

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg

CASE NO: **2022-036292**

In the matter between:

**The National Director of Public
Prosecutions**

Plaintiff / Applicant / Appellant

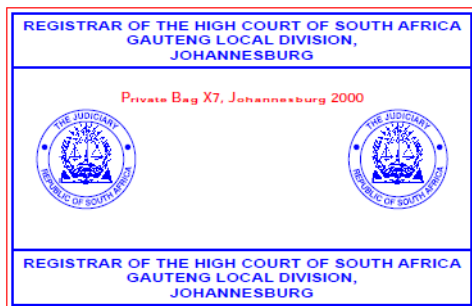
and

**Jacobus Stephanus Geldenhuis ,Jacoba
Magdalena Geldenhuis ,Classic
Financial Services (One) (Pty) Ltd,Marry
Pierce Kligour**

Defendant / Respondent

Affidavit

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ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

Case No:

In the urgent *ex parte* application of:

The National Director of Public Prosecutions

Applicant

In re: The amount of **R399 198.88** together with interest thereon held in ABSA account number 4097470165 held in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;



The amount of **R10 395 192.44** together with interest thereon held in Nedbank account number 1195277571 in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;

The amount of **R3 000 000.00** together with interest thereon held in FNB account number 62047917713 in the name of Jacoba Magdalena Geldenhuis with ID number 5410130145085;

The amount of **R5 750 000.00** together with interest thereon held in Nedbank account number 1009637290 in the name of Murry Pierce Kilgour with ID number 5905195084087.

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SUPPORTING AFFIDAVIT

I, the undersigned,

AHZUR MOHAMED

do hereby make oath and say the following:

INTRODUCTION

- 1 I am an adult male employed by the Financial Intelligence Centre (**the FIC**) as a forensic accountant. I am a qualified Chartered Accountant and a member of the South African Institute of Chartered Accountants (**SAICA**).
- 2 The FIC was established in terms of the Financial Intelligence Centre Act 38 of 2001 (**FICA**) as amended. The FIC Act works in conjunction with the Prevention of Organised Crime Act 121 of 1998 (**the POCA**) and the Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004 (the POCDATARA). The FIC was established to assist in:
 - 2.1 identifying the proceeds of unlawful activities,
 - 2.2 combatting money laundering activities,
 - 2.3 combatting financing of terrorist and related activities,
 - 2.4 exchanging information with law enforcement and other local and international agencies, and



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- 2.5 supervising and enforcing compliance with the FIC Act and facilitating effective supervision and enforcement by supervisory bodies.
- 3 In pursuing this mandate, the FIC:
- 3.1 makes the information it collects available to investigating authorities, intelligence services and the South African Revenue Service to facilitate the administration and enforcement of the laws of the Republic,
- 3.2 exchanges information with similar bodies in other countries,
- 3.3 monitors and gives guidance to accountable and reporting institutions, supervisory bodies and individuals regarding their performance and compliance with the FIC Act,
- 3.4 contributes to the global framework against money laundering and the financing of terrorism, and
- 3.5 develops policy options for the Minister of Finance based on an assessment of available financial intelligence.
- 4 Sections 3 and 4 of the FIC Act address the objectives and functions of the FIC.
- 5 The facts deposed to herein are derived both from the documentation presently at my disposal or from my personal knowledge unless the contrary is stated or the context indicates otherwise and are, to the best of my knowledge and belief, both true and correct. My financial analysis relating to this matter is ongoing.
- 6 I depose to this affidavit in support of an application brought in terms of section 38 of the POCA, which seeks to preserve funds held in accounts listed below, on the basis that the



funds are on reasonable grounds believed to be the proceeds of unlawful activities or represent the proceeds of unlawful activities. The accounts and / or funds are as follows:

No.	Bank Account	Account Holder	Amount 'R
1	ABSA 4097470165	Classic Financial Services (Reg. 2004/031624/07)	399 198.88
2	Nedbank 1195277571	Classic Financial Services (Reg. 2004/031624/07)	10 395 192.44
3	FNB 62047917713	Jacoba Magdalena Geldenhuis (ID 5410130145085)	3 000 000.00
4	Nedbank 1009637290	MP Kilgour (ID 5905195084087)	5 750 000.00
TOTAL			19 544 391.32



BACKGROUND

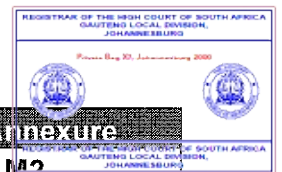
- 7 On 7 October 2022, the FIC received a request from the Financial Sector Conduct Authority (**FSCA**) to block/freeze funds in in terms of Section 34 of FICA. Accompanied by this request was an affidavit by an employee of FSCA, Charlotte Breytenbach (**Breytenbach**). This affidavit is attached as **AM1**.
- 8 Amongst other things, Breytenbach indicated the following in her affidavit:
- 8.1 JS Geldenhuis with ID 6003315080003 (**JS Geldenhuis**), through his linked entity, Classic Financial Services with CIPC registration 2004/031624/07 (**Classic Financial Services**), had transgressed certain prescripts of the Financial Advisory and Intermediary Services (**FAIS**) Act and was debarred in terms of said Act.
- 8.2 She has reason to believe that Classic Financial Services and/or JS Geldenhuis may be operating an illegal investment scheme.
- 8.3 Two bank accounts, namely, ABSA account 4097470165 and Nedbank account 1195277571, was utilised by JS Geldenhuis and/or Classic Financial Services to solicit investment funds from the public.

