

# “DEATH IS NOT IN MY VOCABULARY”

Principles can be painful and expensive. Mike Tshishonga's fight against corruption came with excruciating consequences, but he vows to blow the whistle as long as he shall live despite being humiliated and penniless.

BY ANCILLAR MANGENA

**H**istory will have to record that the greatest tragedy of this period of social transition was not the strident clamour of the bad people, but, the appalling silence of the good people.”

This Martin Luther King Jr quote brought courage to Mike Tshishonga's soul, inspired him to be a whistleblower and ushered in his two worst days.

The first cost him his home and pride, leading to seven years in the wilderness. The second cost him humiliation, vilification and yet another job he loved.

The fury and conflict that raged around Tshishonga belies the peace and quiet of where he was born in 1946; in rural Venda located in Louis Trichardt, a small town nestled in South Africa's northern Limpopo province; a peaceful place where wild animals roam. Even though the harsh apartheid regime was in force, Tshishonga grew up in a loving home and left to study law. He took King's quote with him.

He hates crime and corruption. His battle for justice began in 1985, when he was the Secretary of Justice in the old Bantu system. At the time, Venda chiefs carried out ritual murders for strength and power. This was a burden on Tshishonga's shoulders.

“They wanted human parts. One chief, Ramovha, was involved in these ritual killings. He was tried and found guilty of murder. His friends wanted me to recommend he be removed from the death sentence but I refused,” says Tshishonga.

Tshishonga became detested and resented among Ramovha's friends and family. But he felt it was the right thing to do. Justice had to prevail.

Another ritual murder occurred; this time involving Chief AA Tshivhase, who was also hung for his crime.

“Tshivhase had a lot of political capital. As a result, parliament passed an act saying the president has the power to demote, transfer or reduce the salary of any public servant without giving any reason.”

This prompted Tshishonga's dismissal.

“The president had been told that a lot of chiefs were involved in this and I was the problem that needed to be taken care of.”

Tshishonga had fought a losing battle in a place he called home. He left with nothing and had to stay with his in-laws.

“When you are a man and supposed to take care of your family but you can't, and your mother-in-law has to take up the responsibility, it is traumatic, but pain makes us grow. It is a stepping stone to another level. It is not there to kill one but rather to give strength and greater wisdom,” he says.

After seven years of pain and penury, Tshishonga was rehabilitated in a new democratic South Africa; appointed as the Deputy Director General of the South African Justice Department in 1994.

“I was happy when someone who respected how I had stood up for justice recognized I was right and traced me down for this position. Those were very tough years for me but I will always speak up against wrongdoing,” says Tshishonga.

“During the years when Mandela was the president, everything was smooth. I was responsible for the liquidation division at the department.”

Little did he know, an even worse day was yet to come.

In 2003, Tshishonga was in hot water, again, for opposing the appointment of Enver Motlale as liquidator for the Retail Apparel Group (RAG), then worth more than a billion rand. Penuell Maduna, the then Minister of Justice, ordered Tshishonga's department to appoint Motlale as liquidator for RAG. It was to be the biggest liquidation in the country's history.

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Mike Tshishonga

PHOTOS BY MOTLABANA MONNAGOTLA



“We had a panel that decided which liquidator, out of 300, got which job. This was to avoid corruption because liquidation is a lucrative business. It is not, according to the law of insolvency, the minister who dictates who gets what job.”

“I think Maduna and Motala wanted to share the spoils. As always, I was very vocal about fighting corruption. Maduna then tried to get rid of me but they didn’t have any legal grounds to stand on.”

Tshishonga invoked the Protected Disclosures Act. He lodged a complaint about the irregularity with the Public Protector, the Auditor-General and even Essop Pahad, the then Minister in the Presidency under Thabo Mbeki.

“Essop suggested we sit around the table and address the matter but Maduna did not cooperate with me. No one seemed to care that such corruption and nepotism was taking place,” he says.

Pahad, when contacted by FORBES AFRICA, claims he has no knowledge of the matter.

In October 2003, when it came to light that his objections were going nowhere, he called a press conference.

“I had to become creative. I disclosed the information relating to the impropriety and nepotism of the minister to the whole country.”

Tshishonga was suspended with immediate effect. A disciplinary committee was convened. The suspension lasted nearly four years. This ushered in his second worst day. All hell broke loose.

“Vusi Pikoli, Director-General of the justice department at the time, said they can’t take me back because the trust between me and the department had been broken. They offered me a settlement and I refused. Getting rid of me was not getting rid of corruption,” he says.

Pikoli denies this.

“All I can say is that cases of fraud and corruption, where reported and detected in the Department of Justice and Constitutional Development when I was the Director-General, were dealt with,” he says.

The Labour Court ruled Tshishonga be reinstated in early 2004. He returned to his office, unaware that he faced the worst months of his life.



“I would go to the office and no job was coming to me. I had my desk, computer and everything but not work. I would go there, do nothing and leave the office at knockoff time. It was difficult for them to transfer me to another department because it would be against the Protected Disclosures Act. Any person who blows the whistle must not be redeployed because they have raised a concern that needs to be addressed.”

With no work coming his way, he started writing a book *Whistleblower: The Mike Tshishonga Story*, published in 2010.

“Instead of complaining about it, I decided to spend the time writing a book about the true events so that the outside world knows what happened,” he says.

Nobody spoke to him; he was in the office each day for nearly a year. He finally agreed to a settlement of R3 million (around \$200,000) to leave the position. He left the department but not without suing for defamation.

“Maduna has told the media that I am a dunderhead, a relic of the apartheid regime who is a timid public servant and does not belong to the department.”

Tshishonga claimed 12 months’ salary for his trouble. The Labour Court ruled in his favor. He read self-help books and the book of Proverbs in the Bible to help him cope. He says he is strong as steel.

## What did I learn?

Because people are against me doesn’t mean I should stop doing what I believe in. Don’t expect gratitude. People need help but if you help them, they may kick you in the teeth.

“The word death is not in my vocabulary. By killing another person, you are not giving yourself insurance that you would not die because one way or the other, you will.”

The then spokesperson at the office of the Public Protector, Charles Phahlane, was quoted in the media as saying the Public Protector was not provided with enough information to investigate the matter.

At a forum on November 17, 2010, South Africa’s current Public Protector, Thuli Madonsela, said she is encouraged by the existence of whistleblowers.

“I note with a sense of discomfort that one of the conference speakers is Mr Mike Tshishonga, who unsuccessfully approached the Public Protector, before my time, for relief regarding an occupational detriment... His complaint was not upheld by the Public Protector and eventually got such relief from a court of law after a costly and lengthy litigation process,” she said.

Maduna denies the allegations made by Tshishonga.

“Mike is the most timid public servant... At worst he is the sort of person who would not be able to box himself out of a wet paper bag,” he reportedly told a local newspaper.

Tshishonga’s unwillingness to yield to pressure by his corrupt peers shows his true nature. He is currently preparing to blow the whistle on a South African politician in the coming months; and he leaves us with a proverb.

“The scorpion was drowning in water. Somebody picked it up to save it. Once safe, the scorpion stung him. The person asked ‘Why would you do this after I helped you?’ and the scorpion said ‘It is my nature.’”

Let’s hope Tshishonga is not stung. 

**In the cut-and-thrust world of business we’ve all experienced a worst day. How did you turn it around? What can we learn from your experience?**

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