

**AD HOC COMMITTEE TO NOMINATE A PERSON FOR  
APPOINTMENT AS PUBLIC PROTECTOR**

**QUESTIONNAIRE FOR CANDIDATES**



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

Section 193 of the Constitution, 1996 and section 1A of the Public Protector Act 23 of 1994 set out the requirements for appointment as the Public Protector.

To assist the Ad Hoc Committee in its process, all those who have applied or been nominated for appointment as Public Protector are requested to supplement their application or nomination by answering this questionnaire.

Please return the questionnaire by no later than 08 July 2016 to:

**Mr V Ramaano**

[vramaano@parliament.gov.za](mailto:vramaano@parliament.gov.za)

## SECTION 1: PERSONAL

1.1. What are your full names and surname?

1.1.1. Surname .....Majola

1.1.2. Full names .....Bongani Christopher

1.2. What is your date and place of birth?

1.2.1. Date of birth ..... 09 May 1952

1.2.2. Place of birth ..... Newcastle, Republic of South Africa

1.2.3. Citizenship .....South African

1.2.4. Identity Number

1.3. Please indicate your gender .....Male

1.4. Please furnish particulars of your tertiary education:

Qualification	Institution	Year
Public Service Law Diploma (Part time)	University of Zululand	1975
Diploma Legum (Part time)	University of Zululand	1977
B. Iuris	University of Zululand	1979
Bachelor of Laws (LLB)	University of Zululand	1981
Master of Laws (LLM)	Harvard Law School	1998

1.5. Please furnish chronological particulars of employment/work experience since leaving school or university

Name of employer	Position	Period
Department of Bantu Administration	Clerk Grade II & Clerk of the Court	1971 - 1974
Kwa-Zulu Dept. of Justice	Public Prosecutor	1975 - 1977
Kwa-Zulu Dept of Justice	District Magistrate	1977 - 1979
University of Zululand	Lecturer / Magistrate	1979 - 1982



AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

Name of employer	Position	Period
University of Bophuthatswana	Senior Lecturer / Associate Professor	1982 - 1988
University of the North (Limpopo)	Professor of Law	1989 - 1996
Legal Resources Centre	National Director	1996 - 2003
UN International Criminal Tribunal for Rwanda	Deputy Chief Prosecutor	2003 - 2012
UN International Criminal Tribunal for Rwanda	Assistant Secretary-General and Registrar	2013 - 2015

1.6. Please provide details of any other experience that you feel may be relevant:

1.6.1...Assessor in criminal trials in the Bophuthatswana High Court. Regularly appointed by Judges to sit with them as assessor (a trier of facts) in criminal trials in the period 1982 – 1988;

1.6.2...Assessor in criminal trials – Circuit Court of the Transvaal Provincial Division of the High Court, (Pietersburg and Tzaneen) during the period 1989 – 1995;

1.6.3...Member of the Commission of Enquiry appointed by then Minister of Education, Dr. Sibusiso Bhengu in 1995 to investigate the causes of the violence that erupted at the then Vaal Triangle Technikon between black and white students;

1.7. Please provide details of your language proficiency:

Language proficiency (state 'good', 'fair' or 'poor')							
	Language						
	English	IsiZulu	IsiXhosa	SeSotho	Afrikaans	Kiswahili	
Speak	Good	Good	Fair	Fair	Fair	Fair	
Read	Good	Good	Fair	Poor	Good	Poor	
Write	Good	Good	Fair	Poor	Fair	Fair	

## SECTION 2: MOTIVATIONAL

- 2.1. Please explain why you believe you are the right person to serve as the next Public Protector?

I believe that I am the right person to serve as the next Public Protector for the following reasons:

21.1 I meet all the statutory requirements for the appointment of a Public Protector. I am an admitted advocate of the High Court of South Africa (since 1996) and have taught law for more than the required 10 years, from 1979 to 1996. In addition, I have worked in the administration of justice and public administration;

