

IN THE HIGH COURT OF SOUTH AFRICA
NORTH GAUTENG DIVISION, PRETORIA

In the matter between:

CASE NO:

LIESL JOY MOSES

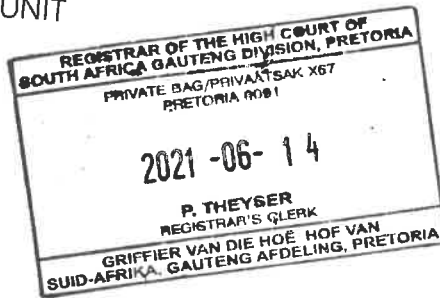
28999/21
APPLICANT

and

SPECIAL INVESTIGATING UNIT

RESPONDENT

In re:



LIESL JOY MOSES

APPLICANT

and

SPECIAL INVESTIGATING UNIT

1ST RESPONDENT

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

2ND RESPONDENT

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

3RD RESPONDENT

NOTICE OF APPLICATION – RULE NISI

TAKE NOTICE THAT application shall be made on behalf of the above Applicant on 29-06-2021 2021 at 10h00 or soon after as Counsel for the parties may be heard for an order in the following terms:

PART A

1. An order dispensing with the forms, service and time periods prescribed in terms of Uniform Rules of Court and directing that the matter be heard as one of urgency in terms of rule 6(12) of the Uniform Rules of Court;
2. That a *rule nisi* be issued herewith in terms of which any of the Respondents is called upon to show cause on: _____, a future date to be determined by the Registrar of the above Honourable Court, why the Order in terms of part B should not be a final Order of the Honourable Court;
3. That the first Respondent be interdicted from conducting any Investigation or questioning against the Applicant pending finalization of Part B of this Application;
4. That prayer 3 herein above serve as interim Order until the matter is finalized;
5. That Costs be reserved for determination on the return date save for in the event this part A opposed;

PART B

6. That section 2 of Special Investigating Units and Tribunals Act 74 of 1996 be declared unconstitutional to the extent that it does not afford persons the right to remain silent;
7. Alternatively, that the manner of investigation and/or questioning, as outlined by the Notice to Appear read with its Annexures, is irrational and invalid to the extent that it goes beyond the authorized mandate by the Gazette that empowers it to do so.
8. Costs of Suit.

9. Further and/or Alternative Relief as may be deemed fit by the Honourable Court.

TAKE NOTICE FURTHER THAT the Affidavit of LIESL JOY MOSES is Annexed herewith and shall be used in support of this Application.

TAKE NOTICE FURTHER THAT the Applicant has appointed Ramulifho inc. whose address particulars appear below herein whereupon the Applicant shall receive all notices, pleadings and documents in relation to this matter.

TAKE NOTICE FURTHER THAT the Applicant have no objection in receiving service of documents via electronic mail.

TAKE NOTICE FURTHER THAT if you intend to oppose this Application:

- (a) You must deliver a written notice to this effect to the Applicant's Attorneys of record (including by electronic mail) and answering Affidavit, if any, in line with the applicable rules and directives of the above Honourable Court.
- (b) Appoint an address within the Jurisdiction of the above Honourable Court as described by the rules of the above Honourable Court.

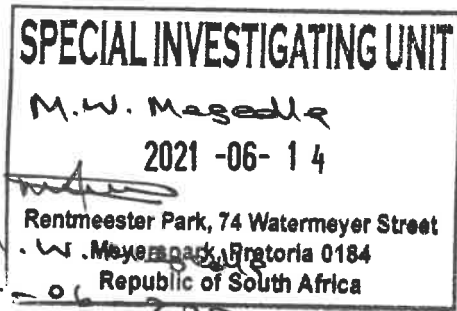
DATED AND SIGNED AT PRETORIA ON THIS THE 13th DAY OF JUNE 2021.


RAMULIFHO ATTORNEYS INC.
ATTORNEYS FOR THE APPLICANT
21A GARSFONTEIN OFFICE PARK
645 JACQUELINE DRIVE
GARSFONTEIN
PRETORIA
TEL: 012 993 5340

FAX: 012 993 5324
DIRECT FAX: 086 216 4186
EMAIL : LESLEY@RAMULIFHO.CO.ZA
WEBSITE : HTTP://WWW.RAMULIFHO.CO.ZA
REF: RAM/SIU/01

TO : REGISTRAR OF THE ABOVE HONORABLE COURT
NORTH GAUTENG HIGH COURT
PRETORIA

AND TO: SPECIAL INVESTIGATING UNIT
RENTMEESTER BUILDING
74 WATERMEYER STREET
PRETORIA
0184
C/O
STATE ATTORNEY
16 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA
0001
TEL: 012 309 1500



AND TO: DEPARTMENT OF JUSTICE AND CORRECTIONAL SERVICES
SALU BUILDING, 28TH FLOOR,
316 CNR THABO SEHUME AND FRANCIS BAARD STREETS,
PRETORIA CENTRAL
0001
TE: 012 307 2000
Email: Ministry@justice.gov.za
C/O
STATE ATTORNEY
16 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA
0001
TEL: 012 309 1500

AND TO: THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
C/O
STATE ATTORNEY
16 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA
0001
TEL: 012 309 1500

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SPECIAL INVESTIGATING UNIT

1ST RESPONDENT

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

2ND RESPONDENT

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

3RD RESPONDENT

FOUNDING AFFIDAVIT

I, the undersigned,

LIESL JOY MOSES

Do hereby make oath and say that:

INTRODUCTION

1.

LJ

- 1.1. I am an adult female South African citizen of address: 29 Mafunyane Street, Elephant Hill, Pretorius Park, Garsfontein, Pretoria.
- 1.2. I am the Applicant in this matter. I consider the Oath I make herein to be binding on my conscience.
- 1.3. The facts contained herein are within my personal knowledge, save where the context indicates otherwise.
- 1.4. Wherever I make a point of law, same is as a result of the legal advice I obtained of which I accept as correct.

2.

JURISDICTION

- 2.1. I am advised the above Honourable Court has Jurisdiction on that the cause of this Application took place within the Jurisdiction of this Honourable Court.
- 2.2. Furthermore, the principal address of the first, third and fourth Respondent is within the Jurisdiction of the Honourable Court respectively.

3.

CHRONOLOGY OF ESSENTIAL EVENTS

- 3.1. On or about 17 May 2021 at 17:42, I received an email bearing a notice from the first Respondent, which is titled "*notice to Appear before the special investigating unit ("the SIU") to be questioned under oath or sworn affirmation and to produce books, documents and/or objects*". It (the notice) is dated 17th May 2021, and had stipulated that I appear as aforesaid on 31 May 2021. The notice is attached hereto and marked **LJM01**.
- 3.2. The email was further bearing one proclamation R.32. of 2020 which I shall deal with more extensively below herein. The proclamation is attached hereto and marked **LJM02**.

- 3.3. On the 31st May 2021, I attended to the invitation and appeared before the special tribunal as per the invitation. The appearance was postponed to Monday, 14th June 2021.
- 3.4. On Wednesday, 2nd June 2021, I woke up not feeling well and had sought medical attention, I attach hereto a medical certificate marked **LJM03**. I partially recovered on Tuesday, 08th June 2021.
- 3.5. Despite that I was still not feeling completely well, I still considered seeking, and eventually did get, Legal advice on the then upcoming Appearance before the special Investigating unit. I booked to secure a meeting with the Attorneys and the legal consultation took place on Thursday, 10th June 2021.
- 3.6. It was on Thursday, 10th June 2021 that I learned my appearance before the SIU may most probably than not, be legally defective from the perspective of both the process and the substance. These aspects are dealt with below under the paragraph titled, the law.
- 3.7. On the same day, I caused my Attorneys of record to dispatch a notice in the form of a letter, to the attention of the SIU and clearly indicate that given the legal advice I have obtained, I now have objection on attending the scheduled meeting with the SIU on the basis of the process and its regulatory framework of laws being most probably illegal. I attach the letter hereto as well as the transmitting email and are both marked **LJM04**.
- 3.8. I record that the said letter did indicate in brief, on the grounds of my objection to being in attendance of the invitation for questioning as aforesaid.

4.

URGENCY OF THIS APPLICATION

- 4.1. As aforesaid, I had appeared before the SIU session on the 31st May 2021, without having had any knowledge whatsoever as to what the process entails since it was my very first time.

- 4.2. After the said appearance, and within the first possible opportunity after my illness, I took intense legal advice concerning the legality of the entire process as opposed to merely focusing on appearance and answering questions.
- 4.3. I was only eligible to take the said legal advice on Thursday, 10th June 2021, but I immediately caused my Attorneys to transmit notification to the SIU and communicate my latest position regarding attendance of the session on Monday 14th June 2021.
- 4.4. At the time of transmitting the notice of objection to the SIU on Thursday, 10th June 2021, I remained hopeful that the SIU would accede to the proposal as per the said notice but I was however unfortunate that the response came on Friday, 11th June 2021, at 10:45 and effectively rejected the grounds of my initial objection. The essential part reads:

"The above matter refers.

