

prasa

PASSENGER RAIL AGENCY
OF SOUTH AFRICA

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13 February 2017

THE HEAD:

**DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
GENERAL B NTLEMEZA
SOUTH AFRICAN POLICE SERVICE
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
SOUTH AFRICAN POLICE SERVICE
A5 PROMAT BUILDING
1 CRESSWELL ROAD
SILVERTON
PRETORIA, 0186**

Dear General Ntlemenza,

PRASA INVESTIGATIONS: HILLBROW CASE 405/07/2015 AND BROOKLYN CASE 278/09/2015

- 1 The above matters refer.
- 2 I address you in particular with reference to the tender irregularities and related unlawful activity in respect of the Swifambo and Siyangena matters. The Swifambo matter is being investigated under case number Hillbrow CAS405/07/2015 and the Siyangena matter is being investigated under Brooklyn CAS278/09/2015.
- 3 The Directorate for Priority Crimes ('DPCI'), the Asset Forfeiture Unit, NPA ('AFU') and Passenger Rail Agency of South Africa ('PRASA') have, for over a year,

prioritized both matters for investigation and effective response by the responsible functionaries. This is warranted not least due to the fact that the allegations in both matters involve substantial amounts of public monies, relate to tender irregularities and associated unlawful activity that has a detrimental effect on public transport delivery affecting South Africans nationally and concern the diversion of substantial amounts of public monies for personal gain and corruption. They also concern recent or current contracts and the circumstances are such that it is necessary to act promptly in order to preserve the proceeds of crime. They are matters that relate to allegations of national priority offences as defined in Chapter 6 of the South African Police Services Act 68 of 1995 (*the SAPS Act*) and are of public importance.

- 4 In light of the nature of the matters, I am deeply concerned that South African citizens and the fiscus are prejudiced by the fact that the DPCI has done nothing tangible to respond effectively to these matters, despite PRASA's ongoing co-operation and assistance.
- 5 I refer you to recent correspondence with relevant role-players, attached for ease of reference:
 - 5.1 Major General Khana's letter to Ms M Ngoye and Mr C Letsoalo dated 25 January 2017. (A)
 - 5.2 Ms M Ngoye's letter to Major General Khana dated 25 November 2016. (B)

- 5.3 Major General Khana's letter to Ms M Ngoye, Group Executive, Legal Risk and Compliance at PRASA and Mr C Letsoalo, Acting GCEO of PRASA dated 29 September 2016. (C)
 - 5.4 My letter to Major General Khana dated 18 September 2016 (D)
 - 5.5 My letter to yourself and the National Director of Public Prosecutions, Advocate Shaun Abrahams of 13 May 2016 (E)
 - 5.6 The response received from Adv Abrahams of 11 August 2016 (F)
- 6 PRASA is and has been actively assisting the DPCI and the AFU with the investigation of the above matters, from as far back as August 2015 and engaging with the NPA on an ongoing basis. Insofar as Major General Khana expresses any concern, in his letter of 25 January 2017, that PRASA has not mandated the reporting of the above matters, this is manifestly unwarranted. Although Mr Mamabolo provided the initial statement in CAS 405/07/2015 on his own volition, he subsequently provided detailed statements in respect of the both the Swifambo and Siyangena matters mandated by PRASA on 28 September 2015 and 23 March 2016 respectively. While Swifambo and Siyangena warrant priority investigation, PRASA supports the investigation of all tender related irregularities that have been reported to SAPS and the DPCI. As you are aware, on 18 May 2016, PRASA duly reported various unlawful activity as contemplated by section 34 of the Prevention and Combatting of Corrupt Activities Act 12 of 2004.

- 7 In light of the full history of the investigations into the Swifambo and Siyangena matters, PRASA contends that the DPCI has failed reasonably to comply with its constitutional and statutory obligations to investigate these matters and to bring the investigations to finality. In consequence, persons alleged to be responsible for national priority offences have not been held to account and there is a serious risk that the ability to recover significant public funds with recourse to the NPA's powers under the National Prosecuting Authority Act 32 of 1998 (*'the NPA Act'*) is or may soon be compromised. It is, of course, of vital importance that assets that are used to perpetrate crime or are the proceeds of crime are preserved, and at the appropriate time confiscated or forfeited.
- 8 PRASA has, throughout the investigation period tendered its full co-operation with both the DPCI and the AFU to investigate reported matters promptly and effectively, with priority to be given to the Swifambo and Siyangena matters, and to enable the preservation of assets that PRASA believes are the proceeds of crime. To this end, at its own cost, PRASA has made available a highly resourced and experienced investigative team, Horwath Forensics (Pty) Ltd (*'Horwath'*), the services of two private prosecutors (Advocates Lawrence Hodes SC and Naomi Manaka) and has conducted extensive relevant investigations insofar in as these are within its legal powers. Horwath has uncovered a substantial amount of material information relevant to both the Swifambo and Siyangena matters as well as other matters that have been reported.
- 9 To date, the DPCI has retained control over the investigations. As far as PRASA is aware, the DPCI has not, in terms of section 17D(3) of the SAPS Act, requested the NPA to exercise powers in terms of section 28 of the NPA Act. According to Adv

Abrahams' letter of 11 August 2016 (F), the matters are the subject of investigation by the DPCI under the guidance of an unnamed prosecutor, the investigations are still ongoing and the sufficiency or otherwise of resources will be a matter of ongoing assessment.

- 10 As regards the sufficiency of DPCI resources, I note your recent advice that the DPCI has placed investigators across the country on alert so that it can tackle the matter head on. (Your letter of 25 January 2017 to Ms Ngoye and Mr Letsoalo (A)) There can accordingly be no basis for suggesting that the Swifambo and Siyangena investigations cannot be promptly finalized and asset preservation proceedings commenced if not now, in the very near future. This is not least in light of the assistance and co-operation offered by PRASA.
- 11 It is, however, of grave concern that the recent correspondence from Major General Khana makes it clear that DPCI has done very little to date to progress and finalise the Siyangena and Swifambo investigations and facilitate related asset preservation procedures. The questions that Major General Khana asks and the comments that he makes suggest that he has either failed properly to acquaint himself with the information already to hand and the investigation history or is deliberately seeking to frustrate the effective investigation of the matters and their finalisation. This is despite the fact that the investigations have been under his command for over a year, and since at least 27 January 2016 with significant resources being placed at his disposal.
- 12 In the early phases of the investigations in 2015, the co-ordinated efforts of the DPCI, the AFU, the NPA and PRASA resulted, as at 14 January 2016, in an approved

investigation plan for Swifambo. Mr Mamabolo supplied a detailed statement on 28 September 2015, alleged crimes, suspects and witnesses had been identified, the DPCI had exercised section 205 powers, and Horwath had been authorized (in December 2015) *inter alia* to conduct a cash flow and transactional analysis (*the Swifambo financial analysis*). The AFU was poised to commence the necessary asset protection procedures under the Prevention of Organised Crime Act 121 of 1998 ('POCA') upon receipt of the Swifambo financial analysis. This was at a time when the investigation was under the command of Major General Mosipi, the investigating officer assigned was Col Komane acting under the command of Brigadier Magson. Col Mosito together with other DPCI / SAPS personnel were engaged in the investigation team and there was ongoing liaison with the NPA and AFU.

- 13 Since 27 January 2016, the investigations and related asset protection procedures have effectively stalled. This coincides with the appointment of Major General Khana to lead the investigations and the departure from the team of Major General Mosipi. Although there have been many meetings including with Major General Khana and others involved, and many promises made, DPCI has, quite simply, not progressed the investigations reasonably or adequately. DPCI has been apprised of more than adequate information to progress, and indeed finalise, both the Siyangena and the Swifambo investigations for a long time.
- 14 I highlight key concerns in respect of each investigation.

SWIFAMBO MATTER

- 15 As mentioned above, the DPCI has been in a position effectively to investigate the Swifambo matter from at least 14 January 2016: an approved investigation plan was by then in place.
- 16 I am aware that material information and evidence arising from Horwath's investigations has been available to the DPCI over time, but the DPCI has failed or declined to receive it and to enable the NPA to utilize it for purposes of asset protection. More particularly, I refer to the following:
 - 16.1 The Swifambo financial analysis which has been available since October 2016;
 - 16.2 16 lever arch files containing documentary evidence available to the DPCI from July 2016.
- 17 It is further apparent that the DPCI has simply failed to obtain necessary witness statements despite long being apprised of both witnesses and suspects. In this regard, PRASA's investigators have been and continue to be available to assist the DPCI with witness statements insofar as this is required but cannot itself direct the investigation or statement taking process. It is also apparent that no suspects have been issued with any warning statements.
- 18 Major General Khana has sought in his recent correspondence to suggest that PRASA has not provided DPCI with sufficient information relating to the Swifambo tender to enable DPCI to conduct the investigation. This does not warrant scrutiny and it appears, rather, that Major General Khana and his team have either failed to

acquaint themselves with the material already provided to them and more particular the 28 September 2015 statement of Mr Mamabolo and the content and materiality of the civil papers, or have no intention of doing so with any seriousness. PRASA has always been willing to assist the DPCI to take statements from potential witnesses involved in the tender procedures including within its own ranks, where appropriate and subject to DPCI direction. However, this procedure ought to have been initiated over a year ago.

