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MEDIA STATEMENT

FOR IMMEDIATE RELEASE

28 May 2024

SIU WELCOMES SCA'S DISMISSAL OF HLAUDI MOTSOENENG APPEAL BID TO AVOID PAYING R11.5 MILLION PAID TO HIM AS SUCCESS FEE FOR MULTICHOICE DEAL

The Special Investigating Unit (SIU) welcomes the ruling by the Supreme Court of Appeal (SCA) to dismiss with costs an application brought by the public broadcaster's former Chief Operating Officer Hlaudi Motsoeneng to appeal the order of the High Court of South Africa: Gauteng Local Division, Johannesburg, declaring the decision of the then SABC Board to pay him R11.5 million as unlawful and invalid.

The order- dated 27 May 2024- also declined to grant condonation to Mr Motsoeneng for the lapsed special leave to appeal. The original order stands and paves the way for the SIU to continue with the processes to recover the R 11.5 million "success fee" plus interest as well as legal fees for clinching the MultiChoice deal, which the High Court had previously ordered Mr Motsoeneng to repay to the SABC.

In February 2018, the SIU and the SABC jointly issued summons against Mr Motsoeneng in the High Court, Gauteng Local Division to recover the success fee. In December 2021, the High Court reviewed and set aside the former board's decision found that the decision was unlawful and invalid and ordered that he repay the R11.5 million with interest.

Mr Motsoeneng then applied for leave to appeal. On 19 January 2023, the Supreme Court of Appeal dismissed with costs an application brought by Hlaudi Motsoeneng to appeal the order of the High Court of South Africa: Gauteng Local Division, Johannesburg.

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On 20 January 2023, the full bench of the High Court refused to grant Leave to Appeal to Mr Motsoeneng. On 29 November 2023, his attorneys reported that “Mr Motsoeneng’s application for reconsideration to the President of the SCA was granted. The President of SCA ordered that the matter be argued before the SCA. Mr Motsoeneng thereafter had to file the appeal record; however, he filed late and was rejected by the Registrar of the SCA. Mr Motsoeneng then had to apply for condonation which was eventually granted. When Motsoeneng had to file his Heads of Argument, he filed late once again, so the appeal lapsed. The matter was eventually heard on 15 May 2024.

The SIU was, in terms of Proclamation R29 of 2017, directed by President Cyril Ramaphosa to investigate allegations of corruption, maladministration, malpractice and payments made by the SABC together with the conduct of its employees, and recover financial losses suffered by the SABC. In line with SIU Act 74 of 1996, the SIU is authorised to institute civil proceedings and refer evidence pointing to criminal conduct to the National Prosecuting Authority (NPA) for prosecution.

END.

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