21.2 My previous work experience has involved investigation, analyzing the results of investigations and making conclusions based on that analysis. I can make a distinction between facts that are relevant to questions being investigated and those that are not and I have experience in weighing facts and forming a conclusion as to the matter in issue. As the Deputy to the Prosecutor of the UN ICTR Tribunal, I worked closely with investigators in the Investigations Division of the Office of the Prosecutor and participated, together with the Prosecutor, in deliberations of the team that analyzed the data brought in by investigators after which the Prosecutor decided on the recommendations of the team, as was required by the Statute of the ICTR. During the absence of the Prosecutor, I chaired those team meetings. In addition, I worked directly with the investigators on certain very sensitive investigations and, together with the Chief of Investigations, recommended action to the Prosecutor. At the University of the North, I served as chairperson of its Disciplinary Committee for a number of years and our job was to hear cases of misconduct. We made findings on the facts / evidence presented and submitted recommendations to the Vice-Chancellor on actions to take. As prosecutor in the magistrate's courts, I worked with investigators, directing them on aspects to further investigate, to bring the docket to a point where



a decision could be made whether there was sufficient evidence to merit prosecution. During my 6 years at the University of Bophuthatswana and almost 8 years at the University of the North (Limpopo), I was frequently asked by High Court Judges to sit with them as assessor and a trier of facts in criminal cases. Those included mostly charges of murder, sometimes combined with robbery, rape, and other serious charges. I gained substantial experience from the Judges in analyzing and weighing facts and coming to a decision. Often the conclusions of the Judge and assessors on the facts were unanimous. However, there were times when either one assessor or both or one assessor and the Judge came to differing decisions on the facts.

21.3 I am service oriented and have experience dealing with issues affecting the poor. During my 6 years at the Legal Resources Centre, I was part of an organization whose mission and interventions were aimed at protecting the powerless and the marginalized in our society and whose rights were either violated or ignored. The whole approach of the interventions of the LRC was based on the Constitution and the need to intervene, mostly through litigation, on behalf of the poor, the powerless and the marginalized. The organization sought outcomes that were consistent with the Constitution and strengthened our constitutional democracy. This is evident from the many seminal cases that the LRC has brought dealing with different issues, from social welfare pensions violations, to access to ARVs for poor people in the country. This experience, enhanced my independence to do what I believe is right, irrespective of what the government or other quarters would say or do. I have continued to act independently within the UN system in my interactions with junior as well as senior officials and senior and junior Member States' diplomats. It also enhanced in me the culture of caring for the poor which I continued during my 12 to 13 years in Tanzania by supporting initiatives aimed at improving their lot. As one example, I attach a copy of the letter from the Arusha Spouses Association dated 2008.

21.4 I bring more than 10 years of international experience, dealing with Member States' governments (including Heads of State, cabinet ministers and diplomats) on a variety of matters. This experience that has broadened and enriched my world view. It can be of benefit in the office of the Public Protector in dealing with sensitive and difficult issues.

21.5 I have never been convicted of any offence and have never been disciplined or dismissed from employment be it on the grounds of dishonesty or any other grounds. I am of sound mind and do not abuse alcohol or other substances. I have held senior positions both in South Africa, for example as professor and dean of a law faculty, as assessor in the High Court, as head of the Legal Resources Centre and as a magistrate in the lower court and internationally where I also held senior positions of Deputy Chief Prosecutor and Assistant Secretary-General of the United Nations and Registrar of an international criminal tribunal.

21.6 I am conscious of the fact that the primary job of the Public Protector is to protect the public against abuse of state power and corruption and I am committed to working towards the achievement of that constitutional objective above all else.

- 2.2. In your opinion, what are the key challenges facing our country and what role should the Public Protector play in supporting our democracy?

Among the current challenges is that although South African has done a lot to reverse the effects of apartheid, there are still many of its people who remain in abject poverty and have not benefitted or fully benefitted from the programs that the country has been implementing since independence. The challenge is for the country to narrow and close the gap. Life has improved significantly for many since the demise of apartheid. However, many other people and communities have not yet benefited from service delivery and are, as a result, becoming restless saying that they have been waiting for too long for services to reach them. The weakening of the national economy, partly because of internal factors, including the weakening of the currency and partly because of the decline



in global economies, makes it increasingly demanding on the country's resources to meet all the needs and expectations within a shorter period. At the same time, it makes it harder to create new jobs and thereby increase employment. Attracting foreign investment is a challenge for most Africa countries.

Since the introduction of democratic rule, there has been a massive influx and settlement of rural people to big cities and this has resulted in quite a high demand for services, including accommodation, access to basic services such as clean water, electricity, social welfare and health care and education, to mention some. In this regard, it is critical that mechanisms for delivery of services at the local level should function with greater efficiency as well as no or significantly reduced wastage. Wastage can be manifested in relation to state resources on the one hand and, on the other, the denial to people access to their rights under the Constitution, as a result of, for example, incompetence, lack of proper training and ignorance, malice, and dishonesty on the part of officials in the administration.

