

IN THE HIGH COURT OF SOUTH AFRICA

(Gauteng Division, Pretoria)

The Director of Public Prosecutions for the Gauteng Division, Pretoria, of the High Court of South Africa, who prosecutes for and on behalf of the State, hereby informs the Honourable Court that:

1 TSHIFHIWA CALVIN MATODZI

A forty-two-year-old male, a South-African citizen, residing at Plot 96 Vlakplaats, Tarlton;

2 ANDILE MALUSI ATTWELL RAMAVHUNGA

A forty-year-old male, a South-African citizen, residing at 35 Libra Ave, Sundowner, Randburg;

3 PHOPHI LONDOLANI MUKHODOBWANE

A thirty-one-year-old male, a South-African citizen, residing at 3 Petuna Street, Sandton, Bryanston;

4 MULIMISI SOLOMON MAPOSA

A forty-nine-year-old male, a South-African citizen, residing at House 641, Block G Extension, Thohoyandou;

5 NHLANHLA KELVIN SIPHO MALABA

A forty-six-year-old male, a South-African citizen, residing at 222 Black Eagle Drive, Cedar Lakes, Cedar Boulevard, Fourways;

6 PHALAPHALA AVASHONI RAMIKOSI

A forty-six-year-old male, a South-African citizen, residing at 11A Henry Road, Edenburg, Rivonia;

7 THIFHELIMBILU ERNEST NESANE

A forty-one-year-old male, a South-African citizen, residing at 373 Cuckoo Crescent, Willow Acres Estate, Silver Lakes, Pretoria;

8 PAUL MAGULA

A forty-three-year-old male, a South-African citizen, residing at Unit 12 Potters Green, 2 Meyer Street, Albertsville, Johannesburg;

9 MMBULAHENI ROBERT MADZONGA

A fifty-three-year-old male, a South-African citizen, residing at 42 Polo Close, Blue Hills Ext 8, Johannesburg;

10 KABELO JOHN MATSEPE

A twenty-nine-year-old male, a South-African citizen, residing at 1 Mount Redfield Street, Midstream Estate, Centurion;

11 MAMPHE DANIEL MSIZA

A fifty-three-year-old male, a South-African citizen, residing at 88 Voortrekker Street, Polokwane;

12 RALLIOM RAZWINANE

A thirty-nine-year-old male, a South-African citizen, residing at 415 Colonial Drive, Eagle Canyon Golf Estate, Radiokop, Roodepoort;

13 TAKUNDA EDGAR MUCHEKE

A thirty-seven-year-old male, a Zimbabwean citizen and a permanent resident of South Africa, residing at 322 Pine Avenue, Randburg; and

14 TSHIANEO MADADZHE

A thirty-seven-year-old male, a South African citizen, residing at 26 Olive Grove, Thornhill, Polokwane,

(hereinafter referred to as the accused)

are guilty of the crimes of:

INDICTMENT

- 1 CONTRAVENING SECTION 2(1)(e) READ WITH SECTIONS 1, 2(2), 2(3) AND 2(4) OF THE PREVENTION OF ORGANISED CRIME ACT, NO. 121 OF 1998 (Count 1)**
- 2 CONTRAVENING SECTION 2(1)(f) READ WITH SECTIONS 1, 2(2), 2(3), 2(4) AND 3 OF THE PREVENTION OF ORGANISED CRIME ACT, NO. 121 OF 1998 (Count 2)**
- 3 CONTRAVENING SECTION 2(1)(b) READ WITH SECTIONS 1, 2(2), 2(3) AND 2(4) OF THE PREVENTION OF ORGANISED CRIME ACT, NO. 121 OF 1998 (Count 3)**
- 4 CONTRAVENING SECTION 2(1)(d) READ WITH SECTIONS 1, 2(2), 2(3) AND 2(4) OF THE PREVENTION OF ORGANISED CRIME ACT, NO. 121 OF 1998 (Count 4)**
- 5 CONTRAVENING SECTION 2(1)(g) READ WITH SECTIONS 1, 2(2), 2(3), 2(4) AND 3 OF THE PREVENTION OF ORGANISED CRIME ACT, NO. 121 OF 1998 (Count 5)**

- 6 THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, NO. 105 OF 1997 (Counts 6 to 16)
- 7 THEFT (GENERAL DEFICIENCY) READ WITH THE PROVISIONS OF SECTION 100 OF THE CRIMINAL PROCEDURE ACT NO. 51 OF 1977, AND SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, NO. 105 OF 1997 (Count 17 and alternative to Counts 6 to 16)
- 8 FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, NO. 105 OF 1997 (Counts 18 to 28)
- 9 CONTRAVENING SECTION 3(b) READ WITH SECTIONS 1, 2, 24, 25 AND 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO. 12 OF 2004 (Counts 29, 30, 31, 32, 34, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171 and 173)
- 10 CONTRAVENING SECTION 3(a) READ WITH SECTIONS 1, 2, 24, 25 AND 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO. 12 OF 2004 (Counts 33, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172 and 174)
- 11 CONTRAVENING SECTION 4 READ WITH SECTIONS 1 AND 8 OF THE PREVENTION OF ORGANISED CRIME ACT, NO. 121 OF 1998 – MONEY LAUNDERING (Counts 175 to 188)

GENERAL PREAMBLE

WHEREAS

- 1 The **Prevention of Organised Crime Act, No.121 of 1998 ("POCA")** creates various criminal offences in respect of racketeering.
- 2 POCA defines an "**enterprise**" as "*... including any individual, partnership, corporation, association, or other juristic person or legal entity, and any union or group of individuals associated in fact, although not a juristic person or legal entity*".
- 3 POCA defines "**pattern of racketeering activity**" as "*the planned, ongoing, continuous or repeated participation or involvement in any offence referred to in Schedule 1 and includes at least two offences referred to in Schedule 1, of which one of the offences occurred after the commencement of this Act and the last offence occurred within 10 years (excluding any period of imprisonment) after the commission of such prior offence referred to in Schedule 1*".
- 4 POCA defines "**unlawful activity**" as "*any conduct which constitutes a crime or which contravenes any law whether such conduct occurred before or after the commencement of this Act and whether such conduct occurred in the Republic or elsewhere*".
- 5 POCA defines "**proceeds of unlawful activities**" as "*any property or any service, advantage, benefit or reward which was derived, received or retained, directly or indirectly, in the Republic or elsewhere, at any time before or after the commencement of this Act, in connection with or as a result of any unlawful activity carried on by any person, and includes any property representing property so derived*".

- 6 POCA defines "**property**" as "*money or any other movable, immovable, corporeal or incorporeal thing and includes any rights, privileges, claims and securities and any interest therein and all proceeds thereof*".
- 7 Section 2(1)(e) of POCA provides that any person(s) whilst managing or employed by or associated with any enterprise, conducts or participates in the conduct, directly or indirectly, of such enterprise's affairs through a pattern of racketeering activity is guilty of an offence.
- 8 Section 2(1)(f) further provides that a person who manages and or operates an enterprise and who knows or ought reasonably to have known, that a person employed by or associated with that enterprise, conducts or participates directly or indirectly in the conduct of the enterprise's affairs through a pattern of racketeering activity, shall be guilty of an offence.
- 9 Section 2(1)(b) further provides that any person who receives or retains property, directly or indirectly, on behalf of an enterprise; and/or knows or ought reasonably to have known that such property derived or was derived from or through a pattern of racketeering activity, is guilty of an offence.
- 10 Section 2(1)(d) further provides that any person who acquires or maintains, any interest in or control of any enterprise, directly or indirectly, through a pattern of racketeering activity, is guilty of an offence.
- 11 Section 2(1)(g) of POCA determines that any person who conspires or attempts to violate any of the provisions of sections 2(1) (a), (b), (c), (d), (e) or (f) shall be guilty of an offence.

AND WHEREAS

- 12 VBS Mutual Bank ("**VBS**") was a mutual bank as defined in the Mutual Banks Act, Act 124 of 1993 ("**the Mutual Banks Act**"). VBS was subject to supervision by the Registrar of Banks ("**the Registrar**").
- 13 All municipalities are subject to the provisions of the Local Government: Municipal Finance Management Act, 56 of 2003 ("**the MFMA**").
- 14 The preamble to the MFMA reads as follows:
- "To secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government; to establish treasury norms and standards for the local sphere of government; and to provide for matters connected therewith."*
- 15 The objects of the MFMA, as prescribed in section 2 of the MFMA, include the securing of sound and sustainable management of the fiscal and financial affairs of municipalities and municipal entities by establishing norms and standards and other requirements for, *inter alia*:
- 15.1 ensuring transparency, accountability and appropriate lines of responsibility in the fiscal and financial affairs of municipalities and municipal entities; and
- 15.2 the management of their revenues, expenditure, assets and liabilities and the handling of their financial dealings.
- 16 Section 13 of the MFMA, read with the Local Government: Municipal Finance Management Act 2003: Municipal Investment Regulations (promulgated in Government Notice R. 308 in Gazette No. 27431 and which became effective on 1 April 2005) ("**the Regulations**") sets the legal framework within which municipalities may invest

municipal funds.

- 17 Section 7(3) of the MFMA prescribes that a municipality may not open a bank account with an institution not registered as a bank in terms of the Banks Act.
- 18 Regulation 6(c) of the Regulations specifies that a municipality may invest funds only in deposits with banks registered in terms of the Banks Act.
- 19 In terms of the Regulations, each municipality must adopt an investment policy which sets out amongst others, the procedure for the invitation and selection of competitive bids or offers in accordance with the supply chain management (hereinafter referred to as "**SCM**") process in terms of the SCM regulations supported by municipal policy.
- 20 Accused 1 was a director of VBS and held the position of Chairman of the Board of Directors.
- 21 Accused 2 was an employee and director of VBS and held the position of Chief Executive Officer.
- 22 Philippus Nicholas Truter ("**Truter**") was an employee and director of VBS and held the position of Chief Financial Officer.
- 23 Accused 3 was an employee of VBS and held the position of Head of Treasury and Capital Management.
- 24 Accused 4 was an employee of VBS with the title Managing Director: Retail.
- 25 Accused 5 was a director of KMPG Inc. which was the duly appointed auditor of VBS. Accused 5 was the Audit Engagement Partner responsible for:
 - 25.1 the audit of the annual financial statements of VBS for the year ending 31 March 2017 ("**the annual financial statements**"); and

25.2 the regulatory audit contemplated in Regulation 6(1) read with Regulations 6(2) and 6(5) of the Regulations to the Mutual Banks Act ("**the Regulations**"), made by the Minister of Finance under Section 91 of the Mutual Banks Act on 28 December 1993 as set out in Government Notice number R.2508, published in Regulation Gazette number 5227 ("**the Regulatory Audit**").

26 Accused 6 was a Non-Executive Director of VBS and held the position of Chairman of the Audit Committee.

27 Accused 7 was the Executive Head: Legal Counsel, Governance and Compliance for the Public Investment Corporation ("**PIC**"). He was a Non-Executive Director of VBS, who was appointed as such on the nomination of the PIC, which held approximately 26% of the issued shares in VBS.

28 Accused 8 held the post of Executive Head: Risk Management at the PIC. He was a Non-Executive Director of VBS, who was also appointed as such on the nomination of the PIC.

29 Accused 9 was the Chief Operating Officer of VBS for the period August 2016 to October 2016 and the Chief Operating Officer of Vele Investments (Pty) Ltd ("**Vele**") for the period January 2017 to September 2017 as well as the Chief Executive Officer of Vele for the period October 2017 to August 2018. He became a director of Vele on 18 August 2016.

30 Accused 10, Accused 11, Accused 12, Accused 13 and Accused 14 were party to the solicitation of deposits by various municipalities into VBS and influenced various municipal officials to make such investments and reinvestments.

31 Section 53 of the Mutual Banks Act provides as follows:

"(1) A mutual bank shall, in order to enable the Registrar to determine –

(a) whether the mutual bank is complying with the provisions of section 48 and 50 of this Act or of section 10A of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), as applied by section 49 of this Act; or

(b) the nature and amounts of the mutual bank's assets, liabilities and contingent liabilities,

furnish the Registrar, subject to the provisions of subsection (3A), with returns.

(2) ...

(3) A mutual bank shall, in addition to the returns referred to in subsection (1), furnish the Registrar, subject to subsection (3A), with the prescribed returns, including returns relating to the extent and management of risk exposures in the conduct of its business.

(3A) The returns referred to in subsections (1) and (3) shall be prepared in conformity with generally accepted accounting practice and shall be furnished to the Registrar in respect of such period, at such times and on such a form as may be prescribed.

(4) A mutual bank shall furnish the Registrar, in respect of those of the respective returns referred to in subsections (1) and (3) which most nearly coincide with the end of the financial year of the mutual bank, with a report by the auditor of the mutual bank in which is stated whether or not those returns fairly and in conformity with generally accepted accounting practice, present those affairs of the mutual bank to which the returns relate and the Registrar may, if he or she deems it necessary, require the mutual bank so to furnish him or her with such a report in respect of any other of those forms furnished during the financial year.

(5) A mutual bank shall, at such times as may be prescribed, furnish the Registrar with such further prescribed information as the Registrar may require."

- 32 Regulation 5 of the Regulations provides that a mutual bank shall, within 120 days of the end of its financial year, furnish the Registrar with consolidated annual financial statements, which, in accordance with Regulation 4, shall be compiled in accordance with generally accepted accounting practice.
- 33 Regulation 6(1) requires that the auditor of a mutual bank shall annually report on the mutual bank's financial position and the result of its operations as reflected in all the returns, submitted in terms of Section 53 of the Mutual Banks Act, referred to in Regulation 6(5) that had been submitted to the Registrar as at the end of the financial year end of the reporting mutual bank.
- 34 Regulation 6(2) requires the auditor to report whether in his opinion the information contained in the returns at year end, in all material respects:
- 34.1 reasonably reflects the information of the management accounts;
 - 34.2 is complete in so far as all relevant information contained in the accounting and other records at the reporting date has been extracted therefrom and recorded in the returns;
 - 34.3 is accurate in so far as it correctly reflects information contained in, and extracted from, the accounting and other records at the reporting date; and
 - 34.4 was prepared using the same accounting policies as those contained in the management and statutory accounts.

- 35 Regulation 6(5) requires that the audit report contemplated in Regulation 6(1) shall be rendered in accordance with the wording and practices recommended from time to time by the South African Institute of Chartered Accountants and shall be in respect of Forms DI 100, DI 110, DI 200, DI 300, DI 310, DI 400, DI 401, DI 402, DI 403, DI 410, DI 420, DI 430, DI 500, DI 510, DI 520, DI 600, DI 700, DI 701, DI 702 and DI 704 submitted in respect of the reporting bank's operations.
- 36 Regulation 17(2) provides that in setting out amounts in the respective DI Returns that such "*amounts shall be shown to the nearest thousand units of currency, for example, R4 107 498 and R4 107 540 shall be reported as R4 107 and R4 108, respectively*".
- 37 On 4 July 2017 Accused 6, in his capacity as Chairman of the Audit Committee, signed the Audit Committee Report as part of the Annual Report of VBS for the year ending 31 March 2017. The Audit Committee Report stated, *inter alia*, the following:

"External audit

The committee

- *Nominated KPMG as auditors and Sipho Malaba as the independent auditor and designated audit partner, respectively to the shareholders for appointment for the financial year ended 31 March 2017, of the Bank, and ensured that the appointments complied with legal and regulatory requirements for the appointment of an auditor;*
- *Approved the external audit engagement letter, the audit plan and the budgeted audit fees payable to the external auditors;*
- *Determined the nature and extent of all non-audit services provided by the independent auditors and pre-approved all non-audit services undertaken;*

- *Obtained assurances from the independent auditors that adequate accounting records were being maintained;*
- *Confirmed that no reportable irregularities had been identified or reported by the independent auditors under the Auditing Profession Act;*
- *The committee is satisfied that KPMG is independent of the Bank after taking the following factors into account:*
- *Representations made by KPMG to the committee;*
- *The auditors do not, except as external auditors or in rendering permitted non-audit services, receive any remuneration or other benefit from the Bank;*
- *That the auditors' independence was not impaired by any consultancy, advisory or other work undertaken;*
- *That the auditors' independence was not prejudiced as a result of any previous appointment as auditors; and*
- *The criteria specified for independence by the Independent Regulatory Board for Auditors and international regulatory bodies.*

Annual Financial Statements

The committee has reviewed the annual financial statements of the Bank and is satisfied that they comply in all material respects with International Financial Reporting Standards and the requirements of the Mutual Banks Act.

The committee:

- *Confirmed, based on management's review, that the interim and annual financial statements were prepared on the going concern basis;*
- *Examined the annual financial statements and other financial information made public, prior to their approval by the board;*

- *Considered accounting treatments, significant or unusual transactions and accounting judgements; - considered the appropriateness of accounting policies and any changes made;*
- *Reviewed the representation letter relating to the annual financial statements;*
- *Considered any problems identified as well as any legal and tax matters that could materially affect the financial statements; and*
- *Met separately with management, external audit and internal audit and satisfied themselves that no material control weakness exists.*

Recommendation of the annual financial statements for approval by the board

Following the review by the committee of the annual financial statements of VBS Mutual Bank for the year ended 31 March 2017, the committee is of the view that, in all material respects, it complies with the relevant provisions of the Mutual Banks Act and IFRS and fairly presents the financial position at that date and the results of its operations and cash flows for the year then ended. The committee has also satisfied itself as to the integrity of the remainder of the annual report.

Having achieved its objectives for the financial year, the committee recommended the annual financial statements and annual integrated report for the year ended 31 March 2017 for approval to the board."

("the Audit Committee Report")

38 On 4 July 2017 the Board of Directors of VBS approved the annual financial statements.

39 On 4 July 2017 Accused 1 and Accused 2, in their respective capacities as the Chairman of VBS and the Chief Executive Officer of VBS, signed the Directors' Responsibility Statement in respect of the annual financial statements in the following terms:

"The Directors are responsible for the preparation and fair presentation of the annual financial statements of VBS Mutual Bank ("the Bank"), which comprise the statement of financial position as at 31 March 2017, and the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and the notes to the financial statements including a summary of significant accounting policies and other explanatory notes, in accordance with International Financial Reporting Standard and the requirements of the Mutual Bank's Act of South Africa. In addition, the Directors are responsible for preparing the Directors' report.

The Directors are also responsible for such internal control as the Directors determine is necessary to enable the preparation of annual financial statements that are free from material misstatement, whether due to fraud or error, and for maintaining adequate accounting records and an effective system of risk management as well as the preparation of the supplementary schedules included in these annual financial statements.

The Directors had made an assessment of the ability of the Bank to continue as a going concern and have no reason to believe that the business will not be a going concern in the year ahead.

The Auditor is responsible for reporting on whether the financial statements are fairly presented in accordance with the applicable financial reporting framework."

("the Directors' Responsibility Statement")

- 40 On 17 July 2017 Accused 5 signed the Independent Auditor's Report on the Audit of the Financial Statements in which he gave the following Audit Opinion in respect of the annual financial statements:

"We have audited the financial statements of VBS Mutual Bank ("the Bank") set out on page 64 to 123, which comprise the statement of financial position as at 31 March 2017, and the statement of profit or loss

and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements fairly present, in all material respects, the financial position of VBS Mutual Bank as at 31 March 2017, and its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards (IFRS) and the requirements of the Mutual Bank's Act."

("the Audit Opinion")

41 On 11 October 2017, Accused 5, on behalf of KPMG, addressed a report to the Registrar in terms of Regulation 6(1) in which he stated the following:

"In accordance with Regulation 6(1), we have audited the DI 100, DI 110, DI 200 and DI 400 returns (the "returns") as at 31 March 2017. We have stamped the returns for identification purposes.

The preparation of the returns in terms of the Regulations is the responsibility of management of the Bank. Our responsibility is to report on the returns listed above.

