

24 March 2026

The National Director of Public Prosecution  
VGM Building  
SILVERTON

**E-Mail:** [REDACTED]

*Dear Adv. Mothibi,*

**REPRESENTATIONS: BROOKLYN CAS 158/08/2019: CORRUPTION**

**ACCUSED: FIKILE MBALULA**

1. This correspondence pertains to the abovementioned matter and to our unresolved representations, which were submitted on 2 October 2025, more than six months past. Similarly, our correspondence with you affords us the chance to extend our congratulations on your appointment as the new National Director of Public Prosecutions.
2. We trust that you will instil your strategy and values into everyone at the National Prosecuting Authority (NPA) as set out in your address on 12 March 2026. The role of the NPA as an organisation, and the obligation of every prosecutor to prosecute without fear, favour or prejudice, and to be the lawyer for the people, remain the foundation of our Criminal Justice System (CJS).
3. Kindly accept our well wishes and our commitment to support your efforts, as outlined in your mentioned address, especially to be victim focused.

June 2024

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**Member Affairs – Email:** ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries, Dr D.J. Hermann, Mr W.G. Human, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.  
**Registration number:** 2005/042861/08 • **NGO number:** 054 - 590

4. We address this correspondence to your office at a time when confidence in the CJS is at an all-time low, best exhibited by the inference that President Cyril Ramaphosa may have effectively outsourced the roles of the NPA and the Courts to commissions of enquiry. At the same time, the SANDF has been deployed to perform duties that the SAPS has seemingly been unable to fulfil.
5. Restoring public confidence in at least the NPA will go a long way towards rebuilding trust in the CJS as a whole. We, and society more broadly, would certainly have preferred the evidence presented before the various commissions to have been led in a court of law, where its admissibility could be properly determined, and the proceedings followed through to judgment.
6. While we understand that the NPA may still lead evidence before the Nkabinde Inquiry, the public exposure of the NPA's internal processes is not only difficult to witness, but also does nothing to restore public trust in the institution.
7. The public allegations made by KwaZulu-Natal Provincial Commissioner, Lieutenant-General Nhlanhla Mkhwanazi, reveal deep distrust within SAPS toward both colleagues and prosecutors. Ostensibly, he made these serious claims publicly because he considers the police and the NPA too compromised to investigate and prosecute those he accuses of wrongdoing properly. However, going public may itself have had a different motive.
8. We established the Private Prosecution Unit in response to selective investigations and prosecutions. Your predecessor publicly stated that her own predecessors may have been guilty of selective prosecutions.

9. It is against this backdrop that we trust we are not incorrect in observing, with some optimism, your comments on 12 March at the National Director's first media briefing.
10. Our office is besieged by countless cases in which the SAPS and the NPA have failed to perform their duties.
11. Our letter, therefore, intends to inform you of the seriousness of our concerns and, consequently, address you on the case against Mr Fikile Mbalula, the current Secretary General of the ANC, and the irrational decision not to prosecute him for corruption.
12. Unfortunately, we submit that your predecessor and/or perhaps her advisors failed to properly apply their minds to what we submit is a relatively straightforward case. We do not intend to repeat all the facts and applications of the law, as these are set out in detail in our representations dated 2 October 2025, which are attached to this correspondence. However, we will highlight certain aspects in light of your public address and refer to recent developments at the Madlanga Commission, which strengthen our argument that Mr Mbalula has a compelling case to answer.
13. In our letter referred to above, we address not only the facts but also the irrational failure to identify and address the apparent deficiencies in the investigation. We remain astounded by the eagerness of the NPA to accept the suspect's version, contained in media statements and attorneys' letters, so as not to prosecute. We can only infer that the rationale for the decision is a political motive to avoid prosecuting a powerful politician.
  - 13.1. We included a potential charge sheet, and
  - 13.2. in paragraph 12, we discuss the definition of corruption accepted on argument by different prosecutors of the NPA in **S v Selebi** 2012(1) All SA 332 (SCA) and **S v**

**Scholtz and Others** 2018 (2) SACR 526 (SCA), which we submit have deliberately been misinterpreted, especially by the requirement of a specific *quid pro quo*

14. While a detailed timeline of events is discussed in the representations and should be read with this letter, we set out the salient points as follows:

14.1. 28 December 2016: Fikile Mbalula and his family fly to Dubai for a family holiday, returning on 3 January 2017. Mbalula did not pay for the trip before departure.

14.2. February 2017: The travel agency demands payment of R684,620.39 from Mbalula.

14.3. Yusuf Dockrat, director of Sedgars Sport, caused the settlement of R300,000 of Mbalula's debt to the travel agency by way of EFT payments. This he did by utilising the account of Reimon Uniforms to create distance between Sedgars and Mbalula. Notably, at the time, Mbalula was Minister of Sport, and Sedgars Sport was a supplier of clothing to the South African Sports Confederation and Olympic Committee (SASCOC).

14.4. The remaining debt is settled in cash. Tsholofelo Lejaka, head of Boxing SA, whom Mbalula had appointed to the post the previous year, allegedly collected R150,000 in cash from Mbalula and delivered it to the travel agency. Lejaka further instructed a subordinate to make two cash deposits of R75,000 each into the travel agency's bank account. A final cash payment of R85,000 was made into a debt collector's account at an FNB branch at OR Tambo International Airport.

14.5. 9 October 2017: Eyewitness News publishes a report on Mbalula's Dubai trip, including that part of the debt had been settled by Sedgars Sport.