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8.4 Both ABSA account 4097470165 and Nedbank account 1195277571 were analysed by FSCA for the period 1 January 2019 – 31 August 2022 and the results of the analysis revealed that a significant portion of the credit references appear to be ID Numbers.

- 9 Based on the findings and contraventions detailed in the affidavit by Breytenbach, FSCA had provided the FIC with the bank records of ABSA account 4097470165 for the period 9 October 2019 to 9 August 2022, and Nedbank account 1195277571 for the period 10 October 2019 to 25 August 2022. Due to the voluminous nature of the bank records, I only annex copies thereof pertaining to the last three months:

No.	Bank Account	Period	Annexure
1	ABSA account 4097470165	10 May 2022 - 9 August 2022	AM2
2	Nedbank account 1195277571	24 May 2022 - 25 August 2022	AM3




- 10 FSCA further requested that the FIC freeze/block the funds within ABSA account 4097470165 and Nedbank account 1195277571 through Section 34 of FICA (**Section 34 directives**).
- 11 It was further requested that these Section 34 directives be instituted in conjunction with a search-and-seizure operation which was planned to be executed at 08H00 on 11 October 2022.
- 12 In preparation for the execution of the Section 34 directives, and to gain insight of the financial activity within these accounts, I requested the bank statements, Know Your Client (**KYC**) information, contra account intelligence, and account balances for both accounts from the respective banks. This was requested via a consultative process made in terms of Section 27 and Section 32 of FICA.

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- 13 This information (as detailed in paragraph 12) was supplied by the respective banks at +-16H00 on Friday 7 October 2022. I then proceeded to analyse both bank accounts and noted transactional patterns similar to that detailed by Breytenbach within her affidavit.
- 14 I thus took the necessary steps to ensure that the Section 34 directives would be executed by the respective banks at 08H00 on 11 October 2022. It was anticipated that the value of the funds to be frozen would be similar to the available balances supplied by the banks at +-16H00 on Friday 7 October 2022:

No. Bank Account		Balance (7 Oct 22)
1	ABSA account 4097470165	9 339 553.88
2	Nedbank account 1195277571	16 623 000.50



- 15 However, at +-19H00 on 10 October 2022, FSCA informed me that there were issues with the warrant to conduct the search-and-seizure. FSCA thus requested the FIC to withdraw these Section 34 directives. I complied with this request and ensured that these Section 34 directives were withdrawn prior to implementation.
- 16 FSCA then later informed me at +- 14H56 on 11 October 2022 that the issues with the warrant were resolved and requested that the FIC re-institute the Section 34 interventions with effect from 09H00 on 12 October 2022. I complied with this request and prepared the respective Section 34 directives.
- 17 However, when I queried the bank balances of both ABSA account 4097470165 and Nedbank account 1195277571 at +-08H00 on 12 October 2022, both banks informed me that a significant value of funds had been transferred out of these accounts.

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18 I thus made additional enquiries in terms of Section 27 and Section 32 of FICA and requested the respective banks to provide me with bank records to trace the recipients of these funds. The banks complied and I utilised this information to create a chart depicting the flow of funds using a programme called IBM Analyst Notebook. I attach this chart as **AM4.**

19 The information provided by the banks revealed the following:



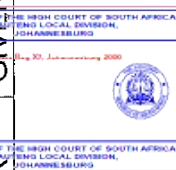
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LEVEL 1 TRANSACTIONS

From Classic Financial Services ABSA account 4097470165

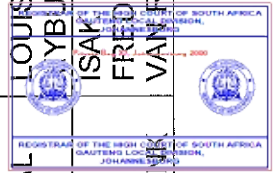
20 I noted the following outflows from ABSA account 4097470165 during the period 10 October 2022 – 11 October 2022:

