

IN THE HIGH COURT OF SOUTH AFRICA,

FREE STATE DIVISION: BLOEMFONTEIN

Case Number:

THE STATE

versus

ACCUSED 1	DAVID MOTAU
ACCUSED 2	MOTSUMI KRISJAN POLORI
ACCUSED 3	KENOSI SARAH LEGOBATE
ACCUSED 4	MIETJIE JOHNS
ACCUSED 5	GLORIA BUYISWA GOGO
ACCUSED 6	MOTSEMME JOHN CHAKANE
ACCUSED 7	MARIA LIMAKATSO MABITLE
ACCUSED 8	HAZEL NCUKANA
ACCUSED 9	COLLEEN HILARY KALA
ACCUSED 10	SETLE JACK LETLOJANE
ACCUSED 11	TIETISIE JOHN POLORI
ACCUSED 12	TSA RONA CONSULTANCY
ACCUSED 13	SIMILO GERALD JOHNSON
ACCUSED 14	SIPHILILE INVESTMENTS
ACCUSED 15	MATTHEWS THABO MOETI

The Director of Public Prosecutions, Free State Division, Bloemfontein, who as such prosecutes for and on behalf of the State, presents and informs the Honourable Court that the Accused:

**DAVID MOTAU**  
A 54-year-old male, South African citizen residing at 90 Zuikerbos Estate, Fish Eagle Drive, Three Rivers East, Vereeniging.

(hereinafter referred to as accused 1)

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### INDICTMENT

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ACCUSED 25	MAKHALE NTABE GODFREY MAHLATSI
ACCUSED 24	PHOKA STURMAN
ACCUSED 23	ZEN COMMUNICATIONS
ACCUSED 22	MMALEFU CHARITY MOLOI
ACCUSED 21	LEBOHANG BEQEZI
ACCUSED 20	AMAKHOLWA CONSULTANCY TRAINING AND GENERAL TRADING
ACCUSED 19	SIMON NJONGA
ACCUSED 18	LAND BREEZZE TRADING 623
ACCUSED 17	MAVUSO VICTOR KWABABA
ACCUSED 16	AZRAGO

**MOTSUMI KRISJAN POLORI**

A 47-year-old male, South African citizen residing at 14406 Phase 6, Kagisanong,

Bloemfontein.

(hereinafter referred to as accused 2)

**KENOSI SARAH LEGOBATE**

A 45-year-old female, South African citizen residing at 8 Anjosta Flat, Raymond Mhlaba Road,

Navaisig, Bloemfontein.

(hereinafter referred to as accused 3)

**MIETJIE JOHNS**

A 63-year-old female, South African citizen residing at 10 Daisy Street, Heidedal, Bloemfontein.

(hereinafter referred to as accused 4)

**GLORIA BUYISWA GOGO**

A 63-year-old female, South African citizen residing at 28 Klaradyn Street, Pellisier,

Bloemfontein.

(hereinafter referred to as accused 5)

**MOTSEMME JOHN CHAKANE**

A 65-year-old male, South African citizen residing at 14 Poppy Crescent, Heidedal,

Bloemfontein.

(hereinafter referred to as accused 6)

**MARIA LIMAKATSO MABITLE**

A 62-year-old female, South African citizen residing at 1 La Coste Street, Bayswater,

Bloemfontein.

(hereinafter referred to as accused 7)

**HAZEL NCUKANA**

A 58-year-old female, South African citizen residing at 13 Quaggasrust, Kwaggafontein,

Bloemfontein.

(hereinafter referred to as accused 8)

**COLLEEN HILARY KALA**

A 57-year-old female, South African citizen residing at 139 Jac van Rhyn Street, Universitas

Ridge, Bloemfontein.

(hereinafter referred to as accused 9)

**SETLE JACK LETLOJANE**

A 55-year-old male, South African citizen residing at 39A, 12<sup>th</sup> Avenue, Kiersville Lichtenburg.

(hereinafter referred to as accused 10)

**TSIETSIIE JOHN POLORI**

A 50-year-old male, South African citizen residing at 2863 Naledi Section, Bultfontein.

(hereinafter referred to as accused 11)

**TSA RONA CONSULTANCY**

A private company with registration number 2010/058306/23, duly incorporated in terms of the

Companies Act, Act 71 of 2008, as represented by Accused 11 in terms of Section 332 of the Criminal Procedure Act, Act 51 of 1977.  
(hereinafter referred to as accused 12)

**SIMILO GERALD JOHNSON**

A 44-year-old male, South African citizen residing at 41 Bloemvalle, Willows, Bloemfontein.  
(hereinafter referred to as accused 13)

**SIPHILILE INVESTMENTS**

A private company with registration number 2005/139468/23, duly incorporated in terms of the Companies Act, Act 71 of 2008, as represented by Accused 13 in terms of Section 332 of the Criminal Procedure Act, Act 51 of 1977.  
(hereinafter referred to as accused 14)

**MATHEWS THABO MOETI**

A 39-year-old male, South African citizen residing at 6065 Monamodi Street, Rocklands Bloemfontein.  
(hereinafter referred to as accused 15)

**AZRAGO**

A private company with registration number 2009/185283/23, duly incorporated in terms of the Companies Act, Act 71 of 2008, as represented by Accused 15 in terms of Section 332 of the Criminal Procedure Act, Act 51 of 1977.  
(hereinafter referred to as accused 16)

**MAVUSO VICTOR KWABABA**

A 49-year-old male, South African Citizen residing at 34744 Chris Hani, Bloemfontein.

(hereinafter referred to as accused 17)

**LAND BREEZE TRADING 623**

A private company with registration number 2008/252902/23, duly incorporated in terms of the

Companies Act, Act 71 of 2008, as represented by Accused 17 in terms of Section 332 of the

Criminal Procedure Act, Act 51 of 1977.

(hereinafter referred to as accused 18)

**SIMON NJONGA**

A 40-year-old male, South African citizen residing at 45 Xaba Street, Batho Location

Bloemfontein.

(hereinafter referred to as accused 19)

**AMAKHOLWA CONSULTANCY TRAINING AND GENERAL TRADING**

A private company with registration number 2010/067484/23, duly incorporated in terms of the

Companies Act, Act 71 of 2008, as represented by Accused 19 in terms of Section 332 of the

Criminal Procedure Act, Act 51 of 1977.

(hereinafter referred to as accused 20)

**LEBOHANG BEQEZI**

A 37-year-old male, South African citizen residing at 08 Paul Tempu Street, Dan Pienaar,

Bloemfontein.

(hereinafter referred to as accused 21)

**MMALEFU CHARITY MOLOI**

A 39-year-old male, South African citizen residing at 08 Paul Tempu Street, Dan Pienaar,

Bloemfontein.

(hereinafter referred to as accused 22)

**ZEN COMMUNICATIONS**

A private company with registration number 2006/214903/23, duly incorporated in terms of the Companies Act, Act 71 of 2008, as represented by Accused 21 and 22 in terms of Section 332 of the Criminal Procedure Act, Act 51 of 1977.

(hereinafter referred to as accused 23)

**PHOKA STURMAN**

A 39-year-old male, South African citizen residing at 08 Paul Tempu Street, Dan Pienaar,

Bloemfontein.

(hereinafter referred to as accused 24)

**MAKHALE NTABE GODFREY MAHLATSI**

A 52-year-old male adult South African citizen residing at 13 Thuthukane Complex, Blinkblaar

Street, Woodland Hills, Bloemfontein.

(hereinafter referred to as accused 25)

ARE GUILTY OF THE FOLLOWING OFFENCES: -

1. COUNT 1 - 43: CONTRAVENTION OF SECTION 86(1) READ WITH SECTIONS 1, 36, 38, 39, 40, 44 AND 76(4)(c) OF THE PUBLIC FINANCE MANAGEMENT ACT, ACT 1 OF 1999.

2. COUNT 44 TO 86: FORGERY READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.

3. COUNT 87 TO 129: UTTERING READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.

4. COUNT 130 TO 144: FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.

ALTERNATIVE TO COUNT 130 TO 144: THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.

5. COUNT 145: FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.

ALTERNATIVE TO COUNT 145: THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.



6. COUNT 146: FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.  
ALTERNATIVE TO COUNT 146: THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.
7. COUNT 147 TO 149: FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.  
ALTERNATIVE TO COUNT 147 TO 149: THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.
8. COUNT 150 TO 155: FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.  
ALTERNATIVE TO COUNT 150 TO 155: THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.
9. COUNT 156 TO 173: FRAUD READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.  
ALTERNATIVE TO COUNT 156 TO 173: THEFT READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS AMENDED.

10. COUNT 174 TO 187: CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.  
ALTERNATIVE TO COUNT 174 TO 187: CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004.

11. COUNT 188: CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.  
ALTERNATIVE TO COUNT 188: CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004,

12. COUNT 189: CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.  
ALTERNATIVE TO COUNT 189: CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.

13. COUNT 190 TO 191: CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.  
ALTERNATIVE TO COUNT 190 TO 191: CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.

14. COUNT 192 TO 198: CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.  
ALTERNATIVE TO COUNT 192 TO 198: CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.

15. COUNT 199 TO 216: CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.  
ALTERNATIVE TO COUNT 199 TO 216: CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, NO 12 OF 2004.

16. COUNT 217 TO 233: CORRUPTION IN CONTRAVENTION OF SECTION 3(a) (iii) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.  
1<sup>ST</sup> ALTERNATIVE TO COUNT 217 TO 233: CORRUPTION IN CONTRAVENTION OF SECTION 21 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

2<sup>ND</sup> ALTERNATIVE TO COUNT 217 TO 233: CORRUPTION IN CONTRAVENTION OF SECTION 20 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

17. COUNT 234: CORRUPTION IN CONTRAVENTION OF SECTION 3(a) (iii) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004

1<sup>ST</sup> ALTERNATIVE TO COUNT 234: CORRUPTION IN CONTRAVENTION OF SECTION 21 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

2<sup>ND</sup> ALTERNATIVE TO COUNT 234: CORRUPTION IN CONTRAVENTION OF SECTION 20 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

18. COUNT 235: CORRUPTION IN CONTRAVENTION OF SECTION 3(a) (iii) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

1<sup>ST</sup> ALTERNATIVE TO COUNT 235: CORRUPTION IN CONTRAVENTION OF SECTION 21 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

2<sup>ND</sup> ALTERNATIVE TO COUNT 235: CORRUPTION IN CONTRAVENTION OF SECTION 20 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

19. COUNT 236 TO 237: CORRUPTION IN CONTRAVENTION OF SECTION 3(a) (iii) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004.

1<sup>ST</sup> ALTERNATIVE TO COUNT 236 TO 237: CORRUPTION IN CONTRAVENTION OF

SECTION 21 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT

12 OF 2004.

2<sup>ND</sup> ALTERNATIVE TO COUNT 236 TO 237: CORRUPTION IN CONTRAVENTION OF

SECTION 20 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT

12 OF 2004.

20. COUNT 238 TO 243: CORRUPTION IN CONTRAVENTION OF SECTION 3(a) (!!!) READ

WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF

CORRUPT ACTIVITIES ACT 12 OF 2004.