We have noted the contents of your letter and wish to state that the proceedings of the 14 June 2021 should proceed as per the notice issued to your client. If you hold the view that our notice to your client is conflict with the law, you are at liberty to challenge its legality in a court of law.

In the circumstance, we are proceeding with the hearing on the scheduled date, place and time as we consider our notice to be valid until it is reviewed and set aside by a competent court of law."

- 4.5. It was at this stage that I knew that the matter have now become litigious and that an urgent Application is the only available avenue to have the matter attended to by a Court of law.
- 4.6. In the circumstances, I submit with respect that the Honourable Court finds that the matter is urgent and be disposed of in terms of Applicable rules of the above Honourable Court.

5.

SUSPENSION OF THE ONGOING PROCEEDINGS OF THE SIU

- 5.1. In its response, the first Respondent says: "we are proceeding with the hearing on the scheduled date, place and time as we consider our notice to be valid until it is reviewed and set aside by a competent court of law."
- 5.2. I am advised that it is standard practice that once there is a legal challenge, any process would *ipso facto* be suspended until the legal challenge is finalized in a Court of law.
- 5.3. I submit therefore that the insinuation and/or approach taken by the first Respondent on the above mentioned correspondence is not in line with the legal standard process and is thus invalid to that extent.
- 5.4. It is in the above context that prayer 3 in part A of the Notice of Motion have to be effected by mere virtue of service of the Court papers, irrespective of the outcome of the legal proceedings.
- 5.5. In any event, it would be the worst type of wasteful expenditure of public resources for the Respondents to continue with the process that is possibly ruled to be illegal at a later stage. Similarly, I would have been caused to spend resources and time into a legally defective process, On this note again and to the Alternative, Prayer 3 of part A in the Notice of Motion should sufficiently find support base.
- 5.6. There is furthermore, no prejudice to can be suffered by any of the Respondents in the circumstances of this matter, in fact, the contrary is true namely, that the Respondents and the public at large would know for a fact what the proper legal process should be the option going forward.

6.

THE GOVERNMENT GAZZETE NO. 43885, VOL 665 DATED 06 NOVEMBER 2020
THE GAZETTE); AND THE SPECIAL INVESTIGATING UNITS AND SPECIAL
TRIBUNALS ACT 74 OF 1996 ("THE ACT").

- 6.1. On its notice to appear (to be discussed below), the first respondent says that the notice to appear is in accordance with the aforesaid Gazette, (attached hereto and marked **LJM05**) read together with the Act.

- 6.2. The Gazette makes reference to section 2 of the Act and makes reference to the fact that there have been allegations made to the effect that the National Lotteries Commission (NLC) have lost money.
- 6.3. For the purposes of this paragraph, it does not rationally appear to what extent, logically or otherwise, am I qualifying to be subjected to questioning by the SIU with regard to establishing whatever the objective is of which I believe is only known to the SIU.
- 6.4. I have never been an employee of NLC and neither have I been responsible for any process, in any way, whatsoever, that was within the NLC which could be said to have been improper and therefore qualifying to being investigated by the SIU.
- 6.5. I have been advised, however, if there is any criminality suspected on my part, I am not immune from investigation by members of the South African Police Services within all its divisions, from the Directorate of Priority Crimes investigation, ("the DPCI"/known as the Hawks), Crime intelligence, etc.
- 6.6. I am advised that the Constitutional danger of being subjected to questioning without a rational nexus between myself and the NLC in the circumstances of this matter, is that the SIU is appearing of being irrationally selecting whom to ask questions.
- 6.7. Given that me, in my personal capacity, am in no way connected to NLC, whether historically or otherwise, I am advised there is no way I could have qualified as a candidate to be questioned by the SIU regarding any alleged maladministration within the NLC let alone the details of my minor daughter.
- 6.8. I am advised further that an act of the SIU calling upon me for questioning (in the circumstances), does at the least amount to an abuse of authority and is irrational.

THE NOTICE TO APPEAR

7.

- 7.1. On its Notice to appear, the SIU in paragraph 1 thereof, copies and pastes the contents of section 2(2) of the Act. This, according to the SIU's own notice to appear, is the main purpose of my invitation.
- 7.2. I record that apart from the copy and paste of legislative provisions, there is nothing in addition in anyway whatsoever, that would enable me to have any reference on what to expect, let alone to prepare myself for the questioning.
- 7.3. In the context above, in this paragraph, I am advised that my right to adequately meet my case has been unconstitutionally withheld by the first Respondent and its style of questioning.
- 7.4. At worst, I am purportedly required to produce material on various formats, but again, without me knowing what in particular is to be expected of me, I do not logically get to understand how then would I know which Book, Document, or object would I take along with me and on what basis if any, should same be supplied by me to the SIU.
- 7.5. In the Notice to Appear, I am fairly, granted a right to privilege against self-incrimination, however, the notice claims that failure to claim privilege would automatically be assumed that I effectively waived my privilege and anything said by me in the process, would be used against me in a subsequent criminal trial. I am advised that this particular posture is way too offensive to the right to remain silent afforded to persons suspected of criminal doings by the Constitution of the Republic. I am advised that sound legal argument will be advanced on my behalf in this regard.
- 7.6. The Notice further says that "unsolicited evidence" will be admissible against me and further that same will not be protected by any recognized privilege. There is, however no clear description of what is meant by "unsolicited".
- 7.6. I am advised that lack of a clear description of what constitutes unsolicited evidence, amounts to a deliberate attempt by the first Respondent to create a pseudo dummy criminal trial against me (or any of its witnesses) whereby a constitutional right against self-incrimination and the right to remain silent are effectively suspended.
- 7.7. In the above context, I am advised that the conduct of the first Respondent is irrational, unconstitutional and thus invalid in law.

WJ

8.

SCHEDULES/ANNEXURES A & B ON THE FIRST RESPONDENT'S NOTICE TO APPEAR

- 8.1. With regard to Annexure A, the first Respondent is *inter alia* asking that I furnish my names, those of my children, and those of my former spouses.
- 8.2. I am advised that the first Respondent is engaging into an act of unlawfully going beyond or overreaching its mandate that is purportedly authorized by the Gazette since it is purely unthinkable how the name of my child would assist with alleged maladministration within the NLC.
- 8.3. With Regard to Annexure B, the first Respondent is *inter alia* asking that I furnish documents in relation to properties I own and/or my husband, it is only the first Respondent that knows what such information is to be used for.
- 8.4. I am advised that I am not immune from criminal investigation, but that in light of our well established criminal justice system, I do not owe any duty to any law enforcement Agency, to assist them with investigation(s) against me.
- 8.5. The state is well equipped and can investigate me in any how and later present a credible case, if any, against me in a Court of law and that I get the opportunity to plead accordingly.
- 8.6. I am advised further that the style of investigation preferred by the SIU/ first Respondent, creates a parallel criminal justice system which is outside both the ordinary criminal justice system that applies to everyone and the Constitution of the Republic. I submit that to this extent, the style of investigation is unconstitutional and invalid.

9.

REQUIREMENTS OF AN INTERDICT

- 9.1. **Clear right:** I have a right to be investigated like any other citizen where appropriate, to be presumed innocent and to remain silent. These are the rights that the first Respondent is taking away, from me, and I seek to challenge the validity of the process thereof on that basis.
- 9.2. **Irreparable Harm:** I am advised that the manner, in which, the questioning process by the first Respondent is framed, is designed to erode or substitute my Constitutional rights as aforesaid, and should the process proceed unabated, the Harm that may result would not be possible to remedy at any future later stage. In fact, a breach of a right is not a minor thing in any Constitutional democracy as the constitution is the Supreme law of the Republic.
- 9.3. **Balance of convenience:** I submit the Respondents collectively have nothing to lose herein should the process be halted pending determination on what is the legally sound process to go about. In fact, tax payers money would have been saved from conducting a possibly illegal process. In any event, this is a rule nisi, whereby the Respondents will be afforded an opportunity to justify their process. This much becomes a fair procedure.
- 9.4. **Absence of alternative remedy:** As aforesaid, at the first available opportunity, I wrote a letter to advise the first Respondent of the legal concerns I have in the process, the first Respondent responded and gave assurance that according to them, the process is proceeding as scheduled. I therefore, have no alternative relief that can be used to halt the process and neither can I remain doing nothing and be defiant, the law would not permit same. The Honourable Court is thus my last resort in this regard.

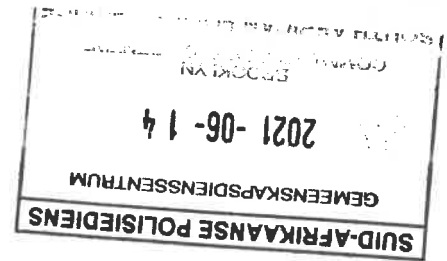
RELIEF SOUGHT

WHEREFORE I humbly pray that the above Honourable Court grant an order in terms of the preceding Notice of Motion to which this affidavit is annexed.


