

Corruption, State Capture and the betrayal of South Africa's vulnerable

Part I: Introduction

“Corruption is a cancer: A cancer that eats away at a citizen’s faith in democracy, diminishes the instinct for innovation and creativity.” Joe Biden

In his definitive work “Corruption and the Decline of Rome”, MacMullen (1990: 192) made the following summation:

“Bribery and abuses always occurred, of course. But by the fourth and fifth centuries they had become the norm: no longer abuses of a system, but an alternative system in itself. The cash nexus overrode all other ties. Everything was bought and sold: public office ... access to authority on every level, and particularly the emperor. The traditional web of obligations became a marketplace of power, ruled only by naked self-interest. Government’s operation was permanently, massively distorted.”

Transparency International (TI) defines corruption as the abuse of entrusted power for private gain. The main effects of corruption are the eroding of trust, the weakening of democracy and the hampering of economic development. It further exacerbates inequality, poverty, social division and environmental crisis (Transparency International 2021).

The term state capture was first defined in a World Bank report on corruption in eastern Europe and central Asia in 2003. Hellman, Jones and Kaufmann (2000) point out in the report that some firms in transition economies were able to shape the rules of the game to their own advantage at a considerable social cost by creating a “capture economy.” In this captured economy public officials and politicians privately sell underprovided goods and a range of rent-generating advantages to individual firms. Rent seeking is an economic concept that occurs when someone wants to gain added wealth without contributing a reciprocal contribution of productivity. This form of wealth gain often revolves around government funded social services and associated programmes (Majaski 2021). Rent seeking may not necessarily be illegal, but it is unethical as those who seek favours and privileges benefit from the productive efforts of others. It challenges the “goodness” of human nature and it insinuates that public policies relating to the redistribution of income are subject to political response. It

therefore contradicts the principle that government officials should behave with social responsibility to maximise social welfare by means of ethically based redistribution (Hillman & Ursprung 2015: 4).

This concept is contrasted with state capture, where firms are shaping and affecting the formulation of the rules of the game through private payments to public officials and politicians with influence (doing the same without making payments), and administrative corruption, such as petty forms of bribery regarding the implementation of laws, rules and regulations. The term “state capture” was needed to describe the extraordinary tactics that certain firms, owned by oligarchs, were using to attain and maintain their dominance of the market. This theory assisted in explaining the oligarch’s hold over the fragile democracies of the former Soviet bloc. The concept is nowadays applied more broadly, describing an array of dubious dealings between corporations and governments worldwide. Fazekas and Tóth (2016: 320) correctly indicate that state capture does not equate to widespread corruption. Its defining feature is a distinct network-like structure in which the corrupt cluster around those parts of the state which will allow them to act in cohort with their private goals to the detriment of the public good. An analysis of the distribution of corrupt transactions and cluster of corrupt actors in various parts of organisations can provide an estimate of the degree of state capture. This analysis will be able to determine whether localised and systemic forms of state capture exist, or whether the captured organisations are linked to each other and controlled by a countywide elite.

Part II: State of Capture

“Without strong watchdog institutions, impunity becomes the very foundation upon which systems of corruption are built. And if impunity is not demolished, all efforts to bring an end to corruption are in vain.” Rigoberta Menchú

The former Public Protector, Thuli Madonsela, published a report entitled *State of Capture* (Public Protector 2016). This report sets out the way in which former President Jacob Zuma and senior government officials colluded with corrupt “brokers” (Swilling 2017: 3). The report also sets out the involvement of the Gupta family in the appointment and dismissal of cabinet ministers and directors of state-owned enterprises (SOEs). These actions resulted in the improper and corrupt awarding of

state contracts to the business empire of the Gupta family. The evidence revealed that the Guptas offered bribes and/or appointments in exchange for benefits. The former president and/or his family members were either present at or facilitated these meetings where the corrupt activities took place (Wolf 2017: 2).

The State Capture Commission (the Judicial Commission of Inquiry into Allegations of State Capture) was instituted on 23 January 2018 to "investigate allegations of state capture, corruption, fraud and other allegations in the public sector including organs of state" in South Africa (Proclamation 3 of 2018). Ironically this commission was instituted by former President Jacob Zuma to investigate allegations of state capture and is led by Deputy Chief Justice Zondo.