1<sup>ST</sup> ALTERNATIVE TO COUNT 238 TO 243: CORRUPTION IN CONTRAVENTION OF

SECTION 21 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT

12 OF 2004.

2<sup>ND</sup> ALTERNATIVE TO COUNT 238 TO 243: CORRUPTION IN CONTRAVENTION OF

SECTION 20 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT

12 OF 2004.

21. COUNT 244 TO 259: CORRUPTION IN CONTRAVENTION OF SECTION 3(a) (!!!) READ

WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF

CORRUPT ACTIVITIES ACT 12 OF 2004.

1<sup>ST</sup> ALTERNATIVE TO COUNT 244 TO 259: CORRUPTION IN CONTRAVENTION OF

SECTION 21 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT

12 OF 2004.

2<sup>ND</sup> ALTERNATIVE TO COUNT 244 TO 259: CORRUPTION IN CONTRAVENTION OF

SECTION 20 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT

12 OF 2004.

22. COUNT 260 TO 273: MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4

READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT

121 OF 1998.

ALTERNATIVE TO COUNT 260 TO 273: CONTRAVENTION OF SECTION 6 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

23. COUNT 274: MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

ALTERNATIVE TO COUNT 274: CONTRAVENTION OF SECTION 6 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

24. COUNT 275: MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

ALTERNATIVE TO COUNT 275: CONTRAVENTION OF SECTION 6 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

25. COUNT 276 TO 277: MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4

READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT

121 OF 1998.

ALTERNATIVE TO COUNT 276 TO 277: CONTRAVENTION OF SECTION 6 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

26. COUNT 278 TO 286: MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4

READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT

121 OF 1998.

ALTERNATIVE TO COUNT 278 TO 286: CONTRAVENTION OF SECTION 6 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

27. COUNT 287 TO 309: MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4

READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT

121 OF 1998.

ALTERNATIVE TO COUNT 287 TO 309: CONTRAVENTION OF SECTION 6 READ WITH

SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998.

28. COUNT 310 TO 316: CONTRAVENTION OF SECTION 75(1)(a) READ WITH SECTIONS

1, 66, 69 AND 75(3) OF THE INCOME TAX ACT 58 OF 1962 AS AMENDED.

29. COUNT 317 TO 322: CONTRAVENTION OF SECTION 58(c) READ WITH SECTIONS 1,

23 AND 58(b) OF THE VAT ACT 89 OF 1991 AS AMENDED.

**GENERAL PREAMBLE**

1. Section 217(1) of the Constitution of the Republic of South Africa ("Constitution") require that, "When an organ of state in the national provincial or local sphere of government or institution identified in national legislation, contracts for goods or services, it must do so with a system which is fair, equitable, transparent, competitive and cost-effective."

2. The Public Finance Management Act 1 of 1999 ("PFMA"), applies to all National and Provincial Government Departments and Public Entities listed in the schedules to the PFMA. Therefore, the PFMA is applicable to the Department of Health Free State ("Department").

3. The National Treasury may make regulations or issue instructions (Practice Notes) in terms of section 76(4) (c) of the PFMA, applicable to all institutions to which the PFMA applies.

4. In terms of Treasury Regulation 16A promulgated in Government Gazette number 27388, which came into effect on 15 March 2005 and read with Treasury Regulation 16A2.1 (a), this framework applies to all Departments. Treasury Regulation 16A6.1 require that the procurement of goods and services, either by way of quotations or through a competitive bidding processes, must be within the threshold values as determined by the National Treasury.

5. Regulation 16A9.1(b) states that: "The Accounting Officer must investigate any allegations against an official or other role player of corruption, improper conduct or failure to comply with the supply chain management system, and when justified –

5.1. take steps against such official or other role player and inform the relevant treasury of such steps; and



5.2. report any conduct that may constitute an offence to the South African Police Service."

6. Regulation 12 of the Treasury Regulations deals with management of losses and claims, wherein:

6.1. Regulation 12.5.1 states that: "When it appears that the state has suffered losses or damages through criminal acts or possible criminal acts or omissions, the matter must be reported, in writing, to the accounting officer and the South African Police Service. If liability can be determined, the accounting officer must recover the value of the loss or damage from the person responsible."

6.2. Regulation 12.5.2 states that: "The accounting officer may write off losses or damages arising from criminal acts or omissions if, after a thorough investigation, it is found that the loss or damage is irrecoverable."

6.3. Regulation 12.7.1 states: "Losses or damages suffered by an institution because of an act committed or omitted by an official, must be recovered from such an official if that official is liable in law."

6.4. Regulation 12.7.2 states that: "The accounting officer must determine the amount of the loss or damage and, in writing, request that official to pay the amount within 30 days or in reasonable instalments. If the official fails to comply with the request, the matter must be handed to the State Attorney for the recovery of the loss or damage."

7. Regulation 9.1.5 states that: "The amount of the unauthorised, irregular, fruitless and wasteful expenditure must be disclosed as a note to the annual financial statements of the institution." This regulation is read with Section 40(3)(b)(iii) of the PFMA.

8. Accused 1 and 25 were at all material times relevant to the charges, the Head of the Department and an accounting officer as defined in terms of section 1 of the PFMA.

8.1. Accused 1 was appointed as Head of the department from 1 May 2013 until April

2018;

8.2. Accused 25 was appointed as accounting officer of the department in terms of section 36(3) of PFMA from 17 March 2014 to 15 February 2018.

9. Accused number 1 and 25 as HOD and accounting officer of the Department had a duty to comply with and take all reasonable steps to secure compliance by the department with the provisions of sections 38, 39, and 40 of the PFMA and failed to do so.

10. In terms of section 44 of the PFMA, an accounting officer of a department may in writing delegate any of the powers entrusted or delegated to the accounting officer in terms of this Act, to an official in that department; or instruct any official in that department to perform any of the duties assigned to the accounting officer in terms of the Act.

11. Accused 1 and 25 delegated in writing their powers entrusted in terms of the PFMA to accused 2 to 10 and 24 at all material times relevant to the charges;

12. In terms of section 44(2)(d) of PFMA, a delegation or instruction to an official in terms of subsection (1) does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

13. The accounting officer may confirm, vary or revoke any decision taken by an official as a result of a delegation or instruction in terms of subsection (1), subject to any rights that may have become vested as a consequence of the decision.

14. Accused 1 to 10, 24 and 25 are employees of the Department, employed within the supply chain and finance division in various capacities. They are public officers as defined in terms of section 1 of Prevention and Combating of Corrupt Activities Act, Act 12 of 2004 (“PRECCA”).

15. They are bound to comply with the PFMA, National Treasury Regulations or Instructions and the Supply Chain Management Policy of the department.

16. The following companies or entities submitted claims and received payments for service rendered to the department:

16.1. Tsa Rona Consultancy;

16.2. Siphilile Investments;

16.3. Azrago;

16.4. Land Breeze Trading 623;

16.5. Amakholwa Consultancy Training and General Trading;

16.6. Zen Communications.

17. During the period between January 2011 and December 2015, accused 2 to 10 and 24 facilitated or participated in the payment of claims in favour of accused 11 to 23 by compiling

payment batches, checking or verifying whether services were rendered or not and

authorizing of the payment of the claims.

18. As a consequence of the false claims or transactions, the department made several

payments in favour of the entities as follows:

18.1. Tsa Rona Consultancy and Training- R2 477 288.00;

18.2. Siphilile Investments – R125 000.00;

18.3. Azrago – R97 500.00;

18.4. Land Breeze Trading – R704 250.00;

18.5. Amakholwa Consultancy and General Trading – R1 508 462.00;

18.6. Zen Communications – R 3 565 868.00.

19. The abovementioned payments were made by the department under the belief that the said

amounts were due and payable to accused 11 to 23 whereas in law and in fact the said

moneys were not due nor payable to accused 11 to 23 as no services were rendered to the

department.

20. The abovementioned entities are registered in terms of South African law and liable or

obligated to register for Tax purposes and to submit returns to the South African Receiver

of Revenue as prescribed by the Tax laws under certain conditions.

21. During the period between or tax period for 2010 to 2016 years, the aforementioned entities received an taxable income or provided taxable services or some received a turnover above the threshold amount of R1 Million annually and failed to register for VAT and/or to file their returns as required, to the prejudice of the South Africa Revenue Services.

22. During May 2015 the office of Auditor General submitted a report to the Department. In this report, the payments to accused 1 to 23 by the Department were found to be irregular, fruitless and wasteful.

23. In response to the Auditor General's report, the department referred the matter to the South African Police Service for criminal investigation, however failed to investigate the officials identified or to discipline them internally for the irregular, fruitless and wasteful expenditure. 24. The department grossly failed to recover the losses or damages suffered as a result of the fruitless and wasteful expenditure from the entities and officials involved and suffered actual prejudice to the value of R8 761 040.00.

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

**COUNT 1 - 43: [IN RELATION TO ACCUSED 1 AND 25]**

**THAT THE ACCUSED ARE GUILTY OF CONTRAVENTION OF SECTION 86(1) READ WITH SECTIONS 1, 36, 38, 39, 40, 44 and 76(4)(c) OF THE PUBLIC FINANCE MANAGEMENT**

**ACT, ACT 1 OF 1999.**

**IN THAT** on or about the dates as per **Column 2 of Schedule B** of the indictment and at or

near Bloemfontein in the district of Bloemfontein and within the jurisdiction of the Honourable

Court:

1. The accused, as accounting officers had the duty to comply with sections 38, 39, 40 of

the PFMA and National Treasury regulations which requires that the accounting officer

must;

1.1. Take effective and appropriate steps to prevent unauthorised, irregular and

fruitless and wasteful expenditure and losses resulting from criminal conduct;

1.2. Must comply with any tax, levy, duty, pension and audit commitments as may

be required by legislation;

1.3. On discovery of any unauthorised, irregular or fruitless and wasteful

expenditure, must immediately report, in writing, particulars of the expenditure

to the relevant treasury;

1.4. Must take effective and appropriate disciplinary steps against any official/s in the

service of the department or constitutional institution who contravenes or fails to

comply with a provision of this Act;

1.5. Take effective and appropriate steps to collect all money due to the institution,

hence every effort must be undertaken to recover irregular and or fruitless and

wasteful expenditure;

1.6. Must keep full and proper records of the financial affairs of the department,

trading entity or constitutional institution in accordance with any prescribed

norms and standards.

2. The accused did wrongfully fail to take all reasonable steps to comply or secure

compliance with section 38, 39 and 40 of the PFMA Act or National Treasury Regulations

in that the accused whilst be made aware or reasonably been informed of irregular,

fruitless and wasteful expenditure incurred by the department as a result of the payments

IN THAT on the dates as per Column 2 of Schedule A of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of a common purpose did unlawfully and with intent to defraud, created, or caused to be created, falsified documents to wit: submissions and invoices that are purportedly from accused 11 to 23 as per Column 2 of Schedule A of the indictment, to the prejudice of the Department of

AMENDED.