SIYANGENA

- 19 The Siyangena case was initially reported in September 2015 under Brooklyn CAS278/09/2015. DPCI has been in possession of the detailed statement of Mr Parker Mamabolo (which includes 8 lever arch files of relevant and supporting annexures) since March 2016. DPCI has been in a position to prepare its investigation plan from at least this stage: indeed, I understand that such a plan was prepared.
- 20 I am aware that section 205 procedures have been followed for purposes of conducting a cash flow and transactional analysis in relation to the Siyangena matter (*'the Siyangena financial analysis'*). The DPCI has repeatedly undertaken to appoint Horwath to conduct the Siyangena financial analysis. Major General Khana has, himself, given this undertaking as far back as April 2016 and as recently as November 2016. This has not been done thereby prejudicing the investigation and asset protection. I understand further that DPCI has not, itself conducted any cash flow and transactional analysis despite the information being available. Horwath is in a position to do the Siyangena financial analysis promptly and within 3 weeks of

DPCI providing it with the information obtained as a result of the section 205 procedures.

- 21 As regards the need to take statements, I understand that the DPCI has taken only limited statements and interviewed only limited potential witnesses. This is despite the fact that DPCI has known for a very long time who potential witnesses and suspects are.
- 22 Furthermore, PRASA has, through Horwath, conducted extensive investigations and obtained material information both from open documentary sources and from engaging with potential witnesses. These investigations relate to the property transactions that are believed to be transactions effected with the proceeds of crime in connection with the Siyangena tender irregularities. DPCI is aware of this

Recent communications

- 23 It is now clear from engagements and communications with Major General Khana that since January 2016, the DPCI has failed to conduct its investigations in connection with either the Swifambo or the Siyangena matters in a manner that is compliant with its constitutional and statutory obligations. An initial meeting with Major General Khana took place on 27 January 2016. By April 2016, PRASA was led to believe that the investigation of the matters was back on track despite Major General Mosipi's departure. However, nothing tangible has happened and the promises made did not materialize. In correspondence from Ms Ngoye dated 25 November 2016, Ms Ngoye sought a meeting with Major General Khana and the

investigating team with a view to progressing the investigations including agreeing on the matters identified in paragraphs 6.1 to 6.5 of her letter.

24 Major General Khana's response of 25 January 2017 is unacceptable. He proposes a meeting 'to explain the position and role of the SAPS (DPCI) in dealing with reported crime'. This is unnecessary. PRASA is familiar with the role of SAPS and DPCI in this regard. He also wishes to highlight shortcomings in the allegations contained in Mr Mamabolo's statement of July 2015 in CAS405/07/15 and to emphasise the need for further supporting documentation and evidence. In doing so, it is clear that he is seeking to divert attention away from conducting the priority investigations of Swifambo and Siyangena. While PRASA will continue to co-operate with the investigation of all reported complaints, it is unreasonable and unlawful to fail to progress these priority investigations to finality at this stage. It is also clear from recent correspondence that Major General Khana is not familiar with the information and statements already provided by PRASA and the investigation history. PRASA has provided more than adequate information and statements for the DPCI to perform its functions and will continue to do so as necessary.

25 In light of the investigation history to date and the importance of progressing the Swifambo and Siyangena matters to finality at this stage, I hereby call upon the DPCI to do the following:

In respect of both the Swifambo and Siyangena matters

26 To advise within 7 days:

- 26.1 The number and identities of investigating officers and DPCI officials (including FAFI members) assigned to each matter;
- 26.2 The identity of the person or persons under whose command the teams are working;
- 26.3 To identify the prosecutors who have been assigned to 'guide' each case.
- 27 To commit, every two weeks, to provide progress reports to PRASA (as complainant) and Horwath on the status of the investigations;
- 28 To commit, within three months, to convene a meeting with PRASA (as complainant), DPCI and the NPA (including the assigned prosecutors and AFU officials) to provide a full report on the status of the investigation and the readiness for prosecution.

In respect of the Swifambo matter

- 29 To confirm that the DPCI will take such steps as are necessary to finalise the Swifambo investigation by doing *inter alia* the following:
 - 29.1 Within one week of the date of this letter, to arrange a meeting with Horwath, to receive:

- 29.1.1 The Swifambo financial analysis and upon its receipt to place it in the hands of both Financial and Asset Forfeiture Investigations ('FAFI') and the AFU;
- 29.1.2 The 16 lever arch files of documentary evidence relating to the Swifambo tender and tender irregularities which have been secured by Horwath for purposes of the investigation and have been available to the DPCI since July 2016.
- 29.2 To take the necessary statements from witnesses (both identified to date and whose identities will become apparent from the Swifambo financial analysis) within the following time frames:
 - 29.2.1 Statements from PRASA witnesses within a period of one month;
 - 29.2.2 Other witnesses already identified within a period of two months;
 - 29.2.3 Additional witnesses and witnesses whose identities will become apparent from the Swifambo financial analysis and / or who may reside outside South Africa within three months.

(Please note that as already tendered, PRASA and Horwath are available to assist the DPCI to take statements from PRASA employees or other witnesses under the appropriate direction of the relevant investigating officers. While DPCI is already apprised of this information, attached hereto is a list of witnesses for ease of reference (G).)

- 29.3 Within 3 weeks, to arrange a meeting with Horwath, AFU, FAFI and the relevant investigating officer(s) to assess the readiness of the AFU to obtain asset preservation orders in terms of POCA and to plan accordingly.
- 30 In the event that the DPCI does not have the capacity to do the above, to advise PRASA forthwith and to make a request of the NPA in terms of section 17D(1) of the SAPS Act.

In respect of the Siyangena matter

- 31 To confirm that the DPCI will take such steps as are necessary to finalise the investigation of the Siyangena matter by doing *inter alia* the following:
- 31.1 Within one week to appoint Horwath to conduct the Siyangena financial analysis utilizing the information obtained pursuant to section 205 in line with the undertakings to do so and to hand over the subpoenaed documentation which we are advised by DPCI is in its possession.
- 31.2 Noting that Horwath will conduct a preliminary first phase cash flow report within 21 days of receipt of the information and provide it to the DPCI, to receive the report and provide it to FAFI and the AFU.

- 31.3 Within 3 weeks thereafter, to arrange a meeting with Horwath, AFU, FAFI and the relevant investigating officer(s) to assess the readiness of the AFU to obtain asset preservation orders in terms of POCA and to plan accordingly.
- 31.4 To take the necessary statements from witnesses (both identified to date and whose identities will become apparent from the Siyangena financial analysis) within the following time frames:
- 31.4.1 Statements from PRASA witnesses within a period of one month;
- 31.4.2 Other witnesses already identified within a period of two months;
- 31.4.3 Additional witnesses and witnesses whose identities will become apparent from the Siyangena financial analysis and / or who may reside outside South Africa within three months.
- 31.5 (Please note that as already tendered, PRASA and Horwath are available to assist the DPCI to take statements from PRASA employees or other witnesses under the appropriate direction of the relevant investigating officers. While DPCI is already apprised of this information, attached hereto is a list of witnesses for ease of reference(G).)
- 32 In the event that the DPCI does not have the capacity to do the above, to advise PRASA forthwith and to make a request of the NPA in terms of section 17D(1) of the SAPS Act.



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- 33 Please be advised that while PRASA remains willing to co-operate and assist the DPCI to conduct its investigations, I have requested PRASA officials to refrain from further meetings with the DPCI until I have received a response to this letter. The purpose of doing so is to ensure that meetings held are properly directed to ensuring that the investigations are brought to finality and to mitigate further harm occurring as a result of the DPCI's failure to comply with its constitutional and statutory obligations to date.
- 34 I request your undertaking to do what I call for in paragraphs 26 to 32 above on or before close of business on Friday 17 February 2017, failing which PRASA reserves its right to approach a Court for competent relief.
- 35 Insofar as I do not deal with every issue addressed in the correspondence to which I refer above, this should not be regarded as any admission and all of PRASA's rights are reserved.

Yours sincerely

PRASA

DR. P.S. MOLEFE

CHAIRMAN OF THE BOARD

2017/02/13

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SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X1500, SILVERTON, 0127

Verwysing Reference	26/18/2(214)
Navrae Enquiries	Maj General ADR Khana
Telefoon Telephone	012 846 4101
Faksnommer Fax number	012 846 4404

HEAD: SERIOUS COMMERCIAL CRIME
DIRECTORATE FOR PRIORITY CRIME
INVESTIGATION
SOUTH AFRICAN POLICE SERVICE
SILVERTON
0127

25 January 2017

- A. The Group Executive
Legal Risk and Compliance
Passenger Rail Agency of South Africa
Hatfield
PRETORIA ATT: Ms M Ngoye
- B. The Acting Group Chief Executive Officer
Passenger Rail Agency of South Africa
Hatfield
PRETORIA ATT: Mr C Letsoalo
- C. The Section Head
Serious Economic Offences Unit
Serious Commercial Crime
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS 278/09/2015

A&B. Your unreferenced minute dated 2016/11/25 refers.

I wish to tender my apology for the late acknowledgement of receipt and response to your letter.

I have taken note of your background information as per paragraph 2.1-2.14 of said letter.

I must state that I am quite concerned regarding your opening remarks in 2.1 pertaining to the facts that Mr. Mamabolo made the statement of his own volition and the fact that he was not authorised by Prasa to register the case.

Note is also taken of the fact that you indicate under 2.1 that his statement is not based on the report of the Public Protector but rather that of SATAWU to the Public Protector in 2012.

I pause to state that, as much as I appreciate the information in paragraph 2.2-2.14, and although it may be relevant to the broader matter, I want to respectfully state that it does not address the issues and requests raised in my evenly numbered minute dated 2016/10/27.

The issues I raised are issues which we ordinarily will raise with the complainant, but thought it prudent to engage you as senior management. In view of your statement that Mr. Mamabolo was not authorised to make the statement in Hillbrow CAS 405/07/2015, we now do not know whether we should now deal with him directly as your response or still continue with his engagement.

This matter however is now already recorded at Parliamentary level and I want to suggest that we continue to regard it as having been reported by PRASA, reported by Mr. Mamabolo.