DEPONENT

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Pretoria on this the 14th day of June 2021 the regulations contained in Government Notice No.R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

J.P. van der Walt
COMMISSIONER OF OATHS



" LJMO1 "

SPECIAL INVESTIGATING UNIT
ESTABLISHED IN TERMS OF THE
SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996)
(Proclamation No. R. 118 of 2001, dated 31 July 2001)

TEL: [012] 843 0000
FAX: [012] 843 8840



Rentmeester Building
74 Watermeyer Street
Meyerspark
Pretoria
0184

Enq: Ms Rihanle Hartdegen
Cell: 083 302 0366
E-mail: Rhartdegen@siu.org.za

**NOTICE TO APPEAR BEFORE THE SPECIAL INVESTIGATING
UNIT (TO BE QUESTIONED UNDER OATH OR SWORN
AFFIRMATION AND TO PRODUCE BOOKS, DOCUMENTS
AND/OR OBJECTS)**

This Notice:

- (a) is issued in terms of Section 5(2)(b), as read with Section 5(2)(c) of the *Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996)* ("the Act"); and
- (b) relates to the investigation(s) conducted by the Special Investigating Unit ("the Unit") under authority of *Proclamation No. R.32 of 2020* as published in government gazette no 43885 dated 6 November 2020 ("the relevant Proclamation") in respect of certain alleged irregularities in the National Lotteries Commission ("NLC").

ADDRESSED TO:

Ms Liesl Joy Moses
29 Mafunyane Street
Elephant Hill
Pretorius Park
Garsfontein

NS

1. **KINDLY TAKE NOTICE THAT** the Unit is currently investigating the following allegation(s) in terms of the relevant Proclamation:

Any alleged -

- (a) serious maladministration in connection with the affairs of the NLC;
- (b) improper or unlawful conduct by employees or officials of the NLC;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the *Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)*, and which offences were committed in connection with the affairs of the NLC; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

in relation to the following matter(s) as envisaged in the Schedule to the relevant Proclamation:

- 1.1. Maladministration in the affairs of the NLC in relation to the—
 - (a) investment of funds in the National Lottery Distribution Trust Fund, established in terms of section 21 of the Lotteries Act, 1997 (Act No. 57 of 1997), contrary to the provisions of the said Act; and
 - (b) allocation of money in the Fund referred to in paragraph (a) to beneficiaries who were not entitled thereto in terms of the Lotteries Act, 1997, including the causes of such maladministration.
- 1.2. Any improper or unlawful conduct by the officials or employees of the NLC, or any other person or entity, in relation to the allegations set out in paragraph 1 of this Schedule, including the causes of such improper or

unlawful conduct and any losses, damage or actual or potential prejudice suffered by the NLC or the State.

2 KINDLY TAKE FURTHER NOTICE THAT:

You are hereby ordered to appear, in person, before the Unit at the Unit's Regional office in Pretoria, which office is situated on the at 1st Floor Rentmeester Building, 74 Watermeyer Street, Meyerspark, Pretoria on 31 May 2021 at 10h00 am and thereafter to remain in attendance until excused by the said Unit in order to:

- 2.1 be questioned under oath or sworn affirmation concerning the matter(s) set out in paragraph 1, above, and paragraph 3, below, as read with **Annexure "A"** to this Notice; and
- 2.2 produce to the Unit the books, documents and/or objects, as set out in paragraph 4, below, as read with **Annexure "B"** to this Notice, which will assist the Unit to investigate the allegation(s) referred to in paragraph 1, above.

3 KINDLY TAKE FURTHER NOTICE THAT the said questioning shall be in regard to:

- 3.1 the matter(s) set out in paragraph 1, above, and **Annexure "A"**, which is attached to this Notice; and
- 3.2 the book(s), document(s) and/or object(s), as set out in paragraph 2.2 above, and paragraph 4 below, as read with **Annexure "B"** to this Notice.

4 KINDLY TAKE FURTHER NOTICE THAT you are further ordered to bring with you and to produce to the Unit on the same date, and at the same time and venue as that specified in paragraph 2, above, the book(s), document(s) and/or object(s), as set out in **Annexure "B"**, which is attached to this Notice. The book(s), document(s) and/or object(s), as set out in Annexure "B" to this Notice will hereinafter collectively be referred to as **"the required record(s)"**.

5 AND KINDLY TAKE CAREFUL NOTICE OF THE FOLLOWING:

- 5.1 The proceedings will be recorded and may be used as evidence in any applicable future proceedings civil (or, as indicated in paragraphs 5.6 to 5.10 below, criminal) proceedings.
- 5.2 The Act (as amended), *Proclamation No R. 118 of 31 July 2001* and the relevant Proclamation are available from the Government Printing Works.
- 5.3 The reason why your presence is needed is to:
 - 5.3.1 be questioned concerning the matter(s) set out in paragraphs 1 and 3 above, as read with Annexure "A" to this Notice;
 - 5.3.2 produce to the Unit the book(s), document(s) and/or object(s), as set out in paragraphs 2.2 and 4 above, as read with Annexure "B" to this Notice; and
 - 5.3.3 be questioned concerning the book(s), document(s) and/or object(s), as set out in paragraphs 2.2, 4 and 5.3.2 above, as read with Annexure "B" to this Notice.
- 5.4 You are entitled to be assisted by a Legal Representative in responding to and/or in complying with this Notice and also during the questioning.
- 5.5 Should you appear without any Legal Representative, it will be assumed that you have elected to proceed unassisted.
- 5.6 The law regarding privilege, that is the right to decline to answer question(s) or to produce any one or more of the required record(s) in certain instances, as applicable to a witness subpoenaed to give evidence in a criminal case in a court of law, shall apply equally in relation to:
 - 5.6.1 the production of the required record(s) that you have been called upon to produce in terms of this Notice; and
 - 5.6.2 the questioning of a person in terms of Section 5(2) of the Act.
- 5.7 It may be that, during questioning, or on being required to produce any one or more of the required record(s) in terms of this Notice, you may claim the privilege against self-incrimination, in other words, the right to:
 - 5.7.1 refuse to answer one or more question(s); or
 - 5.7.2 refuse to produce one or more of the required book(s), document(s) and/or object(s),

because you are of the view that such an answer or the production of such a record would tend to expose you to one or more criminal charges.

5.8 We point out to you that when you exercise this right not to answer a question, Section 5(3) of the Act provides that the Unit can still compel you to answer the question concerned. But if the Unit does compel you to answer the question concerned, the position is that the question and your answer to it cannot be used as evidence against you in any criminal proceedings, except criminal proceedings in which you are charged with committing perjury or with contravention of Section 319 of the *Criminal Procedure Act, 1955 (Act No. 56 of 1966)* that provides for an offence similar to the offence of perjury).

5.9 If you want to exercise any right of privilege you may have against:

5.9.1 answering a question put to you by the Unit at the questioning, you must expressly and clearly claim that privilege immediately and before answering the question; and/or

5.9.2 producing any one or more of the required record(s), then the specific record(s) to which the privilege is raised, must be separately identified and the grounds on which such privilege is claimed in respect of each such record must be set out.

If you do not, and if you proceed to answer the question or produce such a record, the Unit will assume that it is because you knowingly chose not to claim any privilege, including the privilege against self-incrimination. In that case, the results will be that:

5.9.2.1 the question and your answer to it; and/or

5.9.2.2 the produced required record, will be admissible as evidence against you in any criminal proceedings that may later be instituted against you.

5.10 Any unsolicited evidence provided will be admissible and will not be protected under any privilege. We emphasise that if:

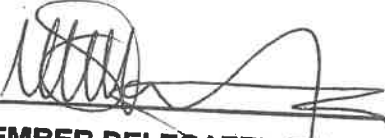
5.10.1 during the questioning proceedings, you make any statements voluntarily and unasked, i.e. when what you state is not in answer to a question put to you by the Unit; and/or

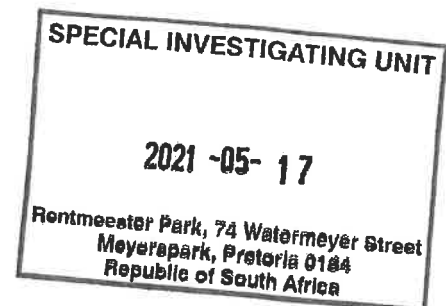
5.10.2 in response to this Notice or the questioning proceedings, you produce any book, document and/or object voluntarily and unasked, i.e. when what you produce is not specifically requested in terms this Notice or during the questioning proceedings, such evidence (i.e. the statements, books, documents and/or objects) may well be admissible as evidence against you in any criminal proceedings that may later be instituted against you and will not be protected.

5.11 Attached to this Notice and marked Annexure "C", please find an extract from the Act, and more specifically the contents of Sections 5 and 12 of the Act for your information.

