



consumer goods council
crime prevention programme

Bulletin - May 2006

EDITORS NOTE

Researchers and Loss Prevention professionals around the world agree that one of the most effective tools in reducing crime in a business/company is the pre-screening of candidate employees.

Most of us, routinely, do reference checks on our candidates. But unfortunately, we are limited to checking up on the companies and contacts the candidate points us to. A recent case in point is where it turned out that a referee was the candidate's boy-friend and had never actually been her employer.

With this in mind, the Employers' Reference Site, the Crime Prevention Programme has developed for you, is an ideal

vehicle to close this loop. Our members are requested to send us their terminations (all employees who leave, for whatever reason), You are also encouraged to use the system for configuring your candidates' work history (in the industry). The more we all use this system, the more effective it becomes. The 170,000 people we have listed can increase to 200,000 with your input and co-operation.

This month's bumper edition has some useful hints and information. Please read through it carefully, we welcome comment and criticism.

"Safe Shopping is our Business"

TIP & TACTIC FOR THE MONTH

FAKE SAPS BMW ON THE LOOSE

On Monday 5th March a truck was hi-jacked after leaving customs. The truck was pulled over by a marked SAPS BMW (as used by the SAPS highway patrol). The driver and crew were in full uniform. The call sign on the vehicle is MO31. The SAPS vehicle was joined by two other vehicles who were allegedly from customs. The one vehicle was a blue Toyota Corolla and the other a white Ford or Mazda. The occupants were wearing reflective jackets with SAPS printed on them. The driver of the truck was searched, his cellphone, his company cellphone and money were taken from him. He was placed in the boot of the Toyota and released a few hours later.

From further investigation it is understood that this is the third incident involving this BMW. The BMW pulls over trucks that have made collections from customs at JHB Int'l Airport. The driver is then informed that customs has reported to the police that there is a problem with the truck and that it must be stopped and that the customs officials want to check the truck. The driver of the BMW is a black male and his crew member is a white woman. Companies whose trucks make collections from customs need to be cautious if such a vehicle indicates that they must pull over.

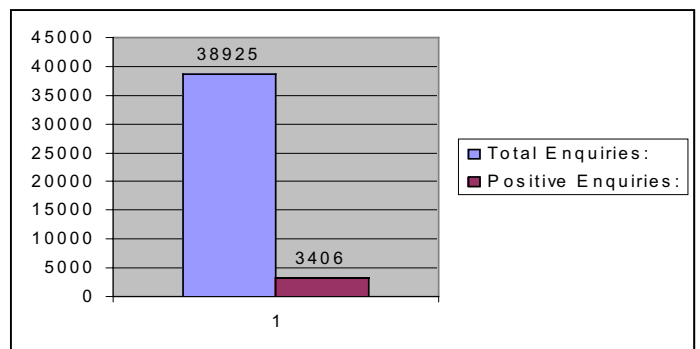
Source: <http://www.issafrica.org/pubs/Newsletters/Umqol/Issue25.htm>

EMPLOYERS REFERENCE SITE

To date CGC CPP has 1807 registered companies. Out of those 1807, only 542 made use of the Employers Reference site between 1 April 2006 and 17 May 2006. This is only 29% of our registered companies.

The usage stats 1 April 2006 to 17 May 2006 are as follows:

A total number 38925 reference checks were conducted, and 3406 (8.7%) of the results returned employment history.



Due to implementation of the access cards, terminations have not been completed as yet and many companies have not submitted their data. After the hectic Access Card Rush is over, an update of terminations will be supplied.



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APRIL ACCESS CARDS

The new access cards have been finalised:

- ✍ The card will be printed onto PVC board.
- ✍ The design is unique to the CGC and is a different colour to the Green cards of phase 1.
- ✍ The card is a basic red with a yellow pattern, with the CGCSA trolley.
- ✍ It also has a serial number and personalised details.

Conversion

Because the conversion cards will be produced in bulk, and in Johannesburg, the cost will be R4.00 each (*excluding VAT*). This price is comparatively cheap (most ID cards cost approximately R20.00)

New cards, replacement cards or cards supplied after the deadline date will be produced by the CGC, at a cost of R7.50 each (*excluding VAT*).

Please note all new members will not be included in the bulk run. They will follow separate procedures and prices.

Enforcement

The CGC Board has agreed that with effect 1 July 2006, all stores will insist on the new ID card – No Card, No Access!

This will be enforced at every back door, of every store. It will apply to all non-store staff – cleaners, maintenance workers, market researchers, merchandises, promoters, salesmen, samplers, and so on.

Conversion Process

In order to deliver an estimated 350000 cards, we have developed a detailed project plan. The following are the major milestones:

Data (names, photos, ERS reference numbers, etc.) electronically to CGC	15/05/06
Bulk file to printer	19/05/06
Receive cards back from printer	01/06/06
Cards delivered to the companies	09/06/06
Cards to be in use	01/07/06

We have already passed the first two deadlines and to date we have only processed approximately 400 out of about 1700 companies who require new cards.