THAT THE ACCUSED ARE GUILTY OF THE CRIME OF FORGERY READ WITH SECTIONS 103 AND 156 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AND FURTHER READ WITH SECTION 51(2) OF CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997 AS

COUNT 44 TO 86: [IN RELATION TO ACCUSED 2 AND 3 ONLY]

- 2.1. Failed to prevent and investigate irregular, fruitless or wasteful expenditure; to the entities as per para 18 of the indictment by Auditor General of South Africa;
- 2.2. On discovery of irregular, fruitless and wasteful expenditure, failed to take any disciplinary actions against any official/s responsible for it;
- 2.3. Failed to recover losses incurred by the department as a result of payments to the entities as per paragraph 18 of the preamble above;
- 2.4. Failed to include all the irregular, fruitless expenditure identified in the AG in the annual financial statement or monthly or quarterly reports of the department;
- 2.5. Did not fairly present the state of affairs, financial position and results of wasteful expenditure of the department to all its reporting departments or institutions as per section 40 of the PFMA for the relevant financial year ends.

**COUNT 87 TO 129: [IN RELATION TO ACCUSED 2 AND 3 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF THE CRIME OF UTTERING READ WITH SECTIONS 103 AND 156 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AND FURTHER READ WITH SECTION 51(2) OF CRIMINAL LAW AMENDMENT ACT 105 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule A** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose did unlawfully and intentionally offer, utter and pass off falsified documents, to wit: **submissions and invoices** that are purportedly from accused 1 to 23 as per **Column 3 of Schedule A** of the indictment, whilst knowing the said documents to be forged.

**COUNT 130 TO 144: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 24 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF FRAUD, READ WITH SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997, FURTHER READ WITH SECTIONS 103, 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.** **IN THAT** on or about the dates as per **Column 2 of Schedule B** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose, unlawfully, falsely and with the intention to defraud give out and pretend to the **Department of Health Free State and/or its employees** that:

1. All proper procurement processes were followed and/or
2. Accused 11 and 12 rendered the services as per column 3 of Schedule B to the Department of Health Free State and/or

3. Accused 11 and 12 were entitled to invoice the Department of Health Free State as per

Column 4 of Schedule B and / or:

4. The information contained in column 4 of Schedule B of the indictment were true and

correct and/or

5. the amounts as per column 5 of Schedule B of indictment were lawfully due to accused

11 and 12 and/or

6. accused 11 and 12 were lawfully entitled to claim the amounts as per column 5 of

Schedule B of indictment, and/or

7. the claims by accused 11 and 12 were legitimate, true and correct in all respect.

**AND** the accused **did** by means of the said misrepresentation/s or omission/s induce the

Department of Health Free State and /or its employees to its actual or prejudice, to accept and

belief that;

• Proper procurement processes were followed and /or

• Accused 11 and 12 rendered the services as per column 3 of Schedule B of the indictment

and the amounts as per column 5 of Schedule B were legally due and/or

• And to process and pay over the amounts as per Column 5 of Schedule B of the indictment

into the bank account of or in control of accused 11 and 12.

**WHEREAS** in truth and fact when the accused gave out and pretended as aforesaid, they well

knew that:

1. No proper procurement processes were followed and /or

2. Accused 11 and 12 did not rendered the services as per column 3 of Schedule B to the

Department of Health Free State and/or

3. Accused 11 and 12 were not entitled to invoice the Department of Health Free State as

per Column 4 of Schedule B of the indictment and / or:

4. The information contained in column 4 of Schedule B of the indictment was false and/or



5. the amounts as per column 5 of Schedule B of indictment were not due to accused 11 and 12 and
6. the claims by accused 11 and 12 were illegitimate and fraudulent in all respect.

**ALTERNATIVE TO COUNT 130 TO 144: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 24 ONLY]**

**IN THAT** at the time and place mentioned in the main count, the accused acting in the furtherance of a common purpose unlawfully and intentionally stole the amounts as per **Column 5 of Schedule B**, the property of the State or in lawful possession of the department of Health Free State.

**COUNT 145: [IN RELATION TO ACCUSED 2, 3, 6, 7, 13 AND 14 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF FRAUD READ WITH SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997, FURTHER READ WITH SECTIONS 103, 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED. IN THAT** on or about as per **column 2 of Schedule B** and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose, unlawfully, falsely and with the intention to defraud give out and pretend to the **Department of Health Free State and/or its employees** that:

1. All proper procurement processes were followed and/or
2. Accused 13 and 14 rendered services as per column 3 of Schedule B to the Department of Health Free State and/or

3. Accused 13 and 14 were entitled to invoice the Department of Health Free State as per

Column 4 of Schedule B of the indictment and / or

4. The information contained in column 4 of Schedule B of the indictment were true and

correct and/or

5. the amounts as per column 5 of Schedule B of indictment were lawfully due to accused

13 and 14 and/or

6. accused 13 and 14 were lawfully entitled to claim the amounts as per column 5 of

Schedule B of indictment, and/or

7. the claims by accused 13 and 14 were legitimate, true and correct in all respect.

**AND** the accused **did** by means of the said misrepresentation/s or omission/s induce the

Department of Health Free State and /or its employees to its actual or prejudice, to accept and

belief that;

• Proper procurement processes were followed and /or

• Accused 13 and 14 rendered the service as per column 3 of Schedule B and an amount of

R125 982. 00 was legally due and/or

• And to process and pay over the amount of **R125 982.00** into the bank account of or in

control of accused 13 and 14.

**WHEREAS** in truth and fact when the accused gave out and pretended as aforesaid, they well

knew that:

1. No proper procurement processes were followed and /or

2. Accused 13 and 14 did not rendered the services as per column 3 of Schedule B to the

Department of Health Free State and/or

3. Accused 13 and 14 were not entitled to invoice the Department of Health Free State as

per Column 4 of Schedule B of the indictment and / or:

4. The information contained in column 4 of Schedule B of the indictment was false and/or

5. the amounts as per column 5 of Schedule B of indictment were not due to accused 13

and 14 and/or

6. accused 13 and 14 were not entitled to claim the amounts as per column 5 of Schedule

B of indictment, and/or

7. the claims by accused 13 and 14 were illegitimate and fraudulent in all respect.

**ALTERNATIVELY COUNT 145: [IN RELATION TO ACCUSED 2, 3, 6, 7, 13 AND 14 ONLY]**

**IN THAT** at the time and place mentioned in the main count, the accused acting in the

furtherance of a common purpose unlawfully and intentionally stole the amounts as per **Column**

**5 of Schedule B**, the property of the State or in lawful possession of the department of Health

Free State.

**COUNT 146: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 15 AND 16 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF FRAUD, READ WITH THE PROVISIONS OF**

**SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997, FURTHER**

**READ WITH SECTIONS 103, 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51**

**OF 1977 AS AMENDED.**

**IN THAT** on or about as per Column 2 of Schedule B and at or near **Bloemfontein** in the

district of **Bloemfontein**, the accused acting in the furtherance of a common purpose,

unlawfully, falsely and with the intention to defraud give out and pretend to the **Department of**

**Health Free State and/or its employees** that:

1. All proper procurement processes were followed and /or

2. Accused 15 and 16 rendered services as per column 3 of Schedule B to the Department

of Health Free State and/or

3. Accused 15 and 16 were entitled to invoice the Department of Health Free State as per

Column 4 of Schedule B of the indictment and / or:

4. The information contained in column 4 of Schedule B of the indictment were true and

correct and/or

5. the amounts as per column 5 of Schedule B of indictment were lawfully due to accused

15 and 16 and/or

6. accused 15 and 16 were lawfully entitled to claim the amounts as per column 5 of

Schedule B of indictment, and/or

7. the claims by accused 15 and 16 were legitimate, true and correct in all respect.

**AND** the accused **did** by means of the said misrepresentation/s or omission/s induce the

Department of Health Free State and /or its employees to its actual prejudice, to accept and

belief that;

• Proper procurement processes were followed and /or

• Accused 15 and 16 rendered the service as per column 3 of Schedule B of the indictment

and an amount of R97 500. 00 was legally due and/or

• And to process and pay over an amount of **R97 500.00** into the bank account of or in control

of accused 15 and 16 and/or

**WHEREAS** in truth and fact when the accused gave out and pretended as aforesaid, they well

knew that:

1. No proper procurement processes were followed and /or

2. Accused 15 and 16 did not rendered the services as per column 3 of Schedule B to the

Department of Health Free State and/or

3. Accused 15 and 16 were not entitled to invoice the Department of Health Free State as

per Column 4 of Schedule B of the indictment and / or:

4. The information contained in column 4 of Schedule B of the indictment was false and/or

5. the amounts as per column 5 of Schedule B of indictment were not due to accused 15

and 16 and/or

6. accused 15 and 16 were not entitled to claim the amounts as per column 5 of Schedule

B of indictment, and/or

7. the claims by accused 15 and 16 were illegitimate and fraudulent in all respect.

**ALTERNATIVE TO COUNT 146: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 15 AND 16 ONLY]**

**IN THAT** at the time and place mentioned in the main count, the accused acting in the

furtherance of a common purpose unlawfully and intentionally stole the amounts as per **Column**

**5 of Schedule B**, the property of the State or in lawful possession of the department of Health

Free State.

**COUNT 147 TO 149: [IN RESPECT OF ACCUSED 2, 3, 6, 9, 17 AND 18 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF FRAUD READ WITH SECTION 51(2) OF THE**

**CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997, FURTHER READ WITH SECTIONS**

**103, 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule B** of the indictment and at or

near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a

common purpose, unlawfully, falsely and with the intention to defraud give out and pretend to

the **Department of Health Free State and/or its employees** that:

1. All proper procurement processes were followed and /or

2. Accused 17 and 18 rendered services as per column 3 of Schedule B to the Department

of Health Free State and/or

3. Accused 17 and 18 were entitled to invoice the Department of Health Free State as per Column 4 of Schedule B of the indictment and / or:
  4. The information contained in column 4 of Schedule B of the indictment were true and correct and/or
  5. the amounts as per column 5 of Schedule B of indictment were lawfully due to accused 17 and 18 and/or
  6. accused 17 and 18 were lawfully entitled to claim the amounts as per column 5 of Schedule B of indictment, and/or
  7. the claims by accused 17 and 18 were legitimate, true and correct in all respect.
- AND** the accused **did** by means of the said misrepresentation/s or omission/s induce the Department of Health Free State and /or its employees to its actual or prejudice, to accept and belief that;
- Proper procurement processes were followed and /or
  - Accused 17 and 18 rendered the services as per column 3 of Schedule B of the indictment and the amounts as per column 5 of Schedule B of the indictment were legally due and/or
  - And to process and pay over the amounts as per column 5 of Schedule B of the indictment into the bank account of or in control of accused 17 and 18.
- WHEREAS** in truth and fact when the accused gave out and pretended as aforesaid, they well knew that:
1. No proper procurement processes were followed and /or
  2. Accused 17 and 18 did not render the services as per column 3 of Schedule B to the Department of Health Free State and/or
  3. Accused 17 and 18 were not entitled to invoice the Department of Health Free State as per Column 4 of Schedule B of the indictment and / or:

4. The information contained as per column 4 of Schedule B of the indictment was false

and/or

5. the amounts as per column 5 of Schedule B of indictment were not due to accused 17

and 18 and/or

6. accused 17 and 18 were not entitled to claim the amounts as per column 5 of Schedule

B of indictment, and/or

7. the claims by accused 17 and 18 were illegitimate and fraudulent in all respect.