6 Should you wish to obtain more information about this Notice, you may contact: Ms Rihanie Hartdegen at Tel (W): (012) 843-8550, Cell: 083 302 0366 or E-mail: Rhartdegen@siu.org.za.

DATED AT PRETORIA ON THIS 17 DAY OF MAY 2021.


MEMBER DELEGATED BY HEAD OF THE UNIT
MR NELSON MATHABA
CHIEF FORENSIC LAWYER
SPECIAL INVESTIGATING UNIT



MATTER(S) TO BE DEALT WITH DURING QUESTIONING

The questioning shall be with regard to the period 1 February 2014 to date

1. Personal questions about yourself, for example
 - a. Your full names and identity numbers
 - b. Full Names of your current and any former spouse(if any) and of your immediate family members (e.g. children and parents);
 - c. Contact Details of individual referred to on paragraph 1(b) above;
2. Question relating to your membership and/or involvement in the affairs of Denzhe Primary Care.
3. Question relating to your understanding of application processes for funding by the National Lotteries Commission.
4. Question relating to the registration of non-profit organisation and how they operate within its applicable legal framework.
5. Questions relating to the properties (movable and immovable) registered under your name, husband and/or joint estate. (e.g when and how the properties were acquired)
3. Question relating to income / your salary at Denzhe Primary Care, NPO (if any).
4. Proof of directorship or shareholder in any entity; (if any).
5. Anything related to or ancillary to any of the aforementioned.

AV

Annexure "B"

LIST OF BOOK(S), DOCUMENT(S) AND/OR OBJECT(S) TO BE PRODUCED TO THE UNIT ("the required record(s)")

1. Your identity document
2. All information, documents, records and objects in respect of your membership and/or involvement with Denzhe Primary Care.
3. Contract of employment between yourself and Denzhe Primary Care.
4. Total amount you received as salary or (any) benefits from Denzhe Primary Care
5. All information, documents, records and objects in respect of the properties registered under your name and/or that of your husband including but without being limited to, registration documents of all motor vehicles and immovable properties.
6. Proof of purchase price and the outstanding balance (if any) for each property.
7. Full information and records of registration of a Non-Profit Organization utilized in the development of drug rehabilitation centres in Gauteng (Denzhe Primary Care).
8. Application form for funding, submitted to the NLC.
9. How was the need identified or the circumstances that lead to the completion of an application form for funding submitted to NLC?
10. Signed contract/ memorandum of agreement between NLC and the NPO.



11. Financial records (including bank accounts where the NLC funds were paid into) indicating how the NLC funds were utilized.
12. Project Progress reports for the development of the drug rehabilitation centre(s) in Gauteng.
13. Detailed information of construction and engineering contractors utilized in the development of the drug rehabilitation centre(s) in Gauteng

Any other relevant document or information in relation to NLC funding Denzhe Primary Care that may assist the SIU in its investigation.

Annexure "C"

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT
NO. 74 OF 1996**

[View Regulation]

[ASSENTED TO 6 NOVEMBER, 1996]
[DATE OF COMMENCEMENT: 20 NOVEMBER, 1996]
(English text signed by the President)

This Act has been updated to *Government Gazette* 35741 dated 2 October, 2012.

as amended by

Judicial Matters Second Amendment Act, No. 122 of 1998
[with effect from 20 November, 1996]

Judicial Matters Amendment Act, No. 62 of 2000
[with effect from 23 March, 2001]

Special Investigating Units and Special Tribunals Amendment Act, No. 2 of 2001

Prevention and Combating of Corrupt Activities Act, No. 12 of 2004

ACT

To provide for the establishment of Special Investigating Units for the purpose of investigating serious malpractices or maladministration in connection with the administration of State institutions, State assets and public money as well as any conduct which may seriously harm the interests of the public and of instituting and conducting civil proceedings in any court of law or a Special Tribunal in its own name or on behalf of State institutions; to provide for the revenue and expenditure of Special Investigating Units; to provide for the establishment of Special Tribunals so as to adjudicate upon civil matters emanating from investigations by Special Investigating Units; and to provide for matters incidental thereto.

...

5. Powers of Special Investigating Unit.—(1) Subject to this Act and the regulations, the Head of a Special Investigating Unit may—

- (a) determine the procedure to be followed in conducting an investigation; and

- (b) charge and recover fees and expenses from a State institution for anything done in terms of this Act in respect of that State institution or a State institution identified by that State institution, together with legal costs relating to the institution and conducting of civil proceedings in terms of this Act, and interest, calculated at the rate prescribed in terms of section 1 (2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), from the date of demand.
 - (1A) (a) A State institution which is unable to pay the fees, expenses or legal costs or any part thereof, charged or to be recovered in terms of subsection (1) (b) for a specific financial year or any part thereof, may apply to the National Treasury or, when applicable, the relevant provincial treasury as contemplated in the Public Finance Management Act, 1999 (Act No. 1 of 1999), to be exempted from the payment of such fees, expenses or legal costs or any part thereof.
 - (b) The National Treasury or relevant provincial treasury, which receives an application in terms of paragraph (a) must, after consultation with the Head of the Special Investigating Unit and after considering the financial position of the State institution—
 - (i) make a finding regarding the ability of the State institution to pay the fees, expenses or legal costs or any part thereof charged or to be recovered in terms of subsection (1) (b) for a specific financial year or any part thereof; and
 - (ii) inform the Head of the Special Investigating Unit and the State institution concerned of the outcome of the application.
 - (c) A State institution which applies for an exemption in terms of paragraph (a), is liable to pay the fees, expenses or legal costs as provided for in terms of subsection (1) (b) to the extent

determined by the National Treasury or relevant provincial treasury in terms of paragraph (b) (i).

(2) For the performance of the functions referred to in section 4, a Special Investigating Unit may—

(a) through a member require from any person such particulars and information as may be reasonably necessary;

(b) order any person by notice in writing under the hand of the Head of the Special Investigating Unit or a member delegated thereto by him or her, addressed and delivered by a member, a police officer or a sheriff, to appear before it at a time and place specified in the notice and to produce to it specified books, documents or objects in the possession or custody or under the control of any such person: Provided that the notice shall contain the reasons why such person's presence is needed;

(c) through a member of the Special Investigating Unit, administer an oath to or accept an affirmation from any person referred to in paragraph (b), or any person present at the place referred to in paragraph (b), irrespective of whether or not such person has been required under the said paragraph to appear before it, and question him or her under oath or affirmation.

(3) (a) The law regarding privilege as applicable to a witness subpoenaed to give evidence in a criminal case in a court of law shall apply in relation to the questioning of a person in terms of subsection (2): Provided that a person who refuses to answer any question on the ground that the answer would tend to expose him or her to a criminal charge, may be compelled to answer such question.

(b) No evidence regarding any questions and answers contemplated in the proviso to paragraph (a), shall be admissible in any criminal proceedings, except in criminal proceedings where such person stands trial on a charge of perjury or on a charge contemplated in section 319 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

(4) Any person appearing before a Special Investigating Unit by virtue of subsection (2) (b) and (c), may be assisted at such examination by a legal representative.

(5) Notwithstanding anything to the contrary in any law and for the performance of any of its functions under this Act, a Special Investigating Unit may institute and conduct civil proceedings in its own name or on behalf of a State institution in a Special Tribunal or any court of law.

(6) (a) Upon the establishment of a Special Investigating Unit the Head of such Unit must provide the Public Protector with a copy of the proclamation referred to in section 2 (1).

(b) The Head of a Special Investigating Unit may refer any matter which, in his or her opinion, could best be dealt with by the Public Protector, to the Public Protector and the Public Protector may, if he or she deems it appropriate, refer any matter which comes to his or her attention and which falls within the terms of reference of a Special Investigating Unit, to such Unit.

(7) Without limiting the provisions of subsection (5), if, during the course of an investigation, any matter comes to the attention of the Head of the Special Investigating Unit which, in his or her opinion, justifies the institution of civil proceedings by a State institution against any person, he or she may bring such matter to the attention of the state attorney or the State institution concerned, as the case may be.

(8)

(9) (a) Any member of a Special Investigating Unit who is qualified and admitted as an advocate or an attorney, may perform such work in a Special Tribunal or any court of law on behalf of a Special Investigating Unit or a State institution as is by law, custom or practice performed by advocates and attorneys.

NS

(b) The rights, privileges and duties of any member lawfully performing functions described in paragraph (a), shall, except as is specifically provided for by this Act, include any of the rights, privileges and duties possessed by or imposed on an attorney or an advocate practising in any court of law where such functions are being performed.

...

12. Offences and penalties.—(1) Any person who—

- (a) wilfully interferes with, or hinders or obstructs a Special Investigating Unit in the performance of, any of its functions in terms of this Act;
 - (b) refuses to answer any question put to him or her by, or to produce any book, document or object to a Special Investigating Unit, after having been required to do so in terms of this Act;
 - (c) fails to comply with a directive contemplated in section 10 (5) (a) or (b);
 - (d) does anything in relation to a Special Tribunal which, if done in relation to a court of law, would constitute contempt of court; or
 - (e) destroys any article or disposes of any assets relating to, or in anticipation of, any investigation or proceedings in terms of this Act,
- shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding five years.