We conducted our audit in accordance with International Standards on Auditing. An audit includes an evaluation of the appropriateness of the accounting policies, an examination, on a test basis, of evidence supporting the amounts and disclosures included in the returns, an assessment of the reasonableness of significant estimates and a consideration of the overall presentation of the returns. We consider that our audit procedures were appropriate in the circumstances to express our opinion presented below.

Opinion

In our opinion the abovementioned returns:

- *fairly present the financial position of the Bank at 31 March 2017 and the result of its operations for the year then ended in the manner*

required by the Regulations;

- *reasonably reflect the information of the management accounts;*
- *are complete in so far as all relevant information contained in the accounting and other records at the reporting date has been extracted there from and recorded in the returns;*
- *are accurate in so far as it does correctly reflect the information contained in, and extracted from, the accounting and other records at the reporting date; and are prepared using the same accounting policies as those applied in the management and statutory accounts.*

Emphasis of matter

Without modifying our conclusion above, we draw your attention to the matters noted in Annexure A which affect the DI 100, DI 110, DI 200 and DI 400 returns."

("the Regulation 6(1) report")

42 Accused 1 in his capacity as the Chairman of VBS:

42.1 Controlled and operated the banking systems of VBS; and/or

42.2 Controlled the financial records of VBS; and/or

42.3 Signed the Directors' Responsibility Statement.

43 Accused 2 in his capacity as the Chief Executive Officer of VBS:

43.1 Controlled and operated the banking systems of VBS; and/or

43.2 Controlled the financial records of VBS; and/or

43.3 Signed the Directors' Responsibility Statement.

- 44 Truter in his capacity as Chief Financial Officer of VBS:
 - 44.1 Controlled and operated the banking systems of VBS; and/or
 - 44.2 Controlled the financial records of VBS; and/or
 - 44.3 Prepared and/or caused to be prepared the annual financial statements; and/or
 - 44.4 Prepared and/or caused to be prepared the returns referred to in Sections 53(1) and 53(3) of the Mutual Banks Act as read with the Regulations.

- 45 Accused 3 in his capacity as Head of Treasury and Capital Management of VBS:
 - 45.1 Controlled and operated the banking systems of VBS; and/or
 - 45.2 Controlled the financial records of VBS; and/or
 - 45.3 Prepared and/or caused to be prepared the returns referred to in Sections 53(1) and 53(3) of the Mutual Banks Act as read with the Regulations.

- 46 Accused 4 in his capacity as Managing Director: Retail, exercised control over certain of the banking systems of VBS.

- 47 Accused 5 in his capacity as the Audit Engagement Partner was responsible for:
 - 47.1 The audit of the annual financial statements; and
 - 47.2 The Regulatory Audit.

- 48 By virtue of his position as a director of VBS and, in particular, by virtue of his position as the Chairman of the Audit Committee of VBS, Accused 6 was entrusted with the

oversight of the system of internal financial control of VBS and thus with the oversight over the receipt and custody of monies on behalf of VBS.

49 By virtue of their position as a directors of VBS, Accused 7 and 8 were entrusted with the oversight of the system of internal financial control of VBS and thus with the oversight over the receipt and custody of monies on behalf of VBS.

50 VBS held, *inter alia*, the following banking accounts:

50.1 an account numbered 62659807162 at First National Bank ("**the VBS Corporate Cheque account**");

50.2 an account numbered 4070383292 at ABSA ("**the VBS ABSA account**");

50.3 an account numbered 000658308001 at VBS ("**the VBS Corporate Bank account**"); and

50.4 an account numbered 493003 at VBS ("**the VBS ATM Settlement account**").

51 A banking account at VBS with account number 10040299001 was held in the name of Vele ("**the Vele 001 account**").

52 Accused 1 had control over the Vele 001 account.

53 A banking account at VBS with account number 10040299004 was held in the name of Vele ("**the Vele 004 account**").

54 Accused 1 had control over the Vele 004 account.

55 A banking account at VBS with account number 10038197001 was held in the name of Vele Petroport Holdings SA (Pty) Ltd ("**the Vele Petroport account**").

- 56 Accused 1 had control over the Vele Petroport account.
- 57 A banking account at VBS with account number 10010209001 was held in the name of Venmont Holdings (Pty) Ltd ("**the Venmont account**").
- 58 Accused 1 had control over the Venmont account.
- 59 A banking account at VBS with account number 010032997001 was held in the name of Robvet (Pty) Ltd ("**the Robvet account**").
- 60 Accused 1 had control over the Robvet account.
- 61 A vehicle finance account at VBS with account number 010034167001 was held in the name of Robvet (Pty) Ltd ("**the Robvet vehicle finance account**").
- 62 Accused 1 had control over the Robvet vehicle finance account.
- 63 A banking account at VBS with account number 010075467001 was held in the name of Khavho Enterprice (Pty) Ltd ("**the Khavho Enterprice account**").
- 64 Accused 1 had control over the Khavho Enterprice account.
- 65 A banking account at VBS with account number 010028620001 was held in the name of Scorpion Business Solutions ("**the Scorpion account**").
- 66 Accused 1 had control over the Scorpion account.
- 67 A banking account at VBS with account number 000638668001 was held in the name of Tiisang Risk and Assurance Consulting ("**the Tiisang account**").
- 68 Accused 1 had control over the Tiisang account.
- 69 A banking account at VBS with account number 000519340005 was held in the name of Accused 1 ("**the Matodzi 005 account**").

- 70 Accused 1 had control over the Matodzi 005 account.
- 71 A banking account at VBS with account number 000519340009 was held in the name of Accused1 ("**the Matodzi 009 account**").
- 72 Accused 1 had control over the Matodzi 009 account.
- 73 A banking account at VBS with account number 010075475001 was held in the name of Hadiful Enterprises ("**the Hadiful Enterprises account**").
- 74 Accused 1 had control over the Hadiful Enterprises account.
- 75 A banking account at VBS with account number 010043301001 was held in the name of Samuma Enterprises (Pty) Ltd ("**the Samuma Enterprises account**").
- 76 Accused 1 had control over the Samuma Enterprises account.
- 77 Dambale Holdings (Pty) Limited, with registration number 2015/026841/07 ("**Dambale**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account with account number 10021405001 at VBS ("**the Dambale account**").
- 78 Accused 2 was the sole director and shareholder of Dambale and was the beneficiary of all amounts standing to the credit of Dambale in the Dambale account.
- 79 Amounts totalling R19 000 000 were paid into the Dambale account for the benefit of Accused 2, made up as follows:
- 79.1 R1 000 000 paid from the Vele 001 account on 21 December 2016;
- 79.2 R300 000 paid from the Vele 001 account on 13 January 2017;
- 79.3 R300 000 paid from the Vele 001 account on 25 January 2017;

- 79.4 R300 000 paid from the Vele 001 account on 24 February 2017;
- 79.5 R300 000 paid from the Vele 001 account on 31 July 2017;
- 79.6 R300 000 paid from the Vele 001 account on 31 August 2017;
- 79.7 R300 000 paid from the Vele 001 account on 2 October 2017;
- 79.8 R15 000 000 paid from the Vele 001 account on 5 October 2017;
- 79.9 R300 000 paid from the Vele 001 account on 31 October 2017;
- 79.10 R300 000 paid from the Vele 001 account on 30 November 2017;
- 79.11 R300 000 paid from the Vele 001 account on 22 December 2017; and
- 79.12 R300 000 paid from the Vele 001 account on 2 February 2018.

80 Munyai Investments (Pty) Limited, with registration number 2016/262046/07 ("**Munyai**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account with account number 62631226653 at First National Bank ("**the Munyai account**").

81 Accused 2 was the sole director and shareholder of Munyai and was the beneficiary of all amounts standing to the credit of Munyai in the Munyai account.

82 Amounts totalling R3 700 000 were paid into the Munyai account for the benefit of Accused 2, made up as follows:

- 82.1 R300 000 paid from the Vele Petroport account on 25 August 2016;
- 82.2 R300 000 paid from the Vele Petroport account on 23 September 2016;
- 82.3 R300 000 paid from the Vele Petroport account on 27 October 2016;

- 82.4 R180 000 paid from the Vele Petroport account on 1 December 2016;
 - 82.5 R120 000 paid from the Vele Petroport account on 1 December 2016;
 - 82.6 R300 000 paid from the Vele Petroport account on 20 December 2016;
 - 82.7 R1 000 000 paid from the Vele 001 account on 10 March 2017;
 - 82.8 R300 000 paid from the Vele 001 account on 30 March 2017;
 - 82.9 R300 000 paid from the Vele 001 account on 25 April 2017;
 - 82.10 R300 000 paid from the Vele 001 account on 29 May 2017; and
 - 82.11 R300 000 paid from the Vele 001 account on 3 July 2017.
- 83 Accused 2 held a banking account with account number 4052150629 at ABSA ("**the Ramavhunga account**").
- 84 Amounts totalling R795 000 were paid into the Ramavhunga account for the benefit of Accused 2, made up as follows:
- 84.1 R50 000 paid from the Venmont account on 9 February 2016;
 - 84.2 R50 000 paid from the Venmont account on 1 March 2016;
 - 84.3 R50 000 paid from the Venmont account on 29 March 2016;
 - 84.4 R50 000 paid from the Venmont account on 30 April 2016;
 - 84.5 R50 000 paid from the Venmont account on 31 May 2016;
 - 84.6 R50 000 paid from the Venmont account on 1 July 2016;
 - 84.7 R95 000 paid from the Vele Petroport account on 1 July 2016;

- 84.8 R300 000 paid from the Vele 001 account on 30 July 2016;
- 84.9 R50 000 paid from the Venmont account on 4 August 2016; and
- 84.10 R50 000 paid from the Venmont account on 20 December 2016.
- 85 In the circumstances, the cumulative amount of R23 495 000 was paid for the benefit of Accused 2 during the period 9 February 2016 to 2 February 2018.
- 86 Truter held a banking account with account number 10010877344 at Investec Private Bank ("**the Truter account**").
- 87 Shangri La Investments (Pty) Limited, with registration number 2017/480331/07 ("**Shangri La**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account with account number 62735437594 at First National Bank ("**the Shangri La account**").
- 88 Truter was the sole director and shareholder of Shangri La and was the beneficiary of all amounts standing to the credit of Shangri La in the Shangri La account.
- 89 The amount of R250 000 was paid from the Vele 001 account to the Truter account on 7 August 2017.
- 90 The cumulative amount of R2 000 000 was paid into the Shangri La account for the benefit of Truter, made up as follows:
- 90.1 R1 000 000 paid from the Vele 001 account on 20 November 2017; and
- 90.2 R1 000 000 paid from the Vele 001 account on 15 December 2017.
- 91 Lemawave (Pty) Limited, with registration number 2016/394388/07 ("**Lemawave**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account with account

number 010070988001 at VBS ("**the Lemawave account**").

92 The ostensible sole director and shareholder of Lemawave was Ranwedzi Peter Mukhodobwane. However, in truth, Ranwedzi Peter Mukhodobwane was a front for Accused 3 and Accused 3 was the beneficiary of all amounts standing to the credit of Lemawave in the Lemawave account.

93 On the instruction of Accused 1, an amount of R5 600 000 was credited to the Lemawave account for the benefit of Accused 3 on 30 March 2017.

94 An amount of R10 000 000 was paid from the Vele 001 account into the Lemawave account for the benefit of Accused 3 on 5 October 2017.

95 An amount of R1 000 000 was paid from the Robvet account into the Lemawave account for the benefit of Accused 3 on 21 February 2018.

96 Accused 3 held a banking account with account number 62613521196 at First National Bank ("**the Mukhodobwane account**").

97 Amounts totalling R500 000 were paid into the Mukhodobwane account for the benefit of Accused 3, made up as follows:

97.1 R350 000 paid from the Vele 001 account on 13 April 2017; and

97.2 R150 000 paid from the Vele 001 account on 13 May 2017.

98 In the circumstances, the cumulative amount of R17 100 000 was paid and credited for the benefit of Accused 3 during the period 30 March 2017 to 5 October 2017.

99 Accused 4 had control over and/or was the beneficiary of, *inter alia*, the following banking accounts:

99.1 a banking account at VBS with account number 000375519003 held in the

- name of Accused 4 ("**the first Maposa vehicle finance account**");
- 99.2 a banking account at VBS with account number 000375519004 held in the name of Accused 4 ("**the Maposa mortgage bond account**");
- 99.3 a banking account at VBS with account number 010011388001 held in the name of MN Maposa ("**the first MN Maposa vehicle finance account**");
- 99.4 a banking account at VBS with account number 010011388002 held in the name of MN Maposa ("**the second MN Maposa vehicle finance account**");
- 99.5 a banking account at VBS with account number 010011701001 held in the name of R Ramuntshi ("**the Ramuntshi account**");
- 99.6 a banking account at VBS with account number 010059283001 held in the name of Rams and Sons Accommodation and Brickmakers ("**the Rams and Sons account**");
- 99.7 a banking account at VBS with account number 010059283005 held in the name of Rams and Sons Accommodation and Brickmakers ("**the first Rams and Sons vehicle finance account**");
- 99.8 a banking account at VBS with account number 010059283007 held in the name of Rams and Sons Accommodation and Brickmakers ("**the second Rams and Sons vehicle finance account**");
- 99.9 a banking account at VBS with account number 010059283008 held in the name of Rams and Sons Accommodation and Brickmakers ("**the third Rams and Sons vehicle finance account**");

- 99.10 a banking account at VBS with account number 010036682001 held in the name of MRS Holdings ("**the MRS Holdings account**");
- 99.11 a banking account at VBS with account number 000564737002 held in the name of Rezevation 4-2 Communications ("**the Rezevation account**");
- 99.12 a banking account at VBS with account number 010028620001 held in the name of Scorpion Business Solutions ("**the Scorpion account**");
- 99.13 a banking account at FNB with account number 62058977574 held in the name of Accused 4 ("**the Maposa FNB account**");
- 99.14 a banking account at FNB with account number 62698479922 held in the name of Musa Villa Entertainment ("**the Musa Villa FNB account**");
- 99.15 a banking account at FNB with account number 62476062262 held in the name of Rams and Sons Accommodation ("**the first Rams and Sons FNB account**");
- 99.16 a banking account at FNB with account number 62629922768 held in the name of Rams and Sons Accommodation ("**the second Rams and Sons FNB account**"); and
- 99.17 a banking account at FNB with account number 627192258866 held in the name of Chimultak General Dealer Partnership ("**the Chimultak FNB account**").

100 The following payments, amounting to R5 034 500.24, were made into accounts under the control of and/or for the benefit of Accused 4:

- 100.1 R30 000 from the Matodzi 005 account to the Ramuntshi account on

- 10 February 2016;
- 100.2 R150 000 from the Matodzi 009 account to the Ramuntshi account on 4 March 2016;
- 100.3 R100 000 from the Matodzi 009 account to the Ramuntshi account on 9 May 2016;
- 100.4 R100 000 from the Venmont Holdings account to the Ramuntshi account on 25 May 2016;
- 100.5 R1 991 569.16 from the Robvet vehicle finance account to the first Maposa vehicle finance account on 1 June 2016;
- 100.6 R150 000 from the Robvet account to the Ramuntshi account on 25 June 2016;
- 100.7 R100 000 from the Robvet account to the Ramuntshi account on 15 August 2016;
- 100.8 R100 000 from the Robvet account to the Ramuntshi account on 17 August 2016;
- 100.9 R443 419.39 from the Samuma Enterprises account to the first Maposa vehicle finance account on 18 February 2017;
- 100.10 R500 000 from the Lemawave account to the second Rams and Sons FNB account on 25 March 2017;
- 100.11 R499 999 from the Khavho Enterprice account to the Musa Villa FNB account on 25 May 2017;

- 100.12 R300 000 from the Hadiful Enterprises account to the Musa Villa FNB account on 3 July 2017;
- 100.13 R20 000 from the Khavho Enterprice account to the Maposa FNB account on 13 September 2017;
- 100.14 R49 000 from the Hadiful Enterprises account to the first Rams and Sons FNB account on 14 September 2017;
- 100.15 R300 482.69 from the Hadiful Enterprises account to the Chimultak FNB account on 11 November 2017; and
- 100.16 R200 030 from the Khavho Enterprice account to the first Rams and Sons FNB account on 6 February 2018.

101 The aforesaid payments were made on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

102 The following payments, amounting to R1 170 892 were made into an account held by Limpopo Toyota at Standard Bank for the benefit of Accused 4:

- 102.1 R525 992 from the Samuma Enterprises account on 23 February 2017;
- 102.2 R379 400 from the Hadiful Enterprises account on 6 May 2017; and
- 102.3 R265 500 from the Khavho Enterprice account on 6 May 2017.

103 The aforesaid payments were made on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

104 As at 11 March 2018 Accused 4 was the beneficiary of the cumulative sum of R32 296 305.21, being the outstanding balance of facilities granted to accounts under

his control and/or for his benefit, made up as follows:

- 104.1 R3 957 612.07 in respect of the Maposa mortgage bond account;
- 104.2 R597 563.79 in respect of the second MN Maposa vehicle finance account;
- 104.3 R6 032 950.38 in respect of the Rams and Sons account;
- 104.4 R649 985.97 in respect of the first Rams and Sons vehicle finance account;
- 104.5 R678 299.96 in respect of the second Rams and Sons vehicle finance account;
- 104.6 R1 535 420.55 in respect of the third Rams and Sons vehicle finance account;
- 104.7 R6 498 639.94 in respect of the MRS Holdings account;
- 104.8 R6 087 785.05 in respect of the Rezevation account; and
- 104.9 R6 258 047.50 in respect of the Scorpion account.

105 The aforesaid facilities were granted on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

106 During the period 27 January 2016 to 11 March 2018 Ihaawu Lesizwe Trading CC, with registration number 2007/073419/23 ("**Ihaawu Lesizwe**"), being a close corporation duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held the following banking accounts at VBS ("**the Ihaawu Lesizwe accounts**"):

- 106.1 Classic Business Account numbered 10011973002;
- 106.2 Vehicle Finance Account numbered 10003458002;

106.3 Vehicle Finance Account numbered 10003458004; and

106.4 Mortgage Bond Account numbered 10003458005.

107 The ostensible directors and shareholders of Ihaawu Lesizwe were Jacqueline Jasemen Malaba and Bafana Mulindelwa Malaba. However, in truth, Jacqueline Jasemen Malaba and Bafana Mulindelwa Malaba were fronts for Accused 5 and Accused 5 was the beneficiary of all amounts standing to the credit of Ihaawu Lesizwe in the Ihaawu Lesizwe accounts and/or was the beneficiary of all amounts made available for the use of Ihaawu Lesizwe in the Ihaawu Lesizwe accounts.

108 During the period 22 March 2016 to 11 March 2018 Betanologix (Pty) Limited, with registration number 2015/299083/07 ("**Betanologix**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account at VBS with account number 10024196001 ("**the Betanologix account**").

109 The ostensible directors and shareholders of Betanologix were Jacqueline Jasemen Malaba and Mwise Mapepo. However, in truth, Jacqueline Jasemen Malaba and Mwise Mapepo were fronts for Accused 5 and Accused 5 was the beneficiary of all amounts standing to the credit of Betanologix in the Betanologix account and/or was the beneficiary of all amounts made available for the use of Betanologix in the Betanologix account.

110 As at 11 March 2018 Accused 5 was the beneficiary of the cumulative sum of R29 242 863 made up as follows:

110.1 R11 462 188 in respect of the Ihaawu Lesizwe account numbered 10011973002;

110.2 R445 755 in respect of the Ihaawu Lesizwe account numbered 10003458004;

110.3 R7 652 226 in respect of the Ihaawu Lesizwe account numbered 10003458005; and

110.4 R9 682 694 in respect of the Betanologix account numbered 10024196001.

111 The following amounts, totalling R654 579, were paid from the Tiisang account, on the instructions of Accused 1, for the benefit of Accused 5, into the trust banking accounts of certain attorneys on the dates set out below:

111.1 R236 259.04 to the trust banking account of Makaula Zilwa Inc on 18 April 2016;

111.2 R228 538.04 to the trust banking account of Makaula Zilwa Inc on 18 April 2016; and

111.3 R189 789.94 to the trust banking account of NGL Attorneys on 18 April 2016.

112 An amount of R98 000 was paid from the Scorpion account into the Ihaawu Lesizwe account numbered 010003458002 on the instructions of Accused 1 on 22 April 2017.

