read with the Public Protector Act which the courts did not appear to understand.
6. I would examine the inquisitorial system of gathering evidence and fact findings processes used and standardise them if necessary.
7. In my view the Public are entitled to know how many mediated solutions have been reached, how many reports have been deemed confidential, and whilst I am deeply interested in a fusion of alternative dispute resolution or restorative justice principles, and especially ubuntu in the law, open justice and criminal liability must be known by all and sundry; but good governance in my view supercedes mere criminal liability.
8. The national assembly has assembled a powerful arsenal of tools for holding the executive to account, and for primarily asserting itself as an accountability and oversight body, and in my view their weapon of choice with investigative powers is the Public Protector and its associated office.

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9. Primarily I see the role as that of a reader of the law and conclusions that can be based on facts wholly independent and subject only to the constitution legislation and jurisprudence that can be sustained in law. I believe in an objective reality that can be reached and that there are multiple methods both scientific and investigative to uncover those. The Public Protector is not the primary investigator of complaints, and therefore I see myself as supporting facilitating and strengthening the reasoning of the law in reports prior to publication and hand down. I am a firm believer that all professional persons involved in an investigation sign off on a report, but I do understand the Public Protector takes the ultimate responsibility for a report.

10. By obligation the Public Protector must consult the head of National Security in the Republic on any report that can impact national security. Only in the event that a decision is taken regarding National security would this be disclosed in the Report.

11. I am a private individual and do not intend to compromise my privacy, I would likely publish in the media reports. I fundamentally believe in the inherent dignity and rights of the constitution of our Republic, of the power of any person to be heard in their government and in respect for the rule of law. In my view I would primarily rely on the Deputy Public Protector for media assignments as there is scope in my view for a Public Protector whose impact is felt by the public rather than seen as per supporting documents but I am open to being persuaded differently.

12. As I understand the office they publish reports and pressure those subject to investigations with the time limit of a review to voluntarily mediate solutions if they do not do so voluntarily such that reports can be set aside if the rule 53 record becomes part of a mediated national prosecuting authority plea bargain, through deviation or alternative dispute resolution solution.

13. The South African discourse that needs to change is to move the needle from personal attacks on personality to objective argument over resource allocation decisions, such that the people of the Republic can regain their confidence in the rule of law, and especially over a stable policy framework.

14. I am completely unmoved by media portrayals or sentiment, and make my mind up over what I see hear and read, and am not a diplomat in the sense that I find myself unable to bend reality away from facts as I understand them or am otherwise persuaded, but I believe in the rule of law and its application. I am excited by innovation and do not fear hard work, but believe a balance between work home and play leads to the most productive outcomes. I do not fear examining ideas in and of themselves. The mind is made more supple by an ability to examine all ideas from varying perspectives and arriving at a considered opinion only after grasping the central concepts of every perspective. The ability to find common ground and facilitate outcomes even from disagreement is important in a democratic society but even more importantly the ability to reason is necessary in a society able to tolerate difference.

15. For the purposes of State Security Agency clearance: I am a citizen of the Republic, and also hold foreign nationality being a first generation immigrant from the European Union, born in South Africa. I stay and live in South Africa by choice. I am not a card carrying member of any political party but am interested in understanding political discourse, and the primary obligation of the 2024 elections as I understand them is to persuade the South African Public of the move from a welfare state to an growing economy that must facilitate a decrease in our structural

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unemployment numbers. I am not a card carrying member of the State Security intelligence apparatus of any country foreign or domestic. I respect the intelligence and work of the Executive in the Republic even where I find myself in disagreement, and it has been an eye opening learning experience to find myself in disagreement with the judiciary over the application of the law regarding the former President.

16. I have enjoyed getting to know the work of the current Public Protector, and in particular reading the litigation she engaged in, and in trying to make sense of her perspective, especially with regards to my understanding of the law. From a preliminary observation of the court's findings about her work I have developed a differentiated perspective and well informed opinion of the caselaw that I am certain will assist the section 194 committee in its work, and wish her the best of luck in that process. It is most regrettable that the judiciary have not respected the judicial level of discretion written into the Public Protector Act and it is a must to publish commentary that will assist future litigants to understand in full the rights duties responsibilities and obligations of the Public Protector.

17. Labour relations and motivation: I prefer positive working relations and in general believe people are doing the best they can under current circumstances, unless persuaded otherwise, and enjoy a developmental framework in upskilling and uplifting the quality of work produced as a team effort. Any person undermining or sabotaging or disrespecting me, the way has been done with the current public protector, would however find themselves in a labour relations initiative. I spent many years in my formative training in understanding process oriented interventions.

18. My supporting documents therefore outline my understanding of the public protector act and its application. I intend submitting the supporting documents for a LLD in law and will during the course of the tenure serve a pupillage as an advocate. They suffice at present to demonstrate through the national qualifications framework that I have a demonstrable and sufficient understanding of the law and public administration to undertake this work at an acceptably proficient academic level. My application shows an in depth understanding of the Public Protector Act.

19. The final point: Witness Protection: I do not waive any rights in this Republic. No Person employed from any branch of the government may compromise my safety and security for the justified reasoning I have reached in the documents enclosed. I draw the attention to every constitutional oath bearer and constitutional office bearer to respect uphold and protect my rights in this Republic to the maximum permissible in law.

20. If approved by the national assembly I hope the President will support the application.

21. I understand that under section 17.2.e of the Powers, Privileges and Immunities of Parliaments and Provincial Legislatures Act 4 of 2004 that furnishing any false or misleading information to the Parliament of the Republic is an offence. I accept knowledge of this responsibility of my own free will and voluntarily in this application.

If required I am willing to further place this document under oath on affidavit.

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Thank you for considering my written application and hope to have a favourable outcome.

POSTAL ADDRESS:

REFERENCE: BOX / SUITE 35: Secretarial Service

Service may be effected office hours
MUST USE REFERENCE: BOX / SUITE 35
on cover of an enclosed envelope
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07/07/2023