



24 October 2016

Mr Mayihlome Tshwete
Spokesperson
Department of Home Affairs

Per email: mayihlome.tshwete@dha.gov.za

Dear Mr Tshwete

Corruption Watch Media Query: Project Lokisa

1. We refer to the above matter.
2. Corruption Watch (CW) is a civil society organisation that opened its doors to the public in January 2012. We are registered as a non-profit company in terms of the Companies Act.
3. Corruption Watch seeks to expose corruption and the abuse of public funds. We aim to expose those who engage in corrupt activities, nepotism and abuse of public funds in both the public and private sector.
4. As part of our mandate, we are committed to strengthening the criminal justice system, including efforts to address financial crime; to the refinement of our planning and procurement systems; and to supporting and strengthening the ability of private and public bodies to better detect and address corruption in their spheres of operation.
5. Our work however, is primarily based on reports of corruption that are made to us and we identified corruption affecting refugees and asylum seekers as a key area for intervention due to an influx of reports in early 2015 as well as the extreme

vulnerability and hardship faced by refugees and asylum seekers in accessing a safe, efficient and fair application and adjudication process.

About Project Lokisa

6. Corruption Watch's project to address corruption affecting refugees and asylum seekers was launched in June 2015. As indicated Project Lokisa or "Let's fix it" was borne out of a need to address a high number of complaints of corruption to our reporting channels by refugees and asylum seekers as well as reports by the NGO, Peace Action.
7. Our decision to embark on this project was reinforced by the findings of the "Queue here for Corruption Report" by Lawyers for Human Rights ("LHR") and the African Centre for Migration & Society ("ACMS"). The research report which was based on data and interviews collected over several months and in respect of five refugee reception offices, made clear the need for urgent intervention in addressing corruption affecting refugees and asylum seekers. We considered the outcomes and recommendations of the "Queue here for Corruption" Report and decided to pursue narrow aspects of their findings. These related to reporting corruption, investigations, and disciplinary sanctions against and prosecutions of corrupt officials.
8. We sought to collect as many high quality reports of corruption from refugees and asylum seekers as possible but acknowledged the hesitance they would have in reporting to us, given that Corruption Watch and the reporting process would be largely unknown to them. We therefore designed unique report forms which could be used by our partners, who are all trusted by refugee and asylum communities, to easily collect the details of a report from any of their clients who had experienced corruption and who wished to report their experience to us. We printed posters and leaflets in seven languages, with the aim of spreading as much information as possible about the Project as well as the fact that their reports would be kept strictly confidential.
9. We worked with LHR, Peace Action, Jesuit Refugee Services, the Wits Law Clinic, the Co-ordinating Body for Refugees and Migrants in South Africa ("CORMSA"), and

the African Diaspora Forum (“ADF”). Our partners all serve refugee and asylum communities in one way or another and were able to collect reports easily.

10. The reports which were collected as well as reports ultimately made via our own reporting channels enabled us to better understand the corruption affecting refugees and asylum seekers, to engage with whistle-blowers in a meaningful way and to investigate a select number of matters. We sought co-operation from the DHA on Project Lokisa as well as for activities going forward and this co-operation was not forthcoming despite immense effort on the part of Corruption Watch. We deal with issues of co-operation with the DHA as well as our general enquiries below.

Experience of Non Co-operation by the DHA

11. We confirm that from as early as May 2015, we contacted various officials in order to establish a line of communication between our offices. We were initially directed to Mr Majid Mowzer in order to set up a meeting with the Deputy Minister, whose portfolio deals with refugees and asylum seekers. After months of attempting to set up a meeting, we were referred to Mr Matome Malatsi who leads the Counter-Corruption Unit. We met with Mr Malatsi on 9 July 2015 and he was very positive about the objectives of our project and about possible collaboration. He indicated that we would need to present our project to the DHA EXCO and the Ministerial Management Committee meeting in order to obtain official authorisation for such collaboration.
12. After several months of correspondence and requests for arrangements to be made for our presentation, we were eventually given an opportunity to make a presentation to the DHA EXCO on 29 February 2016. We followed up on the outcome of the presentation and only received a response on 7 July 2016, in terms of which Director General Apleni indicated that co-operation was not possible as there were already interventions being implemented at Marabastad.
13. It was clear from the response, that the nature and objective of our long term co-operation was not considered when responding to us. We made it very clear at the EXCO presentation, that we would like to work with the DHA not only on the Project but in order to set up a complaints handling mechanism which would assist refugees and asylum seekers to report corruption safely and without fear. We therefore

proceeded to draft a Memorandum of Understanding which sets out the very narrow terms of proposed co-operation.

