

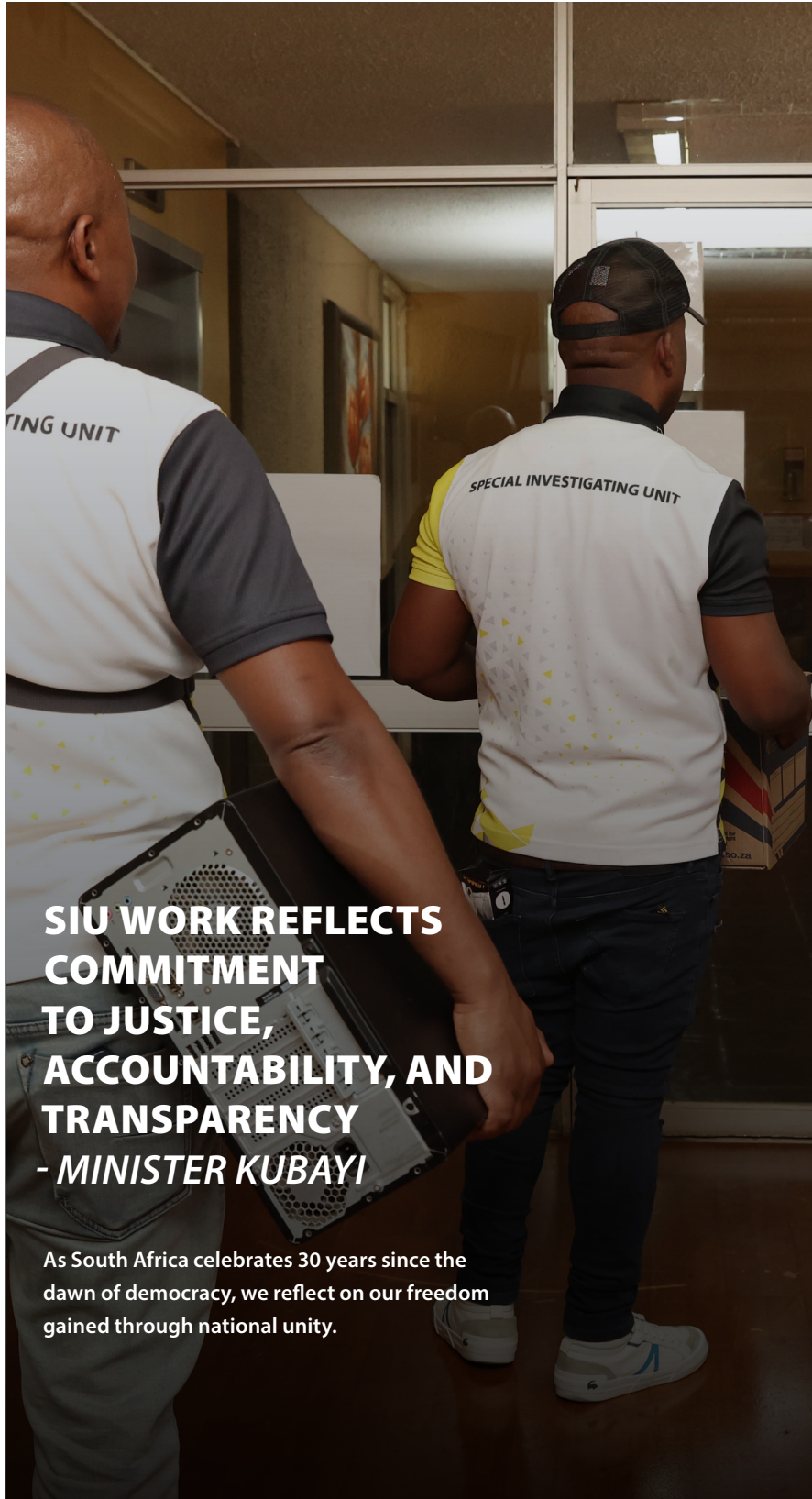
ACCOUNTABILITY ADVOCATE



VOLUME 1 ISSUE 1: DECEMBER 2024

EXTERNAL NEWSLETTER OF THE SPECIAL INVESTIGATING UNIT

LATEST NEWS OF OUR COMPANY



**SIU WORK REFLECTS
COMMITMENT
TO JUSTICE,
ACCOUNTABILITY, AND
TRANSPARENCY
- MINISTER KUBAYI**

As South Africa celebrates 30 years since the dawn of democracy, we reflect on our freedom gained through national unity.

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INTRODUCING ACCOUNTABILITY ADVOCATE - THE EXTERNAL NEWSLETTER OF THE SIU



into the strategies shaping our mission. We hope these updates will not only keep you informed but also inspire a shared commitment to accountability and justice.

**"YOUR ENGAGEMENT IS VITAL TO OUR
SUCCESS. WE INVITE YOU TO SHARE YOUR
FEEDBACK, INSIGHTS, AND IDEAS AS WE
CONTINUE THIS JOURNEY TOGETHER. "**

Together, we can build a culture where integrity thrives,
and corruption has no place to hide.

