

# **PRESENTATION TO TRADE, INDUSTRY AND COMPETITION PORTFOLIO COMMITTEE**

**NATIONAL LOTTERIES COMMISSION SIU REFERRALS TO NPA**



**National Prosecuting Authority**  
South Africa

**21 November 2024**

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# Opening remarks

- For the past five years, focus on the systematic rebuilding of the NPA - to ensure NPA is a fit-for-purpose prosecution service, ready to take on the challenges of the 21<sup>st</sup> century and deliver accountability in relation to two crises that the country faces: corruption and violent crime.
- The rebuilding process took time (i.e. stabilised senior leadership; increased staff numbers and capabilities; established an Office for Ethics and Accountability).
- We have made good progress despite challenges.
- NPA collaborates effectively with various law enforcement partners, including the SIU, DPCI, FIC, and SARS.

# NPA Mandate

The National Prosecuting Authority (NPA) was established in terms of section 179 of the Constitution and bears the responsibility of providing a coordinated prosecuting service that:

- ensures justice is delivered to the victims of crime through general and specialised prosecutions;
- removes the profit from crime and recovers stolen funds; and
- protects certain witnesses in the process.

# SIU Legal and Referral Framework

## SIU Act

- In terms of section 4(1)(d) of the SIU Act, the SIU must:
  - during an investigation of any matter in terms of the SIU Act, wherein the evidence collected points to the possible commission of an offence; refer the matter to the NPA as soon as is practicable

For its part, the **SIU Act** allows members of the SIU to conduct searches, seizures and production of documents by parties (civil evidence)

# Why the need for SIU Referrals

- In essence, the investigations undertaken by the SIU do not satisfy criminal standards for prosecutions.
- Therefore, the NPA must work with investigators in the DPCI & SAPS to conduct criminal investigations and ensure that the evidence meets criminal prosecution standards.
- That said, the work of the SIU is important and contributes greatly to this process.

# MoU on SIU Referrals

- The NPA, DPCI and SAPS, signed an MOU in December 2022
- The result is that, even before a referral is made, DPCI / AFU / Prosecutor / SIU work in collaboration
- Dockets are often registered before SIU obtains Proclamations

