



Special Tribunal, Magistrates' Court Booyens
Rifle Range and Amanda Streets, Turffontein 2019
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All Media

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FORMER HEALTH CHIEF FINANCIAL OFFICER, KABELO MANTSU LEHLOENYA, FILES COURT PAPERS DRAGGING GAUTENG PREMIER AND THE PROVINCIAL GOVERNMENT TO THE CIVIL RECOVERY PROCEEDINGS

The week-long trial of the former Chief Financial Officer (CFO) of the Gauteng Department of Health, Kabelo Mantsu Lehloenya, which was scheduled to begin in the Special Tribunal today (Monday) and run until Friday, could not commence after she filed a third-party notice dragging Premier David Makhura and the Provincial Government, the Gauteng Department of Health's Chief Operating Officer Arnold Malotana, its Chief Director, Thandiwe Lorraine Pino and its Head of Department Mkhululi Lukhele as well as two of its PPE suppliers Ledla Structural Development and Beadica 423 CC, to the civil recovery proceedings.

In the third party notice, Lehloenya is seeking an order to join these parties to the proceedings as joint wrongdoers. She wants the Premier, the Provincial Government and these public officials to contribute to any amount she is found liable for to the extent of their role and recklessness in the awarding of the PPE contracts to Ledla and Beadica.

The Special Investigating Unit (SIU) has instituted civil recovery proceedings before the Special Tribunal against Lehloenya and Lukhele for breach of their employment contracts, constitutional and statutory duties as public officials in the awarding of the PPE contracts to Ledla and Beadica for the supply of surgical masks in response to the outbreak of the Covid-19 pandemic in last year.

The Special Tribunal in December 2020, declared amounts which it had previously preserved in the bank accounts of Ledla and Beadica forfeit to the state, as these funds constitute the proceeds of unlawful activities. This order did not fully compensate the Gauteng Department of Health from the loss it incurred from the awarding of these contracts. Hence, the SIU seeks to recover the additional losses from Lehloenya and Lukhele.

The Gauteng Government has filed an exception to the third party notice, as well as an application to have the third party notice struck out as an irregular proceeding. It contends amongst other arguments, that the third party notice is legally incompetent because the Gauteng Government is already a party in the proceedings as represented by the SIU. Lukhele has raised a special defence that the basis for the relief Lehloenya seeks against him in the third party notice is legally incompetent because she has not pleaded a legally competent basis for seeking a contribution from him.

The Special Tribunal will hear legal argument on these issues, separate from the rest of the issues in the trial, in a virtual hearing on Thursday, 19th August 2021, at 10H00. A judgment on these issues will have a substantial bearing on the pending trial, hence, the Special Tribunal decided to determine these issues first.

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