

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

**CASE NUMBER: 38386/2022**

In the matter between:

**THE NATIONAL DIRECTOR OF PUBLIC  
PROSECUTIONS**

Applicant

and

**LESLEY NKHUMBULENI RAMULIFHO**

Fifth Respondent

**PROGROUP ASSET MANAGERS AND FINANCIAL  
CONSULTANTS (PTY) LTD**

Eleventh and

Twelfth Respondents

In re:

In the ex parte application by:

The National Director of Public Prosecutions

Applicant

In re:

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1. Unit 2, SS Violet, Scheme Number: 369/2014, JR, Pretoria
2. Unit 1 and Unit 2, SS Celtisdal 612, Scheme Number 772/2016, Pretoria
3. Erf 5267 Midstream Estate Extension 67, JR, Pretoria
4. Erf 1037 Peacanwood Extension 11. JQ, Pretoria
5. Portion 448 of Farm 375 Rietfontein, JR, Pretoria
6. Portion 2 of Erf 1384 Bryanston, IR, Pretoria
7. Remaining Extent Portion 29 of Farm 369 Boschkop, JR, Pretoria
8. Portion 1 of Erf 524 Bryanston, IR, Pretoria
9. Erf 1194 Peach Tree Ext 2, JR, Pretoria
10. BMW 420i with registration number FD24JBGP
11. Ocean Basket franchise at Mall at Carnival
12. Ocean Basket franchise at Carnival City

**IN AN APPLICATION FOR A PRESERVATION OF PROPERTY ORDER IN  
TERMS OF SECTION 38(1) OF THE PREVENTION OF ORGANISED CRIME ACT  
NO. 121 OF 1998**

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**FIFTH, ELEVENTH AND TWELFTH RESPONDENTS 'SUPPORTING AFFIDAVIT  
AS CONTEMPLATED IN SECTION 39(5) OF THE PREVENTION OF  
ORGANISED CRIME ACT NO. 121 OF 1998**

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I, the undersigned,

**LESLEY NKUMBULENI RAMULIFHO**



(Identity Number: 800511 5293 087)

do hereby make oath and state that:

1.

1.1 I am a major male duly admitted attorney and businessman with residential address situated at 47 JOLLIFY RING ROAD, MOOIKLOOF ESTATE, PRETORIA

1.2 I am the rightful owner of the property situated at Portion 448 of Farm 375, Rietfontein, JR, Pretoria. I am also the sole director of PROGROU Asset Managers and Financial Consultants (Pty) Ltd (Eleventh and Twelfth Respondents) registration number: 2015/055295/07 with its registered address situated at Suite 21A, 654 Jacqueline Street, Garsfontein Office Park, Pretoria.

1.3 The Eleventh and Twelfth Respondents are the rightful owners of the Ocean Basket Franchise, Mall at Carnival and the Ocean Basket Franchise, Carnival City.

1.4 I have an interest as contemplated in section 39(3) of the Prevention of Organised Crime Act, 121 of 1998 ('POCA') in the property situated at Portion 448 of Farm 375, Rietfontein, JR, Pretoria, and the Eleventh and Twelfth Respondents have a similar interest in the Ocean Basket Franchise, Mall at

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Carnival and the Ocean Basket Franchise, Carnival City. (hereinafter referred to as 'the properties').

1.5 The statement of facts that are made in this affidavit are made with my personal knowledge, except:

1.5.1 Where the converse is stated expressly;

1.5.2 Where the converse appears from the context in which the statement of facts is made.

1.6 The statement of facts that are contained in this affidavit are also, to the best of my knowledge and belief, both true and correct.

1.7 I have read the founding affidavit deposed to by **NICOLENE IRENE PETERS** and the annexures thereto. I noted that the facts contained in the founding affidavit of **NICOLENE IRENE PETERS** are mainly premised on the facts contained in the supporting affidavit deposed to by **ZANDILE MKHARI**.

1.8 I have further read the answering affidavit deposed to by **LIESL MOSES** and confirm the contents thereof.

2.

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- 2.1 I have always been interested in getting involved in an NPO, especially because I knew that there was a huge drug problem in Eersterus and knew that the community would benefit greatly from a drug rehabilitation centre. I approach a certain Mr Lufuno Ramabulana and asked him if he knew of a NPO that would be willing to accept my involvement.
- 2.2 Mr Ramabulana introduced Denzhe to me, however I never met any of its members. Mr Ramabulana was the person that facilitated the relationship with the members of Denzhe.
- 2.3 There was nothing untoward in Ms Moses, Mr Sithole and I in becoming members in Denzhe. I find the allegations by Ms Tshikalange curious in that she is well aware that the NLC instructed Ndobela Lamola Inc in 2019 to investigate allegations in several media articles during November 2018 that claimed that Denzhe was covertly hijacked by myself to apply for funding without the knowledge of the founder Ms Tshikalange.
- 2.4 Ms Tshikalange confirmed during the investigation that that was not true. The said investigative team found that there was no covert hijacking of Denzhe and I was cleared of any wrongdoing in this regard.

