



**National  
Prosecuting  
Authority**  
of South Africa

**PRESS RELEASE**

**FOR IMMEDIATE RELEASE**

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**PRESERVATION OF PROPERTY ORDER – PROPERTY ASSOCIATED WITH UNLAWFUL ACTIVITY PERPETRATED AGAINST THE SOUTH AFRICAN GOVERNMENT (STATE OWNED LAND)**

On 4 August 2022 and 9 September 2022, the Asset Forfeiture Unit (**Head Office**) obtained preservation of property orders in the High Court of South Africa: Mahikeng, North-West Division and the Gauteng Division, Pretoria respectively, in terms of the provisions of s38 of the Prevention of Organised Crime Act, 121 of 1998 (**POCA**), relating to the property owned by the state as well as bank accounts belonging to business entities and /or individuals believed to be benefitting from the proceeds derived from unlawful activities of:

- Fraud;
- Theft; and/or
- Money laundering, as defined in s 4 of Chapter 3 of POCA.

The unlawful activities were committed against the South African Government, in respect of state-owned land and proceeds derived from the continued illegal use thereof.

## **BACKGROUND TO THE PRESERVATION OF PROPERTY APPLICATION**

The main points relied on by the applicant in support of the application was that:

- 1 The events which led to the investigation of this case occurred at the following Deeds Registries namely: the Pretoria and Vryburg Deeds Registries in the period 1 January 2008 – 6 October 2017.
- 2 It is alleged that certain individuals and entities jointly and severally and with a common purpose defrauded the Department of Rural Development and Land Reform (“**DALRRD**”) and the respective Deeds Registries by illegal and fraudulent transfer of government property to private persons and private entities. These acts resulted in prejudice to the State amounting in excess of more than **R 144 million**.
- 3 Following these allegations, the President of the Republic of South Africa by Proclamation R 7 of 2014 as amended by Proclamation R 599 of 2015 and Proclamation R 32 of 2017 instructed the Special Investigating Unit (“**SIU**”) to investigate the matter.
- 4 The SIU investigation resulted in criminal cases being registered at Mahikeng SAPS under Mahikeng CAS.369/06/2017 for the North West matter and Pretoria Central SAPS under Pretoria Central CAS 424/05/21. The SIU conducted the investigation in conjunction with the South African Police Service (**SAPS**). The main known facts which relates to this matter points to acts of fraud and corruption committed in the period 1 January 2008 – 6 October 2017. This matter is still under investigation and prosecution is imminent.
- 5 The investigation conducted by the SIU and SAPS, revealed that a number of Government properties were allegedly irregularly, fraudulently and unlawfully transferred

out of the name of the National Government of the Republic of South Africa (“**National Government**”) and into the names of third parties or entities.

6 During this investigation, numerous affidavits were obtained by the SIU from internal DRDLR and Deeds Registry staff members, external witnesses and/or transferring attorneys.

7 It was found that the fraudulent property are the following:

7.1 “Erf 3878, Unit 12, Mmabatho”

7.2 “Farm 405 Randjesfontein”

7.3 “Erf 170 Hurlingham” and

7.4 “Erf 1 Hyde Park”

8 The SIU is in the process of reversing said properties back into the name of the rightful owner being the Government of South Africa. These civil matters are in the various High Courts.

9 The SIU reported the conduct of the respective conveyancers to the Law Professions Council.

## **THE WORKING RELATIONSHIP BETWEEN VARIOUS LAW ENFORCEMENT AGENCIES**

The success of this preservation order application is directly related to the productive and professional working relationship that exists between the SIU, FIC, SAPS and the Asset Forfeiture Unit. Without this co-operation, the obtaining of this order would not have been possible.

As a result of these professional relationships, the Asset Forfeiture Unit was able to successfully preserve the property (state owned land as well as the bank accounts of the entities/individuals involved in the unlawful activities related to this state-owned property. Advocate Rabaji-Rasethaba, head of Asset Forfeiture Unit, re-iterated that because of the strengthened collaboration between the law enforcement agencies criminals will no longer act with impunity to loot from State coffers and crime will not pay.

Head of the SIU, Advocate Andy Mothibi, has welcomed the High Court preservation orders and the impact of the collaboration between law enforcement agencies.

“This is a continuation of the implementation of the SIU investigations outcomes and consequence management to recover financial losses suffered by the State.”

**ENDS**

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**Issued jointly by the Special Investigating Unit and the National Prosecuting Authority**