I think that it may be best that we have a follow up for the following reasons:

- a) To explain the position and role of the SAPS (DPCI) in dealing with reported crime; and
- b) To highlight the shortcomings in the statements which we dealt with at length during our previous session and explain why we need the additional information in the following instances on the allegations contained in Hillbrow CAS 405/07/2015.

The reported allegations were made with no supporting documentation or evidence of any nature. In the event of allegations of any kind, nature or extend, it will always be required that the person making the allegations be able to substantiate it. It is important that we as the police in our investigations collate all relevant evidence in support of the allegations complained of.

The purpose hereto is to place the prosecutor assigned to the case in a position to be able to make an informed decision whether to prosecute or not. It is noted that you state in your response that documentation had been provided to Colonel Mosito. It must be stated that the documents referred to in paragraph 3.1 are documentation that relate to the civil matter.

It must be stated that because we are conducting a criminal investigation, we do not use the statements and other documentation, which is relevant to the civil case. We will rather retake the statements (or it can be done by yourselves) to which the relevant annexures (supporting documentation) must be appended.

It must also further be stated that although we stated that we will start with the Swifambo and Siyangena matters, it is also essential that you look at the statements of Mr. Mamabolo and in our proposed meeting we will then arrange that the assigned investigator and his/her team sit with dedicated Prasa staff to obtain the requisite documentation.

We deemed it rather necessary to meet again in person so that Brigadier Makinyane the Section Head (Commander) of the Serious Economic Offences Unit (SEOU), and myself can engage with yourself and the GCEO, Mr. Letsoalo to explain to you the extend of our earlier letter again.

PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS 278/09/2015

Please note that it would be appreciated if you could avail yourself for a meeting on 2017/01/30 or 2017/01/31. Kindly note that it will be appreciated if the requested information on all matters raised as per paragraph 1-22 of the statement of Mr. Mamobolo can be attended to.

This office has already placed investigators across the country on alert so that we can tackle the matter head-on. It is however dependent on us to get the requisite information, statements, and documentation so that we can sit with the prosecutor on case planning.

You may reply with the proposed date for the meeting by return email or contact my secretary, Ms. Nkambule on 012 846 4101.

C. Copy for your information.



**MAJOR GENERAL
HEAD: SERIOUS COMMERCIAL CRIME
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
ADR KHANA**

Date : 2017/01/25

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25 November 2016

The South African Police Service
Private Bag X1500,
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Attention: Major-General ADR Khana
Head Serious Commercial Crime

BY HAND

Dear Major General ADR Khana

PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS 278/09/2015

1. I refer to your letter dated 29 September 2016 (Ref.: 26/18/2(214)) which was addressed to myself and copied to the Acting Group Chief Executive Officer of PRASA and handed to us at the meeting of the 27th October 2016 held at the Hatfield offices of PRASA. Before responding to the matters that have been raised in your letter under reply, I thought it appropriate to first record the background of the matters as we understand it. This background comes from the documents that you have provided to us as well as the interactions that we have had with you. I will thereafter deal with the Siyangena and Swifambo matters in turn. I will then address the section 34 reports that were submitted to the Directorate of Priority Crime and Investigation ("the DPCI") through your offices and propose the way forward that we believe will assist in taking the matters forward.



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2. The background is as follows:

2.1. On 8 July 2015, a PRASA employee, Philemon Makgatlala Mamabolo ("Mr Mamabolo"), of his own volition, went to the Rosebank Police Station and submitted a statement that he had prepared. This statement was registered under Hillbrow CAS 405/07/2015. In doing this, Mr Mamabolo did not request authority from PRASA and was not authorised by PRASA to make this statement and to hand it over to the police, he did this as a person who was aware of allegations that may point to the commission of the crimes that he mentions in this statement. The first time that I saw this statement was when it was handed to me by you at the meeting of 27 October 2016. Having looked at Mr Mamabolo's statement, it appears that all that Mr Mamabolo did was to place in a sworn statement the allegations that were contained in the complaint that was made by SATAWU to the Public Protector in 2012. That complaint culminated in the report that was issued by the Public Protector in August 2015, titled "Derailed". Mr Mamabolo draws certain inferences from the allegations that are contained in his statement in the understanding that such inferences will be tested by the investigation that was to be conducted by the SAPS. The expectation therefore was that the charges to be laid, if any, will be dependant on the evidence gathered through the police investigation.

2.2. During August 2015 two reports from two institutions established in terms of Chapter 9 of the Constitution came to the attention of the Board of Control of PRASA ("the Board"): the management report by the Auditor-General on



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fruitless and wasteful and irregular expenditure by PRASA and the Public Protector's report titled "Derailed". These two reports obliged the Board to institute an investigation into the matters that were raised in those two reports. The Board appointed Werksmans Attorneys to conduct a forensic investigation to investigate the matters raised by these reports. I return later to some of the outcomes of this forensic investigation.

- 2.3. During September 2015, Mr Paul O' Sullivan informed me that he intended to report a criminal complaint relating to what he believed was fraud, corruption and money laundering that was related to the award of a contract to Siyangena Technologies (Pty) Limited ("Siyangena"). In his communication with me, Mr O' Sullivan demanded that PRASA should not proceed with any payments that were due to Siyangena and indicated that, should PRASA not accede to such demand, Mr O' Sullivan will approach the court for an urgent interdict. Mr O' Sullivan provided me with a draft affidavit that he indicated would be made at the Brooklyn Police Station. I do not know what happened to this case. From your letter dated 29 September 2016, it appears that this case is Brooklyn CAS 278/09/2015.

- 2.4. By letter dated 16 October 2015, the then Acting Group Chief Executive Officer (Group CEO) of PRASA, Mr Nathi Khena wrote a letter to Howarth Forensics, a firm of forensic chartered accountants, requesting them to assist the South African Police Services ("SAPS") at PRASA's cost. Naturally, this would have been preceded by engagements between representatives of PRASA and the SAPS alluding to this need.



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- 2.5. By letter dated 23 December 2015, the Acting Head of the Specialised Commercial Crime Unit, Adv BC Chauke indicated his support of the appointment of Horwath Forensics in respect of Hillbrow CAS 405/07/2015.
- 2.6. By letter dated 28 December 2015 the Head of Commercial Crime in the DPCI, Mr NP Mhlongo, appointed Horwath Forensics to assist the DPCI with the analysis of the cash flow for Hillbrow CAS 405/07/2015.
- 2.7. As far as I am aware, no similar appointment has been made in respect of the Brooklyn CAS 278/09/2015. You will notice from what is stated below that we expected that a similar appointment of Howarth Forensics would be made by you for Brooklyn CAS 278/09/2015.
- 2.8. You provided us with an unsigned and undated statement by Mr Mamabolo. Paragraph 7 of this statement makes reference to the affidavit referred to in 2.1 above. This statement deals with the award of the tender by PRASA to Swifambo Rail Leasing ("the Swifambo Matter").
-
- 2.9. On 28 April 2016 and through the facilitation of the Chairman of the Board, Dr Popo Molefe, a meeting was held between officials of the DPCI (led by you), the forensic investigators (led by Werksmans Attorneys) and the officials of PRASA (led by Dr Molefe). I was present at this meeting. At this meeting, the following was, inter alia, discussed:



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- 2.9.1. The forensic investigators were introduced to the DPCI officials and the composition and the reason for the composition of the investigative team was explained;
- 2.9.2. The events that led to the appointment of Werksmans Attorneys were explained to you and some of the highlights of the investigation were shared with you;
- 2.9.3. You indicated that you had decided to focus the investigation on the Swifambo and Siyangena matters as a starting point. You also indicated that you had identified the 'main suspects' in these matters, that the subpoenas in terms of section 205 of the Criminal Procedure Act had been issued and that analysis of the data obtained will be commenced with and preparations will be made for forfeiture of assets in terms of the Prevention of Organised Crime Act.
- 2.9.4. You noted the appointment of Howarth Forensics by the DPCI as forensic chartered accountants to attend to the cash flow analysis in the Hillbrow CAS 405/07/2015 (the Swifambo case) and indicated that you will appoint Howarth Forensics to assist the DPCI with Brooklyn CAS 278/09/2016 (the Siyangena case). You indicated that Howarth Forensics will receive their instructions from you, will report to you and will be remunerated by PRASA. You indicated that you would report to PRASA from time-to-time such details as would be



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permitted by law. We indicated our agreement with this arrangement and wrote a letter to Howarth Forensics confirming this arrangement.

2.9.5. You indicated that meetings will be held between the investigators and officials from the Asset Forfeiture Unit to start preparations for preservation applications.

2.9.6. From this meeting I was encouraged that the DPCI is focusing on these matters with the seriousness and urgency that they deserve. In particular, it appeared that should the flow of funds show that a crime has been committed; the proceeds of the crime may be attached for the benefit of the fiscus. In respect of the Swifambo case, PRASA has already paid R2,6 billion and has an additional obligation of at least, R1,5 billion. The Siyangena matter relates to contracts in excess of R3 billion. Both these matters are the subject of civil proceedings instituted by the Board of PRASA. As you well know, this does not obviate the need for the institution of criminal proceedings should a crime be found to have been committed and the fiscus will benefit from attachment of any proceeds of crime in these matters.

2.10. Subsequent to this meeting, I attended a meeting where we were introduced to the officials of the Asset Forfeiture Unit. At this meeting, their role was discussed in general terms and PRASA officials left the meeting so that officials of FAFI could have in-depth discussions with the relevant persons.



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2.11. On 26 May 2016 you called and asked to meet with me urgently. This meeting was arranged for the morning of 27 May 2016. At this meeting, we were introduced to Brigadier Makinyane and Colonel Nelwamondo (the Legal Advisor to the DPCI). You indicated that you became concerned after receiving a letter from BDK Attorneys in which they alleged that the SAPS was working with a private firm of forensic investigators, allowed this firm of forensic investigators to have unlawful access to banking accounts of certain persons and that this constituted an irregularity. You did not know whether Howarth Forensics was a forensic investigation firm or a firm of forensic chartered accountants. We indicated to you that Howarth Forensics are a firm of chartered accountants with knowledge, experience and expertise in forensic investigations and that they understood the secrecy with which they work. We indicated that we will send you the business profiles of Howarth Forensics and that of Ngubane and Associates.