The commission has the power to refer any matter for prosecution, to institute a further investigation or to convene a separate enquiry to the appropriate law enforcement agencies, government departments or regulator. After the revelations made by witnesses who testified before the commission, there can be no doubt that the state was captured by former President Jacob Zuma and his cohorts. Testifying at the Zondo Commission of Inquiry into state capture, President Ramaphosa admitted that leaders and members of the ANC had been part of state capture. "State capture took place under our watch," he told Judge Zondo (Haffajee 2021).

The Public Protector's Report revealed the presence of a powerful and influential oligarchy which existed outside of formal government structures, but parallel to important public officials (Labuschagne, 2017: 52). This evil partnership led to a direct drain on the monetary resources of the state. Money that could have been used for socio-economic development was redirected from the poor and destitute directly into the bank accounts of the rich. The contracting state made the capturing of and final destruction of SOEs an easy task.

Many of the revelations which emanated from evidence led before the Zondo Commission focused on the relationship between the Zuma family, the former president and the Guptas, three Indian brothers who moved to South Africa after the fall of apartheid. This wealthy family had control over the resources of the country by

using state companies for their personal enrichment (Chutel & Kuo 2016). The closeness of these families led to the use of the blended word “Zuptas”.

The Guptas owned a portfolio of companies which were awarded lucrative contracts by South African government departments and SOEs. The Guptas employed several Zuma family members, including the president’s son, Duduzane. The relationship became so corrupt that the Guptas went to great lengths to service their most important client, the South African state. They directly instructed public officials in charge of state bodies to take specific decisions that would favour their business interests. Compliance was rewarded with payoffs and promotions, while failure to obey led to dismissal.

We now know that the public bodies that were captured included the departments of finance, natural resources and public enterprises. It even included government agencies in charge of tax collection and communication, the SABC, SAA, Transnet and Eskom – at one time one of the world’s largest utility companies. Zuma’s part in the scheme lay with the promotion and dismissal of public officials, including ministers, boards of directors of SOEs and the heads of law enforcement agencies such as the South African Police Services (SAPS), investigative agencies and the National Prosecuting Authority (NPA) (Arun 2019).

Madonsela (2019: 117) points out that the idea of utilising the governmental procurement procedures to achieve social and economic outcomes was not a new occurrence in South Africa. In the 1930s it was employed as the central platform of the apartheid project (2019: 117). The post 1994 South African government introduced a wide spectrum of policies aimed at the reallocation of resources across a broad range of public sectors, which included housing projects, social grants, Black Economic Empowerment (BEE) strategies, preferential procurement, large investments in education and land reforms (Madonsela 2019: 118). These efforts were “the second phase of the transition from apartheid colonialism to a national democratic society” (ANC discussion document, 2017). The government transformed into a “tender generating machine”, which was described as a “contracting state”. This in turn paved the way for opportunities for entrenching clientelism, which is the creation of a patronage network that is dependent on the favour of the top decision makers.

Job Mokgoro, the former Premier of the North West Province, revealed during an interview that four big mining companies offered to provide a free water project to supply water to the residents of Madibeng. They offered the services of free engineers, project managers and funding. Municipal officials were not in favour of the project because if water was provided free of charge, there would be no procurement processes and no opportunity to loot the coffers of the council. He refers to this type of behaviour as a "dangerous culture of instant wealth" (De Lange 2021: 2).

Labuschagne correctly points out that the regulatory role of government as the principal agent is of critical importance in a developmental state. One of the main functions in such a developmental context is to address social inequalities and to oversee a fair and equitable distribution of state resources to all members of society (Labuschagne 2021:7). It is abundantly clear that state capture seriously compromised the equitable distribution of state resources.

In terms of section 7(2) of the Constitution, the state is compelled to respect, protect, promote and fulfil a broad range of socio-economic rights. Ngang (2014: 662) correctly points out that these obligations of the state amount to a rule of law that must be fulfilled – either by way of taking positive action to implement rights, or to refrain from action that could limit the full realisation of these rights. Sections 26(2) and 27(2) qualify the positive obligations on the state by requiring the state to take reasonable legislative and other measures within its available resources to ensure that the entitlements promised by the rights are progressively achieved.

