

Media Statement



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TO: ALL MEDIA

DATE: 23 NOVEMBER 2017

RE: 15 YEARS IMPRISONMENT FOR FRAUD

On 21 November 2017, the Specialised Commercial Crimes Court sentenced Catharina Magrietha (Kitty) van Niekerk (54) to an effective period of 15 years imprisonment on 9 counts of theft involving close to R17 million. The accused was arrested and charged in May 2009.

Counts 1 and 2 were taken together for purposes of sentence and in terms of Section 51(2) of Act 105 of 1997 the prescribed minimum sentence of 15 years imprisonment was imposed. Counts 3 to 9 were taken together for purposes of sentence and 5 years imprisonment was imposed. The court ordered that the sentence on counts 3 to 9 be served concurrently with the sentence on counts 1 and 2.

The court heard that the accused was employed by her brother as General Manager of the Tshwane Youth Centre in Pta-West which provided accommodation to larger groups of people. In 2007, NT5 Holdings, a company owned by a well-known Zimbabwean National, Ngaviate Kugotsi, offered to purchase the youth centre for R21 million. The complainant's company eventually took over the business, including the staff. The accused therefore stayed on as the General Manager for NT5 Holdings.

Whilst negotiations for the purchase were still ongoing, the accused registered a new CC "Lalapanzi Youth Centre" with herself being the sole member. She also opened a bank account with a corresponding name at FNB. As she continued with her work she incorrectly invoiced clients that made use of the accommodation and received payments into her own bank account, CC "Lalapanzi Youth Centre". The above was unknown to the complainant. The accused generated a second set of invoices for much smaller amounts which were then paid into NT5's bank account. Over a period of approximately 1½ years, she stole R16, 6 million. The accused was also alleged to be a habitual gambler that gambled away approximately R12 million of the stolen proceeds.

Her defense of these amounts being legitimate was rejected by the trial court. She pleaded the existence of remorse and was rebutted by the state during sentence proceedings contending that the accused failed to report to the appointed executor in terms of the restraint order granted by the high court. The trial court found that she had no remorse and that there were no compelling and substantial reasons to deviate from the minimum prescribed sentence and imposed the minimum prescribed sentence in respect of the first 2 Counts.

The NPA welcomes the sentence and commends Advocates Willem van Zyl, Suna de Villiers and Lt-Col Adele van Staden for their sterling work.

Kind Regards,

Luvuyo Mfaku

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