

## Media statement



**To : ALL MEDIA**

**Date : 26 OCTOBER 2012**

**Re : NPA ATTACHES MP'S ASSETS**

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The Northern Cape High Court has today granted the Asset Forfeiture Unit in the NPA a preservation order in terms of Section 38 of the Prevention of Organised Crime Act (POCA) to attach the assets of Ms Yolanda Botha who is a Member of Parliament.

The order was granted against Botha's house in Kimberley and her 10% shares in Trifecta Investment Holdings, a construction company owned by Mr Daniel Jacobus Malan. The shares were transferred from Trifecta to Jyba Beleggings trust, the beneficiaries of which are Ms Botha's relatives, as a way of gratification. The assets are valued at approximately R24 million.

AFU argued in its application that Botha, who was Head of Social Development in the Northern Cape at the time, disregarded tender procedures by signing lease agreements that benefited Trifecta and in return Trifecta made renovations to her house. The value of the renovations is estimated at R1.2 million.

However, when Ms Botha appeared before the Joint Ethics and Interest Committee in Parliament, she stated that she only got R500 000 loan from Trifecta for the renovations. The Committee subsequently found in August 2011, that there was an improper and generally corrupt relationship between Botha and Trifecta in relation to the lease agreements, renovations and shares.

The lease agreements currently cost the State about R3 million per month. Some of these agreements will only come to an end in 2017.

It is alleged that Botha approved deviations from the procurement process, some of which were contrary to the recommendations made by the Bid Adjudication Committees. In some instances she changed the duration of the lease agreement from five to ten years. She also allegedly overruled the Department's Legal Advisor to cancel the lease agreements. The lease agreements are in relation to buildings rented by the Northern Cape Department of Social Development in Springbok, Kuruman, Douglas and Kimberley.

POCA is a law meant to combat organised crime and provides for forfeiture to the State of proceeds of unlawful activities even when no criminal charges have been levelled against the accused.

**Issued by:**

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