Our courts recognised the positive obligations of the state and made orders compelling the state to give effect to these obligations. For instance, in the well-known case of *The Republic of South Africa v Grootboom* 2000 (11) BCLR 1169 (CC), the Constitutional Court issued a declaratory order that the state must meet its obligations in terms of section 26(2) by devising, funding, implementing and supervising a measure to provide relief for persons in desperate need (para. 96). Likewise, in *Minister of Health v Treatment Action Campaign* 2002 (10) BCLR 1033, the Constitutional Court issued an order requiring public health officials to make Nevirapine available in all public health facilities and to plan and implement an

effective national programme to prevent or reduce mother-child HIV transmissions (para. 80).

Despite the promises, guarantees and obligations of the Constitution, unacceptable and unsustainable levels of poverty and inequality prevail. There remains widespread unemployment, a lack of access to basic services for poor communities and continued violations of the rights of people, causing persistent economic, social and political unrest. Government should employ mechanisms to ensure that goods and services are procured at reasonable prices. These mechanisms should be transparent, rigorously adhered to and conducted with meticulous oversight. Corruption in the use of public funds constitutes a clear violation of the obligation of the state to use funds in an efficient way (McLaren 2016: 2).

Part III: The Covid-19 relief fund heist

“Corruption is paid by the poor.” Pope Francis

South Africa’s population was estimated at 55 million people in 2015, of which 19.7 million were children under the age of 18. According to the latest report released by Statistics South Africa (2020), more than 60% of children were multidimensionally poor. These are children who live in households where they are deprived of at least three of the seven dimensions of poverty (health, housing, nutrition, protection, education, information, water and sanitation). Child poverty and deprivation have an impact on the physical, psychological and social development of a child. These children will miss out on key aspects of their lives, which will deprive them of developing to their full potential.

The Borgen Project reveals that the South African adult population does not fare much better on the poverty index. Nearly half of the adult population lives in poverty and women are generally more vulnerable to poverty. Poverty headcounts in rural areas are significantly higher than those in urban areas. A study by the World Bank proves that South Africa’s inequality of opportunity (inequality measured by access to quality basic services, including education and healthcare) is higher than any other country’s (Bittar 2020). As of 2021, South Africans with an income of less than R890.00 per

month are considered poor. Individuals having R624.00 a month available for food were living below the poverty line. 16.3 million individuals in South Africa were living under 1.9 US dollars, which is the international absolute poverty threshold (<https://www.statista.com/statistics/1127838/national-poverty-line-in-south-africa/>).

South Africa remains the country with the highest Gini coefficient (a statistical measure of distribution intended to represent the income or wealth distribution in a country) of 63.0 (World Population Review 2021).

When the Covid-19 pandemic hit South Africa, emergency measures were put into place to address the pandemic. It was clear that the poor would be the worst hit by the Covid-19 pandemic and that made them even more vulnerable. These measures included a R500 billion relief package to provide food parcels for the needy, a temporary social grant increase for over 16 million beneficiaries and the Temporary Employer/Employee Relief Scheme (TERS) for those whose salaries were affected. Emergency procurement regulations were put in place to implement these and other measures. Transparency International (TI) commented that these emergency measures “have proved irresistible to those with thieving tendencies” (Transparency International 2020). The release of this relief package led to corruption on a grand scale.

The abuse of TERS funds was partly enabled by private firms who claimed benefits on behalf of ignorant or ghost employees and even deceased people. These funds were then pocketed by the firms. The Special Investigative Unit (SIU) is currently probing more than 75 businesses for UIF fraud. The private sector was also complicit in abusing the procurement procedures of personal protective equipment (PPE), which led to the looting of billions of Rands which should have been utilised in the response plan.

Although it is unlawful for public servants in South Africa to do business with the state, the emergency regulations enabled corrupt government officials and politicians to misappropriate millions of Rands by means of dubious deals with corrupt companies who suddenly entered the PPE market. The following response from Kingsley Tloubatla, the Chairperson of the Black Pharmaceuticals Industry Association, aptly exposes the corruption committed: “Why did government now suddenly procure PPE

goods, which we're licenced to sell, from companies that normally operate as IT service providers, building contractors or engineering firms?" (Corruption Watch 2021).

The result of this was the looting of the public purse through irregular contracts and inflated prices, particularly in the healthcare sector. It is alleged that one company owned by a relative of a provincial premier received a tender worth R200-million to supply vaccines. This company was only registered in January 2021 (Corruption Watch 2021).

