**NATIONAL ASSEMBLY**

**QEUSTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 330**

**DATE OF QUESTION: 06 MARCH 2020**

**DATE OF SUBMISSION: 20 MARCH 2020**

**Dr L A Schreiber (DA) to ask the Minister of Justice and Correctional Services:**

1. (a) What is the Government’s position on immediately prosecuting persons based on information revealed in the Judicial Commission of Inquiry to Inquire into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (Zondo Commission), instead of waiting for the Commission to conclude and (b) on what statutory grounds does the Government rely in this regard;
2. whether any person has been arrested or charged for allegedly abetting and/or being involved in criminal acts of state capture based on revelations made in the Zondo Commission; if not, why not; if so, what are the relevant details in each case?

**NW484E**

**REPLY:**

1. The National Prosecuting Authority (NPA)’s position is that criminal investigations and consideration for prosecution is a parallel process and is not reliant on the completion of the Judicial Commission of Inquiry into State Capture (“Zondo Commission”). There have been some challenges regarding the sharing of evidence, which the NPA is trying to address.
2. There are considerations to amend the regulations of the State Capture Commission to facility the sharing of information between the Commission and the Independent Directorate.

The NPA would welcome interim reports from the Commission so that the Investigating Directorate (ID) would be able to assess the evidence, relevant to ID investigations, that has been collected by the Commission.

1. Several investigations are currently underway and there are matters that are under consideration for prosecution. The following matters are before courts:
2. **State Owned Enterprises (SOE) Cases**

Eskom (Kusile Power Station) – Former Eskom executives (Mr Hlakudi and Mr Masango) and co-accused were arrested and appeared in court in December 2019. Their next court appearance date is 25 May 2020.

1. **High Level Public and Private Corruption**

Bosasa – Mr Angelo Agrizzi and Mr Andries van Tonder (former Chief Operations Officer (COO) and COO of Bosasa, respectively), Mr Linda Mti (former National Commissioner of Correctional Services) and Mr Patrick Gillingham (former Chief Financial Officer (CFO) of the Department of Correctional Services [DCS]), were arrested and charged with corruption, money laundering and fraud related to tender contracts at the DCS in February 2019.

1. **Security Sector Cases**
2. SAPS – Manthata and Others - appeared before the Specialised Commercial Crimes Court in Palm Ridge on 17 March 2020, on charges of fraud and corruption as well as contravention of the PFMA. Case postponed to 5 May 2020 for disclosure. The case relates to allegations of fraud and corruption committed towards the SAPS during procurement of blue lights.
3. SAPS– S v T Khoza (Shezi Matter) Lt Gen Shezi was arrested and the matter was placed on the roll in the Pretoria Specialised Commercial Crime Court in Pretoria in December 2019. The matter will be before court on 27 March 2020 to set a trial date. Disclosure has been made and charges have been drafted. The matter relates to allegations of corruption.
4. NPA– Ms Jackie Lepinka appeared before court and matter postponed to 24 April 2020. The accused is charged with Theft, Fraud, Unauthorised access to or modification of computer material, in contravention of section 40(a)(2)(a) of the NPA Act; and unlawful disclosure in contravention of section 41 (6)(b) of the NPA Act.