**ALTERNATIVE TO COUNT 148 TO 149: [IN RELATION TO ACCUSED 2, 3, 6, 9, 17 AND 18**

**ONLY]**

**IN THAT** at the time and place mentioned in the main count, the accused acting in the

furtherance of a common purpose unlawfully and intentionally stole the amounts as per **Column**

**5 of Schedule B**, the property of the State or in lawful possession of the department of Health

Free State.

**COUNT 150 TO 155: [IN RELATION TO ACCUSED 2, 3, 5, 6, 7, 8, 9, 10, 19 AND 20 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF FRAUD, READ WITH SECTION 51(2) OF THE**

**CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997, FURTHER READ WITH SECTIONS**

**103, 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED,**

**IN THAT** on or about the dates as per **Column 2 of Schedule B** of the indictment and at or

near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a

common purpose, unlawfully, falsely and with the intention to defraud give out and pretend to

the **Department of Health Free State and/or its employees** that:

1. All proper procurement processes were followed and /or

2. Accused 19 and 20 rendered services as per column 3 of Schedule B to the Department of Health Free State and/or

3. Accused 19 and 20 were entitled to invoice the Department of Health Free State as per Column 4 of Schedule B of the indictment and / or:

4. The information contained in column 4 of Schedule B of the indictment were true and correct and/or

5. the amounts as per column 5 of Schedule B of the indictment were lawfully due to accused 19 and 20 and/or

6. accused 19 and 20 were lawfully entitled to claim the amounts as per column 5 of Schedule B of indictment, and/or

**AND** the accused **did** by means of the said misrepresentation/s or omission/s induce the Department of Health Free State and /or its employees to its actual prejudice, to accept and belief that;

- Proper procurement processes were followed and /or
- Accused 19 and 20 rendered the services as per column 3 of Schedule B of the indictment and the amounts as per column 5 of Schedule B of the indictment was legally due and/or
- And to process and pay over the amounts as per column 5 of Schedule B of the indictment into the bank account of or in control of accused 19 and 20.

**WHEREAS** in truth and fact when the accused gave out and pretended as aforesaid, they well knew that:

1. No proper procurement processes were followed and /or
2. Accused 19 and 20 did not render the services as per column 3 of Schedule B to the Department of Health Free State and/or
3. Accused 19 and 20 were not entitled to invoice the Department of Health Free State as per Column 4 of Schedule B of the indictment and / or:



4. The information contained column 4 of Schedule B of the indictment was false and/or
5. the amounts as per column 5 of Schedule B of indictment were not due to accused 19 and 20 and/or
6. accused 19 and 20 were not entitled to claim the amounts as per column 5 of Schedule B of indictment, and/or
7. the claims by accused 19 and 20 were illegitimate and fraudulent in all respect.

**ALTERNATIVE TO COUNT 150 TO 155: [IN RELATION TO ACCUSED 2, 3, 5, 6, 7, 8, 9, 10, 19 AND 20 ONLY]**

**IN THAT** at the time and place mentioned in the main count, the accused acting in the furtherance of a common purpose unlawfully and intentionally stole the amounts as per **Column 5 of Schedule B**, the property of the State or in lawful possession of the department of Health Free State.

**COUNT 156 TO 173: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 9, 10, 21, 22, 23 AND 24 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF FRAUD, READ WITH SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, ACT 105 OF 1997, FURTHER READ WITH SECTIONS 103, 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED. IN THAT** on or about the dates as per **Column 2 of Schedule B** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose, unlawfully, falsely and with the intention to defraud give out and pretend to the **Department of Health Free State and/or its employees** that:

1. No proper procurement processes were followed and /or

knew that:

**WHEREAS** in truth and fact when the accused gave out and pretended as aforesaid, they well

into the bank account of or in control of accused 21, 22 and 23.

• And to process and pay over the amounts as per column 5 of Schedule B of the indictment due and/or

indictment and the amounts as per column 5 of Schedule B of the indictment were legally

• Accused 21, 22 and 23 rendered the services as per column 3 of Schedule B of the  
• Proper procurement processes were followed and /or

belief that;

Department of Health Free State and /or its employees to its actual or prejudice, to accept and  
**AND** the accused **did** by means of the said misrepresentations/ or omission/s induce the

7. the claims by accused 21, 22 and 23 were legitimate, true and correct in all respect.

Schedule B of indictment, and/or

6. accused 21, 22 and 23 were lawfully entitled to claim the amounts as per column 5 of  
22 and 23 and/or

5. the amounts as per column 5 of Schedule B of indictment were lawfully due to accused 21,  
and/or

4. The information contained in column 4 of Schedule B of the indictment were true and correct  
Column 4 of Schedule B of the indictment and / or:

3. Accused 21, 22 and 23 were entitled to invoice the Department of Health Free State as per  
to the Department of Health Free State and/or

2. Accused 21, 22 and 23 rendered services as per column 3 of Schedule B of the indictment  
1. All proper procurement processes were followed and /or

2. Accused 21, 22 and 23 didn't rendered the services as per column 3 of Schedule B to

the Department of Health Free State and/or

3. Accused 21, 22 and 23 were not entitled to invoice the Department of Health Free State

as per Column 4 of Schedule B of the indictment and / or:

4. The information contained in column 4 of Schedule B of the indictment was false and/or

5. the amounts as per column 5 of Column B of indictment were not due to accused 21, 22

and 23 and/or

6. accused 21, 22 and 23 were not entitled to claim the amounts as per column 5 of

Schedule B of indictment, and/or

7. the claims by accused 21, 22 and 23 were illegitimate and fraudulent in all respect.

**21, 22, 23 AND 24 ONLY]**

**ALTERNATIVE TO COUNT 156 TO 173: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 9, 10,**

**IN THAT** at the time and place mentioned in the main count, the accused acting in the

furtherance of a common purpose unlawfully and intentionally stole the amounts as per **Column**

**5 of Schedule B**, the property of the State or in lawful possession of the department of Health

Free State.

**COUNT 174 TO 187: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 8, 9, 10 AND 24 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION**

**4(1)(a) READ WITH SECTIONS 1, 2, 21, 24, 25 AND 26 OF THE PREVENTION AND**

**COMBATING OF CORRUPT ACTIVITIES ACT, ACT 12 OF 2004.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or

near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a

common purpose, unlawfully and intentionally directly or indirectly, accepted/agreed/offered to accept any gratification, from any other person, to wit: **Accused 11**, whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to a breach of trust or the violation of a legal duty or a set of rules and designed to achieve an unjust result to wit:

- Creating or manufacturing fraudulent invoices and supporting documents for claims in favour of accused 11 and 12
- Facilitating or participating in the compilation/checking/verification/ and approval of claims in favour accused 11 and 12 without following the correct and proper procedures of the department;
- Facilitating the payment of the amounts as per Column 5 of Schedule C to accused 11 and 12, payments which were not due without following the correct and proper procedures of the department.

ALTERNATIVE TO COUNT 174 TO 187: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 8, 9,

10 AND 24 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004, AND READ WITH SECTIONS 156, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997 AS AMENDED.

IN THAT on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, did unlawfully

1. conspired with Accused 11 to 12 and / or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that

they colluded with each other in order to steal or defraud the Department of Health of its

monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured

another person to commit an offence in terms of this Act.

**COUNT 188: [IN RELATION TO ACCUSED 2, 3, 6 AND 7 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION**

**4(1)(a) READ WITH SECTIONS 1, 2, 21, 24, 25 AND 26 OF THE PREVENTION AND**

**COMBATING OF CORRUPT ACTIVITIES ACT, ACT 12 OF 2004.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or

near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a

common purpose, unlawfully and intentionally directly or indirectly, accepted/agreed/offered to

accept any gratification, from any other person, to wit: **Accused 13**, whether for the benefit of

themselves or for other persons unknown to the State, in order to act, personally or by

influencing other persons who are unknown to the State so to act, in a manner that amounts to

a breach of trust or the violation of a legal duty or a set of rules and designed to achieve an

unjust result to wit:

• Creating or manufacturing fraudulent invoices and supporting documents for claims in

favour of accused 13 and 14;

• Facilitating or participating in the compilation/checking/verification/ and approval of

claims in favour of accused 13 and 14 without following the correct and proper

procedures of the department;

- Facilitating the payment of the amounts as per Column 5 of Schedule C to accused 13

and 14, payments which were not due without following the correct and proper procedures of the department.

**ALTERNATIVE TO COUNT 188: [IN RELATION TO ACCUSED 2, 3, 6 AND 7 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004, AND READ WITH SECTION 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997.**

**IN THAT** on or about the 04 September 2014 and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of common purpose, did unlawfully

1. conspired with **Accused 13 to 14** and / or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

**COUNT 189: [IN RESPECT OF ACCUSED 2, 3, 4 AND 5 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) READ WITH SECTIONS 1, 2, 21, 24, 25 AND 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, ACT 12 OF 2004.**

**IN THAT** on or about the dates as per Column 2 of Schedule C of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of a

common purpose, unlawfully and intentionally directly or indirectly, accepted/agreed/offered to accept any gratification, from any other person, to wit: **Accused 15**, whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to a breach of trust or the violation of a legal duty or a set of rules and designed to achieve an unjust result to wit:

- Creating or manufacturing fraudulent invoices and supporting documents for claims in favour of accused 15 and 16;
- Facilitating or participating in the compilation/checking/verification/ and approval of claims in favour of accused 15 and 16 without following the correct and proper procedures of the department;
- Facilitating the payment of the amounts as per Column 5 of Schedule C to accused 15 and 16, payments which were not due without following the correct and proper procedures of the department.

**ALTERNATIVE TO COUNT 189: [IN RESPECT OF ACCUSED 2, 3, 4 AND 5 ONLY]**

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004, AND READ WITH SECTIONS 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997.

IN THAT on or about November 2013 and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, did unlawfully 1. conspired with **Accused 15 to 16** and / or;

2. Incite, instigate command or procure the said persons to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.
3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

**COUNT 190 TO 191: [IN RELATION TO ACCUSED 2, 3, 6 AND 9 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) READ WITH SECTIONS 1, 2, 21, 24, 25 AND 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, ACT 12 OF 2004.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose, unlawfully and intentionally directly or indirectly, accepted/agreed/offered to accept any gratification, from any other person, to wit: **Accused 17**, whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to a breach of trust or the violation of a legal duty or a set of rules and designed to achieve an unjust result to wit:

- Creating or manufacturing fraudulent invoices and supporting documents for claims in favour of accused 17 and 18;
- Facilitating or participating in the compilation/checking/verification/ and approval of claims in favour accused 17 and 18 without following the correct and proper procedures of the department;



- Facilitating the payment of the amounts as per Column 5 of Schedule C to accused 17 and 18, payments which were not due without following the correct and proper procedures of the department.