Thank you for your continued support and partnership.

Kaizer Kganyago

Chief Stakeholder Relations & Communications Officer
Special Investigating Unit of South Africa

Welcome to the inaugural edition of Accountability Advocate, the official external newsletter of the Special Investigating Unit. This platform has been designed with you in mind a space where transparency, progress, and accountability take centre stage.

In a time when public trust in institutions is critical, we recognise the importance of keeping you informed about our efforts to combat corruption and uphold integrity. Through this newsletter, we aim to foster open communication and share our milestones, challenges, and collective victories in the fight against unethical practices.

In this first edition, you will find stories about our investigation outcomes and consequence management, annual performance and recoveries of misappropriated funds, beneficial ownership and asset recovery, and insights

Feel free to follow us on our platforms



@RSASIU

And remember to report your allegations on our hotline

SIU Hotline: 0800 037 774

SIU WORK REFLECTS COMMITMENT TO JUSTICE, **ACCOUNTABILITY**, AND TRANSPARENCY

I am pleased to present the first stakeholder newsletter by the Special Investigating Unit (SIU). This newsletter report highlights the remarkable strides made by the SIU in safeguarding state assets, combating corruption, and enhancing public trust in our governance systems while seeking to strengthen stakeholder relations.

As South Africa celebrates 30 years since the dawn of democracy, we reflect on our freedom gained through national unity. We must now harness that same spirit to conquer the scourge of corruption. We have witnessed high levels of corruption, fraud, maladministration, and malfeasance, which have stripped our state entities and government departments bare, hindering their duty to provide service delivery. The State Capture Commission has unveiled our vulnerability to corruption. Even during the COVID-19 pandemic, the vultures of corruption circled, preying on the public purse.

However, corruption has reached its zenith, and the sun is now setting for the corrupt. This is evident in the SIU's performance in the 2023/2024 financial year. The SIU recovered over R2.2 billion and prevented the state from losing R2.3 billion, with R1.6 billion of potential cash and assets to be recovered.

These figures indicate that the SIU is on the right track in implementing the National Anti-Corruption Strategy.

One of the key outcomes for the SIU is the protection of state assets and cash resources from maladministration, fraud, and corruption. Through the Special Tribunal, the SIU has achieved these outcomes much quicker. In the 2023/2024 financial year, the SIU far exceeded its targets in this area, successfully enrolling 43 civil cases at the Tribunal, setting aside contracts worth R2.1 billion, and referring matters for civil proceedings worth R4.8 billion.

The sun cannot set on corruption unless those who enable it are weeded out of our government and state entities. Consequence management is crucial in restoring and maintaining faith in government. In efforts to clean up our government departments and state institutions, the SIU made 297 disciplinary referrals



Mmamoloko Kubayi
Minister of Justice and Constitutional Development

against government officials and 190 referrals for administrative action.

To ensure that corruption is dealt with effectively, the SIU conducted comprehensive lifestyle audits of several state institutions, including PRASA, the Northern Cape Office of the Premier, the Gauteng Office of the Premier, and the Free State Department of Community Safety, Roads, and Transport.

As the SIU continues to build public confidence in law enforcement agencies, 952 allegations were registered and tracked electronically, and 1353 allegations were assessed by the Assessment Committee.

The SIU does not work in isolation. It contributes greatly to the justice ecosystem and collaborates with other law enforcement agencies where its powers are limited.



During the 2023/2024 financial year, the SIU made 583 criminal referrals to the relevant prosecuting authorities. Investigating is at the core of the SIU's work. During the aforementioned financial year, the SIU concluded 1919 investigations and submitted 26 reports to the presidency.

The SIU has been proactive in deterring corruption, maladministration, and fraud through various mechanisms, specifically the development of anti-corruption forums targeted at closing in on corruption in vulnerable sectors. The SIU continues to lead the Health Sector Anti-Corruption Forum, the Infrastructure Built Anti-Corruption Forum, and the Local Government Anti-Corruption Forum.

The SIU's success in the 2023/24 fiscal year reflects its commitment to justice, accountability, and transparency. This is why the SIU must strengthen its stakeholder relationships as it will through such initiatives as corruption not be defeated in silos. Together, we are making significant strides in building a corruption-free South Africa.



SIU PUBLICATION

Editorial director

Kaizer Kganyago

Editor/Coordinator

Ngwako Motsieng

SIU Accountability

Advocate team

Nelisiwe Msomi

Ngwako Motsieng

Pulane Banda

Tirelo Phulwane

Cornelius Maphanga

Contributors

Head of the Special Investigating Unit

Adv. Andy Mothibi

Minister of Justice and Constitutional Development

Mmamoloko Kubayi

Photographer

Muano Mangaladzi

Designer

Tinyiko Sikhosana

Contact Details:

www.siu.org.za

Email: info@siu.org.za

Tel: +27 (0)12 843 0000

WE DON'T WANT TO GO FAR ALONE, JOIN US

I welcome you all to the first edition of the Special Investigating Unit's (SIU) stakeholder newsletter.