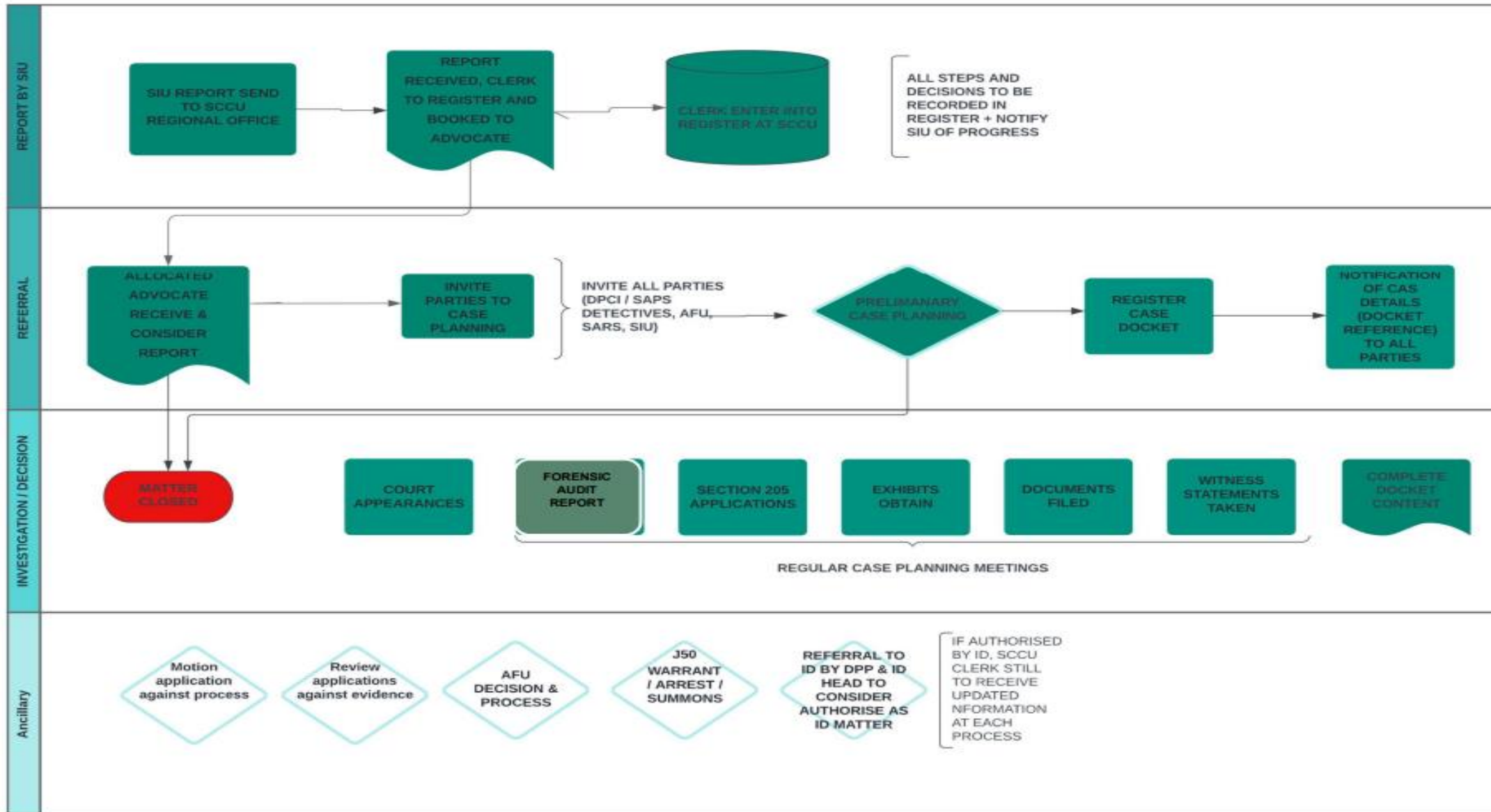
# Proclamation 32 of 2020

- The President issued SIU Proclamation 32 of 2020 which covers the period 1 January 2014 to 6 November 2020.
- National Lottery funding was allegedly being misused; NLC officials were benefitting.
- The President issued a proclamation authorising the SIU to investigate any maladministration, improper or unlawful conduct by employees and officials of the NLC, the unlawful appropriation of NLC funds and to identify any criminality.
- The validity of the proclamation is being judicially challenged.
- Referrals have been done and dockets opened as a result.
- The criminal investigations relating to the NLC which are SIU referrals are currently being investigated by the Serious Economic Offences Unit (SEOU), Directorate for Priority Crime Investigation (DPCI). There are a few matters that are being investigated by the SAPS.

# Complexity of Tracking Progress

- 1 SIU proclamation often results in multiple referrals. The referrals may ultimately result in 1 docket and 1 court case.
- Referrals in proclamation for NLC matters span over a period of 18 months.
- The NPA with the DPCI and SIU are working with the Department of Planning, Monitoring and Evaluation (DPME) to develop an electronic monitoring system to track progress across the entire cycle.