2.12. The business profiles of Howarth Forensics and Ngubane and Associates were provided to you on 1 June 2016. At the meeting of 27 May 2016, you also informed us that Brigadier Makinyane will work on the Siyangena matter and Brigadier Maxin would continue the work on the Swifambo matter. We were under the impression that once you are satisfied that Howarth Forensics was a firm of chartered accountants, you would issue the letter appointing them to work on the Siyangena matter. We do not know if this letter has been issued and whether an analysis of the cash flows in the Siyangena matter have been commenced with. You will recall that allegations of gratification have already been made in the media in respect of the



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Siyangena transaction. A speedy analysis of the cash flows in this matter will assist to either confirm these allegations or prove them to be false. It is crucially important for this analysis to be commenced with and finalised so that in the event that those that have been publicly maligned are innocent, their innocence may be proven.

2.13. We met with you on 3 June 2016 after we shared the business profiles. At this meeting, you enquired about what happened to the Gibela matter. We informed you that the Board had been advised by Senior Counsel to request the condonation of the irregularities that had been identified by the Auditor-General on the appointment of the BEE shareholder of Gibela. Further that the Board had attended to request for condonation in this regard and that, at that point, no criminality had been suspected in the Gibela transaction.

2.14. The next formal engagement that we had with you on the matters was on 27 October 2016 when you delivered the letter under reply and discussed its content with us.

3. Your letter of 29 September 2016

3.1. The letter under reply repeats what you indicated to us at the meeting of 28 April 2016 that the Serious Economic Offences Unit ("the SEOU") had decided to focus primarily on the Swifambo and the Siyangena matters. We therefore believe that what you need assistance with from Mr Mamabolo's statement are the issues raised in respect of these two matters. To this end,



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we understand that the documents that were filed in the course of the review applications that were launched by the Chairman of the Board, Dr Popo Molefe, in respect of these two matters have already been provided to Colonel Mosito, as well as to Advocate Coetser of the Asset Forfeiture Unit. These affidavits contain all the information that you require in this regard. For your ease of reference, we hereby forward to you further copies of the court papers in these matters.

3.2. As stated above, Mr Mamabolo acted of his own volition when making the statement of July 2015. That much is stated in that statement. The two further affidavits were prepared by Mr Mamabolo with the assistance of the investigators appointment as part of the forensic investigation underway.

3.3. Your main inquiry relates to whether Mr Mamabolo has any direct evidence of fraud, criminality, a common purpose to commit the alleged crimes and shared benefits from the proceeds of the crime. We believe that Mr Mamabolo has provided enough information and evidence to show irregularities that are so glaring as to give a reasonable suspicion of criminality, common purpose and a shared benefit of the proceeds of crime or irregularities. It is our expectation that:

3.3.1. the persons identified in Mr Mamabolo's statements are questioned to the extent that it is clear that they are not involved in the criminality; and



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3.3.2. subpoenas will be issued to enable an analysis of how money flowed from PRASA to all the beneficiaries it reached and understand the rationale for the flow in each instance.

3.4. The SAPS has the legal competence and expertise to attend to these. Obviously the sooner they are attended to, the better for the fiscus and to public confidence in the criminal justice system. PRASA, its investigators and Mr Mamabolo do not have the legal competence to attend to these. We hope that you will attend to these expeditiously. I hereunder demonstrate this by reference to Mr Mamabolo's statement.

Mamabolo's statement on Siyangena

3.5. The statements made in page 3 of Mr Mamabolo's affidavit of July 2015 are the following:

"Mr Lucky Montana, Dr Daniel Mthimkulu and Josephat Phungula, Chief Procurement Officer fraudulently awarded Siyangena Technologies (Pty) Ltd, a company [owned] by Mr Mario Ferreira, a contract of R2,9 billion for the installation and maintenance of CCTV cameras and equipments for control rooms at Prasa train stations with the purpose of sharing the monetary proceeds from that contract with Siyangena Technologies (Pty) Ltd in contravention of Prevention of Corruption Act.

.....



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Mr Lucky Montana and his mother, Ms Mary Montana, in contravention of Prevention of Corruption Act occupied a house in Pretoria owned by Mr Riaan van der Walt, legal advisor of Siyangena Technologies (Pty) Ltd who bought the house for the beneficial use and occupation by Mrs Mary Montana, which house was bought from the proceeds of the contract of R2,9 billion fraudulently awarded to Siyangena Technologies (Pty) Ltd"

3.6. Above Mr Mamabolo states that:

3.6.1. The contract was awarded fraudulently to Siyangena with the purpose of sharing the proceeds of that award. The fraud and sharing of the proceeds from this contract can only be tested by analysing the cash that flowed from this contract. This can only be done by the SAPS as PRASA and/or Mr Mamabolo are not authorised to do this.

3.6.2. Mr Montana and his mother, Mrs Mary Montana occupied a house owned by Mr Riaan van der Walt a legal advisor of Siyangena. This carries two allegations: firstly, that Mrs Mary Montana resided in a house that was owned by Mr Riaan van der Walt. Secondly, it is alleged that that house was bought through the proceeds of the Siyangena contract. I am of the view that the DPCI can interview Mrs Mary Montana to establish if she resided in a house owned by Mr Riaan van der Walt. If Mrs Montana resided in such house, establish how that house was purchased and the circumstances in which she



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resided in that house. Whether the house was purchased from the proceeds of the Siyangena contract can be checked from the flow of funds.

3.7. The affidavit of March 2016 states the following:

3.7.1. During November 2008, a letter from an Original Equipment Manufacturer ("an OEM") namely Cominfo was issued to confirm that Siyangena *"is the exclusive OEM partner for the PRASA Project to import, sell, provide service and maintenance works for entrance control products (turnstiles and gates) manufactured by COMINFO Inc."* It is peculiar that this letter mentions a "PRASA Project" that had not been advertised at the time that the letter was issued. This suggests that the information on this "PRASA Project" was known to Siyangena and/or Cominfo about 7 months before the closing date of the tender.

3.7.2. During 2009 a tender was issued for the installation of "access gates" at the Doornfontein and Nasrec stations. The closing date of this tender was 17 June 2009. The engagement of the contemplated supplier was going to be that of a nominated subcontractor and would have an agreement with the construction company that is working on the stations. The RFP for the Nasrec tender required Dallmeier CCTV cameras. The adjudication report of this tender indicated that one of



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the tenderers was advised by the OEM of the Dallmeier CCTV cameras that Siyangena was the sole local agent for this equipment.

3.7.3.

During January or February 2010 Mr Luyanda Gantsho penned a motivation wherein he requests the Group CEO to approve the appointment of Siyangena to attend to a similar system at Cape Town, Rhodesfield, Orlando, Century City, Langa, Moses Mabhida and Bridge City stations. The basis of this appointment without following the tender procedure is the urgency of the project. Mr Gantsho peculiarly says that Siyangena had been approached to determine their capacity to deliver the project within the perceived timelines and that *"the SCM committee was not supportive of the action to approach any supplier including Siyangena"*. The guise under which this agreement was issued is that this was an extension of the Nasrec and Doornfontein. It could not be an extension because there was no contract between PRASA and Siyangena for the Nasrec and Doornfontein. As it appears from your letter under reply that you are well acquainted with the Public Protector's report titled "Derailed", you will have noted from it that this letter was not provided to the Public Protector and that the Public Protector was not happy with the responses in this regard.

3.7.4.

I pause to point out that I am aware that the statement of Mr O' Sullivan includes correspondence that show that the other bidders did raise the requirement of brand names as a concern and that these



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bidders stated that Siyangena was the only one that was accredited for all the brand-related requirements of the RFP. The constitutional prescripts of a fair, equitable, transparent, competitive and cost effective prices as required by section 217 of the Constitution appears to have been flouted.

3.7.5. Siyangena was appointed for a further 62 stations for a price of R1,95 billion. This was referred to as Phase 1. Siyangena was also appointed for Phase 2. The circumstances under which these awards were made were the same, that is, where brand names were mentioned in the RFP and Siyangena was the only supplier that could supply those stated brands.

3.7.6. Mamabolo makes a number of allegations that can only be tested through an analysis of cash flows from accounts that may be of interest in the matter. I propose not to deal with these instances as I believe that it is the role of the SAPS to investigate these, test them and report on them.

3.8. In summary, Mr Mamabolo's statement provides evidence to the effect that:

3.8.1. At least six months before the issue of the tender for the speed gates, a supplier of Siyangena knew about this tender and confirmed "to whom it may concern" that Siyangena was its sole distributor for "the PRASA Project", and



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3.8.2. Lists a number of properties registered in the name of Precise Trade and Invest 02 (Pty) Limited ("Precise Trade") and that involved Mr Montana.

3.8.3. What is stated in this statement supplements what is contained in this regard from the July 2015 affidavit of Mr Mamabolo.

3.9. I pause to state that it is now a matter of public record that Mr Montana is in business with Mr van der Walt, an attorney in the employ of the attorneys of Siyangena. I am certain that the flow of funds may shed some light on the genesis of this business relationship and the property transactions that are reported to involve Mr Montana, Mr van der Walt and a company called Precise Trade.

3.10. We therefore implore you to speedily proceed with the appointment of Howarth Forensics to assist you with the analysis of the flow of funds so that some of the information that you require may be obtained from the bank records that show the identities of the persons to whom the funds flowed and their commercial purposes for such flows.