No.	DATE	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT 'R	CONTRA-ACCOUNT NUMBER	CONTRA-ACCOUNT INSTITUTION	CONTRA-ACCOUNT HOLDER NAME	CONTRA-ACCOUNT HOLDER ID / REG NO.
1	10-Oct-22	INET IMMEDIATE PMT THOMAS RICKUS	(2 500.00)	1762310188	CAPITEC BANK	RICUS THOMAS	9604235228087
2	10-Oct-22	INET IMMEDIATE PMT MNIZI VA	(15 000.00)	62027846718	FIRST NATIONAL BANK	VUSI ALFRED MNISI	7109215603087
3	10-Oct-22	INET IMMEDIATE PMT PRETORIUS EUGENE	(100 000.00)	62767214986	FIRST NATIONAL BANK	EUGENE PRETORIUS	7802065158083
4	10-Oct-22	INET IMMEDIATE PMT KAMPMAN JC JNR	(100 000.00)	62789244557	FIRST NATIONAL BANK	JACOBUS CORNELIS KAMPMAN	9609185072088
5	10-Oct-22	INET IMMEDIATE PMT BREDENKAMP JC	(6 000.00)	62245391123	FIRST NATIONAL BANK	ACOBA CATHRINA GERTRUIDA BREDENKAMP	4802250020083
6	10-Oct-22	INET IMMEDIATE PMT NKABINDE NG	(35 000.00)	1153074540	NEDBANK	NOMPUMELELO GLORIA NKABINDE	7812170388087
7	10-Oct-22	INET IMMEDIATE PMT JULIES SG	(6 000.00)	1956083022	NEDBANK	EDYLYNE GIVEN JULIES	8509055314084



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No.	DATE	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT 'R	CONTRA-ACCOUNT NUMBER	CONTRA-ACCOUNT INSTITUTION	CONTRA-ACCOUNT HOLDER NAME	CONTRA-ACCOUNT HOLDER ID / REG NO.
8	11-Oct-22	INET IMMEDIATE PMT HENDERSON C (2 x R5 000.00 TRANSFERS SAME DESCRIPTION & DATE)	(10 000.00)	1114565774	CAPITEC BANK	CHRISTO PHILLIP HENDERSON	7802085219089
9	11-Oct-22	INET IMMEDIATE PMT VAN ROOYEN S (R80 000.00 AND R8 000.00 TRANSFERS - SAME DATE & DESCRIPTION)	(88 000.00)	1742897345	CAPITEC BANK	STEPHIE VAN ROOYEN	9304170100082
10	11-Oct-22	INET IMMEDIATE PMT VAN DER WESTHUIZEN E	(30 000.00)	1519600885	CAPITEC BANK	EMMERENTIA SOPHIA VAN DER WESTHUIZEN	5801180121085
11	11-Oct-22	INET IMMEDIATE PMT MALAN C	(20 000.00)	1669813973	CAPITEC BANK	COURTNEY ANNEBELL MALAN	9907160149081
12	11-Oct-22	DIGITAL PAYMENT DT BOUWMANN H	(50 000.00)	4076196350	ABSA BANK	HENDRIKUS BOUWMAN	9009265005084
13	11-Oct-22	INET IMMEDIATE PMT SWANEPOEL CH	(100 000.00)	62861444439	FIRST NATIONAL BANK	CHRISTIAAN HENDRIK SWANEPOEL	7208305288088
14	11-Oct-22	INET IMMEDIATE PMT MYBURGH LA	(2 500.00)	62372568207	FIRST NATIONAL BANK	LOUIS ADRIAAN MYBURGH	9508205068086
15	11-Oct-22	DIGITAL PAYMENT DT VAN ROOYEN JF	(50 000.00)	4082417019	ABSA BANK	ISAK FREDERICK VAN ROOYEN	6808035045087



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No.	DATE	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT 'R	CONTRA-ACCOUNT NUMBER	CONTRA-ACCOUNT INSTITUTION	CONTRA-ACCOUNT HOLDER NAME	CONTRA-ACCOUNT HOLDER ID / REG NO.
16	11-Oct-22	INET IMMEDIATE PMT CHIMUDZI JM	(10 000.00)	62463667926	FIRST NATIONAL BANK	JANE MARIE CHIMUDZI	5912310772182
17	11-Oct-22	INET IMMEDIATE PMT HOLDING LR	(64 000.00)	62457920942	FIRST NATIONAL BANK	LYNNE ROSE HOLDING	6312190046089
18	11-Oct-22	DIGITAL PAYMENT DT KORCK PT	(200 000.00)	4054184284	ABSA BANK	PETER THOMAS KORCK	6005075011182
19	11-Oct-22	DIGITAL PAYMENT DT SHOOBERT GD	(15 000.00)	9080142188	ABSA BANK	GAVIN DAVID SHOOBERT	5809035147080
20	11-Oct-22	INET IMMEDIATE PMT CORNELIUS PJ	(3 000.00)	62654171075	FIRST NATIONAL BANK	FREDRIKA JACOBYN CORNELIUS	7501310148085
21	11-Oct-22	INET IMMEDIATE PMT SMIT JA	(500 000.00)	53720031144	FIRST NATIONAL BANK	JOHAN ANDREAS SMIT	6305165009082
22	11-Oct-22	INET IMMEDIATE PMT MEMORIES RESTAURANT	(118 455.00)	1050856317	MERCANTILE BANK	MEMORIES RESTAURANT	2021/339233/07
23	11-Oct-22	DIGITAL PAYMENT DT JANSEN PJ	(3 000.00)	1016482214	ABSA BANK	PHILIPPUS JACOBUS JANSEN	5709255014087
24	11-Oct-22	INET IMMEDIATE PMT KILGOUR IG	(500 000.00)	1250041252	NEDBANK	INGRID GLYNNIS KILGOUR	6408140038083
25	11-Oct-22	DIGITAL PAYMENT DT KILGOUT M	(2 750 000.00)	1009637290	NEDBANK	MURRAY PIERS KILGOUR	5905195084087
26	11-Oct-22	INET IMMEDIATE PMT KING DB	(3 300 000.00)	080397344	STANDARD BANK	LALE BRENT KING	6202115032084
27	11-Oct-22	INET IMMEDIATE PMT SMUTS X	(1 500 000.00)	031146937	STANDARD BANK	XAMER SMUTS	8909085087082

