



2 March 2023

Addressed to:

**Passenger Rail Agency of South Africa
Office of the President of the Republic of South Africa
Office of the Speaker of Parliament
Parliament's Portfolio Committee on Transport**

PRASA, hands off whistleblowers

We, the undersigned organisations, call on the Passenger Rail Agency of South Africa (PRASA) to stop its harassment of whistleblowers and corruption busters.

We specifically call on PRASA to desist from its most recent attempts aimed at targeting Martha Ngoye.

While head of legal, risk, and compliance at the rail agency, Ngoye helped save PRASA billions of Rands. For her efforts however, Ngoye has faced unyielding attempts to have her fired, sued, or suspended, most recently at the hands of current PRASA chairperson, Leonard Ramatlakane, who since his assumption of the position, has led PRASA through losses in all cases brought against Ngoye.

We are perturbed at the actions of Ramatlakane, who has now approached the Johannesburg Labour Court to take an arbitration award that made findings in Ngoye's favour on review and to stay the award.

President Cyril Ramaphosa has stated government will ensure better protection of whistleblowers and take forward recommendations of the Zondo Commission in this regard, but what we see happening to the likes of Ngoye tells a very different story.

It reaffirms that state capture is not a thing of the past. The ongoing attacks aimed at whistleblowers are an indicator that the state capture fightback is in full force, and that there is in fact very little political will to protect those who stand up to it.

Ngoye led the charge against companies, who during the tenure of former PRASA CEO Lucky Montana, scored hefty tenders. Ngoye was involved in working against the multi-billion Rand Swifambo and Siyangena contracts at the rail agency which were set aside and declared invalid by the courts. She had testified before the Zondo Commission as a whistleblower. Ngoye has also been credited as being part of stopping a R1 billion investment with VBS Mutual Bank in the months before its collapse.

It must be noted that despite being suspended, Ngoye has not resigned from her position at PRASA. Yet, she has also not been allowed to return to work. The financial burden of the legal battle PRASA has waged is currently being paid for by herself and her colleagues – who have similarly taken a tough stance against corruption - out of pocket. She has also not been granted any physical protection in the midst of what has been an unrelenting onslaught against her.



It is shameful that a woman who has seen to the continued functioning of a parastatal which is crucial to the lives of millions of people in South Africa is currently fighting not only to clear her name but for the right to a livelihood.

If this is her experience as the head of legal, risk, and compliance at PRASA, then what about other public servants who may serve in less senior positions in state-owned enterprises and who want to blow the whistle? Will there be any protection for them?

- We demand that PRASA stops the harassment of Martha Ngoye and others who have stood up to corruption at the rail agency.
- We reiterate the calls by the Active Citizens Movement to reinstate Ngoye to her position at PRASA and that the rail agency withdraws all legal action arising from matters ventilated during the arbitration.
- We call on President Ramaphosa to fast-track the implementation of the Zondo Commission recommendations on whistleblower protection and to strongly consider civil society proposals in this regard.
- Furthermore, Parliament should hold PRASA accountable for what has been done to Ngoye.

Transparency and public accountability are prerequisites for a functioning democracy and in turn, effective service delivery. Practically, this means not only having in place policies and oversight mechanisms to prevent corruption and capture but actively encouraging whistleblowing, so that when systems and laws are circumvented, there is still one last protective measure against public money being looted. Honest public servants and whistleblowers are at the heart of a functioning democracy and must be supported and protected!

Active Citizens Movement
Ahmed Kathrada Foundation
ASRI NPC
Botsotso
Centre for Good Governance and Social Justice NPC
Citizens of Conscience Foundation
Civic Movement for Change NPC
CNN Architects
Congress of Business and Economics
Corruption Watch
Defend Our Democracy
Helen Suzman Foundation
Human Rights Foundation South Africa
Johannesburg Against Injustice (JAI)
June and Andrew Mlangeni Foundation
Kedanet Trading
Khulumani Support Group



Lord Lead
Muslim Youth Movement
My Vote Counts
Ntwane Community Development Forum
Open Secrets
Organisation Undoing Tax Abuse (OUTA)
OXFAMSA
Progressive Tamil Movement (PTM)
Public Interest SA
Rivonia Circle
SAIRAG
SDG Group
Solidarity
South Africa's Promise
South African Christian Leaders' Initiative (SACLI)
South African Conversations
South African Council of Churches (SACC)
Support Group for Victims of State Capture at the South African Revenue Service
SynNovation Solutions
The Evangelical Alliance of South Africa (TEASA)
The Genesis Church of God
The Teddy Bear Clinic for Abused Children
The Whistleblower House
Tronto Trading (PTY) LTD
UniteBehind
United Front of Civics
VP Strategy & Regulation Energy
Wattville CAN