# Process flow for referral of SIU matters



# DPCI - SEOU

## Matters being investigated

1. Denzhe Primary Care NPO	Sunnyside	48/09/2020
2. Zibsimanzi NPC	Sunnyside	281/12/2020
3. Life for Impact in the 21 <sup>st</sup> Century NPO	Sunnyside	282/12/2020
4. I am Made for God's Glory NPO	Sunnyside	283/12/2020
5. Inqaba Yokulinda NPO	Sunnyside	277/01/2021
6. Zibsifusion NPC	Sunnyside	480/07/2020
7. Taung Cultural Music and Arts Expo NPO	Sunnyside	191/06/2023
8. Simba Community Development Foundation NPO	Sunnyside	318/06/2023
9. Vyeboom Youth Development NPO	Sunnyside	61/12/2020
10. Uprising Youth Development NPO	Makhado	162/03/2020
11. Tirhani Sebenzani Support group NPO	SEOU Enq	1/11/2021
12. Lulamisa NPO	Sunnyside	629/07/2024



## **Progress on NLC SIU Referrals**

# Status of cases 1

Sunnyside CAS 48/09/2020

Denzhe Primary Care NPO

## BACKGROUND

The complainant is the [redacted] of the Department of Trade, Industry and Competition (DTIC). He alleges that during 2016 Denzhe Primary Care (Denzhe) which is a Non-Profit Organisation (NPO) applied for funding in the amount of R701 619 from National Lottery Commission (NLC). The members of Denzhe did not receive any feedback from the NLC on its application for funding. One of the founding members, Takalani Patricia Tshikalange received an SMS from FNB during November 2016 stating that an amount of R15 million had been paid into the bank account of Denzhe. She queried this amount with FNB and also opened a criminal case with SAPS. It is also alleged that [redacted], [redacted] and [redacted] somehow became aware of the application that was made by Denzhe Primary Care. Apparently, they made a new application in the name of Denzhe to the NLC in the amount of R31 638 000 for the construction of a Rehabilitation Centre and Sporting Facility in Gauteng. They also allegedly falsified various documents which they submitted to NLC when they applied for funding and also to banks in order to modify bank accounts of Denzhe. The NLC paid an amount of R27 585 625.29 but only less than R5 million was used towards the rehabilitation centre; the rest was used by Ramulifho for his personal expenses.

**CURRENT STATUS:** under investigation.

**OUTSTANDING INVESTIGATION:** forensic accountant report and complete cash flow; associated affidavits

# **Status of cases 2**

Sunnyside CAS 281/12/2020  
Zibsimanzi NPC

## **BACKGROUND**

The complainant in this matter is [REDACTED] the Director-General (DG) of the Department of Trade, Industry and Competition (DTIC). He alleged that Zibsimanzi was a Non-Profit Company that applied for funding in the amount of R4,8m from the NLC in November 2017 to host a soccer tournament that would have taken place in Phalaborwa during December 2017. The Directors of Zibsimanzi Non-Profit Company received the money in one payment, in total R4,8m from NLC, for the soccer tournament. The Directors allegedly falsified various documents in which they purported to be genuine members of Zibsimanzi Non-Profit Company and also submitted these documents to the NLC when they applied for funding. The funds were supposed to have been used for the purposes it was requested, to host a soccer tournament in Phalaborwa.

**CURRENT STATUS** Under investigation.

**OUTSTANDING INVESTIGATION** Forensic Accountant report; Three (3) witness affidavits. 14

# Status of cases 3

Sunnyside CAS 282/12/2020

Life for Impact in the 21<sup>st</sup> Century NP

## BACKGROUND

The complainant in this matter is [REDACTED] G) of the Department of Trade, Industry and Competition (DTIC). He alleged that the original Directors of the NPO relating to "Life for Impact in 21st Century" applied for funds during 2016 at the NLC which was never authorised. The Directors were approached by the current Directors to transfer the NPO to them which they agreed to. The current Directors of the NPO applied to the NLC with the same application to the NLC for funds which was granted and paid to them. The monies received from the NLC were not used for the Youth Award at the St Georges Hotel as it was applied for.

**CURRENT STATUS:** Under investigation;

**OUTSTANDING INVESTIGATION:** Forensic Accountant report; Section 236 of the Criminal Procedure Act affidavits with accompanying bank documents.