In reflecting on the previous financial year's performance, the SIU has made significant progress, strategic achievement, and financial resilience. All the achievements are to be credited to all SIU members as a team. We have journeyed this far as a result of excellent teamwork.

There is an African Proverb that states:

"If you want to go fast, go alone. If you want to go far, go together."

We don't want to go far alone just as the SIU team, we want to invite our partners, stakeholders and the whole of society to take arms with us in the fight against corruption.

We understand that for that undertaking to take place, we must gain your trust through our track record and for you to see how much of a well-oiled machine the SIU is.

The 2023 / 2024 Financial Year was the penultimate year of the SIU Five-Year Strategy. This marks a pivotal moment in how teamwork has delivered the results of our five-year strategy, which has been instrumental in positioning the SIU as a formidable force in the fight against corruption, maladministration and malpractices within the public sector.

Over the past years, the SIU has delivered success in the core business



Adv. Andy Mothibi
Head of the Special Investigating Unit

which is the investigations, civil litigation and market data analytics divisions. The SIU has also seen improvement in the governance of the organisation.

We have been working closely with all stakeholders and partners in the Anti-Corruption Ecosystem cannot be over-emphasized, especially with the Department of Justice and Constitutional Development, Parliament's Portfolio Committees, Parliament's Standing Committee on Public Accounts (SCOPA) and regional and international partners.

Through these relationships, the SIU will continuously combat corruption in South Africa and beyond South African borders. These efforts are supported by a

strategic communication strategy a plan which has enabled effective communication, internally and externally.

The SIU contributes together with other Law Enforcement Agencies and other State Institutions to implement the requirements and obligations of the United Nations Convention Against Corruption (UNCAC), the African Union Convention Against Corruption and the SADC Anti-Corruption Protocol. The SIU participates in the International Association of Anti-Corruption Authorities (IAACA) as Vice President coordinating participation of African Anti-Corruption Authorities assisted by Kenya, Mauritius, Senegal and Morocco Anti-Corruption Authorities.

The SIU also participates in the African Association of Anti-Corruption Authorities and at the SADC Anti-Corruption Committee.

It is important that as a stakeholder, you are made aware of how far-reaching the impact of the SIU is and how through your support, we can continue to do impactful work beyond South Africa and her borders.

As we move forward towards accomplishing the goals of the 2030 National Anti-Corruption Strategy, I am confident that we will win the combat against corruption as a whole of society. No one must be left behind. This is why as the SIU, we created this newsletter for our stakeholders, so we can go far together to make a significant impact in the fight against corruption, maladministration and malpractices.



FIVE MAJOR COURT DEVELOPMENTS IN 2024 EMANATING FROM SIU INVESTIGATIONS



The Special Investigating Unit (SIU), empowered by the Special Investigating Units and Special Tribunals Act 74 of 1996, is mandated to take civil action in the High Court or Special Tribunal to address wrongdoing uncovered during investigations into

corruption and maladministration. These actions, including instituting review applications to invalidate unlawful contracts awarded by state institutions, form part of the SIU's efforts to implement investigation outcomes, enforce accountability, and recover financial losses suffered by the state due to negligence or corruption.

This edition highlights five major court outcomes from 2024, including the notable imprisonment ordered by the Special Tribunal.



1. MUSIC LEGEND'S BID TO RECLAIM LUXURY PROPERTY FAILS

In January 2024, the Gauteng High Court dismissed an application by 999 Music and its founder, Arthur Mafokate, to overturn a preservation order for a luxury property in Midrand. The property, an upmarket guesthouse, was purchased using funds from the National Lotteries Commission (NLC) that were meant for community and developmental projects.

Mafokate redirected R9.3 million allocated to the South African Art and Development Association (SAADA) intended to empower unemployed youth in rural areas through music, film, and media production to acquire the property. The preservation order remains in effect pending a forfeiture decision.



2. GERMAN SOFTWARE COMPANY ORDERED TO PAY POWER UTILITY HALF A BILLION RANDS

In March 2024, the Special Tribunal ordered German software company Systems Applications Products (SAP) to pay Eskom R500 million within seven days. This order followed a settlement agreement between the SIU and SAP concerning the validity of two contracts awarded by Eskom. The Special Tribunal upheld the agreement, which does not exempt SAP or implicated individuals from possible prosecution.

Between 2013 and 2016, Eskom entered into two contracts with SAP: the Enabling Agreement and the Cloud Services Agreement, collectively valued at approximately R1.1 billion. Both contracts were declared invalid and unlawful, leading to their nullification. The SIU investigation revealed that the agreements violated the Public Finance Management Act, resulting in fruitless and wasteful expenditure for Eskom.