(2) Any person who—

- (a) fails without reasonable excuse to appear before a Special Investigating Unit after having been duly ordered to do so in terms of section 5 (2) (b); or
 - (b) has been duly subpoenaed to attend any proceedings before a Special Tribunal or to produce any book, document or object, and who fails without reasonable excuse to obey such subpoena,
- shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year....



RETURN OF SERVICE

Project No: NLC R32 NAT 2 NAT

Kindly complete and sign the section below and hand the signed Return of Service back to the person serving this notice. Alternatively, if this notice is served by facsimile, kindly send the signed Return of Service to the Special Investigating Unit at facsimile no. _____.

A copy of the notice addressed to:

Full Name and Surname

IS RECEIVED BY:

Full Name and Surname of recipient

Identity Number of recipient

Address where service made

Telephone Number of recipient

In the event of service on any person other than the addressee:

The capacity of such recipient

Received at _____ on this _____ day of _____ 20__ at _____ h
[time].

SIGNATURE OF RECIPIENT





OFFICIAL USE

I, _____ [Full Name and Surname] confirm having effected service on the abovementioned recipient in the manner stated above, after exhibiting the original and explaining the nature and exigency of the said Notice.

SIGNATURE OF EMPOWERED OFFICER

**Address: Rentmeester Building,
74 Watermeyer Street,
Meyerspark, Pretoria
0184**

Telephone No: _____

CAPACITY: (Tick whichever is applicable)

- Member of the Special Investigating Unit
- Police Officer
- Sheriff

WS

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REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11193

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No. 43885

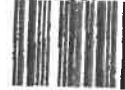
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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 32 OF 2020

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT
NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL
INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"); have been made in respect of the affairs of the National Lotteries Commission, previously known as the National Lotteries Board, (hereinafter referred to as "the NLC");

AND WHEREAS the State or the NLC suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule in respect of the NLC, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the NLC;
- (b) improper or unlawful conduct by employees or officials of the NLC;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the NLC; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the State or the NLC, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg
this 20 day of October Two thousand and twenty.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. **Maladministration in the affairs of the NLC in relation to the—**
 - (a) **investment of funds in the National Lottery Distribution Trust Fund, established in terms of section 21 of the Lotteries Act, 1997 (Act No. 57 of 1997), contrary to the provisions of the said Act; and**
 - (b) **allocation of money in the Fund referred to in paragraph (a) to beneficiaries who were not entitled thereto in terms of the Lotteries Act, 1997, including the causes of such maladministration.**

2. **Any improper or unlawful conduct by the officials or employees of the NLC, or any other person or entity, in relation to the allegations set out in paragraph 1 of this Schedule, including the causes of such improper or unlawful conduct and any losses, damage or actual or potential prejudice suffered by the NLC or the State.**

"LJM02"



Government Gazette Staatskoerant

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PROCLAMATIONS • PROKLAMAŠIES

PROCLAMATION NO. R. 32 OF 2020

by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"); have been made in respect of the affairs of the National Lotteries Commission, previously known as the National Lotteries Board, (hereinafter referred to as "the NLC");

AND WHEREAS the State or the NLC suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

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- (b) improper or unlawful conduct by employees or officials of the NLC;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the NLC; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the State or the NLC, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg
 this 20 day of October Two thousand and twenty.

CM Ramaphosa
 President

By Order of the President-in-Cabinet:

RO Lamola
 Minister of the Cabinet

"LJM03"

GP-S 07/02

TPH 103 (6/15/2010)

Q 192521

JUBILEE
(012) 7179491

HOSPITAL
HOSPITAAL

PATIENT No. GN21/06/03
PASIËNT No.

Mr/Mrs/Miss
Mnr./Mev./Mej.

LIESL MOSES

GAUTENG DEPARTMENT OF HEALTH
JUBILEE CLINICAL FORENSIC MEDICAL SERVICES
02 JUN 2021
PRIVATE BAG X 419 HALLMANSRPAAL 0101 JUBILEE HOSPITAL

was attended to at this institution on
was in hierdie inrigting behandel op

02-06-2021

suffering from
lydende aan

Flu (No COVID 19)
(TO TEST / QUARANTINE 14 DAYS)

He/she will be fit to resume his/her ordinary duties on
Hy/sy sal geskik wees om sy/haar gewone pligte te hervat op

17-06-2021

Date
Datum

02-06-2021

Dr Maute
Medical Officer/Geneesheer

Subject: Re: NOTICE OF OBJECTION: RE: APPEARANCE BEFORE THE SPECIAL INVESTIGATING UNIT BY ONE MS LIESL JOY MOSES SCHEDULED FOR 14 JUNE 2021.
Date: Thursday, 10 June 2021 at 17:19:15 South Africa Standard Time
From: Lesley Ramulifho
To: ZMkhari@siu.org.za
CC: Liesl Moses, NMathaba@siu.org.za, RHartdegen@siu.org.za
BCC: molebogengman@gmail.com, keegan@elliottattorneys.co.za
Priority: High
Attachments: image001.png, Notice of Objection.pdf, Annexure A.pdf, Annexure B.pdf

Good day,

The above matter refers.

Please note that the previous email size was too large, herewith attached a letter for your attention.

Kindly acknowledge receipt hereof.

Regards,
Lesley Ramulifho


Ramulifho Inc
Attorneys

Address : 21A Garsfontein Office Park
645 Jacqueline drive
Garsfontein
Pretoria
Tel: 012 993 5340
Fax: 012 993 5324
Direct Fax: 086 216 4186
Email : lesley@ramulifho.co.za
Website : <http://www.ramulifho.co.za>

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From: Lesley Ramulifho <lesley@ramulifho.co.za>
Date: Thursday, 10 June 2021 at 16:38
To: <ZMkhari@siu.org.za>
Cc: Liesl Moses <leemoses@telkomsa.net>, <NMathaba@siu.org.za>, <RHartdegen@siu.org.za>
Subject: NOTICE OF OBJECTION: RE: APPEARANCE BEFORE THE SPECIAL INVESTIGATING UNIT BY ONE MS LIESL JOY MOSES SCHEDULED FOR 14 JUNE 2021.

Good day,

The above matter refers.

Herewith attached a letter for your attention.

Kindly acknowledge receipt hereof.

Regards,
Lesley Ramulifho


Ramulifho Inc
Attorneys

Address : 21A Garsfontein Office Park
645 Jacqueline drive
Garsfontein
Pretoria
Tel: 012 993 5340
Fax: 012 993 5324
Direct Fax: 086 216 4186
Email : lesley@ramulifho.co.za
Website : <http://www.ramulifho.co.za>

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amulifho Inc

Attorneys

21A Garsfontein Officepark
645 Jacqueline Street
Garsfontein
Pretoria East

Tel: 012 993 5340
Fax: 012 993 5324
Telefax: 086 216 4184
Email: lesleyram@telkomsa.net

Date: 10 June 2021

Our ref: Lesley

Your Ref:

ATTENTION: MR NELSON MATHABA, CHIEF FORENSIC LAWYER
THE SPECIAL INVESTIGATING UNIT
RENTMEESTER BUILDING
74 WATERMEYER STREET
MEYERSPARK
PRETORIA
0184

Per email: ZMkhari@siu.org.za; NMathaba@siu.org.za; RHartdegen@siu.org.za;

"WITHOUT PREJUDICE"

NOTICE OF OBJECTION: RE: APPEARANCE BEFORE THE SPECIAL INVESTIGATING UNIT BY ONE MS LIESL JOY MOSES SCHEDULED FOR 14 JUNE 2021.

Dear Sirs,

Introduction

1. We refer to the subject matter herein above as well as the copy of your document, which is annexed hereto and marked A, for ease of reference.
2. We confirm we now act on behalf of one Ms Liesl Joy Moses, our client, hereinafter.
3. We record that pursuant to the invitation of our client to appear before the Special Investigating Unit (the SIU), our client had indeed attended to the invitation on 31st May 2021 and the matter was postponed to the 14th Day of June 2021.