# **Status of cases 4**

Sunnyside CAS 283/12/2020  
I am made for God's Glory NPO

## **BACKGROUND**

The complainant in this matter is the [REDACTED] of the Department of Trade, Industry and Competition (DTIC). He alleges that the Directors of I am Made 4 God's Glory (IAM4GG) which is a Non-Profit Organisation (NPO) applied for funding in the amount of R11 375 000 from National Lottery Commission(NLC). The NPO was hijacked from the original owners and the funds received from the NLC were never used for the requested purpose. A sports facility in the Makhado District should have been erected and upgraded.

**CURRENT STATUS:** Under investigation.

**OUTSTANDING INVESTIGATION:** Forensic Accountant report.

# Status of cases 5

Sunnyside CAS 277/01/2021

Inqaba Yokulinda NPO

## BACKGROUND

The complainant, [REDACTED] indicated that she is the CEO of Inqaba Yokulinda NPO and that the NPO received funds, R15 million from the National Lottery Commission to erect an athletics stadium in Galeshewe, Kimberley. The complainant alleges that she was instructed by Athletics South Africa to transfer R10 million to a company called UNICUS. The money was never used for the stadium.

## CURRENT STATUS

- Under investigation.
- Thirteen(13) witness affidavits obtained.
- Three (3) Section 236 of the Criminal Procedure Act affidavits with accompanying bank documents obtained.

**OUTSTANDING INVESTIGATION:** Forensic Accountant report.

# Status of cases 6

Sunnyside 277/01/2021

**Tirhani Sebenzani Support group NPO**

## **BACKGROUND**

The complainant, [REDACTED], alleges that he is the chairperson of Tirhani Sebenzani Support Group (Tirhani). Tirhani was registered at the Department of Social Development in October 2004 as a Non-Profit Organisation (NPO). During 2010, the NPO applied for funds at the National Lottery Commission (NLC), but never received any money after they were informed that the application was approved. During November 2020, the complainant received a report/list on an NLC letterhead wherein it is indicated that the NPO received R21 306 000 during 2011. The mentioned money was never paid to the NPO.

## **CURRENT STATUS**

- Under investigation.
- One(1) witness statement obtained thus far.
- One Sec 236 of Criminal Procedure Act statement obtained.

**OUTSTANDING INVESTIGATION:** Witness statement from National Lottery Commission. No evidence could be found relating to any funds paid into the identified bank account of Tirhani NPO.

# **Status of cases 7**

Vuwani CAS 61/12/2020  
Vyeboom Youth Development NPO

## **BACKGROUND**

The complainant, Mr [REDACTED] alleged that his personal details were used to obtain funds from the National Lottery Commission for the NPO Vyeboom Youth Development NPO.

## **CURRENT STATUS**

- Under investigation.
- Twelve (12) witness affidavits obtained.
- Seven (7) Section 236 of the Criminal Procedure act affidavits with accompanying bank documents obtained.

**OUTSTANDING INVESTIGATION:** Forensic Accountant report; Bank documents.

# **Status of cases 8**

Vuwani CAS 162/03/2020

## **Uprising Youth Development NPO**

### **BACKGROUND**

The complainant, Mr [REDACTED] indicated that he is the Director of the NPO Uprising Youth Development. He alleges that the NPO had a bank account at FNB and at the beginning of 2020 they went to FNB to re-open the account. They were informed that there is already a bank account with the same name as the NPO. He was later approached by an unknown male who indicated that he received R5.5 mil funding and offered him R60 000 to withdraw the case which he opened at SAPS.

### **CURRENT STATUS:**

- Under investigation.