Mamabolo's Statement on Swifambo

3.11. Having gone through Mamabolo's statement on the Swifambo matter it seems to me that it lays the foundation for a thorough investigation of the



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cash flow analysis that will show who the beneficiaries of the proceeds of this contract have been.

3.12. Mamabolo provided you the following information and documentary evidence:

3.12.1. On 22 April 2010, Mafori Finance Vrydheid (Pty) Limited ("Mafori") was registered;

3.12.2. On 2 December 2011, PRASA issued the Request for Proposals for the leasing of locomotives ("the locomotives RFP"). This was 4 months before Mr Auswell Mashaba took over the running of this company;

3.12.3. By letter dated 24 February 2012, Van Wyk Accountants issued a letter which states, among others, that Mafori is a new company that has never traded before;

3.12.4. On 7 March 2012, Mr Auswell Mashaba is appointed as a director of Mafori;

3.12.5. On 9 March 2012 (two days after Mashaba takes over Swifambo/Mafori), Swifambo/Mafori submits its bid in respect of the locomotives RFP;



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- 3.12.6. On 12 March 2012, Van Wyk Accountants submitted a request for the change of Mafori's name from Mafori to Swifambo Rail Leasing;
- 3.12.7. On 25 March 2013, PRASA concluded a contract with Swifambo Rail Leasing, this contract is pursuant to the process that followed the issue of the locomotives RFP. The award of this contract was audited by the Auditor General ("the AG"). As you well know, the AG is one of the institutions that are established in terms of Chapter 9 of the Constitution and its independence cannot be questioned. Having audited this award, the AG was of the opinion that the award should not have been made because:
- 3.12.7.1. Swifambo did not have a valid tax clearance certificate at the time it submitted the bid;
- 3.12.7.2. Vossloh, which later became the subcontractor did not submit a letter of good standing from its country's tax authority;
-
- 3.12.7.3. Vossloh's B-BBEE certificate was not submitted;
- 3.12.7.4. The tender documents were not signed by Vossloh; and
- 3.12.7.5. PRASA did not ensure that the technical evaluation of Swifambo is based on its own capabilities to deliver the locomotives. This is because there was no subcontract



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agreement between Vossloh and Swifambo at the time of evaluation.

3.12.8. On 5 April 2013, a mere two weeks after the contract was signed and before the effective date of the contract, an amount of R460,526,315.79 was paid to Swifambo Rail Holdings (Pty) Limited. This payment should not have been made because:

3.12.8.1. The contract between PRASA and Swifambo had not become effective; and

3.12.8.2. There was no contract between PRASA and Swifambo Rail Holdings.

3.12.9. According to Mr Auswell Mashaba, a week after this payment was made and on 11 April 2013, Swifambo Rail Holdings paid an amount of R14,3 million to Nkosi Sabelo Incorporated. This was followed by a payment of R14,2 million into the same beneficiary and a payment of R10,4 million to Knowles Hussain, apparently for Nkosi Sabelo Incorporated. The payments that are related to Nkosi Sabelo Incorporated amount to R38,9 million. Other payments were made to Similex (Pty) Limited and these cumulatively amount to R40,14 million. The breakdown provided by Mr Mashaba to Mr Mamabolo reflects an amount of R7,9 million which is said to be a "handling fee". Mr Mashaba informed Mr Mamabolo and the Chairman of the



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PRASA Board that none of these entities have a business relationship with Swifambo and he did not know the reason for these payments. Mr Mashaba's information came to the attention of Mr Mamabolo unsolicited.

3.12.10. On 4 July 2013, Swifambo Rail Leasing and Vossloh (the Original Equipment Manufacturer) concluded an agreement for the supply of the locomotives.

3.13. The information that was provided to you is therefore that:

3.13.1. a tender was awarded to Swifambo Rail Leasing when there were a number of cogent reasons (as stated by the AG) not to award it to Swifambo Rail Leasing;

3.13.2. the first payment that was made for this tender was made before PRASA had any obligation to pay because the contract had not yet become effective; and

3.13.3. unsolicited information from a director of Swifambo alleges that that director was instructed to pay people who did not have any business dealings with Swifambo. These payments were made after PRASA made the payment that was not due.



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- 3.14. It is concerning that in the meeting that we had when you delivered the letter under reply, you did not state that the analysis of the cash flows had been done. If this analysis had been done, you did not indicate whether or not it supports the inferences made by Mr Mamabolo that the people who enabled this transaction were acting with a common fraudulent purpose and that they shared the benefits of this contract. It is my considered view that Mr Mamabolo's inference can only be confirmed or shown to be incorrect by analysing the cash flows from the accounts of the persons of interest in this transaction. The SAPS, which we believe is seized with this matter, is one of a very few institutions that can subpoena banking records to see the identity of the beneficiaries of monies paid into those banking accounts. I am concerned that your letter appears to be asking PRASA to show what your analysis should show. It seems to me that PRASA is the one that should be asking you whether you are able to find evidence of a common fraudulent purpose and a common benefit. I therefore request that you advise how far your investigation has gone and what it has shown.

4. The requested documents and information

- 4.1. Mr Mamabolo has provided you with a true copy of the SCM Policy (what you refer to as the procurement policy in your letter under reply).
- 4.2. In respect of the Siyangena matter Mr Mamabolo indicated the policy provisions that were relevant. Any further information you require will be in the civil matter files that are submitted with this letter.



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- 4.3. The Swifambo matter has been audited by the AG. The AG is aware of the policies that were flouted, the reasons why Swifambo should not have been awarded the tender and why the first payment should not have been made. The civil matter files are provided for your record purposes and to provide you with further information that you have requested.
- 4.4. The analysis of the cash flows will show the benefits that accrued to certain individuals. If these are undue benefits, they may provide evidence of the prejudice suffered by PRASA.
- 4.5. The investigators have provided the SAPS with the following:
- 4.5.1. Providing documents (in an indexed and chronological order);
 - 4.5.2. Identifying suspects, witnesses and persons of interest;
 - 4.5.3. Identifying assets, properties and the like of relevance;
-
- 4.5.4. Securing electronic evidence for review; and
 - 4.5.5. Suggesting an investigation diary and timeline.



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5. The reports in terms of section 34 of the PRECCA Act.

5.1. During May 2016, Werksmans Attorneys, on the instructions of the Board submitted 39 reports in terms of Section 34 of Prevention and Combatting of Corrupt Activities Act, Act 12 of 2004 ("the PRECCA Act"). When we enquired from you about these reports, you indicated that your view was that the submission of these reports was "malicious compliance". You appeared to come to this conclusion by conflating the intent of the statements that were made by Mr Mamabolo in his personal capacity and a formal report in terms of section 34 of the PRECCA Act submitted on behalf of the Board. It is unfortunate that you believe that the Board would be malicious in the performance of its duties which are in terms of the PRECCA Act as well as the Public Finance Management Act of 1999.

5.2. Please be assured that there is no malicious intent in the submission of the reports by the Board. PRASA takes exception to your characterisation of the submission of the reports in this manner. The reports flow from a comprehensive forensic investigation that was instituted by the Board and that raised a suspicion that the entities and persons mentioned therein have committed the offences mentioned in subsection 1 of section 34.

5.3. We implore you to ensure that these matters are properly registered in your records and that they are investigated without delay. We accept that the matters of Siyangena and Swifambo may take preference.



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6. In conclusion we propose that a meeting be held at your earliest convenience to discuss and agree on the following:

- 6.1. The identity of investigators from SAPS that are working on these matters;
- 6.2. The scope and extent of the existing criminal cases – this is to cover the documents provided to the SAPS, the investigations conducted by the SAPS to date and what investigation and evidence is required to take the investigation to a point where the evidence may be presented to the National Prosecuting Authority for a decision on whether or not to prosecute;
- 6.3. The further evidentiary requirements for each of the criminal investigations and the assignment of tasks to either the SAPS investigators and/or our attorneys;
- 6.4. Agree on an investigation plan including the time lines and milestones, the securing of further relevant evidence, obtaining statements from witnesses, obtaining evidence from financial institutions and other institutions that may assist with further evidence, attending to attachment of any proceeds of any crime that may be found and obtaining warning statements from identified suspects;
- 6.5. Set a monthly progress review process between us and your investigators wherein they would be required to review the agreed tasks against



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milestones set and report back on progress made and/or any delays encountered.

7. I trust that the above will assist in ensuring that the criminal investigations are attended to with the speed that will best serve the interests of all concerned. I also believe that any outstanding matters will be dealt with and resolved at the meeting that I proposed above.

Martha Ngoye
Group Executive: Legal, Risk and Compliance
Passenger Rail Agency of South Africa

Enclosures:

Documents filed in the Swifambo Review Application; and

Documents filed in the Siyangena Review Application

C

SAP 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X1500, SILVERTON, 0127

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HEAD: SERIOUS COMMERCIAL CRIME
DIRECTORATE FOR PRIORITY
CRIME INVESTIGATION
HEAD OFFICE

PRETORIA

29 September 2016

A. The Group Executive
Legal Risk and Compliance
Passenger Rail Agency of South Africa
Hatfield
PRETORIA

Attention: Ms M Ngoye

B. The Acting Group Chief Executive Officer
Passenger Rail Agency of South Africa
Hatfield
PRETORIA

Attention: Mr C Letsoalo

PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS 278/09/2015

A. This seeks to inform yourselves that the investigation of Hillbrow CAS 405/07/2015 and Brooklyn CAS 278/09/2015 have been referred to the SEOU for further investigation for each allegation as per paragraph 1 – 22.

This office has noted the statement of Mr Mamobolo dated 2015/07/08 in Hillbrow CAS 405/07/2015 contains various allegations aimed at different individuals and / or companies. These allegations would require in-depth investigations and a host of supporting documentation for each allegation listed as per paragraph 1 – 22 in the attached statement of Mr Mamobolo.

