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**IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2 (1) OF THE SPECIAL INVESTIGATIONS UNIT AND SPECIAL TRIBUNALS ACT 74 OF 1996**

**JUDGMENT SUMMARY**

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| ***Ex Parte: Special Investigating Unit ; In Re: Special Investigating Unit v Mhlongo and Another*** | |
| URL | <https://lawlibrary.org.za/akn/za/judgment/zast/2022/45/eng@2022-10-13> |
| Citations | (LP/03/2022) [2022] ZAST 45 |
| Date of judgment | 13 October 2022 |
| Keyword(s):[[1]](#footnote-1) | Application, *ex parte*, Special Tribunal, interdict, restrain, pension fund, benefits, pending final determination, civil proceedings, recovery, damages, losses, profit, unlawful contracts, secret, order, interim interdict |
| Summary[[2]](#footnote-2) | The applicant, the Special Investigating Unit (**SIU**), intended to bring civil proceedings against various parties including the first respondent, Dr Mhlongo (**Mhlongo**), relating to the recovery of damages and disgorgement of profits made from unlawful contracts and secret profits (**the Main Proceedings**). In the meantime, the SIU wanted to interdict and restrain the Government Employees Pension Fund (**the Fund**) from paying any pension benefits to Mhlongo until the Main Proceedings were finalised, and brought an *ex parte* application for this.  The Special Tribunal was therefore asked to condone the SIU’s non-compliance with certain Tribunal rules and grant the *ex parte* application as an interim interdict (i.e. interim relief pending finalisation of legal proceedings). |
| Decision/ Judgment[[3]](#footnote-3) | The Special Tribunal granted the interim interdict, until determination of the Main Proceedings, which would be instituted within 60 days of the granting of this order. |
| Basis of the decision[[4]](#footnote-4) | The Special Tribunal condoned the SIU’s non-compliance with the rules of the Tribunal because of the urgency of the matter (according to Special Tribunal Rule 12). The Special Tribunal also ordered that the Fund be stopped from paying any pension benefits to Mhlongo until the Main Proceedings could be finished. |
| Reported by  Date | African Legal Information Institute ([AfricanLII](https://africanlii.org/))  5 November 2022 |

1. Clarify the type of issues that come up in the case. [↑](#footnote-ref-1)
2. Summary of the facts, the main legal questions and/or grounds of appeal, and the court’s reasoning (between 150-250 words). [↑](#footnote-ref-2)
3. The ruling/judgment of the court, as given in the Order. [↑](#footnote-ref-3)
4. A 1-2 sentence summary of the basis of the decision (i.e. which legal rules were relied on). [↑](#footnote-ref-4)