The social relief grant of a mere R350.00 per beneficiary was meant for the unemployed and those dependent on an income from the informal business sector. It is estimated that less than half of those eligible have received the grant, while others, including government employees and convicted prisoners, successfully claimed them. It is also alleged that a syndicate operating in Brits in the North West province has been able to access the social relief grant from the Post Office before it could reach the intended beneficiaries, with the alleged assistance of Post Office officials (Corruption Watch, 2021).

Part IV: The betrayal of the vulnerable

"We have a responsibility as a state to protect our most vulnerable citizens: our children, seniors, people with disabilities. That is our moral obligation. But there is an economic justification too we all pay when the basic needs of our citizens are unmet."

John Lynch

Large numbers of South Africa's population can be classified as vulnerable, which in current human rights rhetoric is normally referred to in collective terms (Mustabiemi-Laakso et al 2016). It is argued that vulnerable groups should be afforded special protection as their rights are perceived to be particularly open to violation.

Vulnerability is mostly associated with concepts such as victimhood, deprivation, dependence or pathology. Other examples are children, persons living in poverty or confined to state institutions, such as prisons and mental care facilities. Children and

the elderly are “prototypical examples” of sympathetic vulnerable groups (Fineman 2008: 8).

Fineman’s vulnerability theory is rooted in feminist jurisprudence and aligned to the care theory. She defines the human condition as one of universal and continuous vulnerability (Fineman 2017: 133). Vulnerability is a condition which arises from our human embodiment, which is exposed to an omnipresent possibility of being exposed to harm, injury and misfortune. As humans we may attempt to lessen the occurrence of these risks or lessen the impact thereof. The possibility of these risks occurring cannot be eliminated and is thus beyond our human control (Fineman 2008: 9).

There is accordingly an ever-present possibility that humans may become dependent on others as a result of biologically-based catastrophes such as diseases of epidemics. The current Covid-19 pandemic is a prime example of such a risk. Humans are in addition vulnerable to physical forces occurring in the environment in which they live, such as fire, floods, drought and famine. As a result of the fact that we cannot avoid our state of vulnerability, humans turn to societal institutions to assist and protect them against their inherent vulnerability. Society cannot eliminate human vulnerability but can and does address human vulnerability through the creation of programmes, institutions and structures for that purpose (Fineman 2008: 9-10).

Some of the state legitimised and empowered social institutions can assist some people to recover quickly from their difficulties, while other institutions may impact negatively on the recovery process. The state must therefore accept responsibility for the conduct of these institutions. Fineman correctly argues that the actions of state-empowered institutions should be scrutinised as to their role in providing assets in ways that may unfairly privilege certain persons or groups. Just as is the case with individuals, institutions are vulnerable to both internal and external forces. Empowered institutions are capable of being captured or corrupted (Fineman 2008: 18). If state institutions fail to exercise their duties effectively and fairly the state will have to rectify the position by either justifying the unequal treatment, or acting positively to adjust institutional arrangements (Fineman 2008: 19). According to Lessig, institutional corruption occurs when an ostensibly legal or current ethical strategy of an institution has the effect that it undermines the effectiveness of the institution by weakening its

ability to achieve its purpose. The result is the weakening of the purpose of the institution or the trust of the public in the institution (Lessig 2013: 2). The vulnerability theory argues for the development of a more responsive state. The state is constituted for the common benefit of all and not just for a select few. It is submitted that the concept of “Ubuntu”, enshrined as a fundamental constitutional value, is akin to the philosophy underlying the care and vulnerability theories.

A prime example of the neglect of the vulnerable occurred in 2015 when the Gauteng Department of Health terminated its contract with Life Esidimeni, who supplied caring facilities to mental care users in the psychiatric homes it operated. This led to random mass discharges of patients, who were moved to hospitals and NGOs, or returned to their family homes. These irrational decisions resulted in the death of at least 144 patients and about 50 patients are still unaccounted for (Erasmus 2020: 163-164).

The examples of corrupt activities associated with the Covid-19 relief funding outlined in the previous part clearly indicate that the very state departments empowered with caring for the vulnerable became corrupted to the core. Labuschagne correctly argues that the current state of affairs is a result of the greed and immorality of public officials, politicians and members of the private sector. These corrupt acts were initially condoned, as the battle against apartheid was the focus of the ruling party. The historical and political motivation of the freedom struggle was to rid South Africa of a corrupt apartheid regime and to replace it with a regime that will protect and promote the political, social and socio-economic interests of all citizens. Unfortunately the immorality and insensitivity of government officials, politicians and unscrupulous individuals and businesses in the private sector failed to uphold the promises of the Constitution to protect the vulnerable (Labuschagne 2021: 7).