This office hereby, would like to request yourself to secure and provide the Section Head: Serious Economic Offences Unit with the necessary information, in order to expedite the investigation in the different allegations.

Please note that pursuant to our previous discussions, this office has decided to give the matters involving the allegations against Swifambo and Siyangena Technologies our priority attention and the rest of the other allegations will then follow.

PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS 278/09/2015

This office will now first deal with the documents which needs to be secured and supplied in corroboration of the said allegations. I will deal with the allegations in order of its chronological sequence in the statement.

Due to the fact that the allegations is similar in nature, the required information does not differ much, save we will request such.

It is requested that you furnish us with:

- a) An additional and comprehensive statement detailing and substantiating the alleged allegations and the manner in which the alleged fraud (in common purpose) was committed by the identified individuals. The statement must forthwith also state the benefits accrued by the said individuals, which processes or SCM policies were flouted and how, as well as the prejudices suffered by PRASA or the potential prejudice.
- b) Secondly, it will be appreciated if you could outline the procurement policy and processes for PRASA, as well as the manner in which these processes and / or policies were breached / flouted where so alleged. It is advised that if the deponent is not conversant with the policy or processes, then PRASA can delegate any knowledgeable person within PRASA to depose to that statement and provide the mentioned office with the same.
- c) It is of utmost importance that the roles of each individual mentioned in any allegation, must be clearly and concisely stipulated and where necessary with reference to relevant documentation which must also be marked and annexured accordingly.
- d) It is further requested that certified copies of all SCM policies, relevant contracts and documentation of the entire supply chain cycle up to final payment and all information / documentation must be properly filed and indexed in support of the said statement. You are also requested to note that your supplementary statement, information and document must be extensive to also cover the allegations contained in the allegations in paragraph 2 – 22 with the exception of paragraph 10. It will be appreciated if preference to the allegations regarding Swifambo and Siyangena Technologies can be prioritised.

Your attention is further drawn to the fact that allegations regarding Siyangena Technologies are also being investigated vide Brooklyn CAS 278/09/2015. This matter was reported by Mr Paul O'Sullivan and supported by your affidavit dated 2016/02/05.

Please note that the allegations in paragraph 10 are a repeat of the allegations in paragraph 8.

PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS 278/09/2015

It is noted that the allegations listed 1 – 22, are worded to the effect that it refers to words like "in common purpose with...." "Fraudulently and without following procurement procedures", "fraudulently awarded....."

This office appreciates that your office in using these words has an understanding on the profoundness and extend of the meaning in legal terms of these words. It is thus necessary that your supplementary statement as requested as per paragraph 6 (a) supra must address the abovementioned phrases in the following manner:

- a) "In common purpose"
It must address how the notion of common purpose is manifested were so stated. i.e. it must highlight how, when and between whom the common purpose became manifested.
- b) "Fraudulently and...."
The statement mentions "fraudulently" but does not reflect the fraudulently conduct nor does it state how and when the fraud was committed.
- c) "Fraudulently and without following (procurement) procedures"
The statement again does not state the fraudulent conduct nor when or how the fraud was committed. It further speaks to the fact that procurement procedures were not followed but there is nothing in the statement that speaks to the process that was followed (if any) in the alleged fraudulent conduct.

In addition, it is also imperative that the reflection on the fraudulent behaviour must be substantiated by documentary evidence where applicable.

Secondly, it is the understanding of this office that the allegations as listed in the statement are deduced from the report of the Public Protector. However, the wording of the Public Protector's report differs materially from words as listed in paragraph 5 supra.

Your office is now hereby called upon to clarify the discrepancies in the wording of the allegations as opposed to the references to the same type of allegations in the report of the Public Protector where the latter report speaks of irregularities, or contracts that was awarded irregularly. This is stark contrast to the wording of the allegation's.

The allegations regarding the contract awarded to Siyangena Technologies is contained both in paragraph 9 of the appended affidavit of Mr Mamobolo as well as it is registered as a separate case docket vide Brooklyn CAS 278/09/2015.

Kindly note that the matter is being investigated by the office of Serious Economic Offences Unit under the command of Brigadier Makinyane.

**PRASA INVESTIGATIONS: HILLBROW CAS 405/07/2016 AND BROOKLYN CAS
278/09/2015**

During earlier discussions with Mr Mamobolo, he indicated that the requested information mentioned herein is available, and the assumption is thus that it will not take too long for your office to heed to our request.

B.1 For your information.

MAJOR GENERAL

**HEAD: SERIOUS COMMERCIAL CRIME
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
ADR KHANA**

Date:



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**DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
MAJOR GENERAL KHANA
SOUTH AFRICAN POLICE SERVICE
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
SOUTH AFRICAN POLICE SERVICE
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SILVERTON
PRETORIA, 0186**

Dear Major General Khana,

**PREVENTION AND COMBATTING OF CORRUPT ACTIVITIES ACT 12 OF 2004
("PRECCA") : PASSENGER RAIL AGENCY OF SOUTH AFRICA ("PRASA")**

- 1 We refer to the meeting held at your offices on 28 April 2016.
- 2 We are most anxious to arrange a follow up meeting with you so that you and your team can provide us with a status update in relation to the 43 criminal complaints which have to date been lodged with your offices arising out of the forensic investigation commissioned by the Board of PRASA.



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- 3 We would also be grateful if you could confirm that you have provided the necessary written authorisation to Horwath Forensics for the purposes of analysing the flow of funds in respect of the criminal complaint relating to Siyangena.
- 4 We firmly believe that the Board's commitment to eradicating the mammoth scale of unlawful behaviour which has been uncovered through the process of the independent forensic investigation can only attain the anticipated level of success if it is combined with the allocation of sufficient dedicated personnel from your offices who, in conjunction with sufficient dedicated prosecutors can ensure that all of the already identified wrongdoers can be prosecuted for the pillaging of a State Owned Entity.
- 5 We would be most grateful if you could revert to us at your earliest convenience in order to convene the desired follow-up meeting.

Yours truly

DR P.S. MOLEFE

CHAIRMAN OF THE BOARD

DATE: 2016/09/18



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OF SOUTH AFRICA

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TO:

1. THE HEAD:

DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
GENERAL B NTLEMEZA
SOUTH AFRICAN POLICE SERVICE
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
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2. THE NATIONAL DIRECTORATE OF PUBLIC PROSECUTIONS

NATIONAL PROSECUTING AUTHORITY
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VICTORIA & GRIFFITHS MXENGE
VGM BUILDING
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c.c. DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
MAJOR GENERAL KHANA
SOUTH AFRICAN POLICE SERVICE
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

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PASSENGER RAIL AGENCY
OF SOUTH AFRICA

**SOUTH AFRICAN POLICE SERVICE
A5 PROMAT BUILDING
CRESSWELL ROAD
SILVERTON
PRETORIA, 0186**

Dear Sirs,

**PREVENTION AND COMBATTING OF CORRUPT ACTIVITIES ACT 12 OF 2004
("PRECCA") : PASSENGER RAIL AGENCY OF SOUTH AFRICA ("PRASA")**

Introduction:

- 1 We wish to express our gratitude for the deployment of Major General Khana and his team (with whom we have already engaged, to handle the criminal investigations which will hopefully lead to the successful prosecutions of those individuals and entities who have seen fit to plunder a State owned entity and thereby imperil PRASA's mandate from Government to provide a world class safe, reliable and efficient transport service to all commuters.
- 2 PRASA, as the implementing arm of the National Department of Transport, the sole shareholder, is primarily focused on the mandate contained in the *Legal Succession Act of South African Transport Services Act 9 of 1989*, as amended.



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- 3 The main objectives and main business of PRASA are to:
- 3.1 Ensure that, at the request of the Department of Transport, rail commuter services are provided within, to and from the Republic in the public interest.
 - 3.2 Provide, in accordance with the Department of Transport, for long haul passenger rail and bus services within, to and from the Republic in terms of the principles set out in section 4 of the *National Land Transport Transition Act 22 of 2000*.
 - 3.3 PRASA shall generate income from the exploitation of assets acquired by it, which include real estate and property portfolios.
 - 3.4 A further requirement is that, in carrying out its objectives and business, PRASA shall have due regard for key Government, social, economic and transport imperatives and policy objectives.
 - 3.5 As a public entity, Government initiatives remain a strategy driver for PRASA. This is manifested through legislation, government policies and strategies, such as:
 - 3.5.1 National Transport Policy;
 - 3.5.2 Public Transport Strategy;

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- 3.5.3 Legislation;
 - 3.5.4 Green Paper on Rail; and
 - 3.5.5 Economic Strategy and Job creation initiatives.
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- 4 The Directorate for Priority Crime Investigation (DPCI) was established as an independent directorate within the South African Police Service in terms of Section 17C of the *South African Police Service Act, 1995* as amended by the *South African Police Service Amendment Act 57* of 2008.
 - 5 The DPCI is responsible for the combating, investigation and prevention of national priority crimes such as serious organised crime, serious commercial crime and serious corruption in terms of Section 17B and 17D of the *South African Police Service Act* of 1995 as amended.
 - 6 Section 179 of the *Constitution of the Republic of South Africa, 1996* (Act No. 108 of 1996), created a single National Prosecution Authority (NPA).
 - 7 The Office of the National Director of Public Prosecutions (NDPP) was established on 1 August 1998, in terms of Section 179(1) of the Constitution.

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- 8 Legislation governing the prosecution authority is the National Prosecuting Authority Act 32 of 1998 and provides the prosecuting authority with the power to institute criminal proceedings on behalf of the State and carry out any necessary functions incidental to instituting criminal proceedings.