113 An amount of R250 000 was paid from the Khavho Enterprice account into the Ihaawu Lesizwe account numbered 10003458005 on the instructions of Accused 1 on 7 June 2017.

114 An amount of R90 000 was paid from the Robvet account into the Ihaawu Lesizwe account numbered 10003458005 on the instructions of Accused 1 on 14 September 2017.

- 115 In the circumstances, a further cumulative amount of R1 092 579 was paid and credited for the benefit of Accused 5 during the period 18 April 2016 to 14 September 2017.
- 116 Zanoware (Pty) Ltd, with registration number 2016/088114/07 ("**Zanoware**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account at VBS with account number 10070724001 ("**the Zanoware account**").
- 117 The ostensible sole director and shareholder of Zanoware was Alice Manye. However, in truth, Alice Manye was a front for Accused 6 and Accused 6 was the beneficiary of all amounts standing to the credit of Zanoware in the Zanoware account.
- 118 Amounts totalling R750 000 were paid from the Venmont account into the Zanoware account, upon the instructions of Accused 1, on the dates set out below:
- 118.1 R250 000 on 13 March 2017;
- 118.2 R200 000 on 29 July 2017; and
- 118.3 R300 000 on 29 October 2017.
- 119 Parallel Property Holdings (Pty) Limited, with registration number 2015/328314/07 ("**Parallel**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account at VBS with account number 010005981001 ("**the Parallel account**").
- 120 The ostensible sole director and shareholder of Parallel was Rudzani Morris Ndwammbi. However, in truth, Rudzani Morris Ndwammbi was a front for Accused 7 and Accused 7 was the beneficiary of all amounts standing to the credit of Parallel in the Parallel account.

121 Amounts totalling R1 100 000 were paid from the Venmont account into the Parallel account, upon the instructions of Accused 1, for the benefit of Accused 7, on the dates set out below:

121.1 R100 000 on 1 March 2016;

121.2 R50 000 on 29 March 2016;

121.3 R50 000 on 30 April 2016;

121.4 R50 000 on 31 May 2016;

121.5 R50 000 on 2 July 2016;

121.6 R50 000 on 4 August 2016; and

121.7 R750 000 on 2 September 2016.

122 Amounts totalling R750 000 were paid from the Vele Petroport account into the Parallel account, upon the instructions of Accused 1, for the benefit of Accused 7, on the dates set out below:

122.1 R150 000 on 25 August 2016;

122.2 R150 000 on 3 October 2016;

122.3 R150 000 on 26 October 2016;

122.4 R150 000 on 1 December 2016; and

122.5 R150 000 on 20 December 2016.

123 Amounts totalling R5 600 000 were paid from the Vele 001 account into the Parallel account, upon the instructions of Accused 1, for the benefit of Accused 7, on the dates

set out below:

- 123.1 R1 000 000 on 21 December 2016;
- 123.2 R150 000 on 13 January 2017;
- 123.3 R150 000 on 25 January 2017;
- 123.4 R150 000 on 24 February 2017;
- 123.5 R150 000 on 30 March 2017;
- 123.6 R300 000 on 25 April 2017;
- 123.7 R300 000 on 29 May 2017;
- 123.8 R300 000 on 3 July 2017;
- 123.9 R1 000 000 on 21 July 2017;
- 123.10 R300 000 on 31 July 2017;
- 123.11 R300 000 on 31 August 2017;
- 123.12 R300 000 on 29 September 2017;
- 123.13 R300 000 on 31 October 2017;
- 123.14 R300 000 on 30 November 2017;
- 123.15 R300 000 on 22 December 2017; and
- 123.16 R300 000 on 2 February 2018.

124 In the circumstances, the cumulative amount of R7 450 000 was paid and credited for the benefit of Accused 7 during the period 1 March 2016 to 2 February 2018.

125 Investar Connect Holdings, with registration number 2014/276521/07 ("**Investar**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account at VBS with account number 010026466001 ("**the Investar account**").

126 The ostensible sole director and shareholder of Investar was Lot Magosha. However, in truth, Lot Magosha was a front for Accused 8 and Accused 8 was the beneficiary of all amounts standing to the credit of Investar in the Investar account.

127 Amounts totalling R900 000 were paid from the Vele Petroport account into the Investar account, upon the instructions of Accused 1, for the benefit of Accused 8, on the dates set out below:

127.1 R150 000 on 25 August 2016; and

127.2 R750 000 on 30 August 2016.

128 Amounts totalling R2 800 000 were paid from the Vele 001 account into the Investar account, upon the instructions of Accused 1, for the benefit of Accused 8, on the dates set out below:

128.1 R1 000 000 on 21 December 2016;

128.2 R150 000 on 13 January 2017;

128.3 R150 000 on 25 January 2017;

128.4 R150 000 on 24 February 2017;

128.5 R150 000 on 30 March 2017;

128.6 R300 000 on 25 April 2017;

128.7 R300 000 on 29 May 2017;

128.8 R300 000 on 3 July 2017; and

128.9 R300 000 on 31 July 2017.

129 Hekima Capital (Pty) Limited, with registration number 2015/276242/07 ("**Hekima**"), being a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, held a banking account at VBS with account number 010086949001 ("**the Hekima account**").

130 The ostensible sole director and shareholder of Hekima was Lot Magosha. However, in truth, Lot Magosha was a front for Accused 8 and Accused 8 was the beneficiary of all amounts standing to the credit of Hekima in the Hekima account.

131 Amounts totalling R3 300 000 were paid from the Vele 001 account into the Hekima account, upon the instructions of Accused 1, for the benefit of Accused 8, on the dates set out below:

131.1 R1 000 000 on 21 July 2017;

131.2 R300 000 on 31 August 2017;

131.3 R300 000 on 29 September 2017;

131.4 R500 000 on 11 October 2017;

131.5 R300 000 on 31 October 2017;

131.6 R300 000 on 30 November 2017;

131.7 R300 000 on 22 December 2017; and

131.8 R300 000 on 2 February 2018.

132 In the circumstances, the cumulative amount of R7 000 000 was paid and credited for the benefit of Accused 8 during the period 25 August 2016 to 2 February 2018.

133 Accused 9 had control over, *inter alia*, the following banking accounts:

133.1 a banking account at VBS with account number 010021995001 held in the name of Accused 9 ("**the Madzonga VBS account**");

133.2 a banking account at VBS with account number 010021995011 held in the name of Accused 9 ("**the Madzonga mortgage bond account**"); and

133.3 a banking account at Standard Bank with account number 23032294 held in the name of Le Vainqueur (Pty) Ltd ("**the Le Vainqueur account**").

134 Amounts totalling R12 651 580.50 were paid into the Madzonga VBS account for the benefit of Accused 9, made up as follows:

134.1 R300 000 from the Vele 001 account on 29 July 2016;

134.2 R300 000 from the Vele Petroport account on 25 August 2016;

134.3 R300 000 from the Vele Petroport account on 23 September 2016;

134.4 R300 000 from the Vele Petroport account on 26 October 2016;

134.5 R300 000 from the Vele Petroport account on 30 November 2016;

134.6 R125 000 from the Vele Petroport account on 2 December 2016;

134.7 R425 000 from the Vele Petroport account on 20 December 2016;

134.8 R300 000 from the Vele 001 account on 13 January 2017;

134.9 R300 000 from the Vele 001 account on 25 January 2017;

- 134.10 R300 000 from the Vele 001 account on 24 February 2017;
- 134.11 R300 000 from the Vele 001 account on 30 March 2017;
- 134.12 R250 000 from the Vele 001 account on 13 April 2017;
- 134.13 R100 000 from the Vele 001 account on 25 April 2017;
- 134.14 R400 000 from the Vele 001 account on 25 April 2017;
- 134.15 R400 000 from the Vele 001 account on 29 May 2017;
- 134.16 R87 199.46 from the Vele 001 account on 29 May 2017;
- 134.17 R12 800.54 from the Vele 001 account on 6 June 2017;
- 134.18 R100 000 from the Vele 001 account on 3 July 2017;
- 134.19 R300 000 from the Vele 001 account on 3 July 2017;
- 134.20 R100 000 from the Vele 001 account on 4 July 2017;
- 134.21 R12 630.50 from the Vele 001 account on 21 July 2017;
- 134.22 R100 000 from the Vele 001 account on 31 July 2017;
- 134.23 R400 000 from the Vele 001 account on 31 July 2017;
- 134.24 R3 000 from the Vele 001 account on 14 August 2017;
- 134.25 R100 000 from the Vele 001 account on 31 August 2017;
- 134.26 R400 000 from the Vele 001 account on 31 August 2017;
- 134.27 R750 from the Vele 001 account on 31 August 2017;
- 134.28 R100 000 from the Vele 001 account on 2 October 2017;

- 134.29 R100 000 from the Vele 001 account on 2 October 2017;
- 134.30 R300 000 from the Vele 001 account on 2 October 2017
- 134.31 R25 200 from the Vele 001 account on 2 October 2017;
- 134.32 R3 930 000 from the Foxburgh account on 5 October 2017;
- 134.33 R100 000 from the Vele 001 account on 31 October 2017;
- 134.34 R400 000 from the Vele 001 account on 31 October 2017;
- 134.35 R100 000 from the Vele 001 account on 1 December 2017;
- 134.36 R400 000 from the Vele 001 account on 1 December 2017
- 134.37 R400 000 from the Vele 001 account on 22 December 2017;
- 134.38 R100 000 from the Vele 001 account on 22 December 2017;
- 134.39 R100 000 from the Vele 001 account on 19 January 2018;
- 134.40 R400 000 from the Vele 001 account on 2 February 2018;
- 134.41 R100 000 from the Vele 001 account on 2 February 2018; and
- 134.42 R80 000 from the Vele 001 account on 5 February 2018.

135 The aforesaid payments were made on the instructions of Accused 1.

136 On 18 October 2017 the amount of R4 500 000 was paid from the Vele 001 account into the Madzonga mortgage bond account.

137 The aforesaid payment was made on the instructions of Accused 1.

138 Amounts totalling R2 396 000 were paid into the Le Vainqueur account for the benefit of Accused 9, made up as follows:

- 138.1 R500 000 from the Black Label Telecoms account on 20 April 2016;
- 138.2 R400 000 from the Firmanox account on 23 April 2016;
- 138.3 R480 000 from the Firmanox account on 23 April 2016;
- 138.4 R200 000 from the Black Label Telecoms account on 3 June 2016;
- 138.5 R150 000 from the Sabicorp account on 6 June 2016;
- 138.6 R200 000 from the Sabicorp account on 10 June 2016;
- 138.7 R50 000 from the Sabicorp account on 17 June 2016;
- 138.8 R20 000 from the Allcare Administrators account on 27 June 2017;
- 138.9 R50 000 from the Foxburgh account on 6 July 2017;
- 138.10 R29 000 from the Foxburgh account on 7 July 2017;
- 138.11 R82 000 from the Foxburgh account on 31 July 2017;
- 138.12 R20 000 from the Allcare Administrators account on 24 August 2017;
- 138.13 R50 000 from the Foxburgh account on 1 September 2017;
- 138.14 R30 000 from the Foxburgh account on 1 September 2017
- 138.15 R3 000 from the Foxburgh account on 3 September 2017;
- 138.16 R20 000 from the Allcare Administrators account on 22 September 2017;
- 138.17 R20 000 from the Allcare Administrators account on 28 November 2017;

138.18 R20 000 from the Allcare Administrators account on 25 January 2018;

138.19 R15 000 from the Allcare Administrators account on 25 January 2018; and

138.20 R57 000 from the Inshare account on 31 January 2018.

139 The aforesaid payments were made on the instructions of Accused 1.

140 On 9 March 2018 the amount of R15 000 000 was paid into the Madzonga account consequent upon Accused 9 sending an e-mail to VBS in the following terms:

"Please reallocate the deposit amount of R15m into VBS account No: 010021995001, which amount was deposited on the 17th February 2018 and this amount was incorrectly allocated to Vele Investments account. The money was coming from my attorneys trust account, Mathopo Attorneys and was transferred from Nedbank, Maponya Mall Branch."

141 Accused 10 had control over, *inter alia*, the following banking accounts:

141.1 a banking account at FNB with account number 62416741579 held in the name of Accused 10 ("**the Matsepe account**");

141.2 a banking account at FNB with account number 62681758812 held in the name of Moshate Investment Group (Pty) Ltd ("**the Moshate account**");

141.3 a banking account at VBS with account number 10053951001 held in the name of Accused 10 ("**the Matsepe vehicle finance account**");

141.4 a banking account at VBS with account number 010053951002 held in the name of Accused 10 ("**the Matsepe mortgage bond account**").

142 Amounts totalling R4 963 330.99 were paid into the Matsepe account for the benefit of Accused 10, made up as follows:

- 142.1 R499 999 from the Robvet account on 15 October 2016;
- 142.2 R499 999 from the MRS Holdings account on 15 October 2016 (funded by an internal transfer from the Robvet account);
- 142.3 R456 000 from the Robvet account on 17 October 2016;
- 142.4 R483 333 from the VBS Corporate Bank account on 17 November 2016;
- 142.5 R166 575.34 from the VBS Corporate Bank account on 9 December 2016;
- 142.6 R1 347 945.20 from the VBS Corporate Bank account on 14 December 2016;
- 142.7 R1 287 561.64 from the VBS ATM Settlement account on 20 January 2017, (funded by an internal transfer from the VBS Corporate Bank account); and
- 142.8 R221 917.81 from the VBS ATM Settlement account on 17 February 2017 (funded by an internal transfer from the VBS Corporate Bank account).

143 The aforesaid payments were made on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

144 Amounts totalling R16 043 508.61 were paid into the Moshate account for the benefit of Accused 10, made up as follows:

- 144.1 R984 000 from the VBS Corporate Bank account on 8 March 2017;
- 144.2 R331 068.87 from the VBS ATM Settlement account on 15 March 2017 (funded by an internal transfer from the VBS Corporate Bank account);

- 144.3 R690 684.93 from the VBS Corporate Bank account on 24 March 2017;
- 144.4 R205 479.45 from the VBS Corporate Bank account on 4 April 2017;
- 144.5 R149 589.04 from the VBS Corporate Bank account on 5 April 2017;
- 144.6 R250 000 from the VBS Corporate Bank account on 20 April 2017;
- 144.7 R180 831.91 from the VBS Corporate Bank account on 28 April 2017;
- 144.8 R197 260.27 from the VBS Corporate Bank account on 9 May 2017;
- 144.9 R430 136.99 from the VBS Corporate Bank account on 15 May 2017;
- 144.10 R500 000 from the VBS ATM Settlement account on 10 July 2017 (funded by an internal transfer from the VBS Corporate Bank account);
- 144.11 R150 000 from the VBS Corporate Bank account on 21 July 2017;
- 144.12 R1 840 683.64 from the VBS ATM Settlement account on 22 August 2017 (funded by an internal transfer from the VBS Corporate Bank account);
- 144.13 R766 656.80 from the Robvet account on 5 September 2017;
- 144.14 R2 000 000 from the VBS ATM Settlement account on 7 September 2017 (funded by an internal transfer from the Robvet account);
- 144.15 R345 205.79 from the VBS ATM Settlement account on 20 October 2017 (funded by an internal transfer from the VBS Corporate Bank account);
- 144.16 R590 000 from the VBS ATM Settlement account on 30 October 2017 (funded by an internal transfer from the Robvet account);

- 144.17 R1 000 000 from the VBS Corporate Cheque account on 17 November 2017;
- 144.18 R300 130.46 from the VBS ATM Settlement account on 6 December 2017 (funded by an internal transfer from the Robvet account);
- 144.19 R300 000 from the VBS ATM Settlement on 12 December 2017 (funded by an internal transfer from the Robvet account);
- 144.20 R164 383.21 from the VBS ATM Settlement account on 18 December 2017 (funded by an internal transfer from the Robvet account);
- 144.21 R500 000 from the VBS ATM Settlement account on 20 December 2017 (funded by an internal transfer from the Robvet account);
- 144.22 R1 500 000 from the VBS ATM Settlement account on 22 December 2017 (funded by an internal transfer from the Robvet account);
- 144.23 R149 589.04 from the VBS ATM Settlement account on 10 January 2018 (funded by an internal transfer from the Robvet account);
- 144.24 R517 808.21 from the VBS ATM Settlement account on 12 January 2018 (funded by an internal transfer from the Robvet account); and
- 144.25 R2 000 000 from the VBS ATM Settlement account on 17 January 2018 (funded by an internal transfer from the VBS Corporate Bank account).

145 The aforesaid payments were made on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

146 As at 11 March 2018 Accused 10 was the beneficiary of the cumulative sum of R7 895 954.59, made up as follows:

146.1 R2 223 294.85 in respect of the outstanding balance on the Matsepe Vehicle Finance account numbered 010053951001, of which the amount of R173 314.57 represented unpaid arrears; and

146.2 R5 672 659.74 in respect of the outstanding balance on the Matsepe Mortgage Bond account numbered 010053951002, of which the amount of R294 803.22 represented unpaid arrears.

147 The aforesaid benefits were granted to Accused 10 on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

148 The following payments, amounting to R504 000 were made from the Matsepe account to third parties on the instructions of Accused 11:

148.1 R110 000 to Mzomboyi Trading on 22 December 2017;

148.2 R44 000 to Bothakgi Construction on 22 December 2017;

148.3 R150 000 to Riverview Property Developments on 22 December 2017; and

148.4 R200 000 to Shwings Construction on 22 December 2017.

149 The following payments, amounting to R3 244 450, were made from the Moshate account to third parties on the instructions of Accused 11:

149.1 R123 000 to Mzomboyi Trading on 21 March 2017;

149.2 R200 000 to SS International on 16 August 2017;

149.3 R400 000 to H Verkoeling on 16 August 2017;

- 149.4 R250 000 to HF Solutions on 16 August 2017;
- 149.5 R87 000 to Dr Grant Dewar on 22 August 2017;
- 149.6 R102 250 to CD Trusses on 29 August 2017;
- 149.7 R100 000 to HJ van Staden on 12 December 2017;
- 149.8 R132 000 to Kgokoloso Construction on 22 December 2017;
- 149.9 R171 000 to Holeb Business Enterprise on 22 December 2017;
- 149.10 R88 000 to Wayback Enterprise Trading on 23 December 2017;
- 149.11 R91 200 to P&P (Pty) Ltd on 23 December 2017; and
- 149.12 R1 500 000 to Niland & Pretorius on 17 January 2018.

150 The following payments, amounting to R716 000 were made from the Moshate account to the Mojovax Mortgage Bond account:

- 150.1 R200 000 on 11 July 2017;
- 150.2 R100 000 on 6 September 2017;
- 150.3 R100 000 on 28 September 2017;
- 150.4 R28 000 on 13 October 2017;
- 150.5 R108 000 on 6 November 2017; and
- 150.6 R180 000 on 29 March 2018.

151 Accused 12 was party to the solicitation of deposits by:

- 151.1 various municipalities into VBS and influenced various municipal officials to

make such deposits;

151.2 the Free State Development Corporation ("**the FDC**") into VBS and influenced various FDC officials to make such deposits; and

151.3 the Community Schemes Ombud Service ("**CSOS**") into VBS and influenced various CSOS officials to make such deposits.

152 Accused 12 had control over, *inter alia*, the following banking accounts:

152.1 a Classic Business banking account at VBS with account number 010051320001 held in the name of Gundo Wealth Solutions (Pty) Ltd ("**the Gundo Wealth VBS account**");

152.2 a Contract Finance account at VBS with no assigned account number held in the name of Gundo Wealth Solutions (Pty) Ltd ("**the Contract Finance account**"); and

152.3 a banking account at FNB with account number 62525190948 held in the name of Gundo Wealth Solutions (Pty) Ltd ("**the Gundo Wealth FNB account**").