From Classic Financial Services Nedbank account 1195277571

21 I noted the following outflows from Nedbank account 1195277571 during the period 10 October 2022 – 12 October 2022:

No.	DATE	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT 'R	CONTRA-ACCOUNT NUMBER	CONTRA-ACCOUNT INSTITUTION	CONTRA-ACCOUNT HOLDER NAME	CONTRA-ACCOUNT HOLDER ID / REG NO.
1	11-Oct-22	GELDENHUIS CASE 370/2022	(3 000 000.00)	62047917713	FIRST NATIONAL BANK	JACOBA MAGDALENA GELDENHUIS	5410130145085
2	12-Oct-22	MP KILGOUR	(3 000 000.00)	1009637290	NEDBANK	MURRAY PIERS KILGOUR	5905195084087

22 In addition to the two Section 34 directives which FSCA had requested (ABSA 4097470165 and Nedbank 1195277571), a further two Section 34 directives were issued in respect of First National Bank (FNB) account 62047917713 and Nedbank account 1009637290 for the following reasons:

No.	Bank Account	Account Holder	Reasons
1	First National Bank (FNB) 62047917713	Jacoba Magdalena Geldenhuis (ID 5410130145085)	The account holder of this account was identified to be the spouse of JS Geldenhuis, Jacoba Magdalena Geldenhuis. R3 000 000.00 was transferred to this account (FNB 62047917713) from Classic Financial Services Nedbank account 1195277571 on 11 October 2022.



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No.	Bank Account	Account Holder	Reasons
2	Nedbank 1009637290	Murray Piers Kilgour (5905195084087)	<p>On 11 October 2022, this account (Nedbank 1009637290) received two large round amount transfers from Classic Financial Services ABSA account 4097470165 and Nedbank account 1195277571 totaling R5 750 000.00.</p> <p>Since the inception of Classic Financial Services Nedbank account 1195277571 and ABSA account 4097470165, no funds were noted to have been received from MP Kilgour's Nedbank account 1009637290.</p>



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FIC INTERVENTIONS:

23 Between 11 October 2022 and 12 October 2022, the FIC instituted Section 34 directives in relation to the following accounts:

No.	Bank Account	Account Holder	Amount 'R	Date of Expiry	Annexure
1	ABSA 4097470165	Classic Financial Services (Reg. 2004/031624/07)	399 198.88	25 October 2022	AM5
2	Nedbank 1195277571	Classic Financial Services (Reg. 2004/031624/07)	10 395 192.44	25 October 2022	AM6
3	FNB 62047917713	Jacoba Magdalena Geldenuis (ID 5410130145085)	3 000 000.00	25 October 2022	AM7
4	Nedbank 1009637290	MP Kilgour (5905195084087)	5 750 000.00	25 October 2022	AM8
TOTAL			19 544 391.32		

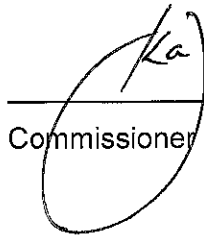
I know and understand the contents of this declaration

I have no objection in taking the prescribed oath

I consider the prescribed oath to be binding on my conscience.


 AHZUR MOHAMED

I certify that on this the 18 day of October 2022 and at Centurion the deponent signed the affidavit in my presence and declared that he knows and understands its contents, that he has no objection to taking the prescribed oath and that he considers the oath to be binding on his conscience.



Commissioner of Oaths

Full Names : _____

Designation : _____

Address : _____

KAGISO MAGABE
Spoor & Fisher
11 Blys Bridge Boulevard
Building 14
Centurion
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.