Background:

9 Public Protector Investigation:

- 9.1 In 2015, the Public Protector of South Africa published a report entitled "*Derailed*" No. 3 of 2015/16. The report communicated findings and the appropriate remedial action in terms of the remedial power given by Section 182(1)(c) of the Constitution, following the investigation of 37 complaints initially lodged by the South African Transport and Allied Workers Union (SATAWU) in 2012 and later pursued by the National Transport Movement (NTM), alleging maladministration and related improper conduct involving procurement irregularities, conflict of interest, nepotism and human resources mismanagement, including victimisation of whistle-blowers, by the erstwhile Group Chief Executive Officer and other functionaries at PRASA.

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9.2 The Public Protector found that 19 of the 32 complaints were substantiated. There was a "*systematic failure*" to comply with supply chain management policies and a culture of hiding information.

10 The Auditor General of South Africa (AGSA) findings:

10.1 In 2015, the AGSA issued several adverse findings against the erstwhile PRASA board and operations.

10.2 A new chairperson and board were appointed at PRASA in August 2014. In discharge of their fiduciary duties, they employed the services of Werksmans Attorneys who in conjunction with AGSA, the South African Police Service and the National Prosecuting Authority, commenced with further investigations into these findings.

11 To date, PRASA has engaged with AGSA, National Treasury, Financial Intelligence Centre, officials from the DPCI, South African Police Service, Asset Forfeiture Unit, NPA and others. To this end:

11.1 A number of cases have been reported to the Central Reporting Office of the DPCI for further investigation and in compliance with PRASA's duty to report as prescribed by PRECCA.

11.2 A number of criminal cases where PRASA is the complainant have also been registered with the South African Police Service.

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OF SOUTH AFRICA

- 11.3 In addition to this, PRASA has already instituted a number of civil proceedings against business entities and persons to review and set aside agreements which were improperly awarded and to recoup losses sustained by PRASA. Further such actions are expected to follow in due course.
- 11.4 I attach for your convenience, two founding affidavits (including the supplementary matter in respect of the Siyangena matter) relating to what has become commonly known as the "*Swifambo matter*" and the "*Siyangena matter*" together with the AGSA report and the Public Protector report. You will no doubt appreciate and agree that the scale and complexity of the alleged offences, the losses to PRASA and the nature of the allegations are extremely serious and of huge financial proportion thereby directly impacting upon Government's ability to provide to its citizenry.
- 12 PRASA has sought legal advice in respect of instituting criminal proceedings against those identified as allegedly having had a hand in the identified transgressions. PRASA believes that even a cursory perusal of the AGSA report referred to, the Public Protector's report and the founding papers settled in the civil matters referred to above, clearly demonstrate the severe damage caused to PRASA, the State's ability to fulfil its transport mandate and more especially, to the many citizens of our country

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who rely on PRASA's services on a daily basis. We further believe that the facts as they stand, present a *prima facie* case of racketeering as defined in Section 2(1) of the *Prevention of Organised Crime Act 121 of 1989* (POCA).

- 13 The PRASA Board has already been called upon on several occasions to account to relevant Parliamentary Committees as to the progress made in its efforts to deal with the AGSA and Public Protector findings and in particular in relation to the progress of criminal proceedings against the various wrongdoers.

Formal request for assistance:

- 14 Chapter 3 of the Constitution deals with matters of co-operative governance between State entities.
- 15 Section 40(1) emphasises that State entities in the Republic are distinctive, interdependent and interrelated.
- 16 Section 40(2) requires of all spheres of Government to observe and adhere to the principles in this Chapter and to conduct their activities within the parameters that the Chapter provides.

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17 In terms of Section 41(1), under the heading "*Principles of Co-Operative Government and Intergovernmental Relations*" all spheres of Government and all organs of State within each sphere are required to among others:

17.1 foster friendly relations;

17.2 assist and support one another;

17.3 inform one another of, and consult one another on, matters of common interest; and

17.4 co-ordinate their actions and legislation with one another.

18 Arising from these investigations, and in the spirit of the Constitutional imperative of co-operative governance, the following requests are therefore directed to your good offices for your urgent consideration:

18.1 That the DPCI, once Major General Khana and his team have had sufficient opportunity to acquaint themselves with the relevant facts, declares the investigations into matters registered with them as serious offences and assign resources to these cases, commensurate with the needs of the citizenry, so as to ensure a functional PRASA, bringing those guilty to book and ensure the recoupment of any losses to PRASA and the State.

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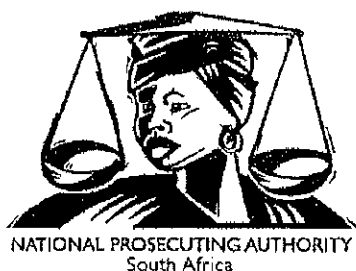
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OF SOUTH AFRICA

18.2 That the NDPP considers certifying (in terms of Section 2(4) of POCA) the investigations into the matters registered with the DPCI as racketeering cases. Similarly, you are requested to consider assigning NPA resources sufficient to the complexity of the cases and the measure of losses and continued risk to the State and PRASA. In this regard, we enclose for your attention a copy of a letter which we addressed to Advocate Wolfaardt (Deputy Director of Public Prosecutions – Specialised Commercial Crime Unit) on 16 February 2016.

19 We look forward to receiving your acknowledgement of receipt as well as your favourable response hereto at your earliest convenience.

Yours truly

DR P.S. MOLEFE
CHAIRMAN OF THE BOARD
DATE 13/05/2016



**OFFICE OF THE NATIONAL DIRECTOR
OF PUBLIC PROSECUTIONS**

Victoria & Griffiths Mxenge Building,
123 Westlake Avenue, Weavind Park Silverton,
Pretoria, 0001

Private Bag X752, Pretoria, 0001

Contact number: 012 845 6758
Email: ndpp@npa.gov.za
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1 August 2016

Dr P. Molefe
Chairman of the Board
Passenger Rail Agency of South Africa
Private Bag X101
Braamfontein
2017

Dear Doctor Molefe

**SUBJECT: PREVENTION AND COMBATTING OF CORRUPT ACTIVITIES
ACT, 12 OF 2004: PASSENGER RAIL AGENCY OF SOUTH
AFRICA (PRASA)**

I refer to your letter dated 13 May 2016 with regard to the abovementioned matter.

I have established that the matter is currently the subject of investigation by the Directorate of Priority Crime Investigation (DPCI) under the guidance of a prosecutor. A decision whether or not to prosecute will only be taken after the investigation has been finalised by the DPCI.

Depending on the outcome of the investigations a charge of racketeering in terms of the provisions of the Prevention of Organised Crime Act, 121 of 1998 (POCA) may or may not be one of the preferred charges to be considered.

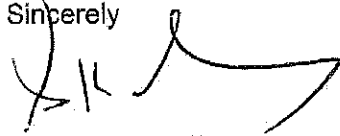
However, were a charge of racketeering to be one of the preferred charges in the matter, section 2(4) of POCA provides that such prosecution must be authorised in writing by the National Director. Such determination can only be made after the investigations are finalised.

With respect to your request in paragraph 18.2 of your letter to consider certifying the investigation as racketeering, I wish to advise that section 2(4) of POCA refers to authorisation of a prosecution and not an investigation and can only be applied after the investigations are finalised and the evidence justifies the authorisation in terms of the said provisions.

Accordingly a decision to or not to prosecute in the matter and on what charges, in the case of a decision to prosecute, can only be made after the investigations are finalised. The sufficiency or otherwise of resources in the matter will be a matter of ongoing assessment.

I trust that you find the above in order.

Sincerely



ADV SK ABRAHAMS
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

11/08/2016

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LIST OF POTENTIAL WITNESSES

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
BEC MEMBER - NTOMBEZININGI SHEZI - ID:7009030473080 CELL: 0834000345	2 MONTH	SWIFAMBO	
BEC MEMBER - THABO LAURENCE MAHLOBOGWANE ID: 7408235624085 CELL: 0839668006	1 MONTH	SWIFAMBO	X
BEC MEMBER - PETER STOW ID: 5010135146086 CELL: 0832843026	2 MONTH	SWIFAMBO	
BEC MEMBER -BENEDICT MFANAFUTHI KHUMALO ID: 7506085437084 CELL: 0823757393	1 MONTH	SWIFAMBO	X
BEC MEMBER -JABULANI NKOSI ID: 7311215371083 CELL: 0730917243	1 MONTH	SWIFAMBO	X
BEC MEMBER - JOSEPH MAGORO ID: 6506055251086 CELL: 0735895870	1 MONTH	SWIFAMBO	X
BEC MEMBER - JABU MATLARI ID: CELL:	1 MONTH	SWIFAMBO	X
MOSENGWA MOFI ID: 6809145543086 CELL: 0834429374	2 MONTH	SWIFAMBO	
TSHEPO LUCKY MONTANA ID: 7004255660081 CELL: 0827714698	2 MONTH	SWIFAMBO	

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
CHRISTOPHER MBATHA ID: 6803075397084 CELL: 0824130206	1 MONTH	SWIFAMBO	X
MOTSHUTSHI DANIEL MTIMKULU ID: 7412285635082 CELL: 0784577757 / 0832648576	2 MONTH	SWIFAMBO	
JOSEPHAT PHUNGULA ID: 6711135510085 CELL: 0832788577 / 0728220754	2 MONTH	SWIFAMBO	
BRENDA MALONGETE ID: 7011020396081 CELL: 0822194701	2 MONTH	SWIFAMBO	
DM5 ATTORNEYS – LERATO MATHOPO ID: 7512230330083 CELL: 0826435831	2 MONTH	SWIFAMBO	
SIFISO BUTHELEZI ID: 8012225476081 CELL: 0832838933 / 0832712504	2 MONTH	SWIFAMBO	
BRIDGETTE GASA ID: 7702080449089 CELL: 0829055434	2 MONTH	SWIFAMBO	
KEVIN MOONSAMY ID: 6003235029087 CELL: 0832831244	1 MONTH	SWIFAMBO	X
NONGABISAYA MAREKO ID: 6705090354083 CELL: 0832942555	1 MONTH	SWIFAMBO	X
JERITA MOTSHOLOGANE ID: 6801060289084 CELL: 0833767514	1 MONTH	SWIFAMBO	X

