

Press Release

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FOR IMMEDIATE RELEASE

The Health Justice Initiative approaches the South African courts for the disclosure of all vaccine manufacturer contracts and agreements for COVID-19.

The Health Justice Initiative has stated in legal papers that there should be no secrecy in a pandemic – especially where public resources are used.

Today in Gauteng, South Africa, the [Health Justice Initiative](https://www.healthjusticeinitiative.org) ('HJI') launched legal proceedings for the disclosure of all Covid-19 vaccine contracts entered into and any applicable agreements with relevant companies and entities. This follows an access to information request to the National Department of Health which was refused.

The HJI is aware that the South African government, likely acting through the National Department of Health, entered into agreements with manufacturers and/or suppliers for the supply of Covid-19 vaccines. The public does not know the content of these agreements.

South Africa has administered at least **30.5 million** vaccines already and therefore contracts for the supply of vaccines must exist. At least ZAR 10 billion was allocated in 2021 for purchasing vaccines. But there has been no public disclosure of the contracting parties and HJI cannot determine them with certainty because of the multiple parties involved. We also tried to get the contracting parties' identities, but our requests were ignored/refused.

Public procurement of public goods requires contractual transparency, the HJI believes. It is in the public interest to know what our government agreed to, when and with whom, at what price, and of course, why. Secrecy and the lack of transparency on decision-making during the Covid-19 crisis undermines the robust management of the pandemic and also could lead to public distrust and even vaccine hesitancy.

Fatima Hassan, Head of the HJI, said:

"We believe that it is vital for agreements with global pharmaceutical companies to be in the public domain for the sake of transparency, accountability and to foster public trust. In our view, it is not enough for our government and the vaccine companies to try to say that these contracts are 'secret' in a pandemic."

"Unelected private corporations and other entities who benefit from public resources should not be able to rely on 'confidentiality' in a constitutional democracy. It is regrettable that we have to try to expose their identities as well, through the courts, after our repeated requests were denied."



The HJI has argued in its legal papers that the public has a right to know what the terms and conditions of each contract are. In addition, disclosure is necessary as media and other reports have also shown that:

1. [South Africa may be paying comparatively inflated rates for Covid-19 vaccines](#);
2. The South African government had to grant [a broad indemnification](#) against all claims of liability to benefit vaccine manufacturers;
3. South Africa was prevented from [imposing export restrictions for vaccines filled and finished here](#) by certain vaccine companies.

The HJI believes that litigation should always be a last resort. The group therefore hopes that the South African government through the National Department of Health will publish all relevant vaccine contracts immediately – as it is a matter of grave public importance.

Background:

On 19 July 2021, the HJI submitted an access to information request to the Department of Health in terms of the Promotion to Access of Information Act 2 of 2000 (PAIA) related to vaccine procurement. The deadline to respond to the formal request lapsed, and the request is thus legally considered 'refused'. As a result, the HJI has no option but to approach the courts for relief.

In December 2021, HJI's pro bono legal representatives also requested the National Department of Health and relevant vaccine manufacturers to confirm all contracting party details, to cite them as respondents in the litigation. They refused to provide that information. We therefore have submitted that the Department of Health has a duty to join the companies and any other relevant parties to these proceedings.

Ultimately, the HJI is asking our courts to direct the Minister of Health to supply:

1. Copies of all Covid-19 vaccine procurement contracts, and Memoranda of Understanding, and agreements.
2. Copies of all Covid-19 vaccine negotiation meeting outcomes and/or minutes, and correspondence.

There should be no secrecy in a pandemic.

Ends

The HJI's legal papers and a fact sheet about the case are available at:

www.healthjusticeinitiative.org.za/pandemic-transparency

The HJI is represented pro bono by [Power Singh Inc](#)

Counsel for the HJI: Adv Wim Trengove SC; Adv Isabel Goodman; Adv Sagwadi Mabunda.

FOR MORE INFORMATION OR MEDIA QUERIES AND REQUESTS, PLEASE CONTACT THE HJI VIA:

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