It is estimated that South Africa lost R1.5 trillion through corruption between 2014 – 2019 (Buthelezi 2021). According to TI’s corruption index, countries with a score of less than 50 out of 100 are classified as endemically corrupt. This explains South Africa’s score of 44 (Corruption Watch 2021).

Part V: Corruption and the legal system

“Justice is justice though it’s always delayed and finally done only by mistake.”

(George Bernard Shaw)

Sandgren correctly argues that lawyers and politicians have misunderstood the role of the law in addressing corruption by employing only criminal law for this purpose. There is a need for an array of legal rules and devices to counteract corruption. These include rules that promote transparency, checks and balances, privatisation, independence of the media, procurement procedures and taxation and competition laws. These measures are necessary to contain corruption, although most of them do not have any direct bearing on corruption as such and are not seen as anticorruption measures (2005: 726).

South Africa has a large arsenal of anticorruption legislative instruments which criminalises corrupt behaviour, targets the proceeds of corrupt activities and provides for severe criminal sanctions to be imposed on perpetrators. These measures include, *inter alia*, the Prevention and Combatting of Corrupt Activities Act 12 of 2004, the Prevention of Organized Crime Act 121 of 1998, the Financial Intelligence Centre Act 38 of 2001, the Municipal Finance Management Act 56 of 2003, the Public Finance Management Act 1 of 1999, the Promotion of Administrative Justice Act 2 of 2000 and the Protected Disclosures Act 26 of 2000. Despite these measures and the harsh sanctions the courts may impose, we have seen hardly any prosecutions for corrupt activities under the Zuma regime. Cameron (2017: 16) correctly states that crime is not deterred by harsh sentences. What does make the difference is the likelihood that criminals will be caught for their crimes and prosecuted. It is also now abundantly clear that the NPA was captured and that decisions to prosecute or not, were subject to political interference from those in power. This is also evident from the extraordinary changes in the NPA leadership, which will hopefully be a thing of the past following the appointment of Advocate Shamila Batohi on 1 February 2019.

The independence of our judiciary is generally regarded as above board, but political influence impacted negatively on the efficacy of the implementation of anticorruption legislative measures and the prosecution of corrupt acts. It has been commented that South Africa is in the midst of an anticorruption reckoning as it attempts to deal with numerous corruption-related scandals involving political and business leadership. President Ramaphosa has however taken a tough stance against corruption and introduced the following measures: The enhancement of the SIU and introducing measures focusing on the recovery of misappropriated state resources, the establishment of a multidisciplinary anticorruption directorate within the NPA to investigate and prosecute high-level corruption and by replacing the leadership of key governmental bodies such as the NPA, the South African Revenue Services, the State Security Agency and the Directorate for Priority Crime Investigation targeting organised crime, economic crime, corruption and other serious crime (Ropes and Gray 2021).

The fact that prominent political leaders, corrupt officials and those in the private sector who collude with them, have now been prosecuted brings additional challenges, such as the protection of whistle blowers, the safeguarding of evidence and the protection of investigators, prosecutors and presiding officers. The SIU report into the Digital Vibes Covid-19 corruption was released by the Presidency on 29 September 2021, after it was in the possession of the President since June 2021. This report implicates a number of senior National Department of Health officials, including the former Health Minister, Dr Zweli Mkhize, as well as the owners of Digital Vibes, Tahera Mather and Naadhira Mitha, who the report describes as “close associates” of Mkhize (Presidential Report 2021).

It is submitted that what is called for now, is the institution of criminal prosecutions against public officials, corrupt operators in the private sector and politicians involved in corrupt activities. The old legal maxim “justice must not only be done, but seen to be done” must be adhered to. In this regard Max du Preez (2019) posted the following tweet on Twitter: “The most astonishing phenomenon of 2019 is that the utterly corrupt who helped steal 100s of billions & destroyed SOE & the criminal justice system are still strutting around unashamedly in public as if the last 9 years never happened. And we let them.”

