



25 August 2022

[#UniteBehind Press Statement: Siyangena Hearing on 26 Aug 2022, UniteBehind as Amicus Curiae, Breakdown of Commuter Rail](#)

UniteBehind, as part of its **#FixOurTrains** campaign, has stepped in to act as *amicus curiae* in the case of *PRASA v Siyangena Technologies*, which was heard at the Supreme Court of Appeal on Friday 26 Aug 2022. This is an appeal from the Pretoria High Court, [where PRASA obtained an order invalidating corrupt contracts between itself and Siyangena worth more than R4 billion](#). Siyangena was contracted to upgrade station infrastructure but was involved in various nefarious dealings, contravening procurement processes, and has not fulfilled the contracts. The High Court found that agents of Siyangena had bought houses for the benefit of former CEO Lucky Montana and Luganda Gantsho.

Despite winning at the High Court, [PRASA management tried to settle the case, contradicting a legal opinion warning against such action](#). Leonard Ramatlakane, the Chair of the PRASA Board, and former CEO Zolani Matthews seemed to follow the wishes of Siyangena. Meeting minutes from 03 Nov 2021 between Matthews, current Legal Head, Thato Tsautse and Siyangena representatives, including owner Mario Ferreira, show that Matthews agreed to settle the case and, astoundingly, offered to extend Siyangena's contract for a further R500 million.

UniteBehind joined the case to ensure that the public interest is properly defended and argue that Siyangena should not be allowed to profit whatsoever from illegality and corruption.

Zackie Achmat mentioned that, "Working class people are battered everyday; When they try to get on a train, they are battered economically and physically. Women are sexually abused. Vulnerable workers who use the trains have lost thousands of Rand's because of increase in travel costs in a time when inflation is exploding. At the heart of this crisis is the incompetence, mismanagement and facilitation of corruption by transport ministers, boards, ANC officials, and criminally corrupt individuals like Roy Moodley, Lucky Montana, Sfiso Buthelezi and Mario Ferreira."

The Siyangena case is but one of more than 300 corrupt contracts from 2012-2015 unearthed in a series of investigations. First the Public Protector, then the Treasury Report, and now the Zondo Commission found serious criminality and corruption at the SOE. Zondo has recommended that many of the perpetrators, such as Lucky Montana, Daniel Mthimkhulu, former Chair of the Board Sfiso Buthelezi (currently the chair of the Appropriations Committee at Parliament), and businessmen Roy Moodley, Makhensa Mabunda, and Auswell Mashaba be investigated and or prosecuted. The Spanish Prosecutorial Service has asked for mutual legal assistance in prosecuting instigators of corruption at PRASA, such as taxi-boss Mabunda. However, our own authorities, the National Prosecuting Authority and the Hawks, are yet to finalise investigations, after 7 years.

The capture is ongoing, as Mosebenzi Zwane, implicated in the Vrede Dairy scandal and identified for prosecution by Chief Justice Zondo, is the current chair of Parliament's Transport Portfolio Committee. Further, Fikile Mbalula, has repeatedly shown his inability to put PRASA back on the rails.

Currently, the Gauteng rail system is in complete disarray and most of Cape Town's trains do not run on time, if they run at all. Cape Town's busiest line (the central line) has been down intermittently since 2018 and completely shut down since 2019. The situation is more than dire.

PRASA's track record and current management leave us with little faith that South Africa will have a working commuter rail system in the near future without intervention. Trains are the arteries of our cities, without which they cannot survive. Without trains, working class commuters are forced to take ever-more expensive forms of transport, exacerbating the main concerns of this week's 'National Shutdown.'

Our shared interest in routing out corruption and supporting the working class has brought UniteBehind, Defend Our Democracy, and the Ahmed Kathrada Foundation to work together to increase public education and action around improving commuter rail. We will be focusing on

- (1) the devolution of commuter rail to the Gauteng Provincial government and the City of Cape Town,
- (2) routing out corruption at PRASA, ensuring that those who captured PRASA in the past are brought to book, and
- (3) recouping the money from entities and individuals who stole from the public as part of PRASA's capture.

Secretariat member of the Defend Our Democracy Campaign highlighted the importance of this partnership, in headlining the corruption at PRASA as important. Defend Our Democracy Campaign support the *PRASA v Siyangena Technologies* case, and believes that it does not bode well for the State Owned Entity to enter into discussion for an agreed settlement with Siyangena Technologies. The campaign hopes that this court case will vindicate the whistleblowers and ultimately add the much needed support they require to continue to report corruption, and encourage others to come forward with more information.

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