### **OUTSTANDING INVESTIGATION**

- Forensic Accountant report
- S 236 affidavits

# Status of cases 9

Sunnyside 480/07/2020  
Zibsifusion NPC

## BACKGROUND

The complainant, Mr [REDACTED] of the Organisation Undoing Tax Abuse (OUTA) Randburg. Mr Neethling alleged that Zibsifusion NPC, a non-profit organisation with registration number 2015/450569/08 applied for grant funds from the National Lottery Commission and Zibsifusion was to utilise the funds for charitable purposes and sanitation facilities at schools. An amount of R10 million was approved and paid into Zibsifusion's bank account, on 6 November 2018 and 4 April 2019. Mr [REDACTED] alleges that the funds were not utilised for the purposes as stipulated in the grant agreement.

## CURRENT STATUS

- Under investigation.

## OUTSTANDING INVESTIGATION

- Application and appointment of Forensic Accountant; 3 witness affidavits

# Status of cases 10

Sunnyside 318/06/2023

Simba Community Development Foundation NPO

## BACKGROUND

The complainant is the [REDACTED] at the Special Investigating Unit Pretoria. She was appointed to investigate the grant funding allocated by the National Lottery Commission to the Non-Profit Organisation, Simba Community Development Foundation NPO for the purpose of building and renovating community centres including schools in the Mashau Village, Limpopo province. The Grant agreement indicates that the funds were needed for the building of the Vhafamadi Secondary School. It was established that part of the total grant of R28 589 736,41 was paid to [REDACTED] and his wife and that no work was performed at any centre or school.

## CURRENT STATUS

- Under investigation.

## OUTSTANDING INVESTIGATION

- Forensic Accountant report.

# Status of cases 11

Sunnyside 191/06/2023  
Taung Cultural Music and arts Expo NPO

## BACKGROUND:

The complainant is the [REDACTED] at the Special Investigating Unit Pretoria. He was appointed to investigate the grant funding allocated by the National Lottery Commission to the Non-Profit Organisation, Taung Cultural Music and Arts Expo NPO for the purpose of constructing a library and museum in Magojaneng village Kuruman for the display of the work of Dr VC Mutwa. Mr Ngobeneni found that some of the total grant of R20 182 588-74 was paid to Mr [REDACTED] and Mr [REDACTED], previous NLC Managers and that the mentioned constructions were not completed.

## CURRENT STATUS

- Under investigation.

## OUTSTANDING INVESTIGATION

- Forensic Accounting report; Bank documents.

# Status of cases 12

Sunnyside 692/07/2024

Lulamisa NPO, Mosokodi NPO

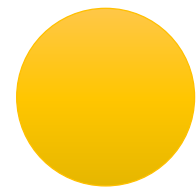
## BACKGROUND

Lulamisa applied for and was granted funding. R64 million was paid into their account. Three payments in the aggregate of approx. R2.7 million paid to Iron [REDACTED] who paid approx. R1.36 million towards the purchase of a farm obo Mosokodi Trust where the trustees are her husband and his brother.

Tshikova/Konani Pfundzo applied for and received approx. R55 million. A sum of approx. R3.4 million was paid towards the purchase of the farm mentioned above thereby benefitting the Letwaba brothers. Monies were paid via several different conduits, namely [REDACTED] The [REDACTED] brothers benefitted in the sum of R 4 766 003 83 being the purchase price of the farm. The farm was later sold for R 7 000 000. SIU referral is silent on the remainder of how the funds used.

**CURRENT STATUS:** referred by SIU and criminality identified. New matter. Investigations continuing as per the case plan compiled.

**OUTSTANDING:** Numerous affidavits from NLC, CIPC, DSD; Forensic report and cash-flow analysis.



## **Progress of Asset Forfeiture on NLC SIU Referrals**

# NATIONAL LOTTERIES COMMISSION

The SIU directly referred several NLC matters to the AFU for assistance with the civil asset recovery of the proceeds of unlawful activities. This collaboration resulted in the preservation of R94,3m of proceeds of unlawful activities:

- **Lotteries 1**
  - AFU obtained a preservation order in the amount of R23,2m with the forfeiture application being opposed.
- **Lotteries 2**
  - AFU obtained a preservation order in the amount of R56,3m with the forfeiture application being opposed.
- **Lotteries 3**
  - AFU obtained a preservation order in the amount of R14,8m with the forfeiture application being opposed.
- **Lotteries 4**
  - AFU obtained a preservation order in the amount of R7,5m with the forfeiture application pending.
- A full breakdown of the status of the cases is available in the slides that follow.