Notice of Objection

4. Kindly take notice that our client has in the interim consulted with us and have instructed that we deal with the legality of her attendance before the special investigating unit, and in particular, her instructions are as follows:

Director: Lesley Ramulifho: LLB (UP) AIPSA DIP
Insolvency Law & Practice (UP) & Adv Cert in Labour Law (UP)
Legal Consultants: Rafia Akram: LLB, LLM (UP)
Danie Jacobs: BSC Hons, MED, DED (Stellenbosch)

- 4.1 She, like any citizen, is entitled to a fair and just administrative and/or judicial process and furthermore, she is entitled to equal protection and enjoyment of the rights or privileges afforded to all citizens by the law and the Constitution of the Republic.
- 4.2 Neither the President of the Republic of South Africa (the President) nor the Minister of Justice and correctional services (the Minister) has the power to order or commission an investigation into any Non-profit organisation, (NPO), in the circumstances – further, the alleged promulgation is unsigned by either the President, or the Minister (despite the further requirement that same be confirmed through consultation with the Premier [emphasis added]).
- 4.3 Even if it were to be found otherwise contrary to the above standpoint, as stated on 4.2. above herein, she remains of the view that neither the President nor the Minister has the power to order or commission an investigation into her personal affairs in the manner that is expressed in the notice to appear and within the context of this matter – in furtherance hereof, the notice, other than attempting to quote Section 2 (2) of the relevant Act, makes no allegation of the requirements for such investigation, if any. Same stands, as a result, as a ‘fishing expedition’, which contravenes the purport and ambit of the Act, to say the least.
- 4.4 Even if it were to be assumed that the investigation was commissioned in a legally sound or plausible manner (which is disputed), the SIU have nonetheless exceeded and/ or abused the authority as was originally conferred upon it by Proclamation No. R32 of 2020 as published in government gazette no 43885. See the gazette annexed hereto and marked B.
- 4.5 The SIU is usurping the powers of the South African Police services and all its divisions by conducting an investigation into an individual and at worst without being empowered to do so by any law, or the Constitution and consequently, the purported SIU investigation and/or questioning is a pseudo Criminal trial that bears the reverse onus where an individual suspected of Criminal doing is called upon to either prove their innocence and/or assist investigators with constructing a Criminal case against the suspect themselves.
- 4.6 The above point at 4.5. herein is in direct conflict with the provisions of the Constitution of the Republic, especially Section 2 read with Section 35 respectively. On this note, if after all is said and done, it was to be established that the SIU was commissioned properly, and further that the SIU has the authority to investigate our client (as in the circumstances of this matter), any such power(s), or authority or laws would accordingly be unconstitutional and thus invalid to the extent alluded to herein above.
- 4.7 Our client accordingly objects from participating into the scheduled meeting or session, subject to paragraph 5 below herein.

Offer to participate into proceedings and instructions held in abeyance

5. Notwithstanding the above, our client is happily willing to assist the SIU with comments in relation to:
- 5.1 Annexure B (the notice to appear), Question 8 and 10 respectively, this may be submitted in writing and incorporated into a statement.
- 5.2 In the event the SIU accepts the offer herein, we would be glad to receive same acceptance in writing on or before 11 June 2021 at 12:15 PM.
- 5.3 Should the offer herein be rejected or that we receive no communication whatsoever in writing from the SIU regarding this notice, kindly notice that we hold instructions in abeyance, to challenge the legality of the process in a Court of law.
6. Our client's rights remain reserved.

Kind regards,



Lesley Ramulifho

Ramulifho Attorneys Inc

"A"

SPECIAL INVESTIGATING UNIT
ESTABLISHED IN TERMS OF THE
SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996)
(Proclamation No. R. 118 of 2001, dated 31 July 2001)

TEL: [012] 843 0000
FAX: [012] 843 8840



Rentmeester Building
74 Watermeyer Street
Meyerspark
Pretoria
0184

Eng: Ms Rihanle Hartdegen
Cell: 083 302 0368
E-mail: Rhartdegen@siu.org.za

NOTICE TO APPEAR BEFORE THE SPECIAL INVESTIGATING UNIT (TO BE QUESTIONED UNDER OATH OR SWORN AFFIRMATION AND TO PRODUCE BOOKS, DOCUMENTS AND/OR OBJECTS)

This Notice:

- (a) is issued in terms of Section 5(2)(b), as read with Section 5(2)(c) of the *Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996)* ("the Act"); and
- (b) relates to the investigation(s) conducted by the Special Investigating Unit ("the Unit") under authority of *Proclamation No. R.32 of 2020* as published in government gazette no 43885 dated 6 November 2020 ("the relevant Proclamation") in respect of certain alleged irregularities in the National Lotteries Commission ("NLC").

ADDRESSED TO:

Ms Liesl Joy Moses
29 Mafunyane Street
Elephant Hill
Pretorius Park
Garsfontein

NS

1. **KINDLY TAKE NOTICE THAT** the Unit is currently investigating the following allegation(s) in terms of the relevant Proclamation:

Any alleged -

- (a) serious maladministration in connection with the affairs of the NLC;
- (b) improper or unlawful conduct by employees or officials of the NLC;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the *Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)*, and which offences were committed in connection with the affairs of the NLC; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

in relation to the following matter(s) as envisaged in the Schedule to the relevant Proclamation:

1.1. Maladministration in the affairs of the NLC in relation to the—

- (a) investment of funds in the National Lottery Distribution Trust Fund, established in terms of section 21 of the Lotteries Act, 1997 (Act No. 57 of 1997), contrary to the provisions of the said Act; and
- (b) allocation of money in the Fund referred to in paragraph (a) to beneficiaries who were not entitled thereto in terms of the Lotteries Act, 1997, including the causes of such maladministration.

1.2. Any improper or unlawful conduct by the officials or employees of the NLC, or any other person or entity, in relation to the allegations set out in paragraph 1 of this Schedule, including the causes of such improper or

unlawful conduct and any losses, damage or actual or potential prejudice suffered by the NLC or the State.

2 KINDLY TAKE FURTHER NOTICE THAT:

You are hereby ordered to appear, in person, before the Unit at the Unit's Regional office in Pretoria, which office is situated on the at 1st Floor Rentmeester Building, 74 Watermeyer Street, Meyerspark, Pretoria on 31 May 2021 at 10h00 am and thereafter to remain in attendance until excused by the said Unit in order to:

- 2.1 be questioned under oath or sworn affirmation concerning the matter(s) set out in paragraph 1, above, and paragraph 3, below, as read with Annexure "A" to this Notice; and
- 2.2 produce to the Unit the books, documents and/or objects, as set out in paragraph 4, below, as read with Annexure "B" to this Notice, which will assist the Unit to investigate the allegation(s) referred to in paragraph 1, above.

3 KINDLY TAKE FURTHER NOTICE THAT the said questioning shall be in regard to:

- 3.1 the matter(s) set out in paragraph 1, above, and Annexure "A", which is attached to this Notice; and
- 3.2 the book(s), document(s) and/or object(s), as set out in paragraph 2.2 above, and paragraph 4 below, as read with Annexure "B" to this Notice.

4 KINDLY TAKE FURTHER NOTICE THAT you are further ordered to bring with you and to produce to the Unit on the same date, and at the same time and venue as that specified in paragraph 2, above, the book(s), document(s) and/or object(s), as set out in Annexure "B", which is attached to this Notice. The book(s), document(s) and/or object(s), as set out in Annexure "B" to this Notice will hereinafter collectively be referred to as "the required record(s)".

5 AND KINDLY TAKE CAREFUL NOTICE OF THE FOLLOWING:

- 5.1 The proceedings will be recorded and may be used as evidence in any applicable future proceedings civil (or, as indicated in paragraphs 5.6 to 5.10 below, criminal) proceedings.
- 5.2 The Act (as amended), *Proclamation No R. 118 of 31 July 2001* and the relevant Proclamation are available from the Government Printing Works.
- 5.3 The reason why your presence is needed is to:
- 5.3.1 be questioned concerning the matter(s) set out in paragraphs 1 and 3 above, as read with Annexure "A" to this Notice;
- 5.3.2 produce to the Unit the book(s), document(s) and/or object(s), as set out in paragraphs 2.2 and 4 above, as read with Annexure "B" to this Notice; and
- 5.3.3 be questioned concerning the book(s), document(s) and/or object(s), as set out in paragraphs 2.2, 4 and 5.3.2 above, as read with Annexure "B" to this Notice.
- 5.4 You are entitled to be assisted by a Legal Representative in responding to and/or in complying with this Notice and also during the questioning.
- 5.5 Should you appear without any Legal Representative, it will be assumed that you have elected to proceed unassisted.
- 5.6 The law regarding privilege, that is the right to decline to answer question(s) or to produce any one or more of the required record(s) in certain instances, as applicable to a witness subpoenaed to give evidence in a criminal case in a court of law, shall apply equally in relation to:
- 5.6.1 the production of the required record(s) that you have been called upon to produce in terms of this Notice; and
- 5.6.2 the questioning of a person in terms of Section 5(2) of the Act.
- 5.7 It may be that, during questioning, or on being required to produce any one or more of the required record(s) in terms of this Notice, you may claim the privilege against self-incrimination, in other words, the right to:
- 5.7.1 refuse to answer one or more question(s); or
- 5.7.2 refuse to produce one or more of the required book(s), document(s) and/or object(s),

because you are of the view that such an answer or the production of such a record would tend to expose you to one or more criminal charges.