**ALTERNATIVE TO COUNT 190 TO 191: [IN RELATION TO ACCUSED 2, 3, 6 AND 9 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004, AND READ WITH SECTIONS 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997 AS AMENDED.**

**IN THAT** on or about **January to February 2015** and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, did unlawfully

1. conspired with accused 17 to 18 and / or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that

they colluded with each other in order to steal or defraud the Department of Health of its

monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured

another person to commit an offence in terms of this Act.

**COUNT 192 TO 198: [IN RELATION TO ACCUSED 2, 3, 5, 6, 7, 8, 9 AND 10 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION**

**4(1)(a) READ WITH SECTIONS 1, 2, 21, 24, 25 AND 26 OF THE PREVENTION AND**

**COMBATING OF CORRUPT ACTIVITIES ACT, ACT 12 OF 2004.**

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose, unlawfully and intentionally directly or indirectly, accepted/agreed/offered to accept any gratification, from any other person, to wit: **Accused 19**, whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to a breach of trust or the violation of a legal duty or a set of rules and designed to achieve an unjust result to wit:

- Creating or manufacturing fraudulent invoices and supporting documents for claims in favour of accused 19 and 20;

- Facilitating or participating in the compilation/checking/verification/ and approval of claims in favour of accused 19 and 20 without following the correct and proper procedures of the department;

- Facilitating the payment of the amounts as per Column 5 of Schedule C to accused 19 and 20, payments which were not due without following the correct and proper procedures of the department.

ALTERNATIVE TO COUNT 192 TO 198: [IN RELATION TO ACCUSED 2, 3, 5, 6, 7, 8, 9 AND

10 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21(b) and (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004, AND READ WITH SECTIONS 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997 AS AMENDED.

**IN THAT** on or about **May 2011 to December 2014** and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, did unlawfully

1. conspired with **accused 19 to 20** and / or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

**COUNT 199 TO 216: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 9 AND 10 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 4(1)(a) READ WITH SECTIONS 1, 2, 21, 24, 25 AND 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, ACT 12 OF 2004.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of a common purpose, unlawfully and intentionally directly or indirectly, accepted/agreed/offered to accept any gratification, from any other person, to wit: **accused 21 and 22**, whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to a breach of trust or the violation of a legal duty or a set of rules and designed to achieve an unjust result to wit:

- Creating or manufacturing fraudulent invoices and supporting documents for claims in favour of accused 21, 22 and 23;

**ALTERNATIVE TO COUNT 199 TO 216: [IN RESPECT OF ACCUSED 2, 3, 4, 5, 6, 7, 9 AND 10 ONLY]**  
**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21(b) AND (c) READ WITH SECTIONS 1, 2, 21, 24 OF ACT 12 OF 2004, AND READ WITH SECTIONS 156, 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997 AS AMENDED.**  
**IN THAT on or about May 2011 to March 2015 and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of common purpose, did unlawfully**

1. conspired with accused 21 to 23 and / or;
2. incite, instigate command or procure the said persons to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.
3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

- Facilitating or participating in the compilation/checking/verification/ and approval of claims in favour of accused 21, 22 and 23 without following the correct and proper procedures of the department;
- Facilitating the payment of the amounts as per Column 5 of Schedule C to accused 21, 22 and 23, payments which were not due without following the correct and proper procedures.

PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004, READ WITH SECTIONS 156, 332, 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of common purpose, wrongfully and directly or indirectly, accepted/ agreed/ offered to accept any gratification, from any other person, to wit, accused 2, 3, 4, 5, 6, 7, 9, 10 and 24 whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to an illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation to wit:

- Allowed and/or caused to be created fraudulent invoices and supporting documents for claims in their favour [accused 11 and 12];
- Allowing and/or causing of the preparation of the fraudulent claims in their favour;
- Facilitating and /or participating in the theft of monies as per Column 5 of Schedule C from Department and fraudulently concealing the thefts;
- Facilitating and/or allowing the payment of the amounts as per Column 5 of Schedule C into their bank account whilst they knew that such monies were not due or paid as a result of fraud or theft.

1<sup>ST</sup> ALTERNATIVE TO COUNT 217 TO 233: [IN RELATION TO ACCUSED 11 AND 12 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND

READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997.

IN THAT on or about April 2011 to December 2014 and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of a common purpose, did unlawfully

1. conspired with accused 2, 3, 4, 5, 6, 7, 9, 10 and 24 or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

2<sup>ND</sup> ALTERNATIVE TO COUNT 217 TO 233: [IN RELATION TO ACCUSED 11 AND 12

ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 20 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTIONS 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused acting in the furtherance of common purpose, while knowing that the money mentioned in column 5 of Schedule C deposited into their accounts formed part of the gratification which is part of offence in terms of Part 1, 2, 3, and 4 of Section 21 of this Chapter, directly or indirectly, on behalf of themselves or on behalf of any other person:

- a) entered into or caused to be entered into any dealing in relation to such property or any part thereof.
- b) use or caused to be used, or holds, receives or conceals such property or any part thereof.

**COUNT 234: [IN RELATION TO ACCUSED 13 AND 14 ONLY]**

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF THE PROVISIONS OF SECTION 3(a) (iii) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004, AND READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.

IN THAT on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, wrongfully and directly or indirectly, accepted/ agreed/ offered to accept any gratification, from any other person, to wit, **accused 2, 3, 6 and 7** whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to an illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation to wit:

- Allowed and/or caused to be created fraudulent invoices and supporting documents for claims in their favour [accused 13 and 14];
- Allowing and/or causing of the preparation of the fraudulent claims in their favour;
- Facilitating and /or participating in the theft of monies as per Column 5 of Schedule C from Department and fraudulently concealing the thefts;

- Facilitating and/or allowing the payment of the amounts as per Column 5 of Schedule C into their bank account whilst they knew that such monies were not due or paid as a result of fraud or theft.

1<sup>ST</sup> ALTERNATIVE TO COUNT 234: [IN RELATION TO ACCUSED 13 AND 14 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997 AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused did unlawfully

1. conspired with accused 2, 3, 6 and 7 or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

2<sup>ND</sup> ALTERNATIVE TO COUNT 234: [IN RELATION TO ACCUSED 13 AND 14 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 20 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.



**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, wrongfully and directly or indirectly, accepted/ agreed/ offered to accept any gratification, from any other person, to wit, accused 2, 3, 4 and 5 whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to an illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation to wit:

**COUNT 235: [IN RELATION TO ACCUSED 15 AND 16 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF THE PROVISIONS OF SECTION 3(a) (!!!!) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004, AND READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused while knowing that the money mentioned in **column 5 of Schedule C** deposited into their accounts formed part of the gratification which is part of offence in terms of Part 1, 2, 3, and 4 or Section 21 of this Chapter, directly or indirectly, on behalf of themselves or on behalf of any other person:

a) entered into or caused to be entered into any dealing in relation to such property or any part thereof.

b) use or caused to be used, or holds, receives or conceals such property or any part thereof.

- Allowed and/or caused to be created fraudulent invoices and supporting documents for

claims in their favour [accused 15 and 16];

- Allowing and/or causing of the preparation of the fraudulent claims in their favour;

- Facilitating and /or participating in the theft of monies as per Column 5 of Schedule C

from Department and fraudulently concealing the thefts;

- Facilitating and/or allowing the payment of the amounts as per Column 5 of Schedule C

into their bank account whilst they knew that such monies were not due or paid as a

result of fraud or theft.

**1<sup>ST</sup> ALTERNATIVE TO COUNT 235: [IN RELATION TO ACCUSED 15 AND 16 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION**

**21 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND**

**READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL**

**PROCEDURE ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION**

**51(2) OF ACT 105 OF 1997.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or

near **Bloemfontein** in the district of **Bloemfontein**, the accused, did unlawfully

1. conspired with accused 2, 3, 4 and 5 or;

2. incite, instigate command or procure the said persons to commit the crime of Fraud in that

they colluded with each other in order to steal or defraud the Department of Health of its

monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured

another person to commit an offence in terms of this Act.

2<sup>ND</sup> ALTERNATIVE TO COUNT 235: [IN RELATION TO ACCUSED 15 AND 16 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 20 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTION 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51

OF 1977, AS AMENDED.

IN THAT on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused while knowing that the money mentioned in **column 5 of Schedule C** deposited into their accounts formed part of the gratification which is part of offence in terms of Part 1, 2, 3, and 4 or Section 21 of this Chapter, directly or indirectly, on behalf of themselves or on behalf of any other person:

a) entered into or caused to be entered into any dealing in relation to such property or any part thereof.

b) use or caused to be used, or holds, receives or conceals such property or any part thereof.

COUNT 236 TO 237: [IN RELATION TO ACCUSED 17 AND 18 ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF THE PROVISIONS OF SECTION 3(a) (!!!!) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004, AND READ WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT

51 OF 1977, AS AMENDED.

IN THAT on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, wrongfully and directly or indirectly, accepted/ agreed/ offered to accept any gratification, from any other person, to wit, accused 2, 3 and 9 whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by

influencing other persons who are unknown to the State so to act, in a manner that amounts to an illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation to wit:

- Allowed and/or caused to be created fraudulent invoices and supporting documents for claims in their favour [accused 17 and 18];

- Allowing and/or causing of the preparation of the fraudulent claims in their favour;
- Facilitating and /or participating in the theft of monies as per Column 5 of Schedule C from Department and fraudulently concealing the thefts;

- Facilitating and/or allowing the payment of the amounts as per Column 5 of Schedule C into their bank account whilst they knew that such monies were not due or paid as a result of fraud or theft.

1<sup>ST</sup> ALTERNATIVE TO COUNT 236 TO 237: [IN RELATION TO ACCUSED 17 AND 18

ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21 OF ACT 12 OF 2004, READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTION 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused, did unlawfully:

1. conspired with accused 2, 3 and 9 or;

**PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004, AND READ PROVISIONS OF SECTION 3(a) (iii) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF THE COUNT 238 TO 243: [IN RELATION TO ACCUSED 19 AND 20 ONLY]**

b) use or caused to be used, or holds, receives or conceals such property or any part thereof.  
thereof.

a) entered into or caused to be entered into any dealing in relation to such property or any part directly or indirectly, on behalf of themselves or on behalf of any other person:

gratification which is part of offence in terms of Part 1, 2, 3, and 4 or Section 21 of this Chapter, mentioned in **column 5 of Schedule C** deposited into their accounts formed part of the near **Bloemfontein** in the district of **Bloemfontein**, the accused while knowing that the money **IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or

**ACT 51 OF 1977, AS AMENDED.**

**READ WITH SECTIONS 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE 20 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 2<sup>ND</sup> ALTERNATIVE TO COUNT 236 TO 237: IN RELATION TO ACCUSED 17 AND 18 ONLY]**

2. Incite, instigate command or procure the said accused to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its monies.
3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

WITH SECTIONS 156, 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE ACT

51 OF 1977, AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, wrongfully and directly or indirectly, accepted/ agreed/ offered to accept any gratification, from any other person, to wit, accused 2, 3, 5, 7, 8, 9 and 10 whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to an illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation to wit:

- Allowed and/or caused to be created fraudulent invoices and supporting documents for claims in their favour [accused 19 and 20];
- Allowing and/or causing of the preparation of the fraudulent claims in their favour;
- Facilitating and /or participating in the theft of monies as per Column 5 of Schedule C from Department and fraudulently concealing the thefts;
- Facilitating and/or allowing the payment of the amounts as per Column 5 of Schedule C into their bank account whilst they knew that such monies were not due or paid as a result of fraud or theft.

