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## MEDIA STATEMENT

### FOR IMMEDIATE RELEASE

10 MARCH 2023

## IT IS BUSINESS AS USUAL FOR THE SIU AFTER CONSTITUTIONAL COURT RULING DETERMINES THE POWER OF THE SPECIAL TRIBUNAL

The Special Investigating Unit (SIU) welcomes the Constitutional Court ruling which confirmed the powers and the jurisdiction of the Special Tribunal.

On 10 March 2023, the Constitutional Court ruled that the Special Tribunal is not a court, however, it still holds the jurisdiction and powers to adjudicate reviews brought by the SIU and to grant orders setting aside unlawful procurement contracts awarded by State institutions.

The Constitutional Court judgment sets precedence that corruption will not be tolerated, and the SIU will continue **STRIKING AGAINST CORRUPTION**.

The ruling follows an appeal brought forward by Ledla Structural Development (Pty) Ltd (Ledla), Rhulani Lehong, Kgodisho Norman Lehong, and other individuals and entities. The applicants sought to overturn the Special Tribunal order which reviewed and set aside an unlawful personal protective equipment contract awarded by Gauteng Department of Health. The Special Tribunal also issued a preservation order and later a forfeiture order against monies and assets of the applicants. The applicants had also challenged the jurisdiction of the Special Tribunal. **The Constitutional Court dismissed the application with costs.**

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The SIU welcomes the judgment as it gives the Special Tribunal a green light to continue with its work and set aside contracts it finds were unlawfully and illegally awarded.

The Special Tribunal was set up in 2019 to adjudicate on matters arising from SIU investigations. As a dedicated Tribunal, it meant that the SIU can speedily have its matters finalised and recover financial losses suffered by the State before it is dissipated.

The ruling gives absolute certainty on the jurisdiction of the Special Tribunal to adjudicate on "any civil proceedings" brought by the SIU.

It is noteworthy that the Constitutional Court has stated that the preamble of the Special Investigating Units Act and Special Tribunals Act (SIU Act) and section 4 make it abundantly clear that the SIU Act has as its objective, amongst others, the establishment of structures, including the Special Tribunal, to address the rampant corruption in all forms of malfeasance in our country.

The Constitutional Court ruling cements the SIU's work and energises it to continue to intensify on the execution of its mandate to address the rampant corruption in all forms of malfeasance in our country.

Fraud and corruption allegations may be reported via the following platforms:

[siu@hotline.co.za](mailto:siu@hotline.co.za) / **Hotline: 0800 037 774.**

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