3. R1.6 BILLION IN INVALID CONTRACTS AWARDED BY IDT

In July 2024, the Special Tribunal nullified two contracts worth R1.6 billion that the Independent Development Trust (IDT) awarded to five companies between 2011 and 2012. These contracts, intended for projects under the Department of Correctional Services, were declared unlawful, and the companies were ordered to repay all profits derived from the contracts.

The SIU investigation revealed that IDT failed to follow constitutional and statutory procurement regulations. The contracts involved infrastructure projects such as security fencing, intercom systems, and condition audits at correctional centers.



4. CONSTITUTIONAL COURT ENDS LEGAL BATTLE OVER R11.5 MILLION REPAYMENT BY FORMER SABC COO

In September 2024, the Constitutional Court dismissed an appeal by former SABC Chief Operating Officer Hlaudi Motsoeneng regarding the repayment of R11.5 million. This follows a 2023 Supreme Court of Appeal ruling, which upheld the earlier High Court decision declaring the payment unlawful and invalid.

The SABC Board had awarded Motsoeneng the payment in August 2016 as a “success fee” for negotiating a MultiChoice deal to license SABC’s entertainment channel content. The courts ruled that Motsoeneng must repay the R11.5 million with interest, bringing his total liability to approximately R18 million.



5. SPECIAL TRIBUNAL IMPRISONS BUSINESSMAN OVER PPE PROCUREMENT SCANDAL

In November 2024, the Special Tribunal sentenced Johannesburg businessman Thabiso Hamilton Ndlovu to 30 days in prison for contempt of court. Ndlovu had failed to comply with a forfeiture order issued in June 2022 related to unlawful tenders worth over R170 million during the COVID-19 pandemic. These tenders involved personal protective equipment (PPE) procured by the National Health Laboratory Service (NHLS) and the SIU.

Ndlovu also failed to surrender luxury assets, including Scania trucks, a

Mercedes-Benz G63 AMG, and expensive watches, as required by the order. His imprisonment was suspended for 30 days to allow compliance, and a R500,000 fine was imposed suspended for one year, contingent on no further contempt violations.

These cases underscore the SIU’s commitment to combating corruption, ensuring accountability, and recovering state funds misused through unlawful activities.

Written by: Ngwako Motsieng

SIU'S RECORD-BREAKING R8 BILLION RECOVERY MARKS A MILESTONE IN THE FIGHT AGAINST CORRUPTION

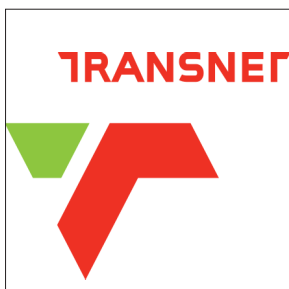
The Special Investigating Unit (SIU) made historic achievement in its mission to safeguard South Africa's public funds, with a record R8 billion recovered, collectable, and prevented from loss in the 2023/24 financial year. This milestone highlights the SIU's unwavering dedication to combatting corruption, maladministration, and malpractice across the public sector.

The SIU's accomplishments include recovering a record-breaking R2.28 billion in actual cash – the highest in its 27-year history. In addition to this direct recovery, the Unit successfully prevented R2.32 billion in potential state losses secured R1.6 billion in recoverable cash through agreements on debt acknowledgement and addressed



irregular administrative decisions by setting aside contracts worth over R2.13 billion through the Special Tribunal and South African High Court. The legal victories mark a triumph for accountability, ensuring that public funds are protected and directed toward their intended public

purpose. Adding to this achievement, the SIU received an unqualified audit outcome from the Auditor-General of South Africa, reflecting its dedication to transparency and financial integrity.



DRIVING CHANGE ACROSS MAJOR ENTITIES

The SIU has made great strides in investigations into key entities, including Transnet, Eskom, and the National Student Financial Aid Scheme (NSFAS). These investigations were among the most significant contributors to the SIU's historic recovery figures: Transnet yielded R710 million, Eskom R500 million, and NSFAS R191 million in recoveries by the end of the fiscal year. The success of the Medico-Legal investigation accounted for R1.98 billion of the prevented losses.

Eskom-related contracts topped the list in terms of administrative actions, with contracts valued at over R1.2 billion nullified due to irregularities, underscoring the SIU's commitment to ensuring the legal compliance and integrity of public sector operations.



PROGRESS IN INVESTIGATIONS AND LEGAL ACTIONS

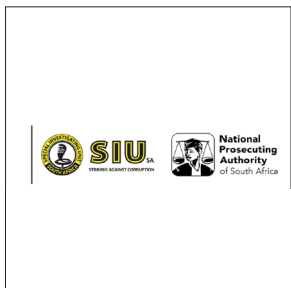
Investigations remain at the core of the SIU's efforts. In the 2023/24 period, the SIU closed 1,919 investigations, delivered 26 comprehensive reports to the President, and laid bare the outcomes of critical inquiries into entities such as the National Lotteries Commission, PRASA, and the Masters' Office. These reports underscore the SIU's commitment to transparency, accountability, and the rule of law.