153 An amount of R565 315.07 was paid into the Gundo Wealth FNB account from the VBS ATM Settlement account on 16 September 2016 (funded by an internal transfer from the VBS Corporate bank account number 000658308002).

154 Amounts totalling R7 316 200.61 were paid into the Gundo Wealth VBS account for the benefit of Accused 12, made up as follows:

154.1 R189 999.24 from the VBS Corporate Bank account on 22 September 2016;

- 154.2 R456 000 from the Robvet account on 15 October 2016;
- 154.3 R456 000 from the Robvet account on 17 October 2016;
- 154.4 R119 293.98 from the VBS Corporate Bank account on 5 January 2017;
- 154.5 R108 003.28 from the VBS Corporate Bank account on 28 February 2017;
- 154.6 R540 016.44 from the VBS Corporate Bank account on 24 March 2017;
- 154.7 R112 438.36 from the VBS Corporate Bank account on 9 May 2017;
- 154.8 R570 000 from the VBS Corporate Bank account on 24 June 2017;
- 154.9 R300 000 from the VBS Corporate Bank account on 17 July 2017;
- 154.10 R341 063.01 from the VBS Corporate Bank account on 21 July 2017;
- 154.11 R93 698.63 from the VBS Corporate Bank account on 1 August 2017;
- 154.12 R200 000 from the VBS Corporate Bank account on 28 August 2017;
- 154.13 R300 000 from the VBS Corporate Bank account on 3 October 2017;
- 154.14 R113 687.67 from the Robvet account on 30 October 2017;
- 154.15 R1 250 000 from the Robvet account on 17 November 2017;
- 154.16 R684 000 from the Robvet account on 17 January 2018; and
- 154.17 R1 482 000 from the Vele 001 account on 19 January 2018.

155 The aforesaid payments were made on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

- 156 On 5 January 2017 the outstanding balance on the Contract Finance Account, in the amount of R390 215.69 was settled for the benefit of Accused 12.
- 157 The settlement of the Contract Finance account was done on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.
- 158 Accused 13 and Accused 14 were parties to the solicitation of deposits by various municipalities into VBS and influenced various municipal officials to make such deposits.
- 159 Accused 13 had control over, *inter alia*, a banking account at FNB with account number 62527936316 held in the name of TNE Advisory Services (Pty) Ltd ("**the TNE account**").
- 160 Accused 14 had control over, *inter alia*, a banking account at FNB with account number 62560572672 held in the name of Double TM Consulting (Pty) Ltd ("**the Double TM account**").
- 161 Amounts totalling R7 011 647.70 were paid into the TNE account for the benefit of Accused 13 and Accused 14, made up as follows:
- 161.1 R1 111 890.41 from the VBS Corporate Bank account on 8 March 2017;
 - 161.2 R39 978.08 from the VBS ATM Settlement account on 15 March 2017 (funded by an internal transfer from the VBS Corporate Bank account);
 - 161.3 R112 438.36 from the VBS Corporate Bank account on 23 March 2017;
 - 161.4 R187 397.26 from the VBS Corporate Bank account on 7 April 2017;
 - 161.5 R224 876.71 from the VBS Corporate Bank account on 5 May 2017;
 - 161.6 R59 967.12 from the VBS Corporate Bank account on 31 May 2017;

- 161.7 R39 353.42 from the VBS Corporate Bank account on 20 June 2017;
- 161.8 R462 246.58 from the VBS Corporate Bank account on 21 July 2017;
- 161.9 R290 465.75 from the VBS Corporate Bank account on 22 July 2017;
- 161.10 R179 276.71 from the VBS Corporate Bank account on 17 August 2017;
- 161.11 R2 384 837.89 from the VBS ATM Settlement account on 7 September 2017 (funded by an internal transfer from the Robvet account);
- 161.12 R112 438.36 from the VBS ATM Settlement account on 13 October 2017 (funded by an internal transfer from the Robvet account);
- 161.13 R1 109 363.24 from the VBS ATM Settlement account on 19 October 2017 (funded by an internal transfer from the Robvet account); and
- 161.14 R697 117.81 from the VBS ATM Settlement account on 24 October 2017 (funded by an internal transfer from the Robvet account).

162 The aforesaid payments were made on the instructions of Accused 1 and/or Accused 2 and/or Accused 3.

163 Amounts totalling R3 382 618.44 were paid from the TNE account into the Double TM account for the benefit of Accused 14, made up as follows:

- 163.1 R455 845 on 8 March 2017;
- 163.2 R70 304.41 on 24 March 2017;
- 163.3 R112 718.03 on 7 April 2017;
- 163.4 R77 000 on 5 May 2017;

- 163.5 R239 970 on 22 July 2017;
- 163.6 R82 080 on 24 July 2017;
- 163.7 R22 800 on 18 August 2017;
- 163.8 R500 000 on 7 September 2017;
- 163.9 R743 240 on 7 September 2017;
- 163.10 R554 661 on 19 October 2017; and
- 163.11 R524 000 on 24 October 2017.

NOW THEREFORE the State in respect of the "*enterprise*" alleges that:

164 At all times relevant to the indictment, Accused 1 to 14 were associated in fact and thus formed an enterprise as defined in section 1 of the Act and as envisaged in sections 2(1)(a) to 2(1)(f). The accused made use of, *inter alia*, the following legally registered entities to wit VBS Mutual Bank, Vele Investments (Pty) Ltd, Vele Petroport Holdings SA (Pty) Ltd, Venmont Holdings (Pty) Ltd and Robvet (Pty) Ltd to provide continuity of structure for the unlawful activities of the enterprise.

165 The accused all associated with the enterprise.

166 Members of the enterprise gained overall control of the financial systems of VBS. The primary purpose of the enterprise was to enrich the members and associates through the theft of money from the general pool of funds in VBS.

167 The theft of the money was covered up through various acts of fraud and money laundering. Members of the enterprise also received and made corrupt payments as indicative of their and/or other persons, known and unknown to the State, participation in the theft, or at the very least, in the acts of fraud that covered up the theft.

168 Accused 1, Accused 2, Accused 3, Accused 4 and Accused 9 managed the affairs of the enterprise.

NOW THEREFORE the State in respect of the "*pattern of racketeering activities*" alleges that one or more of the accused, individually or together, committed the following racketeering acts in the conduct of the enterprise, which are those offences set forth below in Counts 6 to 188.

NOW THEREFORE the State alleges that the accused are guilty of the following crimes:

COUNT 1:

Contravening Section 2(1)(e) read with Sections 1, 2(2), 2(3), 2(4) and 3 of the Prevention of Organised Crime Act, No. 121 of 1998.

IN THAT in and during the period 24 August 2015 up to 10 March 2018 and at or near the places as set out in Counts 6 to 188 below, the accused managed and/or were employed by and/or were associated with the enterprise as defined above, and did directly or indirectly, conduct and/or participate in the affairs of the enterprise through a pattern of racketeering activities as set out in Counts 6 to 188 below.

COUNT 2: (ONLY IN RESPECT OF ACCUSED 1, 2, 3, 4 AND 9)

Contravening Section 2(1)(f) read with Sections 1, 2(2), 2(3) and 2(4) of the Prevention of Organised Crime Act, No. 121 of 1998.

IN THAT during or about the period 24 August 2015 up to 10 March 2018 and at or near the places as set out in counts 6 to 188 below, Accused 1, Accused 2, Accused 3, Accused 4 and Accused 9 managed the operation or activities of the enterprise as defined above, and knew or ought reasonably to have known that a person or persons, whilst employed by or associated with the enterprise, did conduct and/or participate in the conduct, directly or

indirectly, of the enterprise's affairs through a pattern of racketeering activities as set out in Counts 6 to 188 below.

COUNT 3:

Contravening Section 2(1)(b) read with Sections 1, 2(2), 2(3), 2(4) and 3 of the Prevention of Organised Crime Act, No. 121 of 1998.

IN THAT in and during the period 24 August 2015 up to 10 March 2018 and at or near the places as set out in Counts 6 to 188 below, the accused received or retained property, directly or indirectly, on behalf of the enterprise; and/or knew or ought reasonably to have known that such property derived or was derived from or through a pattern of racketeering activities as set out in Counts 6 to 188 below.

COUNT 4:

Contravening Section 2(1)(d) read with Sections 1, 2(2), 2(3), 2(4) and 3 of the Prevention of Organised Crime Act, No. 121 of 1998.

IN THAT in and during the period 24 August 2015 up to 10 March 2018 and at or near the places as set out in Counts 6 to 188 below, the accused acquired or maintained, directly or indirectly, any interest in or control of any enterprise through a pattern of racketeering activities as set out in Counts 6 to 188 below.

COUNT 5:

Contravening Section 2(1)(g) read with Sections 1, 2(2), 2(3) and 2(4) of the Prevention of Organised Crime Act, No. 121 of 1998.

IN THAT in and during the period 24 August 2015 up to 10 March 2018 and at or near the places as set out in Counts 6 to 188 below, the accused conspired and/or attempted to

violate the provisions of Section 2(1)(b) and/or Section 2(1)(d) and/or Section 2(1)(e) and/or Section 2(1)(f) of the Prevention of Organised Crime Act, No. 121 of 1998 as set out in Counts 1 to 4 above.

COUNT 6 (ONLY IN RESPECT OF ACCUSED 1, 2, AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 7 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R250 000 000 being the property of or in the lawful possession of VBS by creating a fictitious credit of R250 000 000 in an account numbered 010067650003 held at VBS in the name of Insure Group Managers Ltd, thereby unlawfully enabling the depletion of the general pool of funds of VBS.

COUNT 7 (ONLY IN RESPECT OF ACCUSED 1, 2, AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period 19 March 2017 to 30 March 2017 and at or near Honeydew in the Johannesburg West Magisterial District and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R262 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits in the following accounts held at VBS, in the amounts and on the dates set out below, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) account numbered 000632767001 in the name of Africasana Trading Enterprise in the amount of R4 500 000 on 29 March 2017;
- (2) account numbered 010037808001 in the name of Allcare Administrators in the amount of R6 000 000 on 30 March 2017;
- (3) account numbered 000653306002 in the name of Belton Park Trading 134 in the amount of R3 500 000 on 29 March 2017;
- (4) account numbered 010027802001 in the name of Black Label Telecoms (Pty) Ltd in the amount of R5 500 000 on 29 March 2017;
- (5) account numbered 010054915001 in the name of Bonulog (Pty) Ltd in the amount of R5 500 000 on 30 March 2017;
- (6) account numbered 010054923001 in the name of Bonusec (Pty) Ltd in the amounts of R50 000 and R5 100 000 on 29 March 2017;
- (7) account numbered 010054931001 in the name of Bonuset (Pty) Ltd in the amount of R8 000 000 on 30 March 2017;
- (8) account numbered 010054958001 in the name of Bonuspace (Pty) Ltd in the amount of R4 000 000 on 30 March 2017;
- (9) account numbered 010054869001 in the name of Cards-Ezi in the amounts of R1 400 000 and R3 100 000 on 29 March 2017;
- (10) account numbered 010004306001 in the name of Dzata Trust in the amount of R9 000 000 on 29 March 2017;
- (11) account numbered 010027381001 in the name of Firmanox (Pty) Ltd in the amount of R15 500 000 on 29 March 2017;

- (12) account numbered 000655023001 in the name of Hlomphanang Logistics in the amount of R450 000 on 29 March 2017 and the amount of R13 500 000 on 30 March 2017;
- (13) account numbered 010070988001 in the name of Lemawave in the amount of R5 600 000 on 30 March 2017;
- (14) account numbered 010003288003 in the name of Mr L Mafunzwaini in the amount of R500 000 on 29 March 2017;
- (15) account numbered 000647411002 in the name of Mr LNR Makuya in the amount of R1 000 000 on 29 March 2017;
- (16) account numbered 000519340005 in the name of Mr T Matodzi in the amount of R3 000 000 on 29 March 2017;
- (17) account numbered 000613118001 in the name of Mmampilo Petroleum (Pty) Ltd in the amount of R8 000 000 on 30 March 2017;
- (18) account numbered 000613118002 in the name of Mmampilo Petroleum (Pty) Ltd in the amount of R3 500 000 on 30 March 2017;
- (19) account numbered 010012473001 in the name of MML Food Services (Pty) Ltd in the amount of R19 000 000 on 30 March 2017;
- (20) account numbered 010054850001 in the name of Nhluvuko Automation System CC in the amount of R7 100 000 on 29 March 2017;
- (21) account numbered 010032997001 in the name of Robvet (Pty) Ltd in the amounts of R50 000 and R9 950 000 on 30 March 2017;

- (22) account numbered 010027810001 in the name of Sabicorp (Pty) Ltd in the amount of R6 500 000 on 30 March 2017;
- (23) account numbered 010055458002 in the name of Shimba La Ndou Family Trust in the amount of R7 500 000 on 30 March 2017;
- (24) account numbered 000638668001 in the name of Tiisang Risk and Assurance Consulting in the amount of R7 000 000 on 30 March 2017;
- (25) account numbered 010054885001 in the name of Vanticode (Pty) Ltd in the amount of R5 100 000 on 29 March 2017;
- (26) account numbered 010054907001 in the name of Vantifusion (Pty) Ltd in the amount of R6 700 000 on 30 March 2017;
- (27) account numbered 010054877001 in the name of Vantpix (Pty) Ltd in the amount of R4 200 000 on 29 March 2017;
- (28) account numbered 010040299001 in the name of Vele Investments (Pty) Ltd in the amount of R22 000 000 on 29 March 2017;
- (29) account numbered 010040299003 in the name of Vele Investments (Pty) Ltd in the amount of R3 000 000 on 29 March 2017;
- (30) account numbered 000635464003 in the name of Venmont Built Environment (Pty) Ltd in the amount of R5 000 000 on 30 March 2017;
- (31) account numbered 010010209001 in the name of Venmont Holdings (Pty) Ltd in the amounts of R300 000 and R15 700 000 on 30 March 2017;
- (32) account numbered 010004470003 in the name of Vhavenda Heritage Trust in the amount of R1 000 000 on 29 March 2017;

- (33) account numbered 010054966001 in the name of Viridesol (Pty) Ltd in the amounts of R5 450 000 and R6 550 000 on 30 March 2017;
- (34) account numbered 010055288001 in the name of Wegezi Power Holdings (Pty) Ltd in the amount of R15 000 000 on 29 March 2017; and
- (35) account numbered 010054893001 in the name of Zanicube (Pty) Ltd in the amounts of R1 150 000 and R7 050 000 on 30 March 2017.

COUNT 8 (ONLY IN RESPECT OF ACCUSED 1, 2, AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 20 April 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R40 000 000 being the property of or in the lawful possession of VBS by creating a fictitious credit of R40 000 000 in an account numbered 010070139002 held at VBS in the name of Malibongwe Petroleum (Pty) Ltd, thereby unlawfully enabling the depletion of the general pool of funds of VBS.

COUNT 9 (ONLY IN RESPECT OF ACCUSED 1, 2, AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period 5 May 2017 to 13 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R135 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits in an account numbered 010040299004 held at VBS in the name of Vele Investments (Pty) Ltd as follows, thereby

unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R63 000 000 on 5 May 2017;
- (2) R7 000 000 on 5 May 2017;
- (3) R5 000 000 on 5 May 2017; and
- (4) R60 000 000 on 13 February 2018.

COUNT 10 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 5 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R22 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits in an account numbered 000519340005 held at VBS in the name of Mr T Matodzi as follows, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R12 000 000 on 5 May 2017; and
- (2) R10 000 000 on 5 May 2017.

COUNT 11 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 5 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole

the sum of R30 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits in an account numbered 010010209004 held at VBS in the name of Venmont Holdings (Pty) Ltd as follows, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R27 000 000 on 5 May 2017; and
- (2) R3 000 000 on 5 May 2017.

COUNT 12 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in or during the period 2 June 2017 to 5 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R37 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits into an account numbered 010032997001 held at VBS in the name of Robvet (Pty) Ltd as follows, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R2 000 000 on 2 June 2017;
- (2) R15 000 000 on 28 July 2017;
- (3) R10 000 000 on 7 September 2017; and
- (4) R10 000 000 on 5 December 2017.

COUNT 13 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period 7 August 2017 to 31 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R300 000 000 being the property of or in the lawful possession of VBS by making payments to an account numbered 62710478456 held at First National Bank in the name of Mvunonala Holdings (Pty) Ltd as follows, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R80 000 000 on 7 August 2017;
- (2) R35 000 000 on 22 August 2017;
- (3) R35 000 000 on 22 August 2017;
- (4) R100 000 000 on 24 August 2017; and
- (5) R50 000 000 on 25 August 2017.

COUNT 14 (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 9):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 31 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2, Accused 3 and Accused 9 wrongfully and intentionally stole the sum of R80 000 000 being the property of or in the lawful possession of VBS by creating a fictitious credit of R80 000 000 in an account numbered 010014239001 held at VBS in the name of VBS Rights Issue Suspense Account for the benefit of Vele Investments (Pty) Ltd, thereby unlawfully enabling the depletion of the general pool of funds of VBS.

COUNT 15 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period 7 September 2017 to 4 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R740 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits in an account numbered 010040299001 held at VBS in the name of Vele Investments (Pty) Ltd as follows, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R40 000 000 on 7 September 2017;
- (2) R350 000 000 on 5 October 2017;
- (3) R130 000 000 on 2 November 2017; and
- (4) R220 000 000 on 4 December 2017.

COUNT 16 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT, read with Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period 26 September 2017 up to 13 February 2018 and at or near Rivonia, in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the sum of R57 000 000 being the property of or in the lawful possession of VBS by creating fictitious credits in an account numbered 010010209001 held at VBS in the name of Venmont Holdings (Pty) Ltd as follows, thereby unlawfully enabling the depletion of the general pool of funds of VBS:

- (1) R7 000 000 on 26 September 2017; and
- (2) R50 000 000 on 13 February 2018.

ALTERNATIVE TO COUNTS 6 TO 16 (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3):

THEFT (GENERAL DEFICIENCY), read with the provisions of section 100 of the Criminal Procedure Act, No. 51 of 1977, and section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT Accused 1, Accused 2 and Accused 3 were at all relevant times in the service of VBS and were as such entrusted with the receipt and custody of certain sums of money on behalf of VBS, and that during the period 1 April 2016 to 10 March 2018 and at or near Rivonia in the Johannesburg North Magisterial District, a general deficiency in such monies received and held by Accused 1, Accused 2 and Accused 3 on behalf of VBS arose in the amount of R2 296 599 008 and therefore Accused 1, Accused 2 and Accused 3 wrongfully and intentionally stole the said sum, being the property of or in the lawful possession of VBS.

COUNT 17 (ONLY IN RESPECT OF ACCUSED 4 TO 8):

THEFT (GENERAL DEFICIENCY), read with the provisions of section 100 of the Criminal Procedure Act, No. 51 of 1977, and section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT Accused 4, Accused 5, Accused 6, Accused 7 and Accused 8 were at all relevant times entrusted with the oversight of the system of internal financial control of VBS and thus with the oversight over the receipt and custody of monies on behalf of VBS, and that during the period 1 April 2016 to 10 March 2018 and at or near Rivonia in the Johannesburg North Magisterial District, a general deficiency in such monies received by and held on behalf of VBS arose in the amount of R2 296 599 008 and therefore Accused 4, Accused 5,

Accused 6, Accused 7 and Accused 8 wrongfully and intentionally stole the said sum, being the property of or in the lawful possession of VBS.

COUNT 18 (ONLY IN RESPECT OF ACCUSED 1, 2, 5, 6, 7 AND 8):

FRAUD read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 4 July 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 6 unlawfully, falsely and with the intention to defraud, signed the Audit Committee Report in respect of the annual financial statements, giving out and pretending to VBS, its board of directors, its shareholders, its creditors and the Registrar, to the prejudice of VBS, its shareholders, its creditors and the Registrar, that the annual financial statements were a fair presentation, in all material respects, of the financial position of VBS as at 31 March 2017.