5.8 We point out to you that when you exercise this right not to answer a question, Section 5(3) of the Act provides that the Unit can still compel you to answer the question concerned. But if the Unit does compel you to answer the question concerned, the position is that the question and your answer to it cannot be used as evidence against you in any criminal proceedings, except criminal proceedings in which you are charged with committing perjury or with contravention of Section 319 of the *Criminal Procedure Act, 1955 (Act No. 56 of 1966)* that provides for an offence similar to the offence of perjury).

5.9 If you want to exercise any right of privilege you may have against:

5.9.1 answering a question put to you by the Unit at the questioning, you must expressly and clearly claim that privilege immediately and before answering the question; and/or

5.9.2 producing any one or more of the required record(s), then the specific record(s) to which the privilege is raised, must be separately identified and the grounds on which such privilege is claimed in respect of each such record must be set out.

If you do not, and if you proceed to answer the question or produce such a record, the Unit will assume that it is because you knowingly chose not to claim any privilege, including the privilege against self-incrimination. In that case, the results will be that:

5.9.2.1 the question and your answer to it; and/or

5.9.2.2 the produced required record, will be admissible as evidence against you in any criminal proceedings that may later be instituted against you.

5.10 Any unsolicited evidence provided will be admissible and will not be protected under any privilege. We emphasise that if:


5.10.1 during the questioning proceedings, you make any statements voluntarily and unasked, i.e. when what you state is not in answer to a question put to you by the Unit; and/or

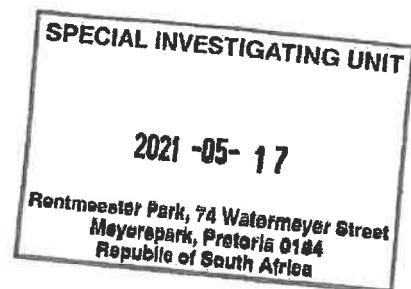
5.10.2 in response to this Notice or the questioning proceedings, you produce any book, document and/or object voluntarily and unasked, i.e. when what you produce is not specifically requested in terms this Notice or during the questioning proceedings, such evidence (i.e. the statements, books, documents and/or objects) may well be admissible as evidence against you in any criminal proceedings that may later be instituted against you and will not be protected.

5.11 Attached to this Notice and marked Annexure "C", please find an extract from the Act, and more specifically the contents of Sections 5 and 12 of the Act for your information.

6 Should you wish to obtain more information about this Notice, you may contact: Ms Rihanie Hartdegen at Tel (W): (012) 843-8550, Cell: 083 302 0366 or E-mail: Rhartdegen@siu.org.za.

DATED AT PRETORIA ON THIS 17 DAY OF MAY 2021.


MEMBER DELEGATED BY HEAD OF THE UNIT
MR NELSON MATHABA
CHIEF FORENSIC LAWYER
SPECIAL INVESTIGATING UNIT



MATTER(S) TO BE DEALT WITH DURING QUESTIONING

The questioning shall be with regard to the period 1 February 2014 to date

1. Personal questions about yourself, for example
 - a. Your full names and identify numbers
 - b. Full Names of your current and any former spouse(if any) and of your immediate family members (e.g. children and parents);
 - c. Contact Details of individual referred to on paragraph 1(b) above;
2. Question relating to your membership and/or involvement in the affairs of Denzhe Primary Care.
3. Question relating to your understanding of application processes for funding by the National Lotteries Commission.
4. Question relating to the registration of non-profit organisation and how they operate within its applicable legal framework.
5. Questions relating to the properties (movable and immovable) registered under your name, husband and/or joint estate. (e.g when and how the properties were acquired)
3. Question relating to income / your salary at Denzhe Primary Care, NPO (if any).
4. Proof of directorship or shareholder in any entity; (if any).
5. Anything related to or ancillary to any of the aforementioned.

AV

Annexure "B"

LIST OF BOOK(S), DOCUMENT(S) AND/OR OBJECT(S) TO BE PRODUCED TO THE UNIT ("the required record(s)")

1. Your identity document
2. All information, documents, records and objects in respect of your membership and/or involvement with Denzhe Primary Care.
3. Contract of employment between yourself and Denzhe Primary Care.
4. Total amount you received as salary or (any) benefits from Denzhe Primary Care
5. All information, documents, records and objects in respect of the properties registered under your name and/or that of your husband including but without being limited to, registration documents of all motor vehicles and immovable properties.
6. Proof of purchase price and the outstanding balance (if any) for each property.
7. Full information and records of registration of a Non-Profit Organization utilized in the development of drug rehabilitation centres in Gauteng (Denzhe Primary Care).
8. Application form for funding, submitted to the NLC.
9. How was the need identified or the circumstances that lead to the completion of an application form for funding submitted to NLC?
10. Signed contract/ memorandum of agreement between NLC and the NPO.



11. Financial records (including bank accounts where the NLC funds were paid into) indicating how the NLC funds were utilized.
12. Project Progress reports for the development of the drug rehabilitation centre(s) in Gauteng.
13. Detailed information of construction and engineering contractors utilized in the development of the drug rehabilitation centre(s) in Gauteng

Any other relevant document or information in relation to NLC funding Denzhe Primary Care that may assist the SIU in its investigation.

Annexure "C"

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT
NO. 74 OF 1996**

[View Regulation]

[ASSENTED TO 6 NOVEMBER, 1996]
[DATE OF COMMENCEMENT: 20 NOVEMBER, 1996]
(English text signed by the President)

This Act has been updated to Government Gazette 35741 dated 2 October, 2012.

as amended by

Judicial Matters Second Amendment Act, No. 122 of 1998
[with effect from 20 November, 1996]

Judicial Matters Amendment Act, No. 62 of 2000
[with effect from 23 March, 2001]

Special Investigating Units and Special Tribunals Amendment Act, No. 2 of 2001

Prevention and Combating of Corrupt Activities Act, No. 12 of 2004

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NJ

ACT

To provide for the establishment of Special Investigating Units for the purpose of investigating serious malpractices or maladministration in connection with the administration of State institutions, State assets and public money as well as any conduct which may seriously harm the interests of the public and of instituting and conducting civil proceedings in any court of law or a Special Tribunal in its own name or on behalf of State institutions; to provide for the revenue and expenditure of Special Investigating Units; to provide for the establishment of Special Tribunals so as to adjudicate upon civil matters emanating from investigations by Special Investigating Units; and to provide for matters incidental thereto.

...

5. Powers of Special Investigating Unit.—(1) Subject to this Act and the regulations, the Head of a Special Investigating Unit may—

(a) determine the procedure to be followed in conducting an investigation; and

(b) charge and recover fees and expenses from a State institution for anything done in terms of this Act in respect of that State institution or a State institution identified by that State institution, together with legal costs relating to the institution and conducting of civil proceedings in terms of this Act, and interest, calculated at the rate prescribed in terms of section 1 (2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), from the date of demand.

(1A) (a) A State institution which is unable to pay the fees, expenses or legal costs or any part thereof, charged or to be recovered in terms of subsection (1) (b) for a specific financial year or any part thereof, may apply to the National Treasury or, when applicable, the relevant provincial treasury as contemplated in the Public Finance Management Act, 1999 (Act No. 1 of 1999), to be exempted from the payment of such fees, expenses or legal costs or any part thereof.

(b) The National Treasury or relevant provincial treasury, which receives an application in terms of paragraph (a) must, after consultation with the Head of the Special Investigating Unit and after considering the financial position of the State institution—

(i) make a finding regarding the ability of the State institution to pay the fees, expenses or legal costs or any part thereof charged or to be recovered in terms of subsection (1) (b) for a specific financial year or any part thereof; and

(ii) inform the Head of the Special Investigating Unit and the State institution concerned of the outcome of the application.

(c) A State institution which applies for an exemption in terms of paragraph (a), is liable to pay the fees, expenses or legal costs as provided for in terms of subsection (1) (b) to the extent

determined by the National Treasury or relevant provincial treasury in terms of paragraph (b) (1).