- 14.6. On the same day, Mbalula made a payment of R200,000 to a company account linked to Dockrat, followed by an additional payment of R75,000 on 10 October 2017.
- 14.7. Both Mbalula and Dockrat describe the financing arrangement as a loan, which Mbalula subsequently repaid.
- 14.8. Dockrat tells the Public Protector that he had written off an outstanding amount of R25,000. However, in a later police investigation, Dockrat refers to an amount of R35,000, explaining the additional R10,000 as “interest” on the loan. Mbalula makes this final payment on 31 October 2018.
15. That, in the main, forms the primary basis for the allegation of corruption against Mbalula and Dockrat. Additional evidence in the docket further supports allegations of money laundering and points to several other possible suspects.
16. As alluded to *supra*, the Madlanga Commission delved into malfeasance within the CJS and explored the possible involvement of politicians, officials and external service providers.
17. The evidence presented at these commissions of enquiry, most notably the Madlanga Commission, mirrors the circumstances surrounding Mbalula’s Dubai trip, specifically the evidence related to a R70 000 payment made by criminal accused Vusimuzi “Cat” Matlala to SAPS Organised Crime Head Major-General Richard Shibiri.
- 17.1. Shibiri explained that the funds paid to him were a loan, which he repaid - R20,000 in cash and the remaining R50,000 by way of an EFT payment.

17.2. He claimed that he did not have the funds available at the time and needed them urgently to repair his son's car.

17.3. Shibiri rejected suggestions that the funds constituted gratification, stating that he had no link to, or oversight role in, the SAPS area with which Matlala was doing business.

17.4. The loan was repaid only after the police had raided Matlala's properties and were closing in.

18. The Commission Chair and Commissioners put the following to Shibiri:

18.1. Despite Shibiri not being directly linked to the contractor's work or falling within his sphere of responsibility as a detective, his rank as a general in SAPS gave him significant influence.

18.2. The benefit lay in the loan itself - particularly in the fact that it was interest-free, thereby relieving him of any obligation to pay interest.

19. The loan was repaid after the police raided Matlala's properties. Notably, there was no record of the R20,000 payment as it was made in cash, and the remaining R50,000 was repaid only after the investigation had intensified. Justice Madlanga put the following to Shibiri:

*"I suggest to you that once there were these raids, you saw that the police were catching on to Mr Matlala, and you decided that money that had been paid to you, not as a loan, I suggest, you should now suddenly pay back to Mr Matlala so as to make it look like a loan."*

20. Put differently, the following could be put to Mbalula:

*“I suggest to you that once there were these questions, you saw that the media was catching on to you, and you decided that money that had been paid to you, not as a loan, I suggest, you should now suddenly pay back to Mr Dockrat so as to make it look like a loan.”*

21. The interaction makes it abundantly clear that the Commissioners recognise the so-called “loan” for what it was. A retired judge of the Constitutional Court serves as the Commission’s Chair. We have no doubt that a judge in a criminal court, presented with the same set of facts, would follow the same reasoning.

22. This example neither detracts from nor supersedes our representations of 2 October 2025. Rather, the logical application of the law, as set out in our representations and applied in the Madlanga Commission, best explains the NPA’s reluctance even to respond to our representations.

23. It is perhaps apt to refer you to our draft charge sheet, as set out in paragraph 37 of our representations.

24. It is difficult to fathom how any prosecutor with a proper grasp of the law of corruption and the legal authorities that underpin it could decline to prosecute Mbalula on the facts discussed above.

25. It is likewise difficult to fathom how Adv. Sibongile Mzinyathi, in his correspondence dated 2 August 2023, could have confirmed the decision not to prosecute Mbalula on the basis that *“money used to pay for the trip was a loan by a person in personal capacity to Mr Mbalula. The loan of R300 000-00 was repaid in full with interest”*, and that the evidence showed there was no *quid pro quo*.

26. We submit that this line of reasoning contributes to corruption flourishing. It is a serious indictment of the NPA that a senior prosecutor failed to recognise that a loan may, in and of itself, constitute a form of gratification as defined by law.
27. We emphasise that, according to our understanding of the law, it is trite that a person's failure to act, or even a lack of capacity to act, is not a defence to the crime of corruption. This principle is not only set out in legislation but has also been affirmed by the courts, most notably in *S v Selebi*.
28. We address this letter to you as a reflection on your recent remarks and note that we share the view that *“organised crime and corruption continue to grow at an alarming rate, often facilitated or enabled by state actors, as revealed by the Madlanga Commission of Inquiry”*.
29. You further remarked that *“South Africa is one of the few countries in the world that is prosecuting former ministers... for serious corruption”*. However, a glaring exception is Mr Mbalula, the former Minister of Sport, who accepted a “loan” from a sporting goods supplier that had been awarded contracts by an entity within his ministry's purview.
30. We submit that the only inference that the irrational failure to prosecute Mr Mbalula represents a clear example of selective prosecution, in which a person holding high political office appears to have been shielded from accountability.
31. We are mindful of the responsibility that rests on your office and the opportunity it presents to restore public confidence in the NPA. In this regard, we are confident that you will give due consideration to the issues raised and take the necessary steps to ensure that justice is done.

32. For the public to accept your stated commitment to leading an NPA that prosecutes without fear, favour or prejudice, and that deals decisively with corruption, the case against Mbalula must be enrolled and prosecuted. Failing this, Mbalula's Dubai trip will remain a stain on the NPA's integrity, and a stark example of selective prosecution driven by political considerations.
33. We have obtained the case docket and are considering a private prosecution, not only to address a clear example of selective prosecution, but also to develop the law relating to private prosecutions.
34. We eagerly await your response.

Yours faithfully,



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