FURTHER THAT on or about 4 July 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2, Accused 6, Accused 7 and Accused 8 unlawfully, falsely and with the intention to defraud, as Directors of VBS approved the annual financial statements, giving out and pretending to VBS, its shareholders, its creditors and the Registrar, to the prejudice of VBS, its shareholders, its creditors and the Registrar, that the annual financial statements were a fair presentation, in all material respects, of the financial position of VBS as at 31 March 2017.

FURTHER THAT on or about 4 July 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 2 signed the Directors' Responsibility Statement in respect of the annual financial statements, giving out and pretending to VBS, its shareholders, its creditors and the Registrar, to the prejudice of VBS, its shareholders,

its creditors and the Registrar, that the annual financial statements were a fair presentation, in all material respects, of the financial position of VBS as at 31 March 2017.

FURTHER THAT on or about 17 July 2017 at or near Parktown in the Johannesburg Central Magisterial District alternatively at or near Rivonia in the Johannesburg North Magisterial District, Accused 5 unlawfully, falsely and with the intention to defraud, signed the Audit Opinion in respect of the annual financial statements, giving out and pretending to VBS, its shareholders, its creditors and the Registrar, to the prejudice of VBS, its shareholders, its creditors and the Registrar, that the annual financial statements were a fair presentation, in all material respects, of the financial position of VBS as at 31 March 2017.

WHEREAS when Accused 1, Accused 2, Accused 5, Accused, 6, Accused 7 and Accused 8 gave out and pretended as aforesaid they well knew that in truth and in fact:

The statement of the financial position in the annual financial statements was false in the following material respects:

- the asset described as "*Cash and cash equivalents*" in the sum of R802 427 245 was falsely inflated by an amount of R690 326 847; and/or
- the asset described as "*Loans and advances*" in the sum of R1 081 831 081 was falsely inflated by an amount of R351 956 095; and/or
- the liability described as "*Amounts owed to depositors*" in the sum of R1 553 659 282 was falsely inflated by an amount of R261 308 970; and/or
- the equity described as "*Permanent interest bearing shares*" in the sum of R150 473 996 was falsely inflated by an amount of R89 044 352.

The true financial position of VBS as at 31 March 2017 was as follows:

- the total assets amounted to R1 037 194 164, whereas the annual financial statements reflected its total assets as R2 102 039 406; and/or
- the total liabilities amounted to R1 556 494 122, whereas the annual financial statements reflected its total liabilities as R1 863 460 154; and/or
- the total equity amounted to the negative amount of R519 299 958, whereas the annual financial statements reflected its total equity as R238 579 252; and/or
- VBS was in actual fact insolvent.

COUNT 19: (ONLY IN RESPECT OF ACCUSED 3)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period 1 April 2017 to 27 July 2017 at or near Pretoria in the Tshwane Central Magisterial District, Accused 3 unlawfully, falsely and with the intention to defraud, prepared and/or caused to be prepared and submitted to the Registrar the Form DI 100 Return, setting out VBS' monthly balance sheet as at 31 March 2017 in the manner required by Regulation 19 ("**the DI 100 Return**"), giving out and pretending to the Registrar, to the prejudice of the Registrar, VBS, its shareholders and its creditors, that the DI 100 Return was a fair presentation, in all material respects, of VBS' monthly balance sheet as at 31 March 2017 in the manner required by Regulation 19.

WHEREAS when Accused 3 gave out and pretended as aforesaid he well knew that in truth and in fact the DI 100 Return was false in the following material respects:

- the item recorded as being "*Non-Bank funding – repayable in SA Rand*", in the amount of "1,553,650" was false. The item ought to have been recorded as "1,292,350"; and/or
- the item recorded as being "*Interbank (including intragroup)*", in the amount of "770,866" was false. The item ought to have been recorded as "64,089"; and/or
- the item recorded in the DI 100 Return as "*Other assets, including remittances in transit and properties in possession*" in the amount of "70,413" was false. The item ought to have been recorded as "63,263".

COUNT 20: (ONLY IN RESPECT OF ACCUSED 5)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 11 October 2017 at or near at or near Pretoria in the Tshwane Central Magisterial District, Accused 5 unlawfully, falsely and with the intention to defraud, signed the Regulation 6(1) report giving out and pretending to the Registrar, to the prejudice of the Registrar, VBS, its shareholders and its creditors, that the DI 100 Return was a fair presentation, in all material respects, of VBS' monthly balance sheet as at 31 March 2017 in the manner required by Regulation 19.

WHEREAS when Accused 5 gave out and pretended as aforesaid he well knew that in truth and in fact the DI 100 Return was false in the following material respects:

- the item recorded as being "*Non-Bank funding – repayable in SA Rand*", in the amount of "1,553,650" was false. The item ought to have been recorded as "1,292,350"; and/or

- the item recorded as being "*Interbank (including intragroup)*", in the amount of "770,866" was false. The item ought to have been recorded as "64,089".

COUNT 21: (ONLY IN RESPECT OF ACCUSED 1)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period of May 2017 to August 2017 at or near Rivonia, in the Johannesburg North Magisterial District, Accused 1 unlawfully, falsely and with the intention to defraud, to the prejudice of the shareholders of VBS gave out and pretended to the shareholders of VBS that Vele was the lawful holder of 5 110 shares in VBS from 1 April 2016 and as such qualified to participate in the so-called second rights issue where existing shareholders would be entitled to take up two shares for every one share held in VBS.

WHEREAS when Accused 1 gave out and pretended as aforesaid he well knew that in truth and in fact Vele was not a lawful holder of the said shares in VBS on 1 April 2016 as the transfer of the 5 110 shares in VBS from Accused 1 to Vele had been backdated to 1 April 2016 in order to falsely represent that Vele was an existing shareholder of VBS and thereby qualified to participate in the so-called second rights issue where existing shareholders would be entitled to take up two shares for every one share held in VBS.

COUNT 22: (ONLY IN RESPECT OF ACCUSED 7 AND 8)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period of July 2016 to August 2017 at or near Pretoria, in the Tshwane Central Magisterial District, Accused 7 and 8 did unlawfully, falsely and with the intention to defraud, to the prejudice of the PIC, in circumstances where there was a fiduciary duty on Accused 7 and 8 to act in the best interest of the PIC, failed to disclose to the PIC and or employees of the PIC that:

- VBS offered existing VBS shareholders, such as the PIC, participation in the so-called second rights issue where existing shareholders would be entitled to take up two shares for every one share held in VBS; and
- Of the existing VBS shareholders, only Vele participated in the said second rights issue resulting in a dilution of the PIC's shareholding from approximately 26% to approximately 12% due to the non-participation of the PIC in the said second rights issue in which Vele ostensibly became an approximate 53% shareholder in VBS.

COUNT 23: (ONLY IN RESPECT OF ACCUSED 1)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period October 2017 to December 2017 at or near at or near Pretoria in the Tshwane Central Magisterial District, Accused 1 unlawfully, falsely and with the intention to defraud and to the prejudice of the PIC, prepared and/or caused to be prepared the Proposal to the PIC in support of Rights Issues, giving out and pretending to the PIC and/ or employees of the PIC that figures contained in the management accounts of VBS as at 30 September 2017 were a fair presentation, in all material respects, of the financial position of VBS as at 30 September 2017.

WHEREAS when Accused 1 gave out and pretended as aforesaid he well knew that in truth and in fact:

The statement of the financial position in the management accounts of VBS as at 30 September 2017 was false in, *inter alia*, the following material respects:

- the amount disclosed in respect of Permanent Interest Bearing Shares was the sum of R167 727 536; and/or
- the total equity disclosed was the sum of R244 063 068.

WHEREAS, in truth:

- the true amount in respect of Permanent Interest Bearing Shares was R69 776 660; and/or
- VBS was in actual fact insolvent.

COUNT 24: (ONLY IN RESPECT OF ACCUSED 7)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during April 2015 at or near Pretoria in the Tshwane Central Magisterial District, Accused 7 did unlawfully, falsely and with the intention to defraud, to the prejudice of the PIC, in circumstances where there was a fiduciary duty on Accused 7 to act in the best interest of the PIC, cause and permit certain amendments to be made to the terms and conditions of the Facility Agreement between VBS and the PIC.

IN THAT:

- As approved by the PIC, Clause 3.5, of the said Agreement read that "*The facility shall be ring fenced for its purpose as defined in this agreement*",

WHEREAS:

- Clause 3.5 was altered by the insertion of the further words "*as such shall be subordinated as against other borrower creditors*".

COUNT 25: (ONLY IN RESPECT OF ACCUSED 9)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT on or about 9 March 2018 at or near Rivonia in the Johannesburg North Magisterial District, Accused 9 unlawfully, falsely and with the intention to defraud and to the prejudice of VBS and/or Vele, represented to officials at VBS that he was entitled to payment of the sum of R15 000 000.

WHEREAS when Accused 9 gave out and pretended as aforesaid he well knew that in truth and in fact that his representation was false in, *inter alia*, the following material respects:

- he falsely stated that a payment of R15 000 000, made to VBS on 17 February 2018, was intended as a payment for his benefit by Mathopo Attorneys, who acted as his attorneys; and
- he falsely stated that the payment of R15 000 000 had been incorrectly allocated by VBS to the Vele 001 account.

WHEREAS, in truth:

- the amount of R15 000 000 had been held in trust by Mathopo Attorneys on behalf of Vele;
- Mathopo Attorneys did not act as attorneys for Accused 9;
- Mathopo Attorneys paid the amount of R15 000 000 for the benefit of Vele on 17 February 2018;
- the amount of R15 000 000 had not been incorrectly allocated by VBS to the Vele 001 account; and
- Accused 9 had no entitlement whatsoever to receive the amount of R15 000 000.

COUNT 26: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period February 2017 to November 2017 at or near at or near Pretoria in the Tshwane Central Magisterial District, Accused 1, Accused 2 and Accused 3 did unlawfully, falsely and with the intention to defraud, to the prejudice of the PIC, prepared and/or caused to be prepared and/or submitted and/or caused to be submitted drawdown requests for the advance of Principal Sums under the Facility Agreement between VBS and the PIC, giving out and pretending to the PIC and/or employees of the PIC that:

- the proceeds of the Principal Sums sought to be advanced in the drawdown requests would be utilised solely for the Loan Purposes, as fully set out in the Revolving Credit Facility Agreement;

- no change of circumstances existed, which was reasonably likely to constitute a Material Adverse Event and furthermore no material deterioration had occurred in relation to the financial affairs and/or business prospects of the Borrower; and
- no Event of Default or Potential Event of Default had occurred, which was continuing.

WHEREAS, when Accused 1, Accused 2 and Accused 3 gave out and pretended as aforesaid they well knew that, in truth and in fact:

- the proceeds of the Principal Sums sought to be advanced in the drawdown requests would not be utilised solely for the Loan Purposes as set out in the Revolving Credit Facility Agreement and, in truth and in fact, would be used to create liquidity in VBS;
- a change of circumstances existed, which was reasonably likely to constitute a Material Adverse Event and furthermore a material deterioration had occurred in relation to the financial affairs and/or business prospects of the Borrower, in that, *inter alia*, VBS was hopelessly insolvent and unable to pay its debts as and when they fell due; and
- an Event of Default or Potential Event of Default had occurred, which was continuing, in that, *inter alia*:
 - VBS was hopelessly insolvent and unable to pay its debts as and when they fell due; and
 - the PIC had ceased to hold at least 25% of VBS's issued capital.

COUNT 27: (ONLY IN RESPECT OF ACCUSED 1 AND 2)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period July 2017 to November 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 2 did unlawfully, falsely and with the intention to defraud, to the prejudice of the PIC, caused to be prepared a drawdown request under the Facility Agreement between VBS and the PIC, giving out and pretending to the PIC and/ or employees of the PIC that the supporting documentation accompanying the drawdown request, including documents entitled "*Addendum to Revolving Fuel Loan Facility*" between VBS and Thlokaina 21 CC for an additional amount of R5 000 000, and between VBS and Imbani Projects (Pty) Ltd for an additional amount of R9 000 000, had been lawfully entered into, lawfully executed and were genuine.

WHEREAS, when Accused 1 and Accused 2 gave out and pretended as aforesaid they well knew that in truth and in fact:

- No such addendums had been entered into between VBS and Thlokaina 21 CC and between VBS and Imbani Projects (Pty) Ltd; and
- The purported signatures on behalf of Thlokaina 21 CC and Imbani Projects (Pty) Ltd on such documents were forgeries.

COUNT 28: (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 9)

FRAUD, read with Sections 103 and 246 of the Criminal Procedure Act, No. 51 of 1977, and the provisions of Section 51 of the Criminal Law Amendment Act, No. 105 of 1997 prescribing certain minimum sentences.

IN THAT in and during the period February 2018 to March 2018 at or near Rivonia in the Johannesburg North Magisterial District, alternatively at Pretoria in the Tshwane Central Magisterial District, Accused 1, Accused 2, Accused 3 and Accused 9 unlawfully, falsely and with the intention to defraud and to the prejudice of the PIC, prepared and/or caused to be prepared and/or made presentations to the PIC in support of an application for further

funding from the PIC, and prepared and submitted management accounts to the PIC in support of the application for further funding, giving out and pretending to the PIC and/ or employees of the PIC that the figures contained in the management accounts of VBS prepared for this purpose, as at 31 January 2018, were a fair presentation, in all material respects, of the financial position of VBS as at 31 January 2018.

WHEREAS when Accused 1, Accused 2, Accused 3 and Accused 9 gave out and pretended as aforesaid they well knew that in truth and in fact:

The statement of the financial position in the management accounts of VBS as at 31 January 2018 was false in, *inter alia*, the following material respects:

- the amount disclosed in respect of Total Assets was the sum of R3 178 618 271;
- the amount disclosed in respect of Total Liabilities was the sum of R2 702 093 991; and
- the total equity disclosed was the sum of R476 524 280,

WHEREAS, in truth, VBS was hopelessly insolvent.

COUNT 29: (ONLY IN RESPECT OF ACCUSED 2, 3, 4 AND 10)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 29 October 2017 to 31 October 2017 and at or near Sandton and at or near Rivonia in the Johannesburg North Magisterial District, Accused 2, Accused 3, Accused 4 and Accused 10 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Charlotte Ngobeni a gratification in the form of a loan of R1 388 899.54, whether for the benefit of Charlotte Ngobeni or for the benefit of another

person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being the accounting officer of the Collins Chabane Municipality, more particularly with regard to her powers, duties or functions in respect of:

- the opening of bank accounts on behalf of the Collins Chabane Municipality; and/or
- the investment of funds belonging to the Collins Chabane Municipality,

in a manner amounting to:

- the abuse of a position of authority;
- a breach of trust; or
- the violation of a legal duty or a set of rules,

and designed to achieve an unjustified result, or amounting to any other unauthorised or improper inducement to do or not to do anything.

COUNT 30: (ONLY IN RESPECT OF ACCUSED 3 AND 4)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period December 2015 and at or near Sandton and at or near Rivonia in the Johannesburg North Magisterial District, Accused 3 and Accused 4 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Kholofelo Kolanisi a gratification in the form of a mortgage bond of R855 700, whether for the benefit of Kholofelo Kolanisi or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest,

unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being the accounting officer of the Capricorn Municipality, more particularly with regard to her powers, duties or functions in respect of:

- the opening of bank accounts on behalf of the Capricorn Municipality; and/or
- the investment of funds belonging to the Capricorn Municipality,

in a manner amounting to:

- the abuse of a position of authority;
- a breach of trust; or
- the violation of a legal duty or a set of rules,

and designed to achieve an unjustified result, or amounting to any other unauthorised or improper inducement to do or not to do anything.

COUNT 31: (ONLY IN RESPECT OF ACCUSED 3 AND 4)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT on or during June 2016 and at or near Sandton in the Johannesburg North Magisterial District, Accused 3 and Accused 4 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Mavis Matlala a gratification in the form of a Mortgage Bond in the amount of R842 513.60, whether for the benefit of Mavis Matlala or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out

of a statutory, contractual or any other legal obligation, to wit being the acting accounting officer of the Capricorn Municipality, more particularly with regard to her powers, duties or functions in respect of:

- the opening of bank accounts on behalf of the Capricorn Municipality; and/or
- the investment of funds belonging to the Capricorn Municipality,

in a manner amounting to:

- the abuse of a position of authority;
- a breach of trust; or
- the violation of a legal duty or a set of rules,

and designed to achieve an unjustified result, or amounting to any other unauthorised or improper inducement to do or not to do anything.

COUNT 32: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 9 February 2016 to 2 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 2 a gratification in the cumulative amount of R23 495 000, whether for the benefit of Accused 2 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being

employed by VBS as its Chief Executive Officer, more particularly with regard to his powers, duties or functions in respect of:

- the control and operation of the banking system of VBS; and/or
- the control of the financial records of VBS; and/or
- the signing of the Directors' Responsibility Statement to the annual financial statements,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 33: (ONLY IN RESPECT OF ACCUSED 2)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 9 February 2016 to 2 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 2 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R23 495 000, from another person, to wit Accused 1, whether for the benefit of Accused 2 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Chief Executive Officer, more particularly with regard to his powers, duties or functions in respect of:

- the control and operation of the banking system of VBS; and/or

- the control of the financial records of VBS; and/or
- the signing of the Directors' Responsibility Statement to the annual financial statements,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 34: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT on or about 7 August 2017 and on or about 5 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Truter gratifications in the cumulative amount of R5 250 000, whether for the benefit of Truter or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Chief Financial Officer, more particularly with regard to his powers, duties or functions in respect of:

- the control and operation of the banking system of VBS; and/or
- the control of the financial records of VBS; and/or
- the preparation and/or the causing of the preparation of the annual financial statements of VBS; and/or
- the preparation and/or the causing of the preparation of the returns referred to in

Sections 53(1) and 53(3) of the Mutual Banks Act, as read with the Regulations, by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 35: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 30 March 2017 to 5 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 3 a gratification in the cumulative amount of R17 100 000, whether for the benefit of Accused 3 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Head of Treasury and Capital Management, more particularly with regard to his powers, duties or functions in respect of:

- the control and operation of the banking system of VBS; and/or
- the control of the financial records of VBS; and/or
- the preparation and/or the causing of the preparation of the returns referred to in Sections 53(1) and 53(3) of the Mutual Banks Act, as read with the Regulations,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 36: (ONLY IN RESPECT OF ACCUSED 3)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 30 March 2017 to 5 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 3 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R17 100 000, from another person, to wit Accused 1, whether for the benefit of Accused 3 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Head of Treasury and Capital Management, more particularly with regard to his powers, duties or functions in respect of:

- the control and operation of the banking system of VBS; and/or
- the control of the financial records of VBS; and/or
- the preparation and/or the causing of the preparation of the returns referred to in Sections 53(1) and 53(3) of the Mutual Banks Act, as read with the Regulations,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 37: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 10 February 2016 to 25 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 4 gratifications, in the form of payments, in the cumulative amount of R6 205 392.24, whether for the benefit of Accused 4 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Managing Director: Retail and, in particular, his control over certain of the banking systems at VBS.

COUNT 38: (ONLY IN RESPECT OF ACCUSED 4)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 10 February 2016 to 25 May 2017 and at or near Makhado in the Makhado Magisterial District, Accused 4 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept gratifications, in the form of payments, in the cumulative amount of R6 205 392.24, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 4 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Managing Director: Retail and, in particular, his control over certain of the banking systems at VBS.

COUNT 39: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 29 July 2016 to 11 March 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 4 gratifications, in the form of loans, in the cumulative amount of R32 296 305.21, whether for the benefit of Accused 4 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by VBS as its Managing Director: Retail and, in particular, his control over certain of the banking systems at VBS.

COUNT 40: (ONLY IN RESPECT OF ACCUSED 4)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 29 July 2016 to 11 March 2018 and at or near Makhado in the Makhado Magisterial District, Accused 4 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept gratifications, in the form of loans, in the cumulative amount of R32 296 305.21, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 4 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any

other legal obligation, to wit being employed by VBS as its Managing Director: Retail and, in particular, his control over certain of the banking systems at VBS.