14. We attach a copy of this Memorandum of Understanding which essentially sets out the manner in which the DHA and Corruption Watch could work together to ensure that refugees and asylum seekers have a safe and trusted channel of reporting corruption at the DHA. ***Please indicate whether the DHA would like to co-operate with us by signing this Memorandum of Understanding?***

General Enquiries

15. Kindly provide us with a response to the following queries which are relevant to the publication of our report:

- 15.1. We confirm that we have investigated a number of reports and have obtained documentary, photographic and video footage as evidence implicating two DHA officials and one interpreter employed by ZRGB Translation and Interpretation Services. Our report will reveal the details of Ms Mutombo Odimegwu (“Sylvie”), Mr Gladwin Monareng and Mr Mtetho Ernest Macanda all of whom indicated that they would assist with obtaining asylum and other documentation papers. Monareng and Odimegwu indicated the amounts of money which would be charged for such services which range from R1000 – R6000. We are in the process of lodging criminal complaints against these individuals and will hand over all evidence obtained during our investigations to the Police. ***Please confirm whether you are aware of any corruption involving the abovementioned individuals and whether any steps will be taken by the DHA to investigation and/or sanction them.***

- 15.2. We confirm that information on the DHA website reveals that 83 arrests were made this year and that 37 officials were dismissed, presumably as a result of Operation Bvisa Masina. ***Please confirm how many of these arrests have resulted in criminal proceedings and convictions, the location of the offices where the 37 dismissed officials worked prior to their dismissals and the outcome of any investigations into the remaining 46 officials who were arrested but not dismissed.***

15.3. We confirm that the during the reporting period 2014/15 the DHA Counter Corruption Unit received 362 cases of corruption and finalised 231 cases. From their 657 backlog cases, 368 were finalised. ***Please provide us with statistics relating to reported and finalised cases, including the number of corruption cases involving officials employed in immigration services and the number of officials who have been disciplined and criminally charged.***

15.4. We confirm that we have found the following:

15.4.1. The introduction of technological improvements at the Marabastad Refugee Reception Office has not resulted in a great deal of change and corruption is still rife at the office;

15.4.2. There is insufficient information on the manner in which refugees and asylum seekers can report corruption to the DHA or other anti-corruption hotlines. In particular, information is not available in the many languages which are understood and spoken by those being served that RRO's.

15.4.3. Even when a refugee or asylum seeker is made aware of a reporting channel, he or she is too afraid to the DHA for fear of reprisal, especially since reports cannot be made anonymously and since affidavits are required to be completed, exposing them to significant risks; and

15.4.4. Although outreach programmes and "Know your rights booklets" are made available to citizens, similar programmes and information is not being made available to refugee and migrant communities.

Kindly indicate your response to the above, including any steps taken to address these challenges.

15.5. We understand that the DHA plans to move all RRO's to the borderline. ***Please confirm whether the DHA has considered the implications of doing so on anti-corruption efforts, good governance, oversight and the creation of safe and accessible corruption reporting channels for refugees and asylum seekers.***

The way forward

16. We confirm that we, together with our partners will be launching our report on Project Lokisa on 22 November 2016 at 10h00, with a venue still to be confirmed. We will provide with an embargoed copy of the report a day before it is launched. If you would like to discuss the report and other issues experienced by our partners prior to the launch of the report, please let us know and we will make arrangements for such a meeting.
17. We invite you to formally receive a copy of the report at the launch and to indicate whether you or another representative would like to address the media and general public at the launch.
18. Finally, we confirm that we, together with our partners have formed a steering group aimed at overseeing the implementation of the recommendations of the report and at engaging the DHA around solutions to corruption at the RRO's. You are welcome to indicate whether the DHA would like to co-operate with the steering-group.

Conclusion

19. Please provide us with a response to our queries by no later than close of business on Thursday, 27 October 2016.
20. We look forward to hearing from you.

Yours faithfully,

Leanne Govindsamy
Head: Legal and Investigations
Corruption Watch
[Unsigned due to electronic transmission]