**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1646**

**DATE OF QUESTION: 24 JULY 2020**

**DATE OF SUBMISSION: 07 AUGUST 2020**

**Ms N Tafeni (EFF) to ask the Minister of Justice and Correctional Services:**

What legal steps has been taken to hold persons accountable, after a proclamation in 2017 by the President, Mr M C Ramaphosa, resulting in an investigation by the Special Investigating Unit into corruption of water supply tenders at the Alfred Nzo District Municipality found R300 million looted from the specified municipality?

**NW2035E**

**REPLY:**

1. The table below provides details of the steps taken by the Special Investigating Unit (SIU) for each proclamation made by the President in 2017:

| **Details of the Proclamation** | **Actions Taken** | **Civil Litigation** | **Disciplinary** |
| --- | --- | --- | --- |
| 1. Proclamation R19 of 2017
 | 1. The SIU concluded all investigations and submitted a report to the Honourable President.
2. Criminal matters were referred to the National Prosecuting Authority (NPA)
3. Evidence obtained by the SIU resulted in the Hawks arresting eight (8) Municipal officials and one (1) private individual.
 | The SIU recommended that the Municipality cancel a contract of R2.5 million. | Evidence relating to misconduct against the Acting Municipal Manager, Head of Supply Chain Management and Chief Financial Officer was referred to the Honourable Mayor of Alfred Nzo District Municipality. The said officials resigned and no further action could be taken.  |
| 1. Proclamation R36 of 2017
 | 1. The SIU concluded all investigations and submitted a report to the Honourable President.
2. Criminal matters were referred to the NPA
3. Seven (7) cases of Fraud
4. One (1) case in terms of Section 173 of the Municipal Finance Management Act (MFMA)
5. These matters are currently being investigated by the Hawks in the Eastern Cape.
 | Evidence relating to an undue benefit by the service provider amounting to R60.7 million was referred for purposes of civil litigation. Combined summonses were issued by the Special Tribunal. Pleadings not yet closed and a court date yet to be determined. | Evidence relating to misconduct against the Acting Municipal Manager was referred to the Honourable Mayor of Alfred Nzo District Municipality. The Acting Municipal Manager resigned and no further action could be taken. |

1. **The National Prosecuting Authority (NPA) has taken the following legal steps:**
2. Upon receipt of the SIU’s referral of matters relating to the corruption of water supply tenders at the Alfred Nzo District Municipality to the NPA, case dockets were registered, and prosecutors as well as investigating officers were assigned by the NPA and the Directorate for Priority Crime Investigation (DPCI) respectively.
3. Case planning was done by the investigating team and prosecutors, whereby two (2) legs of investigations on the matters were undertaken.
4. Police investigations in respect of one (1) of the dockets have been finalised and the charge sheet has been drafted. The case is ready for enrolment and will be placed on the court roll by end August 2020, upon which the accused, who is the service provider to the Municipality, will face charges of fraud.
5. It is anticipated that the investigations, in respect of the other leg, will be finalised in the next two (2) months or so, after which the prosecutor will start to draft the charge sheet so that the case can be placed on the court roll.