1<sup>ST</sup> ALTERNATIVE TO COUNT 238 TO 243: [IN RELATION TO ACCUSED 19 AND 20

ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTIONS 332, 269A AND SECTION 270 OF THE CRIMINAL PROCEDURE

ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION 51(2) OF ACT 105

OF 1997.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or

near Bloemfontein in the district of Bloemfontein, the accused, did unlawfully

1. conspired with accused 2, 3, 5, 7, 8, 9 and 10 or;

2. incite, instigate command or procure the said accused to commit the crime of Fraud in that

they colluded with each other in order to steal or defraud the Department of Health of its

monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured

another person to commit an offence in terms of this Act.

2<sup>ND</sup> ALTERNATIVE TO COUNT 238 TO 243: [IN RELATION TO ACCUSED 19 AND 20

ONLY]

THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION

20 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND

READ WITH SECTIONS 156, 332, 269A AND 270 OF THE CRIMINAL PROCEDURE ACT

51 OF 1977, AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule C of the indictment and at or

near Bloemfontein in the district of Bloemfontein, the accused while knowing that the money

mentioned in column 5 of Schedule C deposited into their accounts formed part of the

gratification which is part of offence in terms of Part 1, 2, 3, and 4 or Section 21 of this Chapter,

directly or indirectly, on behalf of themselves or on behalf of any other person:

a) entered into or caused to be entered into any dealing in relation to such property or any part

thereof.

b) use or caused to be used, or holds, receives or conceals such property or any part thereof.

**COUNT 244 TO 259: [IN RELATION TO ACCUSED 21, 22 AND 23 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF THE PROVISIONS OF SECTION 3(a) (!!!!) READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004, AND READ WITH SECTIONS 156, 332, 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused acting in the furtherance of common purpose, wrongfully and directly or indirectly, accepted/ agreed/ offered to accept any gratification, from any other person, to wit, **accused 2, 3, 4, 5, 6, 7, 9, 10 and 24** whether for the benefit of themselves or for other persons unknown to the State, in order to act, personally or by influencing other persons who are unknown to the State so to act, in a manner that amounts to an illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation to wit:

- Allowed and/or caused to be created fraudulent invoices and supporting documents for claims in their favour [accused 21, 22 and 23];
- Allowing and/or causing of the preparation of the fraudulent claims in their favour;
- Facilitating and /or participating in the theft of monies as per Column 5 of Schedule C from Department and fraudulently concealing the thefts;
- Facilitating and/or allowing the payment of the amounts as per Column 5 of Schedule C into their bank account whilst they knew that such monies were not due or paid as a result of fraud or theft.



**1<sup>ST</sup> ALTERNATIVE TO COUNT 244 TO 259: [IN RELATION TO ACCUSED 21, 22 AND 23**

**ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 21 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTIONS 332, 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED, AND FURTHER READ WITH SECTION 51(2) OF ACT 105 OF 1997.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused, did unlawfully

1. conspired with accused 2, 3, 4, 5, 6, 7, 9, 10 and 24 or;

2. incite, instigate command or procure the said accused to commit the crime of Fraud in that they colluded with each other in order to steal or defraud the Department of Health of its

monies.

3. aided, abetted, induced, incited, instigated, instructed, commanded, counseled or procured another person to commit an offence in terms of this Act.

**2<sup>ND</sup> ALTERNATIVE TO COUNT 244 TO 259: [IN RELATION TO ACCUSED 21, 22 AND 23**

**ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CORRUPTION IN CONTRAVENTION OF SECTION 20 OF ACT 12 OF 2004 READ WITH SECTIONS 1, 2, 21, 24, 25, 26 OF THE ACT, AND READ WITH SECTIONS 156, 332, 269A AND 270 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule C** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused while knowing that the money deposited into their accounts mentioned in **column 5 of Schedule C** formed part of the

gratification which is part of offence in terms of Part 1, 2, 3, and 4 or Section 21 of this Chapter,

directly or indirectly, on behalf of themselves or on behalf of any other person:

a) entered into or caused to be entered into any dealing in relation to such property or any part thereof.

thereof.

b) use or caused to be used, or holds, receives or conceals such property or any part thereof.

**COUNT 260 TO 273: [IN RELATION TO ACCUSED 11 AND 12 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or

near **Bloemfontein** in the district of **Bloemfontein**, the accused did unlawfully, whilst they knew

or ought reasonable to have known that the properties as per **Column 4 of Schedule D** were

proceeds of unlawful activities or that they formed part of the proceeds of unlawful activities to

with **Fraud and Corruption**, agreed or arranged or performed any other act in connection with

the properties, whether performed independently or in concert with any other person known or

unknown to the state to wit;

1. made arrangement to receive such proceeds of unlawful activities into their bank

account and/or;

2. access it and made cash withdrawals, cash transfers, cash cheques and

purchases and/or;

3. paid their creditors and other persons known and unknown to the state.

ACT 121 OF 1998 FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL  
SECTION 4 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT,  
THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF

**COUNT 274: [IN RELATION TO ACCUSED 13 AND 14 ONLY]**

activities of another person.  
ought reasonable to have known that said properties forms part of the proceeds of unlawful  
Property or monies as per **Column 4 of Schedule D** of the indictment knowing or whilst they

- (f) Possessed
- (e) Used
- (d) Acquired

Honourable Court, the Accused did unlawfully  
near **Bloemfontein** in the district of **Bloemfontein** and within the area of jurisdiction of this  
**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or

**PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

ACT 121 OF 1998 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL  
SECTION 6 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT,  
THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF

**ALTERNATIVE TO COUNT 260 TO 273: [IN RELATION TO ACCUSED 11 AND 12 ONLY]**

acquired as a result of the commission of an offence.  
properties or the ownership thereof and/or removing or diminishing such properties which were  
concealing or disguising the nature, source, location, disposition or movement of the said  
And that the agreement, or arrangement or transaction or performance had the effect of

PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule D of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused did unlawfully, whilst they knew or ought reasonable to have known that the properties as per Column 4 of Schedule D were proceeds of unlawful activities or that they formed part of the proceeds of unlawful activities to wit Fraud and Corruption, agreed or arranged or performed any other act in connection with the properties, whether performed independently or in concert with any other person known or unknown to the state to wit;

1. made arrangement to receive such proceeds of unlawful activities into their bank account and/or;
2. access it and made cash withdrawals, cash transfers, cash cheques and purchases and/or;
3. paid their creditors and other persons known and unknown to the state.

And that the agreement, or arrangement or transaction or performance had the effect of concealing or disguising the nature, source, location, disposition or movement of the said properties or the ownership thereof and/or removing or diminishing such properties which were acquired as a result of the commission of an offence.

ALTERNATIVE TO COUNT 274: [IN RELATION TO ACCUSED 13 AND 14 ONLY]

THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 6 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein** and within the area of jurisdiction of this Honourable Court, the Accused did unlawfully

(d) Acquired

(e) Used

(f) Possessed

Property or monies as per **Column 4 of Schedule D** of the indictment knowing or whilst they ought reasonable to have known that said properties forms part of the proceeds of unlawful activities of another person.

**COUNT 275: [IN RELATION TO ACCUSED 15 AND 16 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused did unlawfully, whilst they knew or ought reasonable to have known that the properties as per **Column 4 of Schedule D** were proceeds of unlawful activities or that they formed part of the proceeds of unlawful activities to wit **Fraud and Corruption**, agreed or arranged or performed any other act in connection with the properties, whether performed independently or in concert with any other person known or unknown to the state to wit;

1. **made arrangement to receive such proceeds of unlawful activities into their bank account and/or;**

2. access it and made cash withdrawals, cash transfers, cash cheques and purchases and/or;
3. paid their creditors and other persons known and unknown to the state.

And that the agreement, or arrangement or transaction or performance had the effect of concealing or disguising the nature, source, location, disposition or movement of the said properties or the ownership thereof and/or removing or diminishing such properties which were acquired as a result of the commission of an offence.

**ALTERNATIVE TO COUNT 275: [IN RELATION TO ACCUSED 15 AND 16 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 6 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein** and within the area of jurisdiction of this Honourable Court, the Accused did unlawfully

- (a) Acquired
- (b) Used
- (c) Possessed

Property or monies as per **Column 4 of Schedule D** of the indictment knowing or whilst they ought reasonable to have known that said properties forms part of the proceeds of unlawful activities of another person.

THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.

IN THAT on or about the dates as per Column 2 of Schedule D of the indictment and at or near Bloemfontein in the district of Bloemfontein, the accused did unlawfully, whilst they knew or ought reasonable to have known that the properties as per Column 4 of Schedule D were proceeds of unlawful activities or that they formed part of the proceeds of unlawful activities to wit **Fraud and Corruption**, agreed or arranged or performed any other act in connection with the properties, whether performed independently or in concert with any other person known or unknown to the state to wit;

1. made arrangement to receive such proceeds of unlawful activities into their bank account and/or;
2. access it and made cash withdrawals, cash transfers, cash cheques and purchases and/or;
3. paid his creditors and other persons known and unknown to the state.

And that the agreement, or arrangement or transaction or performance had the effect of concealing or disguising the nature, source, location, disposition or movement of the said properties or the ownership thereof and/or removing or diminishing such properties which were acquired as a result of the commission of an offence.

IN THAT on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused did unlawfully, whilst they knew or ought reasonable to have known that the properties as per **Column 4 of Schedule D** were proceeds of unlawful activities or that they formed part of the proceeds of unlawful activities to

PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.

ACT 121 OF 1998 FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL SECTION 4 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF

COUNT 278 TO 286: [IN RELATION TO ACCUSED 19 AND 20 ONLY]

activities of another person.

Property or monies as per **Column 4 of Schedule D** of the indictment knowing or whilst they ought reasonable to have known that said properties forms part of the proceeds of unlawful

(c) Possessed

(b) Used

(a) Acquired

Honourable Court, the Accused did unlawfully

IN THAT on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein** and within the area of jurisdiction of this

PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.