- (2) For the performance of the functions referred to in section 4, a Special Investigating Unit may—
- (a) through a member require from any person such particulars and information as may be reasonably necessary;
 - (b) order any person by notice in writing under the hand of the Head of the Special Investigating Unit or a member delegated thereto by him or her, addressed and delivered by a member, a police officer or a sheriff, to appear before it at a time and place specified in the notice and to produce to it specified books, documents or objects in the possession or custody or under the control of any such person: Provided that the notice shall contain the reasons why such person's presence is needed;
 - (c) through a member of the Special Investigating Unit, administer an oath to or accept an affirmation from any person referred to in paragraph (b), or any person present at the place referred to in paragraph (b), irrespective of whether or not such person has been required under the said paragraph to appear before it, and question him or her under oath or affirmation.
- (3) (a) The law regarding privilege as applicable to a witness subpoenaed to give evidence in a criminal case in a court of law shall apply in relation to the questioning of a person in terms of subsection (2): Provided that a person who refuses to answer any question on the ground that the answer would tend to expose him or her to a criminal charge, may be compelled to answer such question.
- (b) No evidence regarding any questions and answers contemplated in the proviso to paragraph (a), shall be admissible in any criminal proceedings, except in criminal proceedings where such person stands trial on a charge of perjury or on a charge contemplated in section 319 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).
- (4) Any person appearing before a Special Investigating Unit by virtue of subsection (2) (b) and (c), may be assisted at such examination by a legal representative.
- (5) Notwithstanding anything to the contrary in any law and for the performance of any of its functions under this Act, a Special Investigating Unit may institute and conduct civil proceedings in its own name or on behalf of a State institution in a Special Tribunal or any court of law.
- (6) (a) Upon the establishment of a Special Investigating Unit the Head of such Unit must provide the Public Protector with a copy of the proclamation referred to in section 2 (1).
- (b) The Head of a Special Investigating Unit may refer any matter which, in his or her opinion, could best be dealt with by the Public Protector, to the Public Protector and the Public Protector may, if he or she deems it appropriate, refer any matter which comes to his or her attention and which falls within the terms of reference of a Special Investigating Unit, to such Unit.
- (7) Without limiting the provisions of subsection (5), if, during the course of an investigation, any matter comes to the attention of the Head of the Special Investigating Unit which, in his or her opinion, justifies the institution of civil proceedings by a State institution against any person, he or she may bring such matter to the attention of the state attorney or the State institution concerned, as the case may be.
- (8)
- (9) (a) Any member of a Special Investigating Unit who is qualified and admitted as an advocate or an attorney, may perform such work in a Special Tribunal or any court of law on behalf of a Special Investigating Unit or a State institution as is by law, custom or practice performed by advocates and attorneys.

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(b) The rights, privileges and duties of any member lawfully performing functions described in paragraph (a), shall, except as is specifically provided for by this Act, include any of the rights, privileges and duties possessed by or imposed on an attorney or an advocate practising in any court of law where such functions are being performed.

...

12. Offences and penalties.—(1) Any person who—

- (a) wilfully interferes with, or hinders or obstructs a Special Investigating Unit in the performance of, any of its functions in terms of this Act;
- (b) refuses to answer any question put to him or her by, or to produce any book, document or object to a Special Investigating Unit, after having been required to do so in terms of this Act;
- (c) fails to comply with a directive contemplated in section 10 (5) (a) or (b);
- (d) does anything in relation to a Special Tribunal which, if done in relation to a court of law, would constitute contempt of court; or
- (e) destroys any article or disposes of any assets relating to, or in anticipation of, any investigation or proceedings in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding five years.

(2) Any person who—

- (a) fails without reasonable excuse to appear before a Special Investigating Unit after having been duly ordered to do so in terms of section 5 (2) (b); or
 - (b) has been duly subpoenaed to attend any proceedings before a Special Tribunal or to produce any book, document or object, and who fails without reasonable excuse to obey such subpoena,
- shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year....



RETURN OF SERVICE

Project No: NLC R32 NAT 2 NAT

Kindly complete and sign the section below and hand the signed Return of Service back to the person serving this notice. Alternatively, if this notice is served by facsimile, kindly send the signed Return of Service to the Special Investigating Unit at facsimile no. _____

A copy of the notice addressed to:

Full Name and Surname

IS RECEIVED BY:

Full Name and Surname of recipient

105

Identity Number of recipient

: _____

Address where service made

: _____

Telephone Number of recipient

: _____

In the event of service on any person other than the addressee:

The capacity of such recipient

: _____

Received at _____ on this _____ day of _____ 20____ at _____ h _____
[time].

SIGNATURE OF RECIPIENT





OFFICIAL USE

I, _____ [Full Name and Surname] confirm having effected service on the abovementioned recipient in the manner stated above, after exhibiting the original and explaining the nature and exigency of the said Notice.

SIGNATURE OF EMPOWERED OFFICER

**Address: Rentmeester Building,
74 Watermeyer Street,
Meyerspark, Pretoria
0184**

Telephone No: _____

CAPACITY: (Tick whichever is applicable)

- Member of the Special Investigating Unit
- Police Officer
- Sheriff

Handwritten signature



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11193

Regulasiekoerant

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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 32 OF 2020

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT
NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL
INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"); have been made in respect of the affairs of the National Lotteries Commission, previously known as the National Lotteries Board, (hereinafter referred to as "the NLC");

AND WHEREAS the State or the NLC suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule in respect of the NLC, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the NLC;
- (b) improper or unlawful conduct by employees or officials of the NLC;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

REPUBLIC OF SOUTH AFRICA

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the NLC; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the State or the NLC, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg
this 20 day of October Two thousand and twenty.

CM Ramaphosa
President

By Order of the President-In-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. **Maladministration in the affairs of the NLC in relation to the—**
 - (a) **investment of funds in the National Lottery Distribution Trust Fund, established in terms of section 21 of the Lotteries Act, 1997 (Act No. 57 of 1997), contrary to the provisions of the said Act; and**
 - (b) **allocation of money in the Fund referred to in paragraph (a) to beneficiaries who were not entitled thereto in terms of the Lotteries Act, 1997, including the causes of such maladministration.**

2. **Any improper or unlawful conduct by the officials or employees of the NLC, or any other person or entity, in relation to the allegations set out in paragraph 1 of this Schedule, including the causes of such improper or unlawful conduct and any losses, damage or actual or potential prejudice suffered by the NLC or the State.**

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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUIDAFRIKA

Regulation Gazette No. 11193 Regulasiekoerant
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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 32 OF 2020

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT
NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL
INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"); have been made in respect of the affairs of the National Lotteries Commission, previously known as the National Lotteries Board, (hereinafter referred to as "the NLC");

AND WHEREAS the State or the NLC suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule in respect of the NLC, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the NLC;
- (b) improper or unlawful conduct by employees or officials of the NLC;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

REPUBLIC OF SOUTH AFRICA

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the NLC; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the State or the NLC, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg
this 20 day of October Two thousand and twenty.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. **Maladministration in the affairs of the NLC in relation to the—**
 - (a) **Investment of funds in the National Lottery Distribution Trust Fund, established in terms of section 21 of the Lotteries Act, 1997 (Act No. 57 of 1997), contrary to the provisions of the said Act; and**
 - (b) **allocation of money in the Fund referred to in paragraph (a) to beneficiaries who were not entitled thereto. In terms of the Lotteries Act, 1997, including the causes of such maladministration.**

2. **Any improper or unlawful conduct by the officials or employees of the NLC, or any other person or entity, in relation to the allegations set out in paragraph 1 of this Schedule, including the causes of such improper or unlawful conduct and any losses, damage or actual or potential prejudice suffered by the NLC or the State.**



Subject: Re: NOTICE OF OBJECTION: RE: APPEARANCE BEFORE THE SPECIAL INVESTIGATING UNIT BY ONE MS LIESL JOY MOSES SCHEDULED FOR 14 June 2021.
Date: Friday, 11 June 2021 at 10:45:05 South Africa Standard Time
From: Nelson Mathaba
To: Lesley Ramulifho
CC: Zandile Mkhari
Attachments: IMAGE.png, IMAGE.gif

Good day Mr Ramulifho

The above matter refers.

We have noted the contents of your letter and wish to state that the proceedings of the 14 June 2021 should proceed as per the notice issued to your client. If you hold the view that our notice to your client is conflict with the law, you are at liberty to challenge its legality in a court of law.

In the circumstance, we are proceeding with the hearing on the scheduled date , place and time as we consider our notice to be valid until it is reviewed and set aside by a competent court of law.

Kind regards

Nelson Mathaba
Chief Forensic Lawyer
Special Investigating unit
Tel: (012) 843 8543
Cell: 083 598 9686
E-mail: NMathaba@siu.org.za



>>> Lesley Ramulifho lesley@ramulifho.co.za> 6/10/2021 5:19 PM >>
Good day,

The above matter refers.

Please note that the previous email size was too large, herewith attached a letter for your attention.

Kindly acknowledge receipt hereof.

Regards,
Lesley Ramulifho


Ramulifho Inc
Attorneys

Address : 21A Garsfontein Office Park
645 Jacqueline drive
Garsfontein
Pretoria
Tel: 012 993 5340
Fax: 012 993 5324
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From: Lesley Ramulifho <lesley@ramulifho.co.za>

Date: Thursday, 10 June 2021 at 16:38

To: <ZMkhari@siu.org.za>

Cc: Liesl Moses <leemoses@telkomsa.net>, <NMathaba@siu.org.za>, <RHartdegen@siu.org.za>

Subject: NOTICE OF OBJECTION: RE: APPEARANCE BEFORE THE SPECIAL INVESTIGATING UNIT BY ONE MS LIESL JOY MOSES SCHEDULED FOR 14 JUNE 2021.

Good day,

The above matter refers.

Herewith attached a letter for your attention.

Kindly acknowledge receipt hereof.

Regards,
Lesley Ramulifho


Ramulifho Inc
Attorneys

Address : 21A Garsfontein Office Park
645 Jacqueline drive
Garsfontein
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