COUNT 41: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 27 January 2016 to 11 March 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3, unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 5 a gratification in the amount of R29 242 863, whether for the benefit of Accused 5 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being the Audit Engagement Partner, more particularly with regard to his powers, duties or functions in respect of:

- the audit of the annual financial statements; and
- the Regulatory Audit,

by fraudulently concealing the theft of monies from VBS.

COUNT 42: (ONLY IN RESPECT OF ACCUSED 5)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 27 January 2016 to 11 March 2018 and at or near Rivonia

in the Johannesburg North Magisterial District, Accused 5 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R29 242 863, from another person or persons, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 5 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being the Audit Engagement Partner, more particularly with regard to his powers, duties or functions in respect of:

- the audit of the annual financial statements; and
- the Regulatory Audit,

by fraudulently concealing the theft of monies from VBS.

COUNT 43: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 18 April 2016 to 14 September 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 5 a gratification in the cumulative amount of R1 092 579, whether for the benefit of Accused 5 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being the Audit Engagement Partner, more particularly with regard to his powers, duties or functions

in respect of:

- the audit of the annual financial statements; and
- the Regulatory Audit,

by fraudulently concealing the theft of monies from VBS.

COUNT 44: (ONLY IN RESPECT OF ACCUSED 5)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 18 April 2016 to 14 September 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 5 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R1 092 579, from another person or persons, to wit Accused 1, whether for the benefit of Accused 5 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being the Audit Engagement Partner, more particularly with regard to his powers, duties or functions in respect of:

- the audit of the annual financial statements; and
- the Regulatory Audit,

by fraudulently concealing the theft of monies from VBS.

COUNT 45: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 30 March 2017 to 5 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 6 a gratification in the cumulative amount of R750 000, whether for the benefit of Accused 6 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being in the service of VBS as a director and being the Chairman of the Audit Committee of the Board of Directors of VBS, more particularly with regard to his powers, duties or functions in respect of:

- overseeing the control and operation of the banking system of VBS; and/or
- the signing of the Audit Committee Report,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 46: (ONLY IN RESPECT OF ACCUSED 6)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 13 March 2017 to 29 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 6 unlawfully and intentionally, directly or indirectly accepted or agreed or offered to accept a gratification, to wit the

cumulative amount of R750 000, from another person, to wit Accused 1, who gave or agreed or offered to give to Accused 6 a gratification in the cumulative amount of R750 000, whether for the benefit of Accused 6 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being in the service of VBS as a director and being the Chairman of the Audit Committee of the Board of Directors of VBS, more particularly with regard to his powers, duties or functions in respect of:

- overseeing the control and operation of the banking system of VBS; and/or
- the signing of the Audit Committee Report.

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 47: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 1 March 2016 to 2 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 7 a gratification in the cumulative amount of R7 450 000, whether for the benefit of Accused 7 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being in the service of VBS as a director and

representative of the PIC, more particularly with regard to his powers, duties or functions in respect of:

- overseeing the control and operation of the banking system of VBS; and/or
- the receipt and custody of monies on behalf of VBS,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 48: (ONLY IN RESPECT OF ACCUSED 7)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 1 March 2016 to 2 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 7 unlawfully and intentionally, directly or indirectly accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R7 450 000, from another person, to wit Accused 1, who gave or agreed or offered to give to Accused 7 a gratification in the cumulative amount of R7 450 000, whether for the benefit of Accused 7 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being in the service of VBS as a director and representative of the PIC, more particularly with regard to his powers, duties or functions in respect of:

- overseeing the control and operation of the banking system of VBS; and/or
- the receipt and custody of monies on behalf of VBS,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 49: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 25 August 2016 to 2 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 8 a gratification in the cumulative amount of R7 000 000, whether for the benefit of Accused 8 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being in the service of VBS as a director and representative of the PIC, more particularly with regard to his powers, duties or functions in respect of:

- overseeing the control and operation of the banking system of VBS; and/or
- the receipt and custody of monies on behalf of VBS,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 50: (ONLY IN RESPECT OF ACCUSED 8)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 25 August 2016 to 2 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 8 unlawfully and intentionally, directly or indirectly accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R7 000 000, from another person, to wit Accused 1, who gave or agreed or offered to give to Accused 8 a gratification in the cumulative amount of R7 000 000, whether for the benefit of Accused 8 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being in the service of VBS as a director and representative of the PIC, more particularly with regard to his powers, duties or functions in respect of:

- overseeing the control and operation of the banking system of VBS; and/or
- the receipt and custody of monies on behalf of VBS,

by facilitating the theft of monies from VBS and by fraudulently concealing the theft of such monies.

COUNT 51: (ONLY IN RESPECT OF ACCUSED 1)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combatting of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 20 April 2016 to 5 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 unlawfully and intentionally,

directly or indirectly, gave or agreed or offered to give to Accused 9 gratifications in the cumulative amount of R19 547 580.50, whether for the benefit of Accused 9 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by:

- VBS as its chief operating officer;
- Vele as its chief operating officer; and
- Vele as its chief executive officer.

COUNT 52: (ONLY IN RESPECT OF ACCUSED 9)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 20 April 2016 to 5 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 9 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept gratifications, to wit the cumulative amount of R19 547 580.50, from another person, to wit Accused 1, whether for the benefit of Accused 9 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit being employed by:

- VBS as its chief operating officer;
- Vele as its chief operating officer; and

- Vele as its chief executive officer.

COUNT 53: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 and 17 October 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the cumulative amount of R1 455 998, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 7 October 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 54: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 and 17 October 2016 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R1 455 998, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for

the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 7 October 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 55: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 November 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R483 333, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment in the cumulative amount of R200 000 000 in VBS by the Vhembe District Municipality on or about 15 November 2016 in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 56: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 November 2016 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R483 333, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment in the cumulative amount of R200 000 000 in VBS by the Vhembe District Municipality on or about 15 November 2016 in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 57: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 9 December 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R166 575.34, whether for the benefit of Accused 10 or for the benefit of another

person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a cumulative deposit of R60 000 000 into VBS by the Elias Motsoaledi Local Municipality on or about 9 December 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 58: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 9 December 2016 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R166 575.34, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a cumulative deposit of R60 000 000 into VBS by the Elias Motsoaledi Local Municipality on or about 9 December 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 59: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 4)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 14 December 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R1 347 945.20, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the Vhembe District Municipality on or about 13 December 2016, and the solicitation of a reinvestment in the cumulative amount of R200 000 000 in VBS by the Vhembe District Municipality on or about 20 December 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 60: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 14 December 2016 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 347 945.20, from another person, to wit

Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the Vhembe District Municipality on or about 13 December 2016, and the solicitation of a reinvestment in the cumulative amount of R200 000 000 in VBS by the Vhembe District Municipality on or about 20 December 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 61: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 January 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R1 287 561.64, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R40 000 000 deposit into VBS by the Makhado Local Municipality on or about 26 January 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such

deposit of monies into VBS.

COUNT 62: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 January 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 287 561.64, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R40 000 000 deposit into VBS by the Makhado Local Municipality on or about 26 January 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 63: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 February 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R221 917.81, whether for the benefit of Accused 10 or for the benefit of another

person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 10 November 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 64: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 February 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R221 917.81, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 10 November 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 65: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 8 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R984 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the Greater Giyani Local Municipality on or about 6 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 66: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 8 March 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R984 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to

act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the Greater Giyani Local Municipality on or about 6 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 67: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R331 068.87, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of the reinvestment of R150 000 000 in VBS by the Vhembe District Municipality on or about 28 February 2017 and the reinvestment of R53 490 595.68 in VBS by the Vhembe District Municipality on or about 1 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 68: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 March 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R331 068.87, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of the reinvestment of R150 000 000 in VBS by the Vhembe District Municipality on or about 28 February 2017 and the reinvestment of R53 490 595.68 in VBS by the Vhembe District Municipality on or about 1 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 69: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the

amount of R690 684.93, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R40 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 23 March 2017 and a R95 000 000 deposit into VBS by the Polokwane Local Municipality on or about 24 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 70: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 March 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R690 684.93, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R40 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 23 March 2017 and a R95 000 000 deposit into VBS by the Polokwane Local Municipality on or about 24 March 2017, in contravention of the provisions of the Municipal Finance

Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 71: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 4 April 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R205 479.45, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Makhado Local Municipality on or about 28 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 72: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 4 April 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered

to accept a gratification, to wit the amount of R205 479.45, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Makhado Local Municipality on or about 28 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 73: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 April 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R149 589.04, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Elias Motsoaledi Local Municipality on or about 4 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 74: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 April 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R149 589.04, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Elias Motsoaledi Local Municipality on or about 4 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 75: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 April 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R250 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that

amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of the reinvestment of R40 000 000 plus accumulated interest in VBS by the Makhado Local Municipality on or about 12 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 76: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 April 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R250 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of the reinvestment of R40 000 000 plus accumulated interest in VBS by the Makhado Local Municipality on or about 12 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 77: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 28 April 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R180 831.91, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 000 000 deposit into VBS by the Makhuduthamaga Local Municipality on or about 20 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 78: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 28 April 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 9 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R180 831.91, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to

act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 000 000 deposit into VBS by the Makhuduthamaga Local Municipality on or about 20 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 79: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 9 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R197 260.27, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 5 May 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 80: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 9 May 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R197 260.27, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 5 May 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 81: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R430 136.99, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that

amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of reinvestments in the cumulative amount of R200 000 000 plus accumulated interest in VBS by the Vhembe District Municipality on or about 30 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 82: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 May 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R430 136.99, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of reinvestments in the cumulative amount of R200 000 000 plus accumulated interest in VBS by the Vhembe District Municipality on or about 30 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 83: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 10 July 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R500 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 000 000 deposit into VBS by the Vhembe District Municipality on or about 6 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 84: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 10 July 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R500 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to

act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 000 000 deposit into VBS by the Vhembe District Municipality on or about 6 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 85: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 21 July 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R150 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a cumulative deposit of R60 000 000 into VBS by the Elias Motsoaledi Local Municipality on or about 19 and 20 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 86: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 21 July 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R150 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a cumulative deposit of R60 000 000 into VBS by the Elias Motsoaledi Local Municipality on or about 19 and 20 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 87: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 22 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R1 840 683.64, whether for the benefit of Accused 10 or for the benefit of another

person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of the following deposits and reinvestments in VBS during the period June 2017 to August 2017:

- R80 467 491.85 by the Polokwane Local Municipality;
- R153 019 440.74 by the Vhembe District Municipality;
- R50 664 423.87 by the Vhembe District Municipality;
- R45 921 344.16 by the Polokwane Local Municipality;
- R15 631 027.39 by the Elias Motsoaledi Local Municipality;
- R30 284 593.70 by the Makhuduthamaga Local Municipality;
- R20 051 601.44 by the Elias Motsoaledi Local Municipality;
- R30 000 000 by the Makhuduthamaga Local Municipality;
- R20 050 286.37 by the Elias Motsoaledi Local Municipality;
- R100 000 000 by the Fetakgomo – Greater Tubatse Local Municipality; and
- R31 209 041.07 by the Fetakgomo – Greater Tubatse Local Municipality,

in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 88: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 22 August 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 840 683.64, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of the following deposits and reinvestments in VBS during the period June 2017 to August 2017:

- R80 467 491.85 by the Polokwane Local Municipality;
- R153 019 440.74 by the Vhembe District Municipality;
- R50 664 423.87 by the Vhembe District Municipality;
- R45 921 344.16 by the Polokwane Local Municipality;
- R15 631 027.39 by the Elias Motsoaledi Local Municipality;
- R30 284 593.70 by the Makhuduthamaga Local Municipality;
- R20 051 601.44 by the Elias Motsoaledi Local Municipality;
- R30 000 000 by the Makhuduthamaga Local Municipality;

- R20 050 286.37 by the Elias Motsoaledi Local Municipality;
- R100 000 000 by the Fetakgomo – Greater Tubatse Local Municipality; and
- R31 209 041.07 by the Fetakgomo – Greater Tubatse Local Municipality,

in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 89: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 September 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R766 656.80, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Ephraim Mogale Local Municipality on or about 6 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 90: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 September 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R766 656.80, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Ephraim Mogale Local Municipality on or about 6 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 91: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 7 September 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R2 000 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that

amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Ephraim Mogale Local Municipality on or about 6 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 92: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 7 September 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R2 000 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Ephraim Mogale Local Municipality on or about 6 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 93: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R345 205.79, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R70 000 000 plus accumulated interest in VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 30 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 94: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 October 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R345 205.79, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the

benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R70 000 000 plus accumulated interest in VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 30 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 95: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 30 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R590 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R120 000 000 deposit into VBS by the LIM 345 Local Municipality (also known as the Collins Chabane Local Municipality) on or about 23 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 96: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 30 October 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R590 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R120 000 000 deposit into VBS by the LIM 345 Local Municipality (also known as the Collins Chabane Local Municipality) on or about 23 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 97: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 November 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R1 000 000, whether for the benefit of Accused 10 or for the benefit of another

person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 15 November 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 98: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 November 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 000 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 15 November 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 99: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 6 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R300 130.46, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 191 000 deposit into VBS by the Mafikeng Local Municipality on or about 6 December 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 100: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 6 December 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R300 130.46, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to

act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 191 000 deposit into VBS by the Mafikeng Local Municipality on or about 6 December 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 101: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 12 and 22 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the cumulative amount of R1 800 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R150 000 000 deposit into VBS by the Vhembe District Municipality on or about 8 August 2017 and a reinvestment of R153 222 071.65 in VBS by the Vhembe District Municipality on or about 6 December 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 102: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 12 and 22 December 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R1 800 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R150 000 000 deposit into VBS by the Vhembe District Municipality on or about 8 August 2017 and a reinvestment of R153 222 071.65 in VBS by the Vhembe District Municipality on or about 6 December 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 103: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 18 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the

amount of R164 383.21, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a cumulative deposit of R40 000 000 into VBS by the Elias Motsoaledi Local Municipality on or about 15 December 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 104: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 18 December 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R164 383.21, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a cumulative deposit of R40 000 000 into VBS by the Elias Motsoaledi Local Municipality on or about 15 December 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies

into VBS.

COUNT 105: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R500 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 15 November 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 106: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 December 2017 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 9 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R500 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the

benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 15 November 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 107: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 10 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R149 589.04, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 12 January 2018, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 108: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 10 January 2018 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R149 589.04, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 12 January 2018, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 109: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 12 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R517 808.21, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that

amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R100 000 000 plus accumulated interest in VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 12 January 2018, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 110: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 12 January 2018 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R517 808.21, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R100 000 000 plus accumulated interest in VBS by the Fetakgomo – Greater Tubatse Local Municipality on or about 12 January 2018, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 111: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the amount of R2 000 000, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit reaching an agreement with Vhembe District Municipality officials and/or office bearers, to the detriment of the Vhembe District Municipality, not to withdraw R300 000 000 plus accumulated interest from VBS owed to the said municipality.

COUNT 112: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 January 2018 and at or near Midstream in the Ekurhuleni North Magisterial District and/or Midrand in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R2 000 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 10 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a

statutory, contractual or any other legal obligation, to wit reaching an agreement with Vhembe District Municipality officials and/or office bearers, to the detriment of the Vhembe District Municipality, not to withdraw R300 000 000 plus accumulated interest from VBS owed to the said municipality.

COUNT 113: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 13 October 2016 to 11 March 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 10 a gratification in the cumulative amount of R7 895 954.59 in the form of loans for the benefit of Accused 10 in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits and reinvestments of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 114: (ONLY IN RESPECT OF ACCUSED 10)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 13 October 2016 to 11 March 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 10 unlawfully and intentionally,

directly or indirectly, accepted or agreed or offered to accept gratifications from another person, to wit Accused 1, Accused 2 and Accused 3, to wit the cumulative amount of R7 895 954.59 in the form of loans for the benefit of Accused 10 in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits and reinvestments of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 115: (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 10)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 11 July 2016 to 17 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2, Accused 3 and Accused 10 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 11 a gratification in the cumulative amount of R4 284 450, whether for the benefit of Accused 11 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 116: (ONLY IN RESPECT OF ACCUSED 11)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT in and during the period 11 July 2016 to 17 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 11 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R4 284 450, from another person, to wit Accused 1, Accused 2, Accused 3 and Accused 10, whether for the benefit of Accused 11 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003.

COUNT 117: (ONLY IN RESPECT OF ACCUSED 1 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT during or about the period 2016 and at or near the Fusion Boutique Hotel, Polokwane in the Polokwane Magisterial District, Accused 1 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 11 a gratification in the cumulative amount of R200 000 in cash for the benefit of Accused 11 in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any

other legal obligation, to wit the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 118: (ONLY IN RESPECT OF ACCUSED 11)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT during or about the period 2016 and at or near the Fusion Boutique Hotel, Polokwane in the Polokwane Magisterial District, Accused 11 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept gratifications from another person, to wit Accused 1 and Accused 3, to wit R200 000 cash for the benefit of Accused 11 in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 119: (ONLY IN RESPECT OF ACCUSED 1 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 13 February 2017 and at or near Mavuta Manor, Polokwane in the Polokwane Magisterial District, Accused 1 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 11 a gratification in the

cumulative amount of R200 000 in cash for the benefit of Accused 11 in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 120: (ONLY IN RESPECT OF ACCUSED 11)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 13 February 2017 and at or near Mavuta Manor, Polokwane in the Polokwane Magisterial District, Accused 11 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept gratifications from another person, to wit Accused 1 and Accused 3, to wit R200 000 cash for the benefit of Accused 11 in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 121: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and

Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 16 and 22 September 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the cumulative amount of R755 314.31, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Polokwane Local Municipality on or about 16 September 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 121: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 16 and 22 September 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R755 314.31, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal

obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Polokwane Local Municipality on or about 16 September 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 123: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 and 17 October 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the cumulative amount of R912 000 (comprising of a payment of R456 000 on 15 October 2016 and a further payment of R456 000 on 17 October 2016), whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 7 October 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 124: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and

Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 and 17 October 2016 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R912 000 (comprising of a payment of R456 000 on 15 October 2016 and a further payment of R456 000 on 17 October 2016), from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 11 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 7 October 2016, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 125: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 January 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the cumulative amount of R509 509.67 (comprising of a payment in an amount of R119 293.98 as well as the settlement of the overdrawn balance of R390 215.69 due on the Contract Finance Account), whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that

amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit on or about 16 September 2016, and a R44 000 000 deposit on or about 22 December 2016, into VBS by the Polokwane Local Municipality in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 126: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 January 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the cumulative amount of R509 509.67 (comprising of a payment in an amount of R119 293.98 as well as the settlement of the overdrawn balance of R390 215.69 due on the Contract Finance Account), from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit on or about 16 September 2016, and a R44 000 000 deposit on or about 22 December 2016, into VBS by the Polokwane Local Municipality in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to

the State, in order to obtain such deposits of monies into VBS.

COUNT 127: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 28 February 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R108 003.28, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R9 500 000 deposit into VBS by the Free State Development Corporation ("**FDC**") on or about 27 February 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 128: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 28 February 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R108 003.28, from another

person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R9 500 000 deposit into VBS by the FDC on or about 27 February 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 129: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R540 016.44, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R95 000 000 deposit into VBS by the Polokwane Local Municipality on or about 24 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such

deposit of monies into VBS.