The Public Protector has an important role to play in strengthening our democracy by protecting the public when public officials, the administration, government and the state either do something that violates the rights of the public or members thereof or fail to do what they are constitutionally required to do if that failure results in the denial of rights of the members of the public. For example, the various spheres of government, national, provincial and local, are required to cooperate and work together in good faith so that they can deliver services in an efficient manner in order to secure the wellbeing of the people of South Africa. Officials, at all levels are required to provide the public with administrative action that is lawful, reasonable and procedurally fair. The Public Protector can investigate and, where necessary, take remedial action when there is a failure to abide by these requirements. The Public Protector is required to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or

to result in any impropriety or prejudice to the public. She or he can also investigate improper or unlawful enrichment, or receipt of any improper advantage, or promise of such enrichment or advantage, by a person as a result of an act or omission in the public administration or in connection with the affairs of government at any level or of a person performing a public function. In this regard, the Public Protector can play a significant role by also focusing a lot of energy at on the provincial and local levels of government (where service delivery mostly takes place) so that her or his contribution can impact service delivery and benefit the masses I referred to at the beginning of this answer. Hopefully more of the people will have access to services and enjoy their rights to the full extent.



### SECTION 3: GENERAL

- 3.1. Are there any circumstances, financial or otherwise, known to you which might cast doubt on your fitness to hold office as Public Protector? (Indicate with an "X")

YES		NO	X
-----	--	----	---

If so, please furnish particulars.

.....

.....

.....

.....

.....

.....

.....

.....

.....

- 3.2. Have you ever been convicted of any offence involving dishonesty, violence, or any other disreputable and/or dishonourable conduct? (Indicate with an "X")

YES		NO	X
-----	--	----	---

If so, please furnish full particulars and dates.

.....

.....

.....

.....

.....

.....

.....

.....

.....

- 3.3. Has any legal or other professional body ever found you guilty of any unprofessional or disgraceful conduct? (Indicate with an "X")

YES		NO	X
-----	--	----	---

If so, please furnish particulars.

.....  
 .....

- 3.4. At any of your previous places of employment have you ever faced an internal investigation, a disciplinary inquiry or been dismissed from employment? (Indicate with an "X")

YES	X	NO	
-----	---	----	--

If so, please furnish particulars.

In 2014, I was investigated, by the Office of Internal Oversight (OIOS), based in Nairobi, Kenya, as a result of a complaint lodged by a whistle-blower within the United Nations Secretariat. The purpose of the investigation was to collect facts / evidence to enable the Secretary-General to determine whether I had committed any violation of UN rules and, if so, whether disciplinary charges should be preferred against me. The result was that the case was closed as no wrongdoing was found. I attach a copy of the closure letter for your convenience.

The whistle-blower had complained to OIOS that I had misused UN vehicles on a couple of occasions during 2014. The first aspect of the complaint of misuse related to a period following the drowning and near death of my then 3 year old daughter in a swimming pool on 03 November 2013 in Arusha, Tanzania, while I was away from Tanzania on official UN business. The UN Medical Officer had evacuated the child to Nairobi hospital by air where she was detained and treated for some weeks. Upon her discharge the attending doctor required her to return to Nairobi hospital for follow-up treatment. The UN Medical Officer in Arusha, Tanzania decided that the follow-up visits would be done by official UN road transportation and this was done during the first half of 2014. The documentary



and other evidence that the investigators found, clearly indicated that the evacuation and follow-up had been done by the Medical Officer under the evacuation rules of the UN which all UN staff members are entitled to. There was also no evidence that I had had anything to do with the decisions of the medical team.

The second aspect of the misuse complaint related to the single use of an official vehicle to carry personal effects on 12 August 2014 as well as the single use of another vehicle to travel to Nairobi and back in November 2014. On completing their investigation, the Office of Internal Oversight submitted their report to the Secretary-General of the United Nations for his decision whether, on the facts found, I had committed any conduct unbecoming of an international civil servant, namely, misconduct. On 17 December 2015, I received a letter from the UN Office of Human Resources Management (OHRM) informing me that, after the review of the entire dossier, the Secretary-General had decided to close the matter with no further action.

Please let me know in case any additional information is required in this regard.

- 3.5. Are there any other relevant matters which concern your honesty, integrity and reliability which you should bring to the attention of the Committee? (Indicate with an "X")

YES		NO	X
-----	--	----	---

If so, please furnish particulars.

.....

.....

.....

.....

.....

.....

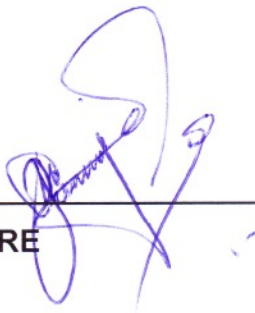
.....

.....

.....

.....

SIGNATURE



DATE

08 July 2016.