ALLOCATION	LITIGATION TEAM DETAIL			CASE DETAIL			
Date: SIU Referral	AFU Region	NLC- Leg 1, 2 & 3	Current Status of the Matter	Case name	SIU type of referral	Estimated Values of Property / Loss to NLC	POCA: Asset Recovery type
The matter was referred to AFU on the 13 <sup>th</sup> of October 2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the 4 <sup>th</sup> of November 2022 <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Erf 5267, Midstream Estate, Gauteng)	Proceeds of crime recovery	R6 220 000	6
13- Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the 4 <sup>th</sup> of November 2022 <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Farm 375, Portion 448 Rietfontein City of Tshwane)	Proceeds of crime recovery	R12 450 000	6
13- Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the 4 <sup>th</sup> of November 2022 <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Unit 2 SS Violet, Centurion, Gauteng)	Proceeds of crime recovery	R1 050 000	6
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the 4 <sup>th</sup> of November 2022 <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Unit 1 SS Celtisdal, Centurion, Gauteng)	Proceeds of crime recovery	R14 100 000	6

ALLOCATION	LITIGATION TEAM DETAIL			CASE DETAIL			
Date: SIU Referral	AFU Region	NLC- Leg 1	Current Status of the Matter	Case name	SIU type of referral	Estimated Value of Property/ Loss to NLC	POCA: Asset Recovery type
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the <b>4<sup>th</sup> of November 2022</b> <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Unit 2 SS Celtisdal , Centurion, Gauteng)	Proceeds of crime recovery	R1 360 000	6
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the <b>4<sup>th</sup> of November 2022</b> <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Portion 2, Bryanston , Johannesburg, Gauteng)	Proceeds of crime recovery	R3 900 000	6
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the <b>4<sup>th</sup> of November 2022</b> <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Portion 29, Farm 369, Boschkop, Gauteng)	Proceeds of crime recovery	R2 080 000	6

ALLOCATION	LITIGATION TEAM DETAIL			CASE DETAIL			
Date: SIU Referral	AFU Region	NLC- Leg 1&2	Current Status of the Matter	Case name	SIU type of referral	Estimated Value of Property/ Loss to NLC	POCA: Asset Recovery type
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the <b>4<sup>th</sup> of November 2022</b> <b>Forfeiture application was filed on 5 April 2023</b>	National Lotteries Commission (Portion 1, Erf 524, Bryanston, Gauteng)	Proceeds of crime recovery	R5 627 000	6
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Preservation order granted on the <b>21 December 2022</b> . <b>Forfeiture application filed 19 July 2023</b>	National Lotteries Commission (Erf 1194, Peachtree)	Proceeds of crime recovery	R2 250 000	6
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Preservation order granted on the <b>21 December 2022</b> <b>Forfeiture application filed 19 July 2023</b>	National Lotteries Commission (Erf 85,81 Lyncon Road, Carlsward, Gauteng)	Proceeds of crime recovery	R6 450 000	6
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Preservation order granted on the <b>21 December 2022</b> . <b>Forfeiture application filed 19 July 2023</b>	National Lotteries Commission (Erf 1963, 83 Dorries Drive, Simon's Town, Western Cape)	Proceeds of crime recovery	R7 500 000	6
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Preservation order granted on the <b>21 December 2022</b> . <b>Forfeiture application filed 19 July 2023</b>	National Lotteries Commission (Plot 29 Van der Hoff, Uitzicht, Rietvalei, Gauteng)	Proceeds of crime recovery	R2 550 000	6
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Preservation order granted on the <b>21 December 2022</b>	National Lotteries Commission (Portion 3, Farm Montegoelu 398, Rustenburg, North West)	Proceeds of crime recovery	R7 500 000	6