Since 1994 the only noteworthy prosecutions for corruption by public figures were the conviction of Tony Yengeni, the ANC's parliamentary whip who was convicted of fraud, Zuma's financial advisor Shabir Shaik for soliciting a bribe, the 2005 Travelgate scandal where members of Parliament used parliamentary travel vouchers fraudulently and were prosecuted, the former National Police Commissioner and ex-president of Interpol was charged and convicted of corruption and some of those involved in the looting and collapse of the VBS Mutual Bank have been charged. The recent arrest of Ace Magashule and other officials in the so-called "asbestos scandal" is indicative of the fact that we might be entering the criminal prosecution phase in the fight against corruption.

Due to the poor past leadership of the NPA and the resultant tarnished reputation of this office, many experienced prosecutors left the NPA. It is further submitted that an experienced team of prosecutors should be appointed to lead these prosecutions. The prosecutions should further be investigated by multidisciplinary teams, including lawyers, accountants, forensic investigators and detectives. These types of prosecutions proved very successful when the Scorpions were in existence. This effective prosecuting model was abolished by parliament under the leadership of former President Zuma on 23 October 2008, as this unit was a threat to state capture.

Mechanisms should be developed to minimise the "cat and mouse" tactics played by most accused charged with corruption. The frivolous applications brought by the legal representatives in high profile trials of accused who are facing corruption charges serve as examples of these tactics. Everyone is entitled to a fair trial, but the legal system cannot be manipulated by trivial and fanciful procedures. In this regard presiding officers should keep in mind that they are in control of their courts. Unnecessary repetition of points already argued and reference to irrelevant issues should be curtailed by presiding officers. Keeping litigants focussed on the issues at hand cannot be viewed as a limitation to the *audi alteram* principle or the right to a fair trial.

Court time should not be wasted by paper wars and the filing of voluminous documents such as heads of arguments. In some of the divisions of our High Courts practice

directives were issued to curtail opposed motions court proceedings. Practice directive 9.4 of the Kwa Zulu-Natal High Court for instance limit the length of heads of argument, require the filing of a brief summary of the facts indicating which facts are common cause and not in dispute, require an indication whether material disputes of fact exists and a list of disputed facts (Practice Directives of the KZN High Court 2021).

In recent trials that received substantial media coverage witnesses were subjected to protracted periods of cross-examination, in some instances lasting for days on end. This form of cross-examination does not contribute to truth-finding. It mainly confuses, humiliates or belittles witnesses. The oft quoted caution “cross-examination does not mean examining crossly” comes to mind. Presiding officers should curtail meaningless cross-examination which serves no purpose.

It is lastly submitted that our witness protection programme and the protection of whistle blowers should be improved to afford more protection to these vulnerable witnesses. In this regard Deputy Judge President Zondo remarked:

“...it seems to me that providing a lot of protection to whistle-blowers is a critical pillar to meaningful fight against corruption (*sic*). If people who want to engage in corruption know that there is good chance that somebody might blow the whistle, that does contribute to deterrence.

So, the country needs to have a good and a strong regime of protection of whistle-blowers. The next thing you want is that those who engage in corruption must know that when the whistle has been blown, the law enforcement agencies have a good chance of doing an investigation and catching them, and the third thing is that there will be prosecutions and people sent to jail.

If any of these pillars is weak, it compromises the fight against corruption (Mateus 2021).”

VI: Concluding remarks

Satine Kryze: “But the politics as well? The contamination of greed reaches deep and far within the Republic: corporations, trade guilds, too many senators serving their own interests.”

Padmé Amidala: “There are still those of us who work to overcome the corruption and believe it to be possible.”

(Star Wars: The Clone Wars)

Being personally involved in the fight against corruption since completing my legal studies, first as a prosecutor and later as an academic and anti-corruption course developer and trainer, one might become disillusioned by the picture painted in this lecture.

There are however those heroes that inspire us all to continue with the fight to root out corruption in South Africa. This is a fight we can never give up on. On Monday 23 August this year, Babota Deokaran, a senior Gauteng health department official, was gunned down outside her home in Johannesburg minutes after dropping off her child at school. She was a key witness in the investigation into the R233 million corrupt PPE deals in the department. The spokesperson for the Special Investigating Unit, when asked why she had no formal witness protection said: “There was never an indication of a threat (she alerted us to)” (Haffajee 2021). Her brother commented: “We are very proud of her bravery and integrity. The day she was assassinated, we know she died as a hero. We are hoping that the perpetrators are found and brought to book. Her daughter is traumatised” (Pijoo 2021).

I dedicate this lecture to heroes like Babota, who believed that it is possible for us to root out corruption.

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