

30 May 2016

OPEN LETTER CONCERNING THREATS AGAINST THE PUBLIC PROTECTOR OF SOUTH AFRICA

It is with great shock that the International Ombudsman Institute (IOI) learned from recent media reports that, following a report exposing the scandal of the Nkandla residence of President Zuma, South African Public Protector Adv. Thuli Madonsela is now faced with death threats from unknown parties.

As the only global organization for the cooperation of more than 170 Ombudsman institutions worldwide, the International Ombudsman Institute (IOI) expresses its deep concern over this development.

The IOI is committed to promoting the concept of Ombudsmanship. Ombudsman institutions are a core element of every democracy and they form an integral part of constitutional reality. The contributions they make with their everyday investigative work are significant for the implementation of the rule of law and for making government actions more transparent and accountable to the public. The IOI supports Ombudsman offices in their efforts to investigate allegations of maladministration in an independent, fair and objective way and to make proposals designed to prevent any recurrence of maladministration by public bodies.

The Office of the Public Protector of South Africa is a well-established institution which enjoys a high regard in the population. In line with best practice elsewhere, the Office of the Public Protector of South Africa informs about investigation results by publishing reports. It is inevitable that in the course of the work of any Ombudsman, reports will be produced that are critical of the actions of Government bodies. In a democracy, there is an expectation that such reports will be properly considered and acted upon.

The Public Protector's investigation into allegations of impropriety and unethical conduct relating to the implementation of security measures at the Nkandla private residence of President Jacob Zuma was quite controversial. The matter was brought before the South African Constitutional Court, which ruled in favour of the Public Protector's findings and confirmed that the remedial action recommended by the Office against President Zuma is binding. Throughout the Ombudsman community this judgment was regarded as a milestone for the relevance and impact of our work.

The IOI would like to take this opportunity to once again congratulate Public Protector Adv. Thuli Madonsela on this court judgement in a matter which she so passionately pursued. In the opinion of the IOI judgments like these give Ombudsmen the support to enforce their findings and recommendations and to ensure that they are no longer “crusaders without a sword”.

The members of the IOI unanimously adopted the Wellington Declaration in New Zealand in November 2012 confirming their mutual understanding that *“it is an expression of democratic maturity and the rule of law that governments and parliamentary majorities shall allow criticism voiced by independent Ombudsman institutions. As a consequence, an Ombudsman diligently fulfilling his/her mandate, shall not be subject to any form of physical, mental or unjustified legal coercion.”*

In line with this declaration the IOI strongly condemns any personal attacks or threats on Public Protector Adv. Thuli Madonsela. In fulfilling her mandate she served the citizens of South Africa well. She contributed to the maintenance of a transparent and accountable administration and should not have to live in fear of her life for doing her job!



Adv. John R. Waters
President of the IOI



Dr. Günther Kräuter
Secretary General of the IOI