



SPECIAL TRIBUNAL

EST: ACT 74 OF 1996

TO: ALL MEDIA

17 November 2020

SPECIAL TRIBUNAL CONFIRMS THE PRESERVATION ORDER IN THE R18, 4 MILLION CASE AGAINST FORMER TRANSNET EXECUTIVE

The Special Tribunal of South Africa has confirmed the preservation order against former Transnet Chief Executive for Capital Projects, Mr Herbert Linyenga Msagala, and ordered that both his movable and immovable properties be forfeited to the State in an effort to recoup an estimated amount of R18, 4 million.

Judge Billy Mothle, in a virtual judgment handed on Tuesday morning, confirmed the preservation order.

It is alleged in the papers before the Special Tribunal that during his tenure as Transnet Executive, Mr Msagala took part in unlawful activities which will be traversed in the ensuing action proceedings.

On 30 July, the Special Tribunal granted an interim order wherein respondents were ordered to show cause why, if it is found that they were engaged in unlawful activities, the order should not be made final. The preserved assets include several bank accounts held in his name and those of his trusts, vehicles, a farm, and other properties in both Gauteng and the Free State Provinces.

The arguments were heard on November 3, 2020. In his ruling, Mothle ordered that the properties mentioned in the papers before the Special Tribunal, which includes movable and immovable properties and as confirmed and evaluated by the *curator bonis* is declared forfeit to the State to the extent not exceeding R18, 4 million. Mr Aviwe Ndyamara has been appointed as *curator bonis*.

Judge Mothle also ruled that the interdict imposed on the Transnet Pension Fund not to pay out the pension of Mr Msagala remains and is extended until the conclusion of the action proceedings instituted against Mr Msalaga's in the Special Tribunal.

Mr Msagala was ordered to pay the costs of the proceedings on an attorney and client scale, including the costs of the applicants' two counsel.

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