

Directorate for Priority Crime Investigation (DPCI) and Anti-Corruption Task Team (ACTT) progress report on investigations in the Limpopo Province Intervention issued in terms of section 100 (1) (b) of the RSA Constitution.

REPORT: Parliament Committee: Select Committee on Finance

DATE: 28 July 2015

INTRODUCTION

This report serves to inform members of the Select Committee on Finance on the status of criminal cases with the Anti-Corruption Task Team (ACTT) with regards to Section 100 (1) (b) of the RSA Constitution also known as the Limpopo Intervention.

PRIORITY AREAS

The following provincial departments were identified by National Treasury as priority areas for the ACTT investigations in January 2012:

- Department of Education
- Department of Transport & Road Agency of Limpopo
- Department of Health & Health & Social Development
- Department of Public Works

- Provincial Treasury

During the execution of the investigation in the Limpopo Province, the ACTT also identified the Limpopo Department of Co-operative Governance, Human Settlements and Traditional Affairs (“**COGHSTA**”) as another risk area in respect of developing low-cost housing for consideration.

PROGRESS REPORT AS AT 28 July 2015

CRIMINAL CASES (With tender values and actual Loss)

1. LIMPOPO SECTION 100 CRIMINAL CASES: DEPARTMENT OF ROADS & TRANSPORT

• Total No. of cases	14
• Concluded & Judgment issued	5
• On trial in court	4
• Discharged & Judgment under review	1
• Still under investigation	4

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 15		
1	Polokwane CAS 1393/07/2011 (On-Point Leg)	R52m	R52m	Yes	5	Remanded to 2015-09-03 for trial at Polokwane High Court. AFU: Order is in place restraint order valued at R3 969 510 .00		
2	Polokwane CAS 1393/07/2011 (Ocean site Leg)	R6.4 m	R6.4m	Yes	4	Not guilty and discharged. Awaiting the review for judgement. AFU: No AFU, accused was acquitted.		
3	Polokwane CAS 57/05/2012 (Mankele Bridge)	R79,5m	R79,5m	Yes	3	Case closed by State. Court proceedings 14 August 2015. AFU: Restraint order lapsed – R79 518 405.00. Confiscation application will be applied for if the accused are convicted.		
4	Polokwane CAS 1086/08/2011 (Potholes)	R63m	R63M	Yes	2	Polokwane Court Linked Cases AFU: Prosecutor entered into various plea agreements this included AFU 1. Binko Trading was withdrawn. 2. Phetiago Constructions was withdrawn. 3. Tshikes Trading was withdrawn. 4. Agro Processing is finalised. – R20 000 order 5. Moswobi Construction		
5	Polokwane CAS 353/04/2013 (Potholes)			Yes	1			
6	Polokwane CAS 356/04/2013 (Potholes)			Yes	1			
7	Polokwane CAS 349/04/2013 (Potholes)			Yes	1			
8	Polokwane CAS 355/04/2013 (Potholes)			Yes	2			
9	Polokwane CAS 351/04/2013 (Potholes)							
				Yes	1			

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 15
						<p>is finalized. – R40 000 order</p> <p>6. Nelwamondo of Courtesy Caters Management is finalized. All the suspects have been acquitted on Section 174. – R300 000 order.</p> <p>7. Mabatihavi Trading 33 and Kgosana and Brink and Baloyi were remanded to 06 August 2015.</p>
10	Westenburg CAS 41/10/2012 (GAAL)	R11.5m	R11.5m	Yes	5	<p>Polokwane linked cases 4.</p> <p>Leg 1: Shonisane Lukuto has been sentenced to 5 years suspended for 5 years on condition that she repays the complainant. Her pension has been confiscated to repay the complainant.</p> <p>Leg 2: Struck of the roll until the State provides the defense the required information.</p> <p>Leg 3: Case has been withdrawn. Docket to the prosecutor and requesting it to be placed back on to the roll.</p> <p>Leg 4: Investigation complete.</p> <p>AFU: Leg 2: Her pension has been confiscated to repay the</p>

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 15
						complainant – R 182 364.63. Investigation and application finalized. Awaiting prosecutor's decision.
11	SEOU Enq 2/08/2012 (Selby Construction)	R6.3m	R6.3m			Investigation to be completed by end July 2015. AFU: Forensic report outstanding. Prosecutor's decision outstanding.
12	Polokwane CAS 3/02/2013 (Liviero Civils)	R226.7m	R3.7m			Investigation is 97% complete. Final report received, charge sheet outstanding. AFU: Forensic report was received. Awaiting prosecutor to finalise charge sheet.
13	Polokwane CAS 406/01/2013 (Edwin Construction)	R774m	R186m			Investigation 93% completed. Final report received, charge sheet outstanding. AFU: Forensic report was received. Awaiting prosecutor to finalise charge sheet
14	Polokwane CAS 587/02/2013 (Nyari)	R3.5m	R1.3m			Investigation is 85% complete. Date is set down for the end of July 2015. AFU: Awaiting prosecutor's decision.