SIU's civil actions have yielded significant financial implications, with evidence referred for proceedings worth R4.8 billion. This includes major claims from Eskom, Transnet, the eThekweni Metropolitan Municipality, and the City of Cape Town, all part of the Unit's mission to hold wrongdoers accountable.



PREVENTION OF CORRUPTION WITH LIFESTYLE AUDITS

To bolster accountability and enhance preventive measures, the SIU has expanded its investigative scope by conducting lifestyle audits across government entities. These audits carried out in the past year at PRASA, the Gauteng Office of the Premier, and the Free State Department of Community Safety, Roads, and Transport, aim to detect and deter corrupt practices among officials.



COLLABORATION FOR GREATER ACCOUNTABILITY

Collaboration remains a cornerstone of the SIU's approach to fighting corruption. In line with the SIU Act, the Unit made 583 criminal referrals to the National Prosecuting Authority (NPA), paving the way for prosecutions of implicated officials, private entities, and individuals. The SIU also referred 297 government officials to their respective institutions for disciplinary action, a move reflecting its commitment to accountability across all levels.



LOOKING AHEAD: THE SIU'S NEXT FIVE-YEAR STRATEGY

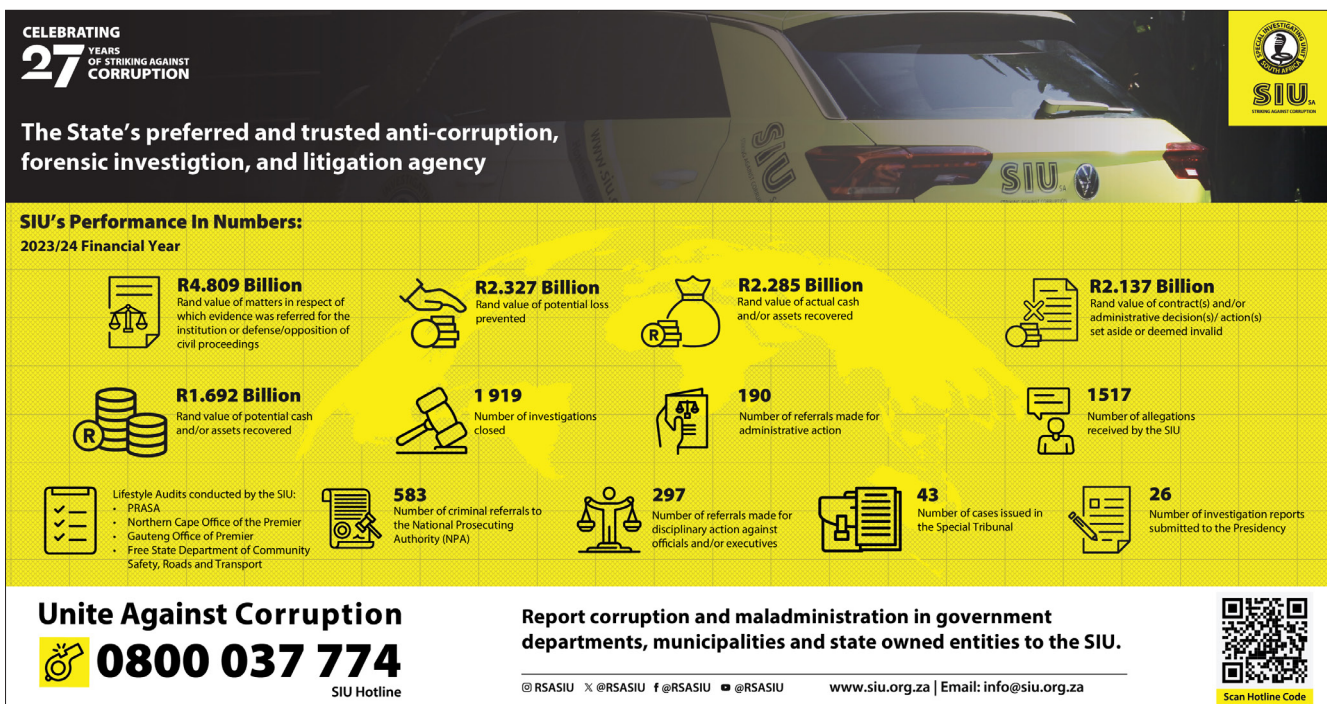
As the SIU marks the conclusion of its five-year turnaround strategy, its focus shifts to further enhancing its fight against corruption. The upcoming strategy period will emphasise developing the National Corruption Prevention and Risk Framework as well as implementing advanced practices, including cyber and data analytics and business process digitization, to streamline operations and improve efficiency.



A CALL TO ACTION FOR ALL SOUTH AFRICANS

As stated in the National Anti-Corruption Strategy, the fight against corruption needs the whole of society. The SIU calls on all South Africans to join the fight against corruption, working together to ensure that state resources are preserved for the benefit of all citizens.