ACT 121 OF 1998 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL SECTION 6 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF

ALTERNATIVE TO COUNT 276 TO 277: [IN RELATION TO ACCUSED 17 AND 18 ONLY]



with Fraud and Corruption, agreed or arranged or performed any other act in connection with the properties, whether performed independently or in concert with any other person known or unknown to the state to wit;

1. made arrangement to receive such proceeds of unlawful activities into their bank account and/or;
2. access it and made cash withdrawals, cash transfers, cash cheques and purchases and/or;
3. paid their creditors and other persons known and unknown to the state.

And that the agreement, or arrangement or transaction or performance had the effect of concealing or disguising the nature, source, location, disposition or movement of the said properties or the ownership thereof and/or removing or diminishing such properties which were acquired as a result of the commission of an offence.

**ALTERNATIVE TO COUNT 278 TO 286: [IN RELATION TO ACCUSED 19 AND 20 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 6 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein** and within the area of jurisdiction of this Honourable Court, the Accused did unlawfully

- (a) Acquired
- (b) Used
- (c) Possessed

Property or monies as per **Column 4 of Schedule D** of the indictment knowing or whilst they ought reasonable to have known that said properties forms part of the proceeds of unlawful activities of another person.

**COUNT 287 TO 309: [IN RELATION TO ACCUSED 21, 22 AND 23 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 4 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein**, the accused did unlawfully, whilst they knew or ought reasonable to have known that the properties as per **Column 4 of Schedule D** were proceeds of unlawful activities or that they formed part of the proceeds of unlawful activities to wit Fraud and Corruption, agreed or arranged or performed any other act in connection with the properties, whether performed independently or in concert with any other person known or unknown to the state to wit;

1. **made arrangement to receive such proceeds of unlawful activities into their bank account and/or;**
2. **access it and made cash withdrawals, cash transfers, cash cheques and purchases and/or;**
3. **paid their creditors and other persons known and unknown to the state.**

And that the agreement, or arrangement or transaction or performance had the effect of concealing or disguising the nature, source, location, disposition or movement of the said

properties or the ownership thereof and/or removing or diminishing such properties which were acquired as a result of the commission of an offence.

**ALTERNATIVE TO COUNT 287 TO 309: [IN RELATION TO ACCUSED 21, 22 AND 23**

**ONLY]**

**THAT THE ACCUSED ARE GUILTY OF MONEY LAUNDERING IN CONTRAVENTION OF SECTION 6 READ WITH SECTIONS 1, 8(1) OF PREVENTION OF ORGANISED CRIME ACT, ACT 121 OF 1998 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.**

**IN THAT** on or about the dates as per **Column 2 of Schedule D** of the indictment and at or near **Bloemfontein** in the district of **Bloemfontein** and within the area of jurisdiction of this Honourable Court, the Accused did unlawfully

(a) Acquired

(b) Used

(c) Possessed

Property or monies as per **Column 4 of Schedule D** of the indictment knowing or whilst they ought reasonable to have known that said properties forms part of the proceeds of unlawful activities of another person.

**COUNT 310 TO 316: [IN RELATION TO ACCUSED 11, 12, 15 AND 16 ONLY]**

**THAT THE ACCUSED ARE GUILTY OF CONTRAVENTING THE PROVISIONS OF SECTION 75(1)(a) READ WITH SECTIONS 1, 66, 69, 73 AND 75(3) OF THE INCOME TAX ACT 58 OF 1962 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL**

PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED, [FAILURE TO SUBMIT INCOME TAX

RETURNS].

IN THAT during the 2010, 2011, 2012, 2013, 2014, 2015 and 2016 tax periods and at or near Bloemfontein in the district of Bloemfontein, the accused did unlawfully failed and/or neglected to furnish, file or submit returns or documents, to wit: IT12TR for the 2010, 2011, 2012, 2013, 2014, 2015 and 2016 tax periods, as prescribed by the Income Tax Act.

COUNT 317 TO 322: [IN RELATION TO ACCUSED 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 AND 23 ONLY]

THE ACCUSED ARE GUILTY OF CONTRAVENTING THE PROVISIONS OF SECTION 58(c) READ WITH SECTIONS 1, 23 and 58(q) OF THE VAT ACT 89 OF 1991 AND FURTHER READ WITH SECTIONS 156 AND 332 OF THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 AS AMENDED.

IN THAT during the 2010, 2011, 2012, 2013, 2014, 2015 and 2016 tax periods, and at or near Bloemfontein in the district of Bloemfontein, the accused did wrongfully and unlawfully fail to apply for VAT registration as required by section 23 of the VAT Act 89 of 1991 although the total income received by the accused for the 2010, 2011, 2012, 2013, 2014, 2015 and 2016 tax periods exceeded the prescribed threshold of R1 000, 000.00.

SCHEDULE 'A'

Column 1	Column 2	Column 3	Column 4
PFMA	Uttering	DATE	Invoice
Forgery			no./Submission
			Amount Paid
1	44	11/02/2011	submission
2	45	31/05/2011	submission
3	46	10/06/2011	submission
4	47	04/08/2011	submission
5	48	20/09/2011	submission
6	49	29/11/2011	Submission
7	50	09/04/2013	Submission
8	51	04/06/2013	submission
9	52	03/02/2014	TRC/96431/14
10	53	03/04/2014	TRC14/961FSH
11	54	25/05/2014	TRC993/74FSH
12	55	24/07/2014	TRC1638/14
13	56	27/11/2014	TRH/07166
14	57	13/02/2015	TRC/47922
	100		R398 475.00
	99		R281 700.00
	98		R132 981.00
	97		R275 900.00
	96		R218 750.00
	95		R98 550.00
	94		R151 962.00
	93		R199 960.00
	92		R185 500.00
	91		R176 700.00
	90		R175 750.00
	89		R93 750.00
	88		R195 750.00
	87		R173 250.00

15	58	101	10/08/2014	SPH6307/14	R125 982.00
16	59	102	07/11/2013	AZF13/2568	R97 500.00
17	60	103	15/01/2015	LB/943	R375 600.00
18	61	104	03/02/2015	LB/82510	R328 650.00
19	62	105	09/05/2011	SUBMISSION	R172 500.00
20	63	106	07/07/2011	SUBMISSION	R186 375.00
21	64	107	19/12/2012	SUBMISSION	R162 750.00
22	65	108	11/08/2014	ACT/0638	R158 382.00
23	66	109	19/09/2014	AMT/8577	R183 855.00
24	67	110	13/11/2014	AMT/93561	R366 250.00
25	68	111	27/11/2014	AMT/90644	R278 350.00
26	69	112	03/05/2011	SUBMISSION	R178 750.00
27	70	113	04/08/2011	SUBMISSION	R115 500.00
28	71	114	20/09/2011	SUBMISSION	R152 250.00
29	72	115	29/11/2011	SUBMISSION	R163 200.00
30	73	116	01/02/2012	SUBMISSION	R99 975 .00
31	74	117	09/04/2013	SUBMISSION	R191 952.00
32	75	118	18/04/2013	SUBMISSION	R199 960.00
33	76	119	18/10/2013	HFS/00987/13	R78 000.00

34	77	120	20/11/2013	HFS/03920/13	R98 750.00
35	78	121	27/01/2014	HFS/01820/14	R74 750.00
36	79	122	25/07/2014	INV/N/7609	R97 986.00
37	80	123	04/09/2014	INV/N/3918	R153 000.00
38	81	124	19/09/2014	INV/N/17307	R224 975.00
39	82	125	14/10/2014	Zen Com/1873	R374 220.00
40	83	126	31/10/2014	Zen Co/16992	R230 670.00
41	84	127	09/12/2014	ZCo /18344	R391 250.00
42	85	128	10/02/2015	ZCo/39201	R392 700.00
43	86	129	24/03/2015	ZCo/ 41204	R347 980.00

**SCHEDULE 'B'**

Column 1	Column 2	Column 3	Column 4	Column 5
Fraud	Date	Goods or Services	Invoice no./	Amount Paid
130	18/04/2011	Workshop	submission	R173 250.00
131	02/06/2011	Workshop	Submission	R195 750.00
132	20/06/2011	Workshop	Submission	R93 750.00
		allegedly rendered.	Submission	

133	16/08/2011	Complex trauma workshop	trauma	Submission	R175 750.00
134	23-28/09/2011	Workshop managing trauma	managing	Submission	R176 700.00
135	04/01/2012	Workshop on implementation	on	Submission	R185 500.00
136	30/05/2013	Ethics workshop		Submission	R199 960.00
137	27/06/2013	Workshop		Submission	R151 962.00
138	14/02/2014	Conference		TRC-96431/14	R98 550.00
139	22/04/2014	Bursary		TRC14 /961FSH	R218 750.00
140	22/05/2014	Bursary		TRC 993/74FSH	R275 900.00
141	06/08/2014	Bursary payment		TRC-1638/14	R132 981.00
142	03/11/2014	Accommodation		TRH/07166	R281 700.00
143	13/02/2015	Training Nimmart		TRC-47922	R398 475.00
144	12/08/2014	Bursary payment		Sph6307/14	R125 982.00
145	08/11/2013	Nursing Conference		AZF13/2568	R97 500.00
146	20/01/2015	Accommodation		LB/943	R375 600.00
147	05/02/2015	Accommodation		LB/82510	R328 650.00
148	30/05/2011	Managing trauma		Submission	R172 500.00
149	13/07/2011	Managing trauma		Submission	R186 375.00



150	23/01/2012	Workshop on complex trauma	Submission	R162 750.00
151	10/08/2014	Bursary payment	ACT/0638	R158 382.00
152	23/09/2014	Bursary payment	AMT/8577	R183 855.00
153	18/11/2014	Accommodation	AMT/93561	R366 250.00
154	27/11/2014	Accommodation	AMT/90644	R278 350.00
155	24/05/2011	Workshop	Submission	R178 750.00
156	16/08/2011	Workshop	Submission	R115 500.00
157	26/09/2011	Workshop on trauma	Submission	R152 250.00
158	06/12/2012	Workshop on trauma	Submission	R163 200.00
159	09/02/2012	Workshop	Submission	R99 975.00
160	29/04/2013	Workshop	Submission	R191 952.00
161	13/05/2013	Ethics workshop	Submission	R199 960.00
162	21/10/2013	Conference for nurses	HFS/00987/13	R78 000.00
163	21/11/2013	Conference for nurses	HFS/03920/13	R98 750.00
164	03-04/02/2014	Conference for nurses	HFS/01820/14	R74 750.00
165	29/07/2014	Bursary payment	Inv/ZN/7609	R97 986.00
166	26/08/2014	Bursary payment	Inv/ZN/3918	R153 000.00
167	29/09/2014	Bursary payment	INV/zn/17307	R224 975.00

Column 1	Column 2	Column 3	Column 4	Column 5
PRECCA	Date	Goods or Services	Invoice no.	Amount Paid
- sec 4		allegedly rendered.		
- Sec 3				
173	217	Workshop	submission	R173 250.00
174	218	Workshop	Submission	R195 750.00
175	219	Workshop	Submission	R93 750.00
176	220	Complex trauma workshop	Submission	R175 750.00

SCHEDULE "C"