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
INGWA SICHULA ID:5711275205182 CELL: 0832843507 / 0837614383	1 MONTH	SWIFAMBO	X
FENTON GASTIN ID: 7111085920187 CELL: 0828716842	2 MONTH	SWIFAMBO	
WILLIAM GEORGE BILL POTGIETER ID: 5105225034083 CELL: 0832978911	2 MONTH	SWIFAMBO	
AUSWELL MASHABA ID: 6403175730084 CELL: 0824577075	2 MONTH	SWIFAMBO	
CYNTHIA MICHELLE PARRISH - PASSPORT NO: 442936175 CELL: 0798857826	2 MONTH	SWIFAMBO	
WILLIAM JEMERSON ID: 7008146023185 CELL: 0824509947	2 MONTH	SWIFAMBO	
JACQUELINE NOLWANDLE MBOWENI ID: 6110030746086 CELL: 0824947469	2 MONTH	SWIFAMBO	
MAKHOSINI THANIEL MASHELE ID: 7405195333087 CELL: 0732102758	2 MONTH	SWIFAMBO	
BEKANI EFRAIM MASHABA ID: 8103145400085 CELL: 0763724519	2 MONTH	SWIFAMBO	
SONIA SEBOTSA ID: 7112150879084 CELL: 0823721704	2 MONTH	SWIFAMBO	

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
POLO RADEBE ID: 7511111074083 CELL: 0823059371	2 MONTH	SWIFAMBO	
THAMSANQA GWALA ID 6308285366085 CELL: 0824662913	2 MONTH	SWIFAMBO	
YOLANDA GWALA ID: 8703030556089 CELL: 0829295833	2 MONTH	SWIFAMBO	
PALELLO LEBAKA ID: 7403295353089 CELL: 0782246284	2 MONTH	SWIFAMBO	
MAKHENSA SOLLY MABUNDA ID: 7705205326082 CELL: 0722373883	2 MONTH	SWIFAMBO	
MARIA CAETANO DA CRUZ GOMES PASSPORT NUMBER: N1432258 CELL: 0726090056	2 MONTH	SWIFAMBO	
DOMINGOS FRANCISCO ANTONIO GOMES PASSPORT NUMBER: N1072531 CELL: 0824387161	2 MONTH	SWIFAMBO	
MAPHINDELA GEORGE SABELO ID NO: 7110065524084 CELL: 0828593401	2 MONTH	SWIFAMBO	
LETSANE RATHABA ID: 8010165295081 CELL: 0825742961	1 MONTH	SWIFAMBO	X
RSR - CAESAR MTETWA ID: 7202185425084 CELL: 0785641235	2 MONTH	SWIFAMBO	

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
NELSON MPHAILANE ID: 7306135368086 CELL: 0834440172	1 MONTH	SWIFAMBO	X
MASHILA MATLALA ID: 6806040989083 CELL: 0829030252	1 MONTH	SWIFAMBO	X
CTPC MEMBER – TIRO HOLELE ID: 7108255404083 CELL: 0829221294	1 MONTH	SWIFAMBO	X
CTPC MEMBER – SIPHIWE MATHOBELA ID: 6808086931086 CELL: 0829771646	2 MONTH	SWIFAMBO	
CTPC MEMBER – MAISHE BOPAPE ID: 6411025791081 CELL: 0823617837	2 MONTH	SWIFAMBO	
SYDNEY KHUZWAYO ID: 6410165582086 CELL: 0722826229	1 MONTH	SWIFAMBO	X
OTHUSITSE MOGOEELWA ID: 8302255511083 CELL: 083564889	2 MONTH	SWIFAMBO	
BRIAN ALEXANDER ID: 6605095024089 CELL: 0833277773	1 MONTH	SWIFAMBO	X
TSHEPO LUCKY MONTANA ID: 7004255660081 CELL: 0827714698	2 MONTH	SIYANGENA	
CHRISTOPHER MBATHA ID: 6803075397084 CELL: 0824130206	1 MONTH	SIYANGENA	X

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
PRAGASON REDDY ID: 5507045063087 CELL: 0828928213	2 MONTH	SIYANGENA	
MOTSHUTSHI DANIEL MTIMKULU ID: 7412285635082 CELL: 0784577757 / 0832648576	2 MONTH	SIYANGENA	
JOSEPHAT PHUNGULA ID: 6711135510085 CELL: 0832788577 / 0728220754	2 MONTH	SIYANGENA	
KEVIN MOONSAMY ID: 6003235029087 CELL: 0832831244	1 MONTH	SIYANGENA	X
JERITA MOTSHOLOGANE ID: 6801060289084 CELL: 0833767514	1 MONTH	SIYANGENA	X
FENTON GASTIN ID: 7111085920187 CELL: 0828716842	2 MONTH	SIYANGENA	
PALELLO LEBAKA ID: 7403295353089 CELL: 0782246284	2 MONTH	SIYANGENA	
SYDNEY KHUZWAYO ID: 6410165582086 CELL: 0722826229	1 MONTH	SIYANGENA	X
OTHUSITSE MOGOELELWA ID: 8302255511083 CELL: 083564889	2 MONTH	SIYANGENA	
RUI FERREIRA (SIYANGENA QUALITY MANAGER) ID: CELL:	2 MONTH	SIYANGENA	

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
MARIO FERREIRA ID: 6606285067086 CELL: 0824520723	2 MONTH	SIYANGENA	
TOM DUBEK (SIYANGENA PROCUREMENT MANAGER) ID: CELL:	2 MONTH	SIYANGENA	
JOSE DE OLIVEIRA (SIYANGENA PROJECT OFFICE MANAGER) ID: CELL:	2 MONTH	SIYANGENA	
TARA NGUBANE (POSSIBLE WITNESS) ID: 7009140547088 CELL: 0828886840	1 MONTH	SIYANGENA	X
LUYANDO GANTSHO ID: 6609255828081 CELL: 0827725028 / 0832583034	1 MONTH	SIYANGENA	X
JAN ADRIAAN VAN DER WALT ID: 7305185010085 CELL: 0827781720	2 MONTH	SIYANGENA	
CHRIS METELERKAMP ID: 6704045019081 CELL: 0824171840	2 MONTH	SIYANGENA	
REGGIE KISTEN (POSSIBLE WITNESS) ID: 7207185037086 CELL: 0829974158	1 MONTH	SIYANGENA	X
JOHAN GEORGE SMITH (POSSIBLE WITNESS?) IT634/2014 MINOR PROPERTY TRUST ID: 6503075018009 CELL: 0824441105	2 MONTH	SIYANGENA	

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
KAREN DE BEER ID: 6008310132086 CELL: 0825692305	2 MONTH	SIYANGENA	
JUSTIN JOHN ID: 8408035016085 CELL: 0844332246	2 MONTH	SIYANGENA	
DRIES VAN DER WALT ID: 5906295134087 CELL: 0827757401	1 MONTH	SIYANGENA	X
JASPER MNUKWA ID: 7701046350084 CELL: 0725626784	1 MONTH	SIYANGENA	X
STEPHENS MANDONGOMANI NGOBENI ID: 7002125810084 CELL: 0834618290	2 MONTH	SIYANGENA	
DEDE BUKASA ID: 5901018476089 CELL: 0825623741	2 MONTH	SIYANGENA	
FRANCOIS VAN EEDEN ID: 5512305043084 CELL: 0834538339	1 MONTH	SIYANGENA	X
THANDEKA BUTHELEZI (THEN TANDEKA XAKAZA) – POTENTIAL SUSPECT ID: 6307070425080 CELL: 0827825820	1 MONTH	SIYANGENA	X

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
CROMET MOLEPO ID: 5503205342080 CELL: 0827463551	1 MONTH	SIYANGENA	X
TEDDY NHLANHLA PHOMA ID: 8401105704086 CELL: 0839298764	1 MONTH	SIYANGENA	X
TUMI MOHUBE ID: 7003015460089 CELL: 0828585302 / 0736731243	1 MONTH	SIYANGENA	X
PULE MOILOA - DETAILS TO BE SUPPLIED BY FORENSIC TEAM ID: 7006205383086 CELL: 0833933035	2 MONTH	SIYANGENA	
HUNADI MANYATSE ID: 7901120309085 CELL: 0834017281	2 MONTH	SIYANGENA	
PIET SEBOLA ID: 7905205415089 CELL: 0825082213	1 MONTH	SIYANGENA	X

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
ERNST SWANEPOEL ID: 5109105137081 CELL: 0832286496	2 MONTH	SIYANGENA	
KERSAGAN REDDY (SA FENCE AND GATE) ID: 7901125149080 CELL: 0833245149	2 MONTH	SIYANGENA	
ROLAND FEIL (SALES DIRECTOR FOR DALLMEIER) ID: CELL:	2 MONTH	SIYANGENA	
ELKE SCHAFER (SALES DEPT FOR AUTEC) ID: CELL:	2 MONTH	SIYANGENA	
JARMIL VLCEK (EXPORT SALES DIRECTOR FOR COMINFO) ID: CELL:	2 MONTH	SIYANGENA	
KAPARO MOLEFI ID: 7206245567082 CELL: 0833000250	1 MONTH	SIYANGENA	X

WITNESS	TIME FRAME	MATTER	Still employed by PRASA
YVONNE PAGE ID: 6001180001085 CELL: 0829013358	1 MONTH	SIYANGENA	X
IMRAN KHAN ID: 7406235064088 CELL: 0847111183	1 MONTH	SIYANGENA	X