ALLOCATION	LITIGATION TEAM DETAIL			CASE DETAIL			
Date: SIU Referral	AFU Region	NLC- Leg 1&2	Current Status of the Matter	Case name	SIU type of referral	Estimated Value of Property/ Loss to NLC	POCA: Asset Recovery type
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Preservation order granted on the <b>21 December 2022</b> . Forfeiture application filed 19 July 2023	National Lotteries Commission (Portion 981, Farm Grootfontein, Anthony Street Rietvallei View Country Estate, Gauteng)	Proceeds of crime recovery	R4 930 000	6
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the <b>4<sup>th</sup> of November 2022</b> . Forfeiture application filed 19 July 2023	National Lotteries Commission (Ocean Basket Franchise Carnival Mall)	Proceeds of crime recovery	R4 450 000	6
13-Oct.-2022	Pretoria	Part of Leg 1 of NLC – Properties mentioned	Preservation order granted on the <b>4<sup>th</sup> of November 2022</b> . Forfeiture application filed 19 July 2023	National Lotteries Commission (Ocean Basket Franchise Carnival City)	Proceeds of crime recovery	R1 300 000	6
18-Nov.-2022	Pretoria	Part of Leg 2 of NLC – Properties mentioned	Judgement was granted on <b>21 December 2022</b> dismissing the reconsideration application by Mr. Mafokate.	National Lotteries:Commission: South African Arts and Development Association ( <b>SAADA</b> )(Mafokate, A)	Sec 4(1)(d) & 4(2) of SIU & S Tribunal Act, 1996  Referral of evidence	R6 700 000	5

ALLOCATION	LITIGATION TEAM DETAIL			CASE DETAIL			
Date: SIU Referral	AFU Region	NLC- Leg 3	Current Status of the Matter	Case name	SIU type of referral	Estimated Value of Property/ Loss to NLC	POCA: Asset Recovery type
29-Jun.-2023	Pretoria	Part of Leg 3 of NLC – Properties mentioned	Preservation order granted on the <b>28 September 2023. Forfeiture application filed on 23 January 2024</b>	Portion 2 of Erf 144, 74171/2005, Limpopo, converted to Unit 5 SS Kruger Office Park, Limpopo	Proceeds of crime recovery	R1 005 480.00 (NLC amount used towards purchase of this property. Estimated value will be given by the curator.)	6
29-Jun.-2023	Pretoria	Part of Leg 3 of NLC – Properties mentioned	Preservation order granted on the <b>28 September 2023. Forfeiture application filed on 23 January 2024</b>	Erf 1576, Louis Trichardt Extension 1, Limpopo	Proceeds of crime recovery	R750 000.00	6
29-Jun.-2023	Pretoria	Part of Leg 3 of NLC – Properties mentioned	Preservation order granted on the <b>28 September 2023. Forfeiture application filed on 23 January 2024</b>	Portion 25 Farm Brakspruit 320, Limpopo	Proceeds of crime recovery	R780 000.00	6
29-Jun.-2023	Pretoria	Part of Leg 3 of NLC – Properties mentioned	Preservation order granted on the <b>28 September 2023. Forfeiture application filed on 23 January 2024</b>	Erf 2580 Louis Trichardt, Limpopo	Proceeds of crime recovery	R900 000.00	6
31-Aug-23	Pretoria			National Lotteries:Commission (Mampane, TC/Letwaba, J/Shandukani, MV/Shandukani, P/Mashele, J/Simba Community Development Foundation/Upbrand Properties (Pty) Ltd)(Erf 1037 Pecanwood Extention/Mojakgomo Family Trust)	Sec 4(1)(d) & 4(2) of SIU & S Tribunal Act, 1996  Referral of Evidence		5

