



13 June 2017

Head of Disciplinary Department: Mrs M Malatji
Law Society of the Northern Provinces
123 Paul Kruger Street
Procforum Building
PRETORIA
0001

Electronic message to: procforum@lsnp.co.za

Dear Sir/Madam,

IN RE: COMPLAINT AGAINST MR. GERT VAN DER MERWE OF VAN DER MERWE AND ASSOCIATES INC

With reference to the above-mentioned matter.

I write to you in order to draw your attention to an article that appeared online today. For ease of reference I attach the article, entitled "Gupta Attorney seeks indemnity in fraud and corruption trial" and available at <http://ewn.co.za/2017/06/13/ewn-exclusive-gupta-attorney-seeks-indemnity-in-fraud-and-corruption-trial>, hereto as Annexure "A."

The article, in short, alleges that:

- Attorney Gert van Der Merwe of Van Der Merwe & Associates utilized funds in his trust account to settle the personal debts of the MEC for Health in the Limpopo Province, Miriam Segabutla ("Segabutla");
- The trust funds in question were deposited by businessman Johnny Lucas ("Lucas"), and is alleged to have been intended as a gratification for Segabutla in exchange for her using her position to secure tenders for Lucas;
- The payments are detailed in an affidavit filed by Van Der Merwe seeking indemnity in terms of section 204 of the Criminal Procedure Act

It is my respectful submission that the actions of Van Der Merwe do not conform to the high ethical standards expected of a member of the profession, to say the least.

As such I urge that you investigate Mr. Van Der Merwe's conduct.

I trust that you will find the above in order and look forward to your favourable response.

Kind Regards

[submitted electronically, not signed]

ADV. G. BREYTENBACH MP

DA Shadow Minister of Justice & Constitutional Development

EWN EXCLUSIVE: GUPTA ATTORNEY SEEKS INDEMNITY IN FRAUD AND CORRUPTION TRIAL

Van der Merwe reveals in an affidavit how he laundered money through his attorney's trust account between a former Limpopo MEC and a businessman.



FILE: Ajay Gupta. Credit: YouTube

[Barry Bateman](#) | *about 4 hours ago*

PRETORIA – **Eyewitness News** can reveal that the [Gupta family](#)'s attorney Gert van der Merwe is a former accused and now State witness seeking indemnity in a R16 million fraud and corruption trial.

The case involves former Limpopo Health MEC Miriam Segabutla and businessman Johnny Lucas. The politician is accused of taking kickbacks from the businessman to secure tenders in 2010.

Van der Merwe reveals in an affidavit how he laundered money through his attorney's trust account between the parties.

Eyewitness News understands he is now seeking indemnity from prosecution in terms of Section 204 of the Criminal Procedure Act.

The [National Prosecuting Authority \(NPA\)](#) has declined to comment, saying that Van der Merwe has not yet testified in the case.

Eyewitness News has learnt that Van der Merwe, the man who has now become synonymous with and who represents the controversial Gupta family, was arrested in 2014.

He appeared in the Pretoria Specialised Commercial Crimes Court with several co-accused before being released on bail of R25,000.

The charges were later withdrawn on condition that he makes a full disclosure of his involvement in the alleged offences for which he may be granted indemnity from prosecution.

In a section 204 affidavit, Van der Merwe describes how a businessman paid tens of thousands of rands into his attorney trust account.

He then used those funds to settle the personal debt of Segabutla, transactions which formed the basis of money laundering charges.

Among these debts were payments to the South African Revenue Services (Sars) and the MEC's daughter's school fees at an upmarket Pretoria school.

In one instance, Van der Merwe states in the affidavit that a bag of R100,000 in cash was dropped off at his offices which he then personally delivered to Segabutla at the Sheraton Hotel.

Van der Merwe has denied performing any such services for his current clients, the Guptas and the Oakbay group of families.

The Guptas did not respond to a request for comment.

(Edited by Leeto M Khoza)