Written by: Nelisiwe Msomi



PROCLAMATIONS AND ACCOUNTABILITY:

A CLOSER LOOK AT THE SIU'S EFFORTS DURING THE 7TH ADMINISTRATION

The Presidential Proclamation empowers the Special Investigating Unit (SIU) with the authority to investigate and pursue civil litigation against public institutions for maladministration, corruption, and misconduct. The issuance of Presidential Proclamations to the SIU represents a critical mechanism for addressing corruption and maladministration in South Africa. As of November 2024, the 7th Administration has significantly escalated its efforts, with 33 Proclamations issued since July 2024 alone. This increase underscores the administration's commitment to transparency and accountability, leveraging the SIU's expertise to safeguard public resources.



Proclamations in Context

Since 2001, the SIU has received 276 Presidential Proclamations. However, 147 Proclamations were issued from 2018 onward, marking a sharp increase in anti-corruption activity during the 6th and 7th Administrations. This growth trend is evident in the annual issuance rates:

- 2018: 22 Proclamations
- 2019: 32 Proclamations
- 2020: 11 Proclamations
- 2021: 14 Proclamations
- 2022: 19 Proclamations
- 2023: 09 Proclamations
- 2024: 40 Proclamations (*to date*)

Notably, the 40 Proclamations issued in 2024 signal a remarkable uptake reflecting a strategic emphasis on combating irregularities across government institutions.

The Proclamations since 2018 have spanned all spheres of government, demonstrating the pervasive nature of corruption and the need for

comprehensive oversight:

- National Government: 30%
- Provincial Government: 23%
- Local Government: 36%
- State-Owned Entities: 11%

The SIU has finalised 55 investigations within these categories, revealing systemic vulnerabilities and areas requiring reform. Local government, which accounts for the highest share (36%), remains a focal point due to widespread issues in municipal governance. This is also linked to efforts to focus on corruption in the local government sphere through the Local Government Anti-Corruption Forum that the SIU chairs.

A regional analysis highlights Gauteng and KwaZulu-Natal as hotspots, with 21 and 20 investigations, respectively. The Eastern Cape and Limpopo also feature prominently, with 19 and 9 investigations. National government institutions, however, lead with 50 investigations, reinforcing the necessity for oversight at the highest administrative levels.

The culmination of 33 new proclamations since mid-2024 reflects a proactive stance in curbing corruption, particularly within local governments and state-owned entities areas historically exhibiting higher levels of mismanagement.

This increase aligns with the National Anti-Corruption Strategic broader anti-corruption agenda, prioritising transparency and the recovery of public funds. The SIU's adoption of advanced data analytics further enhances its capacity to uncover complex fraud schemes.

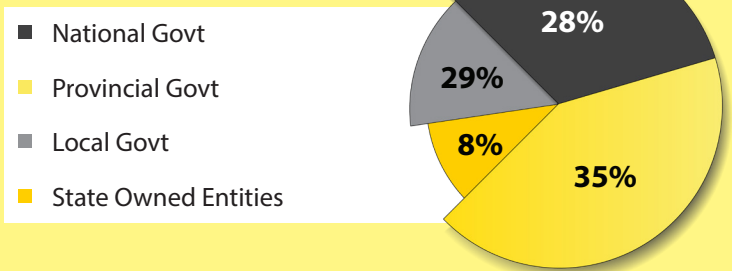
The increase in Proclamations underscores the evolving role of the SIU in enhancing governance. By targeting corruption in all areas of government, the unit continues to build public confidence in South Africa's institutions. Through its investigations, the SIU not only examines cases of corruption but also enforces consequence management, recovers funds lost by the state through corruption, and recommends systematic solutions to prevent future corruption.

Written by: Nelisiwe Msomi

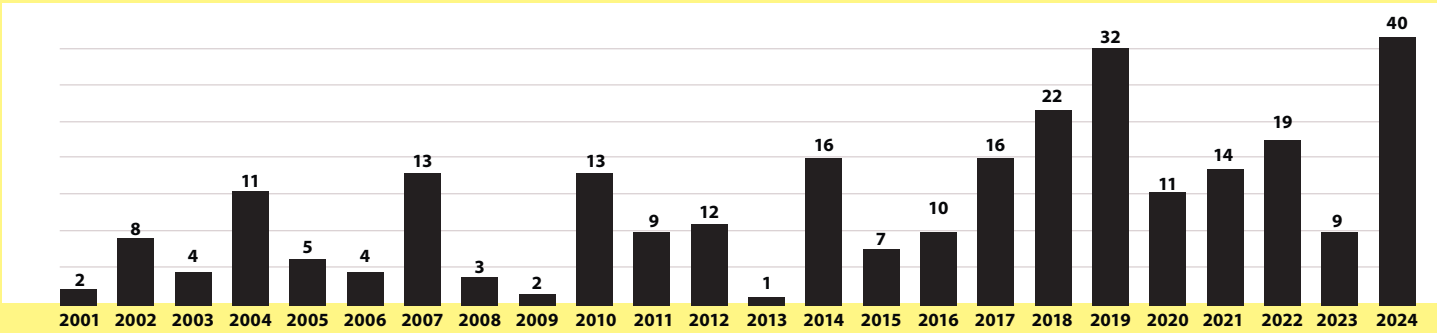
PROCLAMATIONS ISSUED TO THE SIU

- Since 2001, the SIU received 276 Presidential Proclamations.
- This report is tracking only the 147 Proclamations received from 2018
- Investigations relating to Proclamations issued prior 2018 are finalised.