Follow ups
from
Manketa
bridge

2. LIMPOPO SECTION 100 CRIMINAL CASES: DEPARTMENT OF HEALTH

- Total No. of cases 14
- On trial in court 2
- Closed & refer for DC proceedings 8
- Still under investigation 4

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 15
1	Polokwane CAS 583/06/2012 (Mgababa Trading)	R11m	R3.4m			Closed, Nolle Prosequi
2	Seshego CAS 592/06/2012 (Pharmaceutical Depot)	R21m	R19,000.00		1	Closed, No prospects of successful prosecution. No crime detected.
3	Polokwane CAS 582/06/2012 (Tsepo Consulting)	R8.8m	R8.8m	Yes	3	Remanded to 2015/09/28 to 2015/10/02 for trial AFU: Investigation finalized. AFU advocate busy drafting application.
4	Polokwane CAS 227/05/2012 (Trispin Solution)	R7.5m	R7.5m	Yes	3	Remanded to 2015/09/28 to 2015/10/02 for trial AFU: Investigation finalized. AFU advocate busy drafting application.
5	Polokwane CAS 580/06/2012 (Buhle Waste)	R36m	R36m			Closed
6	SEOU Enq 1/12/2012 (PMU: Sakhiwo)	R1billion	N/A			Closed - No crime, Referred to National Treasury
7	Polokwane CAS 1085/08/2011pot (Pharmaceutical Depot-ARANDI)	R44m	R44m			Investigation to be completed by end July 2015. AFU: Awaiting a prosecutor's decision.

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 15
8	Polokwane CAS 1085/08/2011 (Pharmaceutical -Drawtex Leg)	R167m	R46m			Investigation to be completed by end July 2015.
9	SEOU Enq 9/07/2012 (Telemedecine)	R7.8m	R7.8m			Closed - No crime detected
10	Polokwane CAS 581/06/2012 (Intaka)	R2.8m	N/A			Closed - No crime detected
11	Polokwane CAS 584/06/2012 (Zwakala)	R74 000	R74 000			Closed - No crime detected
12	SEOU Enq 3/03/2013 (Folang Medical)	R112m	R112m			Investigation to be completed by end July 2015. AFU: Case refereed to AFU
13	SEOU Enq 2/12/2012 (Kgaugelo Wa Manako)	R290,000.00	R290,000.00			Closed - No crime detected
14	Polokwane CAS 407/01/2013 (Mashela Building & Civil Construction)	Unknown	Unknown			Investigation is 75 %Complete. Date is set down for the end of July 2015. AFU: Awaiting prosecutor's decision.

3. LIMPOPO SECTION 100 CRIMINAL CASES: DEPARTMENT OF EDUCATION

- Total No. of cases 7
- In Court for trial 1
- Closed & refer for DC proceedings 2
- Still under investigation 4

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 2015
1	Polokwane CAS 249/06/2012 (Fast Track)	R952,7m	R95m			Investigation 80 %Complete. Investigation to be completed end October 2015 AFU: Awaiting forensic report and prosecutor's decision.
2	Polokwane CAS 891/04/2012 (Aurecon JV- PMU)	R95m	R95m			Investigation 70 %Complete. Investigation to be completed end October 2015. AFU: Awaiting forensic report and prosecutor's decision
3	Polokwane CAS 893/04/2012 (Mathoti Construction)	R70m	R70m			Remanded to 28-29 July 2015 for trial. AFU: No AFU potential. Criminal investigation could not proof corruption or any benefit received by the suspects.
4	Polokwane CAS 914/11/2009 (Freedom Stationery/Bila Enterprise)	R60m	R29m			Withdrawn. No crime detected.
5	Polokwane CAS 88/05/2012 (HeyMath)	R95m	R12.5m			Investigation to be completed end July 2015. AFU: Awaiting prosecutor's decision

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 2015
6	Polokwane CAS 892/04/2012 (Edu Solutions- LTSM)	R301m	R144m			Still under investigation new prosecutor appointed. Target is set down for end July 2015. AFU: Awaiting prosecutor's decision.
7	Polokwane CAS 139/05/2012 (Theft of 6 laptops)	R14m	R72,000.00			Closed

4. LIMPOPO SECTION 100 CRIMINAL CASES: DEPARTMENT OF PUBLIC WORKS

- Total No. of cases 4
- Still under Investigation 1
- Closed & refer for DC proceedings 2
- Forensic Report of NT under Review 1

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 2015
1	Polokwane CAS 619/05/2012 (Mr. Mphahlele/ Conflict of Interest)	R70m	R70m	Yes	3	Provisionally withdrawn awaiting forensic report for additional evidence to be presented AFU: Investigation finalized awaiting prosecutor's decision.
2	Polokwane CAS 250/05/2012 (Nhluvuko: Asset Register)	R58m	R43m			Investigation to be completed end July 2015 AFU: Awaiting prosecutor's decision.
3	Polokwane CAS 618/05/2012 (Rental of Buildings)	R13m	R13m			Closed, Nolle Prosequi
4	Polokwane CAS 629/06/2012 Security Service Contracts	R66m	R66m			Withdrawn

ADDITIONAL NEW CASES AS A RESULT OF THE LIMPOPO INTERVENTION SINCE THE LAST PRESENTATION

NO.	CASE/ENQUIRY NO.	TENDER AMOUNT	ACTUAL LOSS	COURT	ACCUSED	STATUS AS AT 28 JULY 2015
1	Polokwane CAS 76/08/2014 (Department of Education feeding scheme)	R23m	R23m			Under Investigation 95% complete
2	Polokwane CAS 141/12/2013 (Data Master Various Departments)	R9m	R9m	Yes	2	Remanded to 20-21 October 2015 for trial.
3	Polokwane ENQ 04/2/2013 (COGHSTA)	R16m	N/A			Closed, Nolle Prosequi
4	Polokwane CAS 916/10/2012 (COGHSTA)	R900m	R72m			Closed, Nolle Prosequi

KIND REGARDS,

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