



May 4, 2022

**MEDIA STATEMENT
FOR IMMEDIATE RELEASE
04 MAY 2022**

**FORMER STATE ATTORNEY OFFICIAL LOSSES PENSION BENEFITS, ORDERED TO
PAY BACK OVER R4.4 MILLION IN FRAUDULENT CLAIMS**

The Special Investigating Unit (SIU) welcomes an order by the Special Tribunal ordering former assistant State Attorney, two other individuals and Ntandokazi Trading to pay back over R4.4 million, with interest, fraudulently claimed for midwifery medico-legal services.

On 04 May 2022, the Special Tribunal ruled that former assistant State Attorney Nosipho Zibani, Yolanda Tebogo Hlatshwayo, Phindile Zibani and Ntandokazi Trading to jointly pay Gauteng Health MEC an amount of R 4 452 351,81 and a further R 135, 000. 00 in fraudulent claims and damages respectfully.

The Special Tribunal also ordered the forfeiture of pension benefits to the value of R798 939,34 held with the Government Employees Pension Fund, which belongs to Nosipho. The SIU was granted a preservation order for pension benefits on 10 October 2020, pending the finalization of the legal action.

SIU investigation in the State Attorney revealed that between 2016 and 2017, Nosipho, Hlatshwayo and Phindile entered into an oral agreement to defraud the MEC through the fraudulent medico-legal schemes. Hlatshwayo purportedly issued invoices to the State Attorney in matters assigned to Nosipho as the attorney of record for the MEC when Hlatshwayo did not render such services. The invoices were purportedly in relation to midwifery medico-legal services Hlatshwayo rendered in the relevant matters.

The State's preferred and trusted anti-corruption forensic investigation and litigation agency

Nosipho was employed by the State Attorney, Johannesburg as an assistant State attorney and served in the medical negligence unit. In this capacity, Nosipho was the attorney of record for the MEC in matters in which the MEC is cited as the defendant where various plaintiffs instituted action against the MEC for the alleged negligent conduct of medical health professionals working in public health institutions, resulting in a child being born with cerebral palsy.


A probe in the State Attorney's accounting department show nine fraudulent invoices amounting to R4.4 million by Ntandokazi Trading, which were authorised and paid by the former assistant State Attorney. The findings prompted the launch of disciplinary proceedings against Nosipho. She resigned from the office of the State Attorney before the disciplinary proceedings commenced.

Furthermore, the Special Tribunal ordered that the Defendants are jointly and severally ordered to pay the legal costs on the scale between attorney and client, including costs of two counsel.

The outcome of the Special Tribunal is a continuation of implementation of the SIU investigation outcomes and consequence management to recover assets and financial losses suffered by State institutions and/or to prevent further losses.

Fraud and corruption allegations may be reported via the following platforms:
siu@hotline.co.za / Hotline: 0800 037 774

Enquiries: Mr Kaizer Kganyago
Head of Stakeholder Relations and Communications
Special Investigating Unit
012 843 0048
082 306 8888
kkganyago@siu.org.za



The State's preferred and trusted anti-corruption forensic investigation and litigation agency


-----END-----

ABOUT THE SIU:

The SIU is an independent statutory body with a primary mandate to investigate allegations of corruption, malpractice and maladministration in the affairs of government departments, municipalities and State Owned Entities, and to recover financial losses suffered by State institutions. The SIU was established in terms of the Special Investigating Units and Special Tribunal Act, Act No 74 of 1996 (SIU Act).

The SIU has powers to subpoena witnesses, bank statements and cellphone records, search, seize evidence and interrogate witnesses under oath. The SIU can take civil action to correct any wrongdoing it uncovers in its investigations.

Where criminal conduct is uncovered during investigations, the SIU will bring the matter to the attention of its partners Hawks in the South African Police Service (SAPS), as well as the National Prosecuting Authority (NPA) for further action.



The State's preferred and trusted anti-corruption forensic investigation and litigation agency