3.

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- 3.1 At the time I drafted the proposal on behalf of Denzhe, I was not an official or employee of the NLC and as such I was not precluded by any provision of the Lotteries Act to apply on behalf of Denzhe for a grant under the provisions of section 28 of the Lotteries Act.
- 3.2 I was not aware of any provision that barred any person who drafted a proposal or oversees the project as project manager from charging a reasonable fee for services rendered. I at all relevant times laboured under the bona fide belief that I am entitled to remuneration for my services rendered to Denzhe for drafting the proposal and acting as the project manager for the project.

**PORTION 448 OF FARM 375 RIETFontein, JR, PRETORIA**

- 3.1 I did not acquire the Rietfontein property by means of money that I derived from unlawful activity. I signed the Remax OTP on 21 May 2016 for a purchase price of R 11 000 000-00. The payment of R 5 000 000-00 that Denzhe made to Etienne Naude was as part payment of my commission for drafting the proposal and for my services as project manager.
- 3.2 I certainly did not obtain the grant from the NLC pursuant to any fraud, corruption or by the commission of any other offence. I drafted a proper researched and structured proposal based. I did not have any insight or say in the NLC's decision-making process.

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3.3 The fee I charged was market related and not one professional person having the necessary and required skills in project management would oversee a project of the magnitude of constructing a drug rehabilitation centre over a period of two and a half years without any remuneration. I maintain that there was nothing untoward in me charging a fee for my professional services.

3.4 I found no evidence presented by the Applicant to show a nexus between the Applicant's contention that Denzhe is in breach of contract and the commission of the crimes of corruption and money laundering.

3.5 Accordingly, there is no evidence that shows that the Rietfontein property constitutes proceeds of unlawful activities.

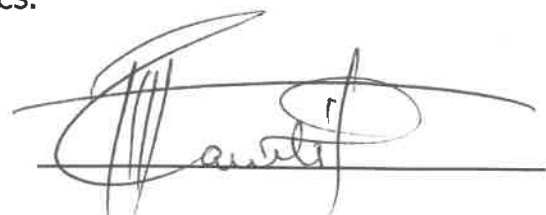
#### **OCEAN BASKET FRANCHISES**

#### 4.

4.1 I purchased the Ocean Basket, Carnivall Mall on 8 July 2016 for an amount of R 4 450 000-00. A copy of the sale agreement evidencing same is annexed hereto and marked "**LKR 1**".

4.2 I purchased the Ocean Basket Franchise, Carnival City on 12 April 2017 for an amount of R 1 300 000-00 for an amount of R 1 300 000-00. A copy of the sale agreement evidencing same is annexed hereto and marked "**LKR 2**".

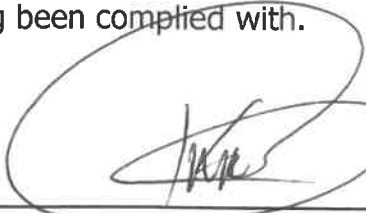
- 4.3 I spent roughly R 4 000 000-00 on both franchises in upgrades and renovations. I never utilised any of the allocated NLC funds to purchase any of the franchises. There is simply no evidence to substantiate such claims.
- 4.4 The Applicant disingenuously claim that two amounts paid by Denzhe on 25 October 2016 and 23 November 2016 to the Eleventh and Twelfth Respondents totalling R 535 240-34 were used to purchase the two Ocean Basket Franchises. This is simply not true and without merit.
- 4.5 The amount of R 535 240-34 was paid to the Eleventh and Twelfth Respondents as part payment of my remuneration. Referencing a payment of R 271 0000-00 as a joining fee does not constitute the purchase of an Ocean Basket Franchise and referencing payment of R 264 240-34 as '62 Ocean Basket Carn 'similarly does not constitute the purchase of an Ocean Basket Franchise.
- 4.6 I found no evidence presented by the Applicant to show a nexus between the Applicant's contention that Denzhe is in breach of contract and the commission of the crimes of corruption and money laundering.
- 4.7 Accordingly, there is no evidence that shows that the Rietfontein property constitutes proceeds of unlawful activities.

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**DEPONENT**

I hereby certify that the deponent has acknowledged that the deponent knows and understands the contents of this affidavit, which was signed and sworn before me at Pretoria on this the 06 day of April 2023, 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.

  
SERG  
7167040-8  
M.R. KOTI

**COMMISSIONER OF OATHS**

SOUTH AFRICAN POLICE SERVICE
GARSFONTEIN
2023 -04- 06
COMMUNITY SERVICE CENTRE
SUID-AFRIKAANSE POLISIEDIENS