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24 July 2023

**R2 MILLION SLAPP SUIT AGAINST #UNITEBEHIND AND ZACKIE ACHMAT**  
**WE WILL NOT BE INTIMIDATED OR SILENCED BY SFISO BUTHELEZI**

Sfiso Buthelezi, former Board Chairperson of the Passenger Rail Agency of South Africa is one of the architects of state capture, corruption, maladministration and mismanagement at the Passenger Rail Agency of South Africa (PRASA). He is now one of the most senior Members of Parliament and the Chairperson of the Standing Committee on Appropriations (SCOA), responsible for allocating more than R1 trillion to government departments, provinces, municipalities and state-owned entities (SOEs).

In an interview with Radio 702 (18 April 2023), Zackie Achmat said:

Our parliament has become an instrument of corruption, it protects the corrupt, it promotes the corrupt. And in this regard, if you take Sfiso Buthelezi he was first a board member of the South Africa Rail Commuter Corporation, then became the chairperson of the PRASA Board. He benefitted personally and his companies linked to him benefitted personally from corruption to the tune of at least 120 million Rand and I believe much more. Treasury investigations found that should be charged, and I know that charges have been laid against him, but nothing has come of it.

Now Buthelezi wants to silence us. #UniteBehind and Zackie Achmat received a letter of demand from Buthelezi's lawyers for a retraction of this statement, an apology published on all national media platforms and our social media. The lawyers also made an infantile claim, with a two week deadline, requiring #UniteBehind and Zackie Achmat to pay R2 million in damages to be paid into their bank account by today (24 July 2023). There is no reason for us to do so.

The defamation claim will fail as we have merely exercised our right to free speech. We have made such statements truthfully and in the public interest. Further, Buthelezi cannot claim that we damaged his reputation. His reputation was already tarnished by articles, investigations, and reports alleging the same malfeasance as contained in our statement, above.

Parliament and the ANC has protected and promoted corrupt MPs such as Sfiso Buthelezi, Joe Maswanganyi, Dikeledi Magadzi, Fikile Mbalula, Dipuo Peters and Mosebenzi Zwane. These MPs have been party to the destruction of commuter rail services in our country.

PRASA's destruction has undermined the rights to life, food, safety, education, employment, equality and dignity of working class people. It is not an exaggeration to say that state capture has led to the loss of lives. The fact that Parliament has failed to ensure that PRASA is governed by

the Constitution has contributed to and caused further corruption. Parliament has allowed a syndicate of corrupt officials at PRASA and businesses to deny us real freedom. This is also true of other entities such as Eskom, municipalities, SASSA, the Health, Home Affairs and Education departments.

When Parliament fails the people because of state capture and corruption, it also betrays our freedom and dishonours those who struggled, suffered and sacrificed for our right to vote.

Over the last seven years, we have exposed Sifiso Buthelezi, Lucky Montana, Roy Moodley, Mario Ferreira, Jacob Zuma, the criminally convicted former President. Since 2017, #UniteBehind has advocated, protested and litigated for accountability regarding state capture and corruption at the Passenger Rail Agency of South Africa (PRASA). We have been met with intimidation, ineptitude, indifference, and subterfuge at every step of the way. Now, we are a target of strategic litigation against public participation (SLAPP) by Buthelezi. A SLAPP is a way that guilty companies, individuals, political parties and governments silence and intimidate community organisations, movements and organisations that expose their criminality.

The PRASA Board under Buthelezi's leadership:

1. Maintained almost no oversight of the many unlawful contracts concluded during this period instead it facilitated corruption. In 2015, the then-Public Protector, Ms. Thuli Mandonsele in her report titled "Derailed" made damning findings and called for serious remedial actions about corruption, mismanagement, maladministration and nepotism at PRASA.
2. In 2017, #UniteBehind compiled a report called #PRASALeaks based on National Treasury investigations into 216 contracts over R10 million awarded between 2012 and 2016. We provided the reports to SCOPA and the Transport Committee. Thirty of the Treasury Reports called for criminal charges to be pursued against Buthelezi, the rest of the PRASA Board, Group CEO Lucky Montana and others.
3. Allowed R500 million to be paid to Roy Moodley through Siyangena's corrupt R4.5 billion tender.
4. Ignored and suppressed concerns raised about entities such as Swifambo and the processes around their appointment. The Gauteng High Court and the Supreme Court of Appeal set the contract aside and the Constitutional Court declined to hear the Swifambo Appeal. #UniteBehind provided reference to the High Court judgment to Parliament and its relevant committees including SCOPA.
5. Allowed corrupt payments to be made to companies associated with Buthelezi and his brother Nkanyiso. Between December 2014 and November 2015, Swifambo did direct business with Inala Shipping – a company 100% owned by Mr Buthelezi's brother, Nkanyiso Buthelezi. Inala Shipping then made payments totalling about R99 million to a company called Sebenza Forwarding and Shipping. At the time, Sifiso Buthelezi was a director of Makana Investment Corporation, which had a 55% stake in Sebenza. This interest was not disclosed. These and

other acts of malfeasance involving PRASA, Buthelezi, various other members of the Board of Control and of the executive, are set out more fully in the following reports:

- 5.1. Part V, vol II of the Report of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State;
- 5.2. The Preliminary Report Case Number Hillbrow CAS 405/07/2015 - Swifambo Flow of funds analysis, prepared by Ryan Mark Sacks for Crowe Forensics SA (Pty) Ltd, commissioned by the Directorate for Priority Crimes Investigation;
- 5.3. The Final Report: Forensic Investigation into Various Allegations at Transnet And Eskom: Tender Number NT 022-2016 RFQ 026-2017, prepared by Fundudzi Forensic Services (Pty) Ltd, commissioned by National Treasury;
- 5.4. The Auditor-General's most recent report on PRASA (2022), which affirmed again that the Swifambo contract was unlawful;
- 5.5. Previous reports by the Auditor-General, including that for 2013/14 which dealt with corruption in the Swifambo case; and
- 5.6. Various court judgments.

We demand that:

- a) The Speaker of Parliament immediately removes Buthelezi as the Chairperson of the Standing Committee on Appropriations.
- b) The ANC immediately removes Buthelezi as a Member of Parliament.
- c) The NPA fulfils its constitutional duty and prosecute Buthelezi diligently and without delay.
- d) The Standing Committee on Public Accounts immediately set a date to call Buthelezi and his cohorts to account for state capture at PRASA with the consent of the Speaker of Parliament.

Over the last 8 years, Buthelezi's reputation has been shredded on all media platforms. Buthelezi cannot claim that #UniteBehind has destroyed his reputation. For this, he only has himself to blame. Zackie Achmat and #UniteBehind refuse to be intimidated by Buthelezi's threats and will vehemently defend the right to freedom of speech. We are undeterred in our campaign for justice and accountability for state capture at PRASA. We will #FixOurTrains.

For more information, please contact:

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