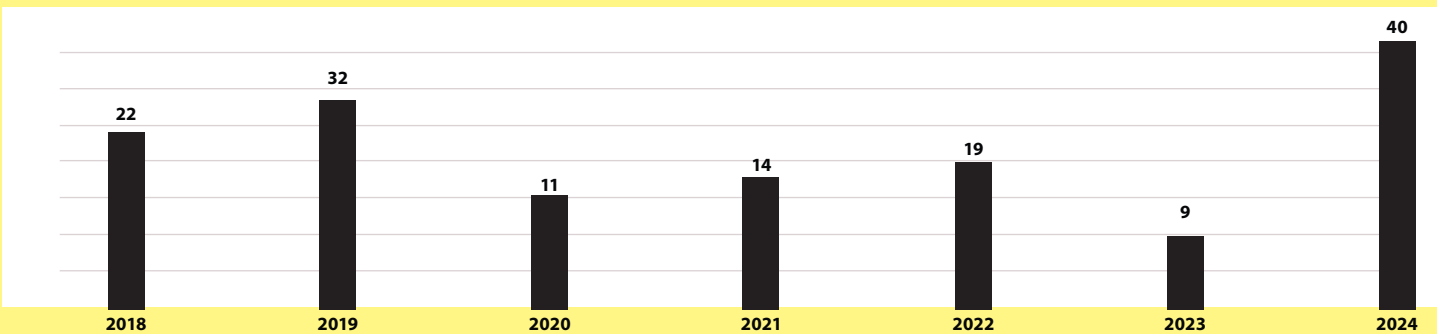
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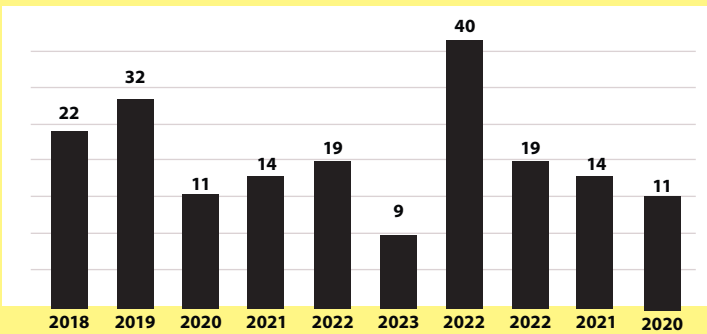
BY YEAR



PROCLAMATIONS ISSUED SINCE 2018

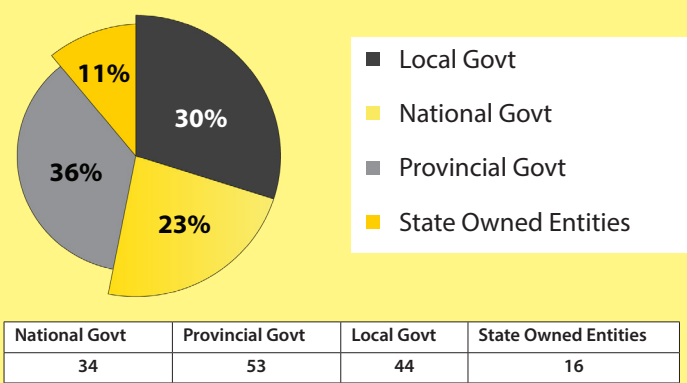


INVESTIGATIONS PER REGION

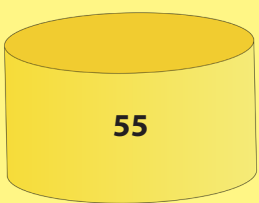


FINALISED INVESTIGATIONS	
National Govt	15
Provincial Govt	20
Local Govt	18
State Owned Entities	2

PROCLAMATIONS PER SPHERE OF GOVT



TOTAL NUMBER OF FINALISED INVESTIGATIONS



UNDERSTANDING THE SIU VALUE CHAIN



The Special Investigating Unit (SIU) is a statutory body established under the Special Investigating Units and Special Tribunals Act, No. 74 of 1996 (SIU Act). Its mandate is to investigate and address allegations of corruption, malpractice, and maladministration within state institutions and recover financial losses suffered by the state through civil litigation. The SIU also plays a preventive role by implementing measures to avert future losses and maladministration.