COUNT 130: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R540 016.44, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R95 000 000 deposit into VBS by the Polokwane Local Municipality on or about 24 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 131: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 9 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R112 438.36, whether for the benefit of Accused 12 or for the benefit of another

person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 5 May 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 132: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 9 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R112 438.36, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of an R80 000 000 deposit into VBS by the Polokwane Local Municipality on or about 5 May 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 133: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 June 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R570 000, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the FDC on or about 23 June 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 134: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 June 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R570 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or

functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the FDC on or about 23 June 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 135: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 21 July 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R341 063.01, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 000 000 deposit into VBS by the Dr Ruth Segomotso Mompoti District Municipality on or about 20 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 136: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and

Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 21 July 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R341 063.01, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R60 000 000 deposit into VBS by the Dr Ruth Segomotso Mompoti District Municipality on or about 20 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 137: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 1 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R93 698.63, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R50 000 000 plus

accumulated interest in VBS by the FDC on or about 31 July 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 138: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 1 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R93 698.63, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R50 000 000 plus accumulated interest in VBS by the FDC on or about 31 July 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 139: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and

Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 28 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R200 000, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R50 000 000 plus accumulated interest in VBS by the FDC on or about 28 August 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 140: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 28 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R200 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the

solicitation of a reinvestment of R50 000 000 plus accumulated interest in VBS by the FDC on or about 28 August 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 141: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 3 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R300 000, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R100 000 000 plus accumulated interest and a reinvestment of R9 500 000 plus accumulated interest in VBS by the FDC on or about 3 October 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 142: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 3 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R300 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R100 000 000 plus accumulated interest and a reinvestment of R9 500 000 plus accumulated interest in VBS by the FDC on or about 3 October 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999, as well as the Free State Development Corporation Act, 6 of 1995, the National Treasury Regulations and the FDC's Investment Policy, and the making of corrupt payments to FDC officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 143: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 November 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R1 250 000, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that

amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Community Schemes Ombud Service ("**CSOS**") on or about 16 November 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999 as well at the Community Schemes Ombud Service Act, 9 of 2011, the National Treasury Regulations and the CSOS Investment Policy, and the making of corrupt payments to CSOS officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 144: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 November 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 250 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the CSOS on or about 16 November 2017, in contravention of the provisions of the Public Finance Management Act, 1 of 1999 as well at the Community Schemes Ombud Service Act, 9 of 2011, the National Treasury Regulations and the CSOS Investment Policy, and the making of corrupt payments to CSOS officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 145: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 12 a gratification in the amount of R684 000, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the CSOS on or about 17 January 2018, in contravention of the provisions of the Public Finance Management Act, 1 of 1999 as well as the Community Schemes Ombud Service Act, 9 of 2011, the National Treasury Regulations and the CSOS Investment Policy, and the making of corrupt payments to CSOS officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 146: (ONLY IN RESPECT OF ACCUSED 12)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 January 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 12 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R684 000, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 12 or for the benefit of another person in order to act, personally or by influencing another

person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the CSOS on or about 17 January 2018, in contravention of the provisions of the Public Finance Management Act, 1 of 1999 as well at the Community Schemes Ombud Service Act, 9 of 2011, the National Treasury Regulations and the CSOS Investment Policy, and the making of corrupt payments to CSOS officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 147: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 8 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R1 111 890.41, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the Greater Giyani Local Municipality on or about 6 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 148: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 8 March 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 111 890.41, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R100 000 000 deposit into VBS by the Greater Giyani Local Municipality on or about 6 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 149: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R39 978.08, whether for the benefit of Accused 13 and

Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R20 000 000 deposit into VBS by the Moretele Local Municipality on or about 10 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 150: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 15 March 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R39 978.08, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R20 000 000 deposit into VBS by the Moretele Local Municipality on or about 10 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 151: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 23 March 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R112 438.36, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Moretele Local Municipality on or about 20 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 152: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 23 March 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R112 438.36, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the

benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R30 000 000 deposit into VBS by the Moretele Local Municipality on or about 20 March 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 153: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 7 April 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R187 397.26, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Moretele Local Municipality on or about 6 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 154: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 7 April 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R187 397.26, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Moretele Local Municipality on or about 6 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 155: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R224 876.71, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised,

incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a reinvestment of R40 000 000 plus accumulated interest in VBS by the Makhado Local Municipality on or about 12 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 156: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 5 May 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R224 876.71, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R40 000 000 plus accumulated interest in VBS by the Makhado Local Municipality on or about 12 April 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 157: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 31 May 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R59 967.12, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a reinvestment of R30 000 000 plus accumulated interest in VBS by the Moretele Local Municipality on or about 1 June 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 158: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 31 May 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R59 967.12, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to

act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R30 000 000 plus accumulated interest in VBS by the Moretele Local Municipality on or about 1 June 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 159: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 June 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R39 353.42, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a reinvestment of R30 000 000 plus accumulated interest in VBS by the Moretele Local Municipality on or about 6 June 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 160: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 20 June 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R39 353.42, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R30 000 000 plus accumulated interest in VBS by the Moretele Local Municipality on or about 6 June 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 161: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 21 July 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R462 246.58, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised,

incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a reinvestment of R40 000 000 plus accumulated interest in VBS by the Makhado Local Municipality on or about 17 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 162: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 21 July 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R462 246.58, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R40 000 000 plus accumulated interest in VBS by the Makhado Local Municipality on or about 17 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 163: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 22 July 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R290 465.75, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Makhado Local Municipality on or about 20 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 164: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 22 July 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R290 465.75, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased

exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R50 000 000 deposit into VBS by the Makhado Local Municipality on or about 20 July 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 165: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 August 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R179 276.71, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a deposit of R30 000 000 into VBS by the Dr Kenneth Kaunda District Municipality on or about 1 August 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 166: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and

Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 17 August 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R179 276.71, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a deposit of R30 000 000 into VBS by the Dr Kenneth Kaunda District Municipality on or about 1 August 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 167: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 7 September 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R2 384 837.89, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or

functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a reinvestment of R100 000 000 plus accumulated interest in VBS by the Greater Giyani Local Municipality on or about 18 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 168: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 7 September 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R2 384 837.89, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R100 000 000 plus accumulated interest in VBS by the Greater Giyani Local Municipality on or about 18 September 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 169: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 13 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R112 438.36, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R19 977 579.30 into VBS by the Makhado Local Municipality on or about 3 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 170: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 13 October 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R112 438.36, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to

act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a reinvestment of R19 977 579.30 into VBS by the Makhado Local Municipality on or about 3 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

COUNT 171: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 19 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R1 109 363.24, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a R48 656 282.29 deposit into VBS by the Greater Giyani Local Municipality on or about 13 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 172: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 19 October 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R1 109 363.24, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R48 656 282.29 deposit into VBS by the Greater Giyani Local Municipality on or about 13 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 173: (ONLY IN RESPECT OF ACCUSED 1, 2 AND 3)

Contravening Section 3(b) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 October 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2 and Accused 3 unlawfully and intentionally, directly or indirectly, gave or agreed or offered to give to Accused 13 and Accused 14 a gratification in the amount of R697 117.81, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised,

incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, and the solicitation of a R120 000 000 deposit into VBS by the LIM 345 (also known as Collins Chabane) Local Municipality on or about 23 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposit of monies into VBS.

COUNT 174: (ONLY IN RESPECT OF ACCUSED 13 AND 14)

Contravening Section 3(a) read with Sections 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, as amended.

IN THAT upon or about 24 October 2017 and at or near Johannesburg in the Johannesburg Central Magisterial District and or Randburg in the Johannesburg North Magisterial District and or Polokwane in the Magisterial District of Polokwane, Accused 13 and Accused 14 unlawfully and intentionally, directly or indirectly, accepted or agreed or offered to accept a gratification, to wit the amount of R697 117.81, from another person, to wit Accused 1, Accused 2 and Accused 3, whether for the benefit of Accused 13 and Accused 14 or for the benefit of another person in order to act, personally or by influencing another person so to act in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a statutory, contractual or any other legal obligation, to wit the solicitation of a R120 000 000 deposit into VBS by the LIM 345 (also known as Collins Chabane) Local Municipality on or about 23 October 2017, in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State.

COUNT 175: (ONLY IN RESPECT OF ACCUSED 1 AND 2)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998 ("POCA"), as amended.

WHEREAS the cumulative amount of R22 700 000 was paid to the Dambale account and the Munyai account (as set out in paragraphs 79 and 82 of the Preamble) during the period 25 August 2016 to 2 February 2018 which cumulative amount constituted or formed part of the proceeds of unlawful activities, to wit the theft of monies from VBS.

AND WHEREAS Accused 1 and Accused 2 knew or ought reasonably to have known that the said cumulative amount was or formed part of the proceeds of unlawful activities, to wit the theft of monies from VBS.

NOW THEREFORE Accused 1 and Accused 2 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA, as amended.

IN THAT in and during the period 9 February 2016 to 2 February 2018 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 2 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1 and Accused 2:

- to avoid prosecution for the theft of monies from VBS; and/or
- to remove or diminish any property acquired directly as a result of the theft of monies from VBS; and/or
- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 176: (ONLY IN RESPECT OF ACCUSED 1 AND 3)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R16 600 000 was paid and credited to the Lemawave account during the period 30 March 2017 to 5 October 2017 (as set out in paragraphs 93, 94 and 95 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities, to wit the theft of monies from VBS.

AND WHEREAS Accused 1 and Accused 3 knew or ought reasonably to have known that the said cumulative amount was or formed part of the proceeds of unlawful activities, to wit the theft of monies from VBS.

NOW THEREFORE Accused 1 and Accused 3 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA, as amended.

IN THAT in and during the period 30 March 2017 to 5 October 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 3 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned cumulative amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1 and Accused 3:

- to avoid prosecution for the theft of monies from VBS; and/or
- to remove or diminish any property acquired directly as a result of the theft of monies from VBS; and/or
- to avoid prosecution for corruption; and/or

- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 177: (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 4)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R6 205 392.24 was paid from the Samuma Enterprises account, the Hadiful Enterprises account, the Khavho Enterprice account, the Robvet account, the Venmont account, the Matodzi 005 account, the Matodzi 009 account and the Lemawave account to accounts under the control and/or for the benefit of Accused 4 during the period 10 February 2016 to 6 February 2018 (as set out in paragraphs 100 and 102 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1, Accused 2, Accused 3 and Accused 4 knew or ought reasonably to have known that the said cumulative amount of R6 205 392.24 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1, Accused 2, Accused 3 and Accused 4 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 10 February 2016 to 6 February 2018 at or near Rivonia, Accused 1, Accused 2, Accused 3 and Accused 4 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1, Accused 2, Accused 3 and Accused 4:

- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 178: (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 5)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS during the period 27 January 2016 to 11 March 2018 a cumulative amount of R30 335 442 was given by Accused 1, Accused 2 and Accused 3 to Accused 5 (as set out in paragraphs 110 to 115 of the Preamble), which cumulative amount constituted or formed part of the proceeds of unlawful activities, to wit the theft of monies from VBS.

AND WHEREAS Accused 1, Accused 2, Accused 3 and Accused 5 knew or ought reasonably to have known that the said cumulative amount was or formed part of the proceeds of unlawful activities, to wit the theft of monies from VBS.

NOW THEREFORE Accused 1, Accused 2, Accused 3 and Accused 5 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA, as amended.

IN THAT in and during the period 27 January 2016 to 11 March 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 2, Accused 3 and Accused 5 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned cumulative amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1, Accused 2, Accused 3 and Accused 5:

- to avoid prosecution for the fraudulent concealment of the theft of monies from

VBS; and/or

- to remove or diminish any property acquired directly as a result of the fraudulent concealment of the theft of monies from VBS; and/or
- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 179: (ONLY IN RESPECT OF ACCUSED 1 AND 6)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R750 000 was paid and credited to the Zanoware account during the period 13 March 2017 to 29 October 2017 (as set out in paragraph 118 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1 and Accused 6 knew or ought reasonably to have known that the said cumulative amount of R750 000 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1 and Accused 6 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 13 March 2017 to 29 October 2017 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 6 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said

amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1 and Accused 6:

- to avoid prosecution for the fraudulent concealment of the theft of monies from VBS; and/or
- to remove or diminish any property acquired directly as a result of the fraudulent concealment of the theft of monies from VBS; and/or
- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 180: (ONLY IN RESPECT OF ACCUSED 1 AND 7)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R7 450 000 was paid and credited to the Parallel account during the period 1 March 2016 to 2 February 2018 (as set out in paragraphs 121 to 123 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1 and Accused 7 knew or ought reasonably to have known that the said cumulative amount of R7 450 000 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1 and Accused 7 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 1 March 2016 to 2 February 2018 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 7 unlawfully entered into

an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1 and Accused 7:

- to avoid prosecution for the fraudulent concealment of the theft of monies from VBS; and/or
- to remove or diminish any property acquired directly as a result of the fraudulent concealment of the theft of monies from VBS; and/or
- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 181 (ONLY IN RESPECT OF ACCUSED 1 AND 8)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R7 000 000 was paid and credited to the Investar account and the Hekima account during the period 25 August 2016 to 2 February 2018 (as set out in paragraphs 127, 128 and 131 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1 and Accused 8 knew or ought reasonably to have known that the said cumulative amount of R7 000 000 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1 and Accused 8 are guilty of the offence of contravening

Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 25 August 2016 to 2 February 2018 at or near Rivonia in the Johannesburg North Magisterial District, Accused 1 and Accused 8 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1 and Accused 8:

- to avoid prosecution for the fraudulent concealment of the theft of monies from VBS; and/or
- to remove or diminish any property acquired directly as a result of the fraudulent concealment of the theft of monies from VBS; and/or
- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption.

COUNT 182 (ONLY IN RESPECT OF ACCUSED 1, 3 AND 9)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

IN THAT in and during or about the period 5 May 2017 to 13 February 2018 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 3 and Accused 9 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act whereby the cumulative amount of R135 000 000 that formed part of the proceeds of unlawful activities, was paid into the Vele 004 account from the VBS ABSA account, whilst they knew or reasonably ought to have known that the

agreement and/or arrangement or transactions would have the effect that the nature, source, location, disposition or movement of the said property or the ownership thereof would be disguised or concealed from the fact that it formed part of the proceeds of unlawful activities relating to theft and/or fraud, or would enable them to avoid prosecution in respect of crimes committed in the Republic of South Africa; or to remove or diminish any property acquired directly, or indirectly, as a result of the commission of an offence committed in the Republic of South Africa.

COUNT 183 (ONLY IN RESPECT OF ACCUSED 1, 3 AND 9)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

IN THAT in and during or about the period 7 September 2017 to 4 December 2017 and at or near Rivonia in the Johannesburg North Magisterial District, Accused 1, Accused 3 and Accused 9 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act whereby the cumulative amount of R740 000 000 that formed part of the proceeds of unlawful activities, was paid into the Vele 001 account from the VBS ABSA account, whilst they knew or reasonably ought to have known that the agreement and/or arrangement or transactions would have the effect that the nature, source, location, disposition or movement of the said property or the ownership thereof would be disguised or concealed from the fact that it formed part of the proceeds of unlawful activities relating to theft and/or fraud, or would enable them to avoid prosecution in respect of crimes committed in the Republic of South Africa; or to remove or diminish any property acquired directly, or indirectly, as a result of the commission of an offence committed in the Republic of South Africa.

COUNT 184: (ONLY IN RESPECT OF ACCUSED 1 AND 9)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R19 547 580.50 was paid from the Vele 001 account, the Vele Petroport account, the Black Label Telecoms account, the Firmanox account, the Foxburgh account, the Sabicorp account, the Allcare Administrators account and the Inshare account to the Madzonga VBS account, the Madzonga mortgage bond account and the Le Vainqueur account during the period 20 April 2016 to 5 February 2018 (as set out in paragraphs 134, 136 and 138 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1 and Accused 9 knew or ought reasonably to have known that the said cumulative amount of R19 547 580.50 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1 and Accused 9 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 20 April 2016 to 5 February 2018 at or near Rivonia, Accused 1 and Accused 9 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1 and Accused 9:

- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption; and/or

- to avoid prosecution for theft; and/or
- to remove or diminish any property acquired directly as a result of theft.

COUNT 185: (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 10)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R8 244 565.72 was paid, directly or indirectly, from the Robvet account to the Matsepe account and the Moshate account during the period 15 October 2016 to 12 January 2018 (as set out in paragraphs 142.1, 142.2, 142.3, 144.13, 144.14, 144.16, 144.18, 144.19, 144.20, 144.21, 144.22, 144.23 and 144.24 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1, Accused 2, Accused 3 and Accused 10 knew or ought reasonably to have known that the said cumulative amount of R8 244 565.72 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1, Accused 2, Accused 3 and Accused 10 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 15 October 2016 to 12 January 2018 at or near Rivonia, Accused 1, Accused 2, Accused 3 and Accused 10 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1, Accused 2, Accused 3 and Accused 10:

- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption; and/or
- to avoid prosecution for theft; and/or
- to remove or diminish any property acquired directly as a result of theft.

COUNT 186: (ONLY IN RESPECT OF ACCUSED 1, 2, 3, 10 AND 11)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R4 464 450 was paid from the Matsepe account and/or the Moshate account to the Mojovax Mortgage Bond or third parties during the period 11 July 2016 to 17 January 2018 (as set out in paragraphs 148, 149 and 150 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1, Accused 2, Accused 3, Accused 10 and Accused 11 knew or ought reasonably to have known that the said cumulative amount of R4 464 450 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1, Accused 2, Accused 3, Accused 10 and Accused 11 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 11 July 2016 to 17 January 2018 at or near Rivonia, Accused 1, Accused 2, Accused 3, Accused 10 and Accused 11 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of

concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1, Accused 2, Accused 4, Accused 9 and Accused 10:

- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption; and/or
- to avoid prosecution for theft; and/or
- to remove or diminish any property acquired directly as a result of theft.

COUNT 187: (ONLY IN RESPECT OF ACCUSED 1, 2, 3 AND 12)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R4 441 687.67 was paid from the Vele 001 account and the Robvet account to the Gundo Wealth VBS account during the period 15 October 2016 to 19 January 2018 (as set out in paragraphs 154.2, 154.3, 154.14, 154.15, 154.16 and 154.17 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1, Accused 2, Accused 3 and Accused 12 knew or ought reasonably to have known that the said cumulative amount of R4 441 687.67 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1, Accused 2, Accused 3 and Accused 12 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 15 October 2016 to 19 January 2018 at or near Rivonia, Accused 1, Accused 2, Accused 3 and Accused 12 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1, Accused 2, Accused 3 and Accused 12:

- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption; and/or
- to avoid prosecution for theft; and/or
- to remove or diminish any property acquired directly as a result of theft.

COUNT 188: (ONLY IN RESPECT OF ACCUSED 1, 2, 3, 13 AND 14)

MONEY LAUNDERING in contravention of Section 4 read with Sections 1 and 8 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended.

WHEREAS the cumulative amount of R4 303 757.30 was paid from the Robvet account to the TNE account during the period 7 September 2017 to 24 October 2017 (as set out in paragraphs 161.11, 161.12, 161.13 and 161.14 of the Preamble) which cumulative amount constituted or formed part of the proceeds of unlawful activities.

AND WHEREAS Accused 1, Accused 2, Accused 3, Accused 13 and Accused 14 knew or ought reasonably to have known that the said cumulative amount of R4 303 757.30 was or formed part of the proceeds of unlawful activities.

NOW THEREFORE Accused 1, Accused 2, Accused 3, Accused 13 and Accused 14 are guilty of the offence of contravening Section 4 read with Sections 1 and 8 of POCA.

IN THAT in and during the period 7 September 2017 to 24 October 2017 at or near Rivonia, Accused 1, Accused 2, Accused 3, Accused 13 and Accused 14 unlawfully entered into an agreement and/or engaged in an arrangement or a transaction and/or performed an act with the aforementioned amount of money which had or is likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said amount or ownership thereof or any interest which anybody may have or have had in respect thereof and/or enabling or assisting Accused 1, Accused 2, Accused 3, Accused 13 and Accused 14:

- to avoid prosecution for corruption; and/or
- to remove or diminish any property acquired directly as a result of the corruption; and/or
- to avoid prosecution for theft; and/or
- to remove or diminish any property acquired directly as a result of theft.

WHEREFORE upon due proof and conviction, the said Director of Public Prosecutions prays for sentence against the accused according to law.