ALLOCATION	LITIGATION TEAM DETAIL			CASE DETAIL			
Date: SIU Referral	AFU Region	NLC- Leg 4	Current Status of the Matter	Case name	SIU type of referral	Estimated Value of Property/ Loss to NLC	POCA: Asset Recovery type
15 March 2024	Pretoria	Part of Leg 4 of NLC – Properties mentioned	Preservation order granted on the 24 July 2024	National Lotteries Commission Leg 4 (Erf 697 Lakefield Ext 22 Ekurhuleni, Gauteng	Proceeds of Crime	R2 641 898.88	6
15 March 2024	Pretoria	Part of Leg 4 of NLC – Properties mentioned	Preservation order granted on the 24 July 2024	National Lotteries Commission Leg 4 (Erf 210 Sable Hills Waterfront Estate, Pretoria, Gauteng	Proceeds of Crime	R750 000.00	6
15 March 2024	Pretoria	Part of Leg 4 of NLC – Properties mentioned	Preservation order granted on the 24 July 2024	National Lotteries Commission Leg 4 (Holdings 46 Ironsyde Agricultural Holdings, Vereeniging	Proceeds of Crime	R850 000.00	
15 March 2024	Pretoria	Part of Leg 4 of NLC – Properties mentioned	Preservation order granted on the 24 July 2024	National Lotteries Commission Leg 4 (Erf 3129 Louis Trichardt Ext 9, Makhado, Limpopo	Proceeds of Crime	R1 950 000.00	6
15 March 2024	Pretoria	Part of Leg 4 of NLC – Properties mentioned	Preservation order granted on the 24 July 2024	National Lotteries Commission Leg 4 (2016 Toyota Hilux DC 2.4 GD-6 registration FG52NDGP	Proceeds of Crime	R447 707.64	6
23	23	23	23	23	23	R100 306 606.64	

# General challenges

- Lapse of time between the date of commission of offence to the date when a Proclamation is issued. The current Proclamation was issued on 6 November 2020 for offences committed as far back as 1 January 2014 – 6 years.
- Unavailability of witnesses and/or documentary evidence.
- Some implicated individuals are still employed by NLC.
- The conversion of SIU referrals into admissible evidence in a criminal court.
- The legality challenge of the Proclamation by former NLC Chairperson.

# Evidential challenges

## RESOURCES ALLOCATED:

1. In the past, no continuity of prosecutors. Re-allocation entails a *de novo* approach.
2. Suggest a team to be appointed with frequent feedback – to concentrate solely on officials whose details have been highlighted.
3. Awaiting SAPS finalisation of financials – currently in progress (see below).

## ORIGINAL DOCUMENTATION:

1. Challenges were experienced in finding the original documentation in each of the matters. Affidavits are being taken to comply with the best evidence rule.
2. The State relies on NLC officials for much of the evidence. Several years have passed.

# Concluding remarks

- The NPA is committed to ensuring finalisation in these matters. To this end, a team of dedicated prosecutors has been allocated to oversee all NLC matters currently under investigation. Matters are handled as a priority.
- There are monthly progress reports, monitored by the SCCU Head Office.
- The case dockets are still under investigation and the investigation is approximately 85% complete. Following our Prosecutor-Guided Investigation (PGI) methodology, the SCCU will ensure that the matters are fully investigated.
- Once investigations are completed, the NPA will make a decision.
- The NPA, with the DPCI and SIU, are working with the DPME to develop an electronic monitoring system to track progress across the entire cycle.



**National Prosecuting Authority**  
South Africa

# Thank you

Head Office: 012 845 6000

E-mail: [communication@npa.gov.za](mailto:communication@npa.gov.za)

VGM Building, 123 Westlake Avenue (Cnr Hartley Street),  
Weavind Park, Silverton, Pretoria, 0184

[www.npa.gov.za](http://www.npa.gov.za)