At the heart of the SIU's operations is a well-defined value chain, starting from the receipt of allegations and culminating in systemic recommendations aimed at promoting integrity and accountability within state institutions. Below, we explore the key stages of the SIU's value chain and how they contribute to its mandate.

1. Receipt and Registration of Allegations

The SIU receives allegations of fraud, corruption, and

maladministration through:

- Whistleblower hotline: Managed by an independent service provider to ensure confidentiality and anonymity.
- Direct reporting by state institutions: Entities approach the SIU to report concerns of irregularities.

Once an allegation is received, it is registered in a central case management system and assigned a unique case number. The allegation is then prepared for assessment using supporting documentation provided by the reporting party.

2. Assessment of Allegations

The Case Assessment Committee (CAC) evaluates allegations to determine whether they fall within the SIU's statutory mandate as per Section 2(2) of the SIU Act. This assessment can result in three possible outcomes:

1. Within the SIU's mandate: The case proceeds for further action.

2. Outside the SIU's mandate: The case is referred to the appropriate state institution.
3. No further action: If the case is not relevant to any state institution's mandate, it is closed.

For cases within its mandate, the SIU prepares a formal motivation for a Presidential Proclamation, which is the legal instrument authorizing the investigation.

3. Presidential Proclamation

The SIU submits its motivation to the Department of Justice and Correctional Services for processing. The Minister of Justice forwards it to the President, who exercises discretion on whether to issue the proclamation.

Once signed by the President, the proclamation is published in the Government Gazette, officially initiating the investigation. The proclamation includes a schedule that outlines the terms of reference for the investigation.



4. Investigation and Execution

With the proclamation in place, the SIU commences its investigation, leveraging the following powers:

- **Subpoena authority:** To obtain documents such as bank statements and cellphone records.
- **Interrogation:** Witnesses can be questioned under oath.
- **Search and seizure:** Evidence can be obtained through court-approved warrants.

As outcomes are achieved, the SIU implements actions without waiting for the investigation's conclusion. These actions include:

A. Civil litigation: Recovering losses or preventing further losses through the Special Tribunal or High Court.

B. Disciplinary referrals: Referring evidence of misconduct to state institutions for disciplinary action.

C. Criminal referrals: Referring evidence pointing to a criminal conduct to the National Prosecuting Authority (NPA) for further action.

D. Regulatory referrals: Referring professional misconduct to relevant authorities.

E. Supplier restrictions: Recommending that service

providers be listed on the National Treasury Database of Restricted Suppliers.

F. Systemic recommendations:

Proposing reforms to address gaps in governance and prevent recurrences.

5. Monitoring and Oversight

The implementation of SIU recommendations is closely monitored by the Presidency, in collaboration with the Department of Planning, Monitoring and Evaluation. This ensures accountability and follow-through by implicated parties and state institutions.

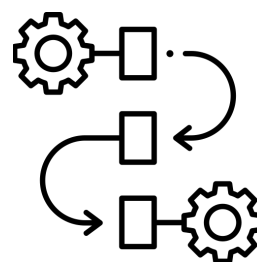
6. Final Reporting to the President

Upon concluding an investigation, the SIU submits a Final Report to the President. This report provides a comprehensive overview of the investigation, the outcomes achieved, and the actions taken, including recoveries, referrals, and systemic recommendations.

7. Prevention, Awareness, and Advisory Initiatives

As part of its value chain, the SIU evaluates its investigations to identify patterns of maladministration. Based on these findings, it develops prevention and awareness campaigns and advisory initiatives to enhance

governance and prevent future occurrences of similar misconduct.



The SIU's value chain is a robust framework that enables it to fulfil its mandate effectively. From the initial receipt of allegations to the development of preventive strategies, every step is designed to ensure accountability, recover public funds, and safeguard state resources. By collaborating with key stakeholders such as the Presidency, the NPA, and regulatory bodies, the SIU not only addresses past wrongs but also works toward building a culture of integrity within public institutions.

Written by: Tirelo Phulwane & Cornelius Maphanga

CHECKLIST FOR WHISTLEBLOWING



SIU SA
STRIVING AGAINST CORRUPTION

The Special Investigating Unit (SIU) was set up to investigate allegations of corruption and maladministration in the affairs of government departments, municipalities, and state-owned entities.



Allegations

- ☒ What are allegations about? i.e., tender fraud, irregular procurement, corruption, collusion, fronting etc.
- ☒ What happened?
- ☒ How did it happen?
- ☒ When and where did it happen?
- ☒ Who was involved/who is implicated?
- ☒ Who did what?
- ☒ How much money was involved?
- ☒ What is the result of what happened? e.g., loss suffered by the state institution, irregular expenditure, failure of a project ect.



Supporting documents

- ☒ Tender committee
- ☒ reports/submissions
- ☒ Appointment letter (if available)
- ☒ Investigation or audit reports
- ☒ Correspondence (letters, emails, or minutes)
- ☒ Payment information



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