168	14/10/2014	Payment for accommodation	Zen Com/ 1873	R374 220.00
169	03/11/2014	Payment of IMHA & NIMART	Zen Co/16992	R230 670.00
170	09/12/2014	Accommodation	ZCo /18344	R391 250.00
171	11/02/2015	Training Program	Nimart ZCo/39201	R392 700.00
172	23-24/03/2015	Social Auxiliary Prog	ZCo/ 41204	R347 980.00

177	221	23-28/09/2011	Workshop managing trauma	Submission	R176 700.00
178	222	04/01/2012	Workshop on implementation	Submission	R185 500.00
179	223	30/05/2013	Ethics workshop	Submission	R199 960.00
180	224	27/06/2013	Workshop	Submission	R151 962.00
181	225	14/02/2014	Conference	TRC-96431/14	R98 550.00
182	226	22/04/2014	Bursary	TRC14/961FSH	R218 750.00
184	227	22/05/2014	Bursary	TRC 993/74FSH	R275 900.00
185	228	06/08/2014	Bursary payment	TRC-1638/14	R132 981.00
186	229	03/11/2014	Accommodation	TRH/07166	R281 700.00
187	230	13/02/2015	Training Nimmart	TRC-47922	R398 475.00
188	231	12/08/2014	Bursary payment	Sph6307/14	R125 982.00
189	232	08/11/2013	Nursing Conference	AZF13/2568	R97 500.00
190	233	20/01/2015	Accommodation	LB/943	R375 600.00
191	234	05/02/2015	Accommodation	LB/82510	R328 650.00
192	235	30/05/2011	Managing trauma	Submission	R172 500.00
193	236	13/07/2011	Managing trauma	Submission	R186 375.00
194	237	23/01/2012	Workshop on complex trauma	Submission	R162 750.00

195	238	10/08/2014	Bursary payment	ACT/0638	R158 382.00
196	239	23/09/2014	Bursary payment	AMT/8577	R183 855.00
197	240	18/11/2014	Accommodation	AMT/93561	R366 250.00
198	241	27/11/2014	Accommodation	AMT/90644	R278 350.00
199	242	24/05/2011	Workshop	Submission	R178 750.00
200	243	16/08/2011	Workshop	Submission	R115 500.00
201	244	26/09/2011	Workshop on trauma	Submission	R152 250.00
202	245	06/12/2012	Workshop on trauma	Submission	R163 200.00
203	246	09/02/2012	Workshop	Submission	R99 975 .00
204	247	29/04/2013	Workshop	Submission	R191 952.00
205	248	13/05/2013	Ethics workshop	Submission	R199 960.00
206	249	21/10/2013	Conference for nurses	HFS/00987/13	R78 000.00
207	250	21/11/2013	Conference for nurses	HFS/03920/13	R98 750.00
208	251	03-04/02/2014	Conference for nurses	HFS/01820/14	R74 750.00
209	252	29/07/2014	Bursary payment	Inv/NZ/7609	R97 986.00

210	253	26/08/2014	Bursary payment	Inv/ZN/3918	R153 000.00
211	254	29/09/2014	Bursary payment	INV/ZN/17307	R224 975.00
212	255	14/10/2014	Payment for accommodation	Zen Com/1873	R374 220.00
213	256	03/11/2014	Payment of IMHA & NIMART	Zen Co/16992	R230 670.00
214	257	09/12/2014	Accommodation	Zco /18344	R391 250.00
215	258	11/02/2015	Training Nimart Program	Zco/39201	R392 700.00
216	259	23-24/03/2015	Social Auxiliary Prog	Zco/41204	R347 980.00

SCHEDULE 'D'

COL 1	COLUMN 2	COLUMN 3	COLUMN 4
Count	Date	TRANSACTION REFERENCE FROM FS HEALTH	AMOUNTS CREDITED INTO ACCOUNT
260	03-May-11	Magtape Credit Bas!03 FS Health 00107539	R 173 250.00
261	09-Jun-11	Magtape Credit Bas!03 FS Health000111524	R 195 750.00
262	30-Jun-11	Magtape CreditBas!03FS Health0001113058	R 93 750.00
263	25-Aug-11	Magtape Credit Bas!03 FS Health000118454	R 175 750.00

264	06-Oct-11	Magtape CreditBasio3Fs Health0000122584	R 176 700,00
265	12-Jan-12	Magtape Credit Basio3 Fs Health000131896	R 185 500,00
266	09-May-13	Magtape Credit Basio6 Fs: Health000602842	R 199 960,00
267	05-Jul-13	Magtape Credit Basio6 Fs: Health000607388	R 151 962,00
268	10-Mar-14	Magtape Credit Basio6 Fs: Health000625152	R 98 550,00
269	12-May-14	Magtape Credit Basio6 Fs: Health 000627285	R 218 750,00
270	06-Jun-14	Magtape Credit Basio6 Fs: Health000629196	R 275 900,00
271	05-Sep-14	Magtape Credit Basio6 Fs: Health000633827	R 132 981,00
272	04-Mar-15	Magtape Credit Basio6 Fs: Health000644780	R 398 475,00
273	17-Dec-14	Magtape CreditBasio6Fs:Health000640384	R 281 700,00
274	09-Sep-14	Magtape Credit Basio6 Fs: Health000634022	R 125 982,00
275	13-Nov-13	Magtape Credit Basio6 Fs: Health000618393	R 97 500,00
276	27-Jan-15	Magtape CreditBasio6 Fs: Health000642633	R 375 600,00
277	13-Feb-15	Magtape CreditBasio6Fs: Health 000644041	R 328 650,00
278	02-Jun-11	BASF03 FS HEALT000111121	R 172 500,00
279	21-Jul-11	BASF03 FS HEALT000114981	R 186 375,00
280	02-Feb-12	BASF03 FS HEALT000133489	R 162 750,00

281	16AUG12	BASF03 FS: HEALT000150617	R 189 000,00
282	21-Dec-12	BASF03 FS: HEALT000162637	R 135 000,00
283	09-Sep-14	BASIO6 FS: HEALT000634024	R 158 382,00
284	06-Oct-14	BASIO6 FS: HEALT000635702	R 183 855,00
285	25-Nov-14	BASIO6 FS: HEALT000638976	R 366 250,00
286	09-Dec-14	BASIO6 FS: HEALT000639360	R 278 350,00
287	02-Jun-11	DIRECT CREDIT	R 178 750,00
288	01-Sep-11	DIRECT CREDIT	R 115 500,00
289	13-Sep-11	DIRECT CREDIT	R 72 500,00
290	06-Oct-11	DIRECT CREDIT	R 152 250,00
291	22-Dec-11	DIRECT CREDIT	R 134 272,00
292	12-Jan-12	DIRECT CREDIT	R 163 288,00
293	16-Feb-12	DIRECT CREDIT	R 99 975,00
294	09-May-13	DIRECT CREDIT	R 191 952,00
295	06-Jun-13	DIRECT CREDIT	R 199 960,00
296	04-Nov-13	DIRECT CREDIT	R 78 000,00
297	29-Nov-13	DIRECT CREDIT	R 98 750,00

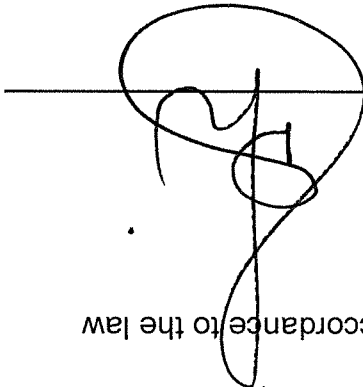
Section 51(2) Part II of Schedule 2 of the Criminal Law Amendment Act 105 of 1997 is applicable in that:

- the offences committed involve amounts of more than R100 000.00 and committed by a group of persons, enterprises acting in execution or furtherance of common purpose

298	06-Dec-13	DIRECT CREDIT	R 74 196.00
299	14-Feb-14	DIRECT CREDIT	R 74 750.00
300	21-Feb-14	DIRECT CREDIT	R 72 890.00
301	06-Jun-14	DIRECT CREDIT	R 258 100.00
302	08-Aug-14	DIRECT CREDIT	R 97 986.00
303	08-Sep-14	DIRECT CREDIT	R 153 000.00
304	10-Oct-14	DIRECT CREDIT	R 224 975.00
305	27-Oct-14	DIRECT CREDIT	R 374 220.00
306	11-Nov-14	DIRECT CREDIT	R 230 670.00
307	19-Dec-14	DIRECT CREDIT	R 391 250.00
308	23-Feb-15	DIRECT CREDIT	R 392 700.00
309	31-Mar-15	DIRECT CREDIT	R 347 980.00



In the event of conviction, the said Director of Public Prosecutions requests that the accused be sentenced in accordance to the law

  
N. SOMARU

DIRECTOR OF PUBLIC PROSECUTIONS  
FREE STATE/BLOEMFONTEIN

THE STATE

versus

DAVID MOTAU AND 24 OTHERS

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LIST OF WITNESSES

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1. Molefi Benedict Motsie  
Department of Health Free State,  
Bloemfontein
2. Patronella Cornelia Piek  
Department of Health Free State,  
Bloemfontein
3. Theo Motloung  
Department of Health, Free State,  
Bloemfontein
4. Kenosi Montshiwa  
Department of Health, Free State,  
Bloemfontein
5. Isaac Pogisho Rambau  
1569 Phuthaditshaba Street,  
Boitumelong, Location, Bloemhof  
Opera Plaza Building, CNR
6. Portia Ramaru  
Pretorius & Ba  
Pretorius & Bank Lane, Pretoria.
7. Priscilla Nokuthula Mbhele  
Opera Plaza Building, CNR  
Pretorius & Bank Lane Pretoria
8. Caroline Mmolawa  
218 Visagie Street, Pretoria  
DPCI, ABSA Building,  
Bloemfontein.
9. Sello Khoele

- 10. Mmamofokeng Phoolo  
DPCI, ABSA Building, Bloemfontein.
- 11. Nteke Kakudi  
DPCI, ABSA Building, Bloemfontein.
- 12. Phillemon Rankuatsana  
DPCI, ABSA Building, Bloemfontein.
- 13. Thabo John Molo!  
11811 Majara Street, Bloemanda, Bloemfontein
- 14. Nomhle Sylvia Chaka  
870 Nazo Street, Kagisanong Location, Bloemfontein.
- 15. Sejaboswana Elizabeth Nthoba  
3925 Unit 1 Extension, Selossha, Thaba Nchu.
- 16. Thando Swartboo!  
House No. 45, Xaba Street, Batho, Bloemfontein
- 17. Zameka Abegail Ngele  
02 Nahoon Valley Place, East london
- 18. Matseliso Anna Morigihlane  
70 Adelaaw Street, Flamigo Park Welkom
- 19. Yolisa Berlina Tsibolane  
16 Leopold Greenberg Street, Heuwelsig,

22.

21. Mzonakele William Fikizolo

20. Florida Sindiswa Mdingi

4109 Thapane Street, Rocklands

Bloemfontein.

77 Eland Crescent Fauna Bloemfontein