JH VAN DER MERWE

DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

THE STATE versus TSHIFHIWA CALVIN MATODZI AND OTHERS

SUMMARY OF THE SUBSTANTIAL FACTS IN TERMS OF

SECTION 144(3)(a) OF ACT 51 OF 1977 (READ WITH THE GENERAL PREAMBLE)

AD COUNTS 1 TO 5 (RACKETEERING OFFENCES)

- 1 During the period referred to in Counts 1 to 5 of the indictment Accused 1 to 14 were associated in fact and thus formed an enterprise as defined in section 1 of POCA and as envisaged in sections 2(1)(a) to 2(1)(f). The accused amongst other made use of the following legally registered entities to wit VBS Mutual Bank, Vele Investments (Pty) Ltd, Vele Petroport Holdings SA (Pty) Ltd, Venmont Holdings (Pty) Ltd and Robvet (Pty) Ltd to provide continuity of structure for the unlawful activities of the enterprise.
- 2 All the accused participated in the enterprise through a pattern of racketeering activities as set out in the Preamble of this indictment.
- 3 Accused 1, Accused 2, Accused 3, Accused 4 and Accused 9 managed the affairs of the enterprise.
- 4 All the accused participated in the enterprise through a pattern of racketeering activities as set out in the Preamble of this indictment.
- 5 All the accused received or retained property, directly or indirectly, on behalf of the enterprise; and/or knew or ought reasonably to have known that such property derived or was derived from or through a pattern of racketeering activities as set out in Counts 6 to 47 of this indictment.
- 6 All the accused, whilst employed by and/or associated with the enterprise as defined above, conspired and/or attempted to participate in the affairs, directly or indirectly, of such enterprise's affairs through a pattern of racketeering activity as set out in Counts 6

to 47 of this indictment.

- 7 All the accused acquired or maintained, directly or indirectly, an interest in or control of the enterprise through a pattern of racketeering activities as set out in Counts 6 to 47 of this indictment.
- 8 The charges in this matter relate to the general deficiency caused by the pilferage of money from the general pool of funds in VBS by the Accused.
- 9 To hide the crime of theft, misrepresentations were made to the Registrar and/or shareholders by the accused as set out in the indictment on the annual financial statements dated 31 March 2017.
- 10 In order to prevent liquidity issues at VBS, misrepresentations were made to the PIC by Accused 1, Accused 2, Accused 3, Accused 8 and Mr. Truter to elicit additional funds from the Revolving Credit Facility Agreement that VBS had with the PIC.
- 11 Further to this Accused 1 made corrupt payments, from the stolen monies, to Accused 2, 3, 4, 5, 6, 7, and 8 for their part in concealing the theft. Accused 2 and 4 also participated in the corrupt payments made to Accused 5, Accused 9, Accused 10, Accused 11, Accused 12, Accused 13 and Accused 14. A large portion of these corrupt payments were made to the specific accused through different entities in order to hide the origin of the gratifications and/or proceeds.
- 12 The accused unlawfully elicited investments from municipalities in contravention of the provisions of the Local Government and the Municipal Finance Management Act, 56 of 2003. These investments were crucial in that they enabled the accused to hide the money that unlawfully flowed out of VBS through the fictitious credits. In order to secure the municipal investments gratifications were paid out to municipal officials by the accused in contravention of the Prevention and Combatting of Corrupt Activities Act,

Act 12 of 2004.

- 13 At all relevant times the accused and others acted in furtherance of a prior criminal agreement to commit the offences as set out in the indictment.

AD COUNTS 6 TO 17 (THEFT)

- 14 There was a general deficiency in the monies received by VBS amounting to R2 296 599 008. The cash deficiency is constituted by the difference between the total amount standing to the credit of VBS' depositors together with the total amount advanced to VBS by the PIC, as at 11 March 2018, and the total amount advanced by VBS to borrowers (including overdrafts, vehicle finance facilities, mortgage loans, etc.) together with the total amount standing to the credit of VBS in its external bank accounts.
- 15 Accused 1 exercised overall control of the financial systems of VBS by instructing certain employees and functionaries of VBS to facilitate the theft of monies from VBS.
- 16 Mr. Truter, who had control over the financial system at VBS including the banking system and the accounting system, carried out Accused 1's bidding by designing and implementing a system of so-called suspense accounts and creating fictitious deposits in those suspense accounts in order to facilitate the theft of monies from VBS.
- 17 Accused 4 had control over the banking system. He also carried out Accused 1's bidding by directly intervening in the banking system to permit unlawful payments out of VBS.
- 18 Accused 2 was the person with overall executive control over the financial system of VBS.
- 19 The specific thefts from the VBS pool of funds are set out in Counts 6 to 16 of the

indictment.

- 20 Accused 5, as the auditor of VBS, fraudulently covered up the theft of monies that had taken place during the period 1 April 2016 to 31 March 2017 and facilitated the further theft of monies during the period 1 April 2017 to 10 March 2018.
- 21 Accused 5 to 8 remained silent and covered up the theft of monies from the VBS pool of funds. Their silence made them complicit in the theft of monies from the VBS pool of funds and the general deficiency as set out in Count 17.

AD COUNTS 18 TO 28 (FRAUD)

- 22 There were several frauds perpetrated that served to cover up the ongoing theft of monies from VBS.
- 23 The audited annual financial statements of VBS for the year ended 31 March 2017 represent that VBS was in a solvent position having assets amounting to R2 102 039 406, liabilities amounting to R1 863 460 154 and a total equity of R238 579 252.
- 24 Mr. Truter prepared the annual financial statements well knowing that they contained the misrepresentations set out above.
- 25 Accused 6, as the Chairman of the Audit Committee, signed the Audit Committee Report on 4 July 2017 which recommended the approval of the annual financial statements, well knowing that the annual financial statements contained misrepresentations.
- 26 Accused 1 and 2 as the Chairman and Chief Executive Officer of VBS respectively, signed the Directors' Responsibility Statement to the annual financial statements on 4 July 2017, in which it was stated that the directors were responsible for the

preparation and fair presentation of the annual financial statements and that the directors were responsible for such internal controls as they determined to be necessary to enable the preparation of annual financial statements that are free from material misstatement, whether due to fraud or error, and for maintaining adequate accounting records and an effective system of risk management as well as the preparation of the supplementary schedules included in the annual financial statements.

- 27 Accused 1, 2, 6, 7 and 8 were members of the board of directors. They held out that the directors had assessed the ability of VBS to continue as a going concern and had no reason to believe that the business would not be a going concern in the year ahead whereas, to their knowledge, this was false.
- 28 Accused 5, as the auditor of VBS, signed the audit opinion on 17 July 2017. In this, he stated that, in his opinion, the financial statements fairly present, in all material respects, the financial position of VBS as at 31 March 2017, and its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards (IFRS) and the requirements of the Mutual Banks Act. At the very least, Accused 5 was aware that there was a substantial cash deficit as at 31 March 2017 and that it was impossible to reconcile the amounts standing to the credit of VBS in its banking accounts to the amount of R770 866 124 recorded in note 2 to the annual financial statements as "*money at call and at short notice*".
- 29 In respect of Count 19, VBS was required to submit the DI returns contemplated in the Regulations to the Registrar. In practical terms, the submission was to the Bank Supervision Department of the Reserve Bank. The most significant DI return was the DI 100, which sets out in expanded form the balance sheet of VBS. Most DI returns had to be submitted monthly. The DI returns for 31 March 2017 were initially submitted

with wholly incorrect information (in fact, the amounts disclosed were in respect of the month ending 28 February 2017 and not 31 March 2017). The DI returns were later amended to reflect the information as at 31 March 2017 and were resubmitted on 27 July 2017. The DI 100 return records the financial position of VBS as at 31 March 2017 in the same amounts that appear in the fraudulent annual financial statements. Thus, the DI 100 return for 31 March 2017 amounts to a fraudulent misrepresentation of VBS' financial position as at that date. Mr. Truter and 4 prepared the DI returns for the month ending 31 March 2017.

30 In respect of Count 20, Regulation 6(1) of the Regulations to the Mutual Banks Act made by the Minister of Finance under Section 91 of the Mutual Banks Act on 28 December 1993 as set out in Government Notice Number R.2508, published in Regulation Gazette No. 5227, requires that the auditor, accused 5, of a mutual bank shall annually report on the mutual bank's financial position and the result of its operations as reflected in all the returns, submitted in terms of Section 53 of the Mutual Banks Act, referred to in Regulation 6(5) that had been submitted to the Registrar as at the end of the financial year end of the reporting mutual bank. Regulation 6(2) requires the auditor to report whether in his opinion the information contained in the returns at year end, in all material respects:

- Reasonably reflects the information of the management accounts;
- Is complete in so far as all relevant information contained in the accounting and other records at the reporting date has been extracted therefrom and recorded in the returns;
- Is accurate in so far as it correctly reflects information contained in, and extracted from, the accounting and other records at the reporting date; and

- Was prepared using the same accounting policies as those contained in the management and statutory accounts.

31 Regulation 6(5) requires that the audit report contemplated in Regulation 6(1) shall be rendered in accordance with the wording and practices recommended from time to time by the South African Institute of Chartered Accountants and shall be in respect of Forms DI 100, DI 110, DI 200, DI 300, DI 310, DI 400, DI 401, DI 402, DI 403, DI 410, DI 420, DI 430, DI 500, DI 510, DI 520, DI 600, DI 700, DI 701, DI 702 and DI 704 submitted in respect of the reporting bank's operations.

32 As Audit Engagement Partner, Accused 5 was responsible for the Regulatory Audit. On 11 October 2017, Accused 5 signed the Regulation 6(1) report, thereby giving out to the Registrar, VBS, its shareholders and creditors, that the DI 100 Return was a fair presentation, in all material respects, of VBS' monthly balance sheet as at 31 March 2017. Accused 5 well knew that the DI 100 return was false as the item recorded as being "*Non-Bank funding – repayable in SA Rand*", in the amount of "*1,553,650*" was false and the item ought to have been recorded as "*1,292,350*". The item recorded as being "*Interbank (including intragroup)*", in the amount of "*770,866*" was false and ought to have been recorded as "*64,089*".

33 In respect of Count 21, Accused 1 and 3 unlawfully, falsely and with the intention to defraud, to the prejudice of the shareholders of VBS, caused the registration of the transfer of 5 110 shares in VBS from Accused 1 to Vele to be backdated to 1 April 2016 in order to falsely represent that Vele was an existing shareholder of VBS and thereby qualified to participate in the so-called second rights issue where existing shareholders would be entitled to take up two shares for every one share held in VBS.

34 In respect of Count 22, the PIC was a significant minority shareholder (of influence) in VBS. The PIC held shares in VBS (at varying percentage shareholdings) from at least

2012 to date, with its shareholding varying due to participating in multiple rights issues which occurred from time to time. In addition to this the PIC entered into an agreement, dated 23 June 2015, to provide a revolving credit facility to VBS for a maximum amount of R350 million. Accused 7 and 8 acted as representatives of the PIC on the Board of VBS. They did not carry out their fiduciary duties towards the PIC.

35 Count 23 pertains to the different rights issues which created a dilution of the shares held by the PIC in VBS. During the third rights issue PIC was invited by VBS to take up rights to restore their shareholding to 26%. During this process Mr. Truter knowingly presented documentation to the PIC to confirm the financial position of VBS as recorded in its management accounts as at 30 September 2017 which Mr. Truter knew to be false. The fraudulent amounts recorded in the management accounts followed on, and were based on, the fraudulent annual financial statements for the financial year ending March 2017. Accused 1 was part of the misrepresentation made to the PIC to induce them to make payment to VBS in the amount of R90 000 000 for the additional shares.

36 In respect of Count 24, Accused 7 unlawfully, falsely and with the intention to defraud, to the prejudice of the PIC, in circumstances where there was a fiduciary duty on Accused 7 to act in the best interest of the PIC, caused and permitted certain amendments to be made to the terms and conditions of the Facility Agreement between VBS and the PIC subsequent to the approval of the terms and conditions of the Facility Agreement by the PIC, which amendments were to the disadvantage and prejudice of the PIC.

37 In respect of count 25, Accused 9 made unlawfully misrepresented to VBS that he and not Vele Investments Pty (Ltd) was entitled to an amount of R15 000 000. In respect of count 26, Mr. Truter, Accused 1, Accused 2 and Accused 3 presented to the PIC that

the principle sum that VBS required in terms of their drawdown request would only be used for the loan purposes as set out in the Revolving Credit Facility Agreement. However, Mr. Truter, Accused 1, Accused 2 and Accused 3 knew that it would be used be to create liquidity in VBS.

38 In respect of count 26, Mr. Truter, Accused 1, Accused 2 and Accused 3 presented to the PIC that the principle sum that VBS required in terms of their drawdown request would only be used for the loan purposes as set out in the Revolving Credit Facility Agreement. However, Mr. Truter, Accused 1, Accused 2 and Accused 3 knew that it would be used be to create liquidity in VBS.

39 In respect of count 27, Mr. Truter, Accused 1 and Accused 2 gave out the PIC that the supporting documentation accompanying the drawdown request, including documents entitled "*Addendum to Revolving Fuel Loan Facility*" between VBS and Thlokaina 21 CC for an additional amount of R5 000 000, and between VBS and Imbani Projects (Pty) Ltd for an additional amount of R9 000 000, had been lawfully entered into, lawfully executed and were genuine. The factual position was that no such addendums had been entered into and that the purported signatures on behalf of Thlokaina 21 CC and Imbani Projects (Pty) Ltd on such documents were forgeries.

40 In respect of count 28, Mr. Truter, Accused 1, Accused 2, Accused 3 and Accused 9 gave out to the PIC in support of an application for further funding from the PIC, that the figures contained in the management accounts of VBS as at 31 January 2018, were a fair presentation, in all material respects, of the financial position of VBS as at 31 January 2018. The factual position was that the figures were fraudulent and that VBS was factually insolvent.

AD COUNTS 29 TO 174 (CORRUPTION)

- 41 Accused 1 paid over gratifications to Accused 2 to 9, 11 and Mr. Philippus Truter as set out in Counts 32, 34, 35, 37, 39, 41, 43, 45, 47, 49, 51, 115, 117 and 119.
- 42 Accused 2 and 3 assisted Accused 1 with the gratification payments to Accused 4 and 5 as set out in Count 37, 39 and 41.
- 43 Accused 2, Accused 3 and Accused 10 assisted with the gratification payment to Accused 11 as set out in count 115.
- 44 Accused 3 assisted with the gratification payments to Accused 11 as set out in counts 117 and 119.
- 45 Accused 2, Accused 3, Accused 4 and Accused 10 paid out gratifications to Ms Charlotte Ngobeni as set out in respect of Count 29.
- 46 Accused 3 and Accused 4 paid out gratifications to Mr. Kolofelo Kolanisi as set out in respect of Count 30 and to Ms. Mavis Matlala as set out in respect of count 31.
- 47 Accused 2 received gratifications totalling R23 495 000 from Accused 1 as set out in Count 32.
- 48 Mr. Truter was offered, and he accepted, gratifications totalling R5 250 000 by Accused 1 but received gratifications totalling only R2 250 000 as set out in Count 34.
- 49 Accused 3 received gratifications totalling R17 100 000 from Accused 1 as set out in Count 36.
- 45 Accused 4 received gratifications totalling R6 205 392.24 from Accused 1, Accused 2 and Accused 3 as set out in Count 38 and R32 296 305.21 from Accused 1, Accused

2 and Accused 3 as set out in Count 40.

- 46 Accused 5 received gratifications totalling R29 242 863 from Accused 1, 2 and 4 as set out in Count 42.
- 47 Accused 5 received additional gratifications totalling R1 092 579 from Accused 1 as set out in Count 44.
- 48 Accused 6 received gratifications amounting to R750 000 from Accused 1 as set out in Count 46.
- 49 Accused 7 received gratifications amounting to R7 450 000 from Accused 1 as set out in Count 48.
- 50 Accused 8 received gratifications amounting to R7 000 000 from Accused 1 as set out in Count 50.
- 52 Accused 9 received gratifications amounting to R19 547 580.50 from Accused 1 as set out in Count 52.
- 53 Accused 11 received gratifications amounting to R4 284 450 from Accused 1, Accused 2, Accused 3 and Accused 10 in respect of count 115 for his influence and/or intervention with another person in respect of the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003.
- 54 Accused 11 received gratifications amounting to R400 000 from Accused 1 and Accused 3 in respect of counts 118 and 120 for his influence and/or intervention with another person in respect of the solicitation of deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003.

- 55 Accused 1, Accused 2 and Accused 3 paid over gratifications to Accused 10, Accused 12, Accused 13 and Accused 14 the following counts as set out below and in the indictment: Counts 29, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171 and 173.
- 56 Accused 10 received gratifications amounting to R8 244 565.72 from Accused 1, Accused 2 and Accused 3 in respect of counts 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112 and 114. These gratifications were in respect of his influence and/or intervention with another person to solicit deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS. In respect of counts 117 to 120, Accused 1 and Accused 3 paid out or caused payment of the gratifications in as set out in the respective counts to Accused 11. Accused 11 received the gratifications for his own benefit and the benefit of another person and/or organisation as reward for his role in the unlawful influencing of, or intervention in the duties of municipal officials to invest municipal funds in VBS.
- 57 Accused 12 received gratifications that he received in the cumulative amount of R4 464 450 from Accused 1, Accused 2 and Accused 3 in respect of counts 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144 and 146. These gratifications were for his influence and/or intervention with another person in order to solicit deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003, the Community Schemes Ombud Service

(CSOS) or the Free State Development Corporation (FDC) in contravention of the provisions of the Public Finance Management Act, 1 of 1999 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

58 Accused 13 and 14 received gratifications in the cumulative amount of R4 303 757.30 from Accused 1, Accused 2 and Accused 3 in respect of counts 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172 and 174. These gratifications were for their influence and/or intervention with another person in order to solicit deposits of monies into VBS by municipalities in contravention of the provisions of the Municipal Finance Management Act, 56 of 2003 and the making of corrupt payments to various municipal officials, both known and unknown to the State, in order to obtain such deposits of monies into VBS.

AD COUNTS 175 TO 188 (MONEY LAUNDERING)

59 Accused 2 to 14 on separate occasions as set out in Counts 175 to 188 received substantial amounts of money, into the bank accounts of different entities. The monies were not due to these entities by VBS. The money which was destined for Accused 2 to 14 was proceeds from the criminal agreement between Accused 1 to 14 and the purpose thereof was to disguise the nexus between VBS and Accused 1 and Accused 2 to 14.

THE STATE versus TSHIFHIWA CALVIN MATODZI AND OTHERS

LIST OF WITNESSES IN TERMS OF SECTION 144(3)(a) OF ACT 51 OF 1977

- 1 Kuben Naidoo
- 2 Anooshkumar Rooplal
- 3 Walter Stander
- 4 Stephanus Johannes Wernich
- 5 Esmi Kruger
- 6 Nadia Geemooi
- 7 Brigadier Basi
- 8 LT Col Schnelle
- 9 George Christoffel Coetzee
- 10 Adam Johannes Willemse
- 11 Paul Ian Weinberg
- 12 Andre Rossouw
- 13 Jacques Riel Malan
- 14 Jakobus Swartz
- 15 Bernard Hotz
- 16 Renier Kachelhoffer
- 17 Themba Ntsele
- 18 Tshepo Masipa
- 19 Ane du Preez
- 20 Margaret Lepule

- 21 James Grundlingh
- 22 Mpho Gama
- 23 Emmanuel Makata
- 24 Caswell Motumisi
- 25 Kagiso Monareng
- 26 Johan Scheepers
- 27 Elsie Ngwenya
- 28 David Broom
- 29 Kafuma Munalula
- 30 Mhlengi Nduli
- 31 Tertia Monare
- 32 Luan Nieuwoudt
- 33 Regina Erasmus
- 34 Petrus Cronje
- 35 Delarese van der Merwe
- 36 Regomoditswe Bertha Ntsie
- 37 Wilson Muvhalawa
- 38 Desmond Mahlangu
- 39 Ryan Sacks
- 40 Bheki Nyathi
- 41 Bongiwe Machakela
- 42 Lorraine Lalieu