MEMBER RESEARCH SURVEY

In order to assess and improve our current service levels to our members, the Crime Prevention Program, with the services of N3, will conduct a survey by randomly calling members with relevant questions.

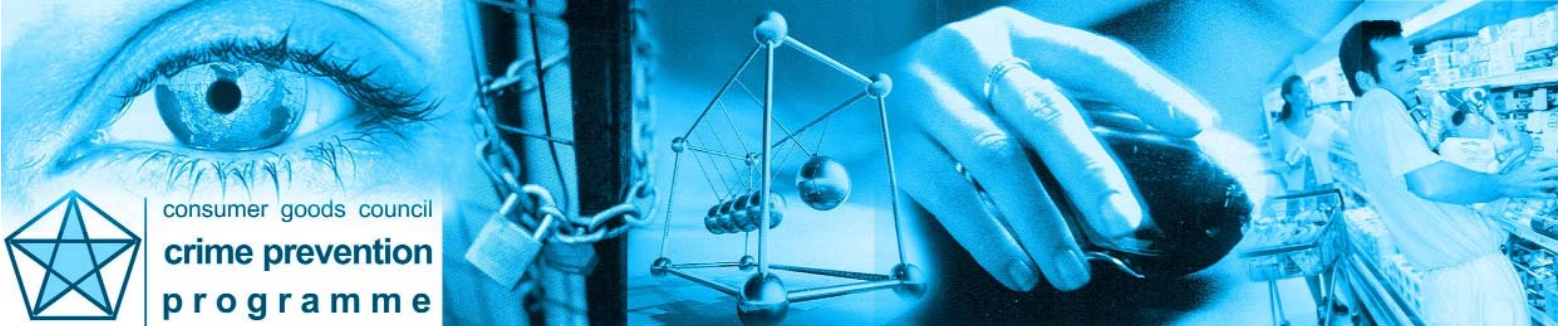
N3 is a small, independent research company in our field. N3 makes use of CSI (Customer Satisfaction Index), which is a systematic program for monitoring business performance by getting feedback from customers.

In turn these results can be powerful tools for marketing and managing every business. In their nation wide service to companies, they interview real, everyday people to get their honest opinions of the business.

The results and findings of this survey will be published in the next bulletin.

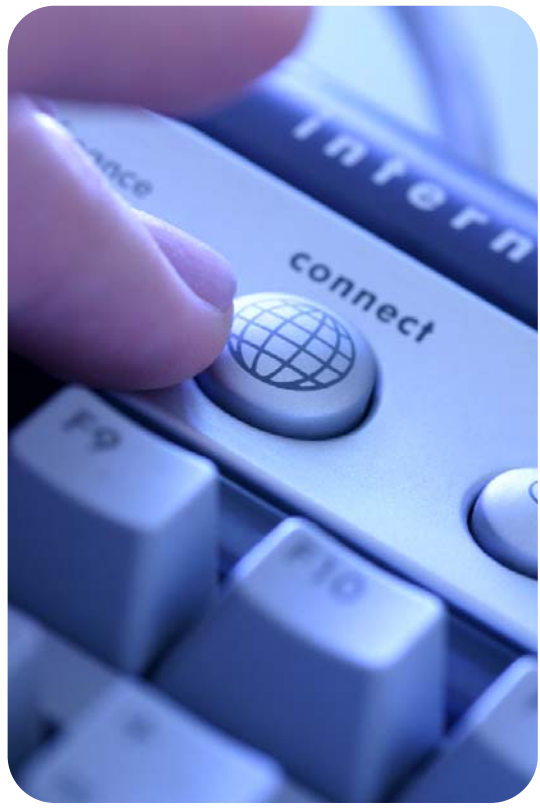


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REPORTING OF INCIDENTS ON THE IMS (INCIDENT MANAGEMENT SYSTEM)



Each company retains varying levels of information of the crimes that affect them. In order to produce preventative measures and enhance Police investigations into these crimes, the Consumer Goods Council Crime Prevention Programme has developed a centralised database formulating a systematic approach to a series of criminal events. This also enables the analyses of a range of violent crimes to develop a meaningful set of guidelines.

All data analysis, statistics and reports presented are based on the information received from the stores. Although there is a visible improvement in the amount of stores reporting, the information received is not as complete as required and some required information is absent. Also of concern is the amount of nil incidents reported in comparison to actual incidents. The incidents loaded needs to be complete for the full month and this information an accurate and true reflection of the crime activity in the stores. The current information received seems incomplete and inaccurate. Some stores are not reporting daily activities and thus create gaps in not accounting for every day of the month. This makes accurate analysis of trends very

difficult and in turn creates obstacles in compiling Best Practices.

Feedback from the divisions and communications with stores indicates that there seems to be uncertainty about exactly what has to be reported. This could also be one of the reasons for the high rate of nil incident reports.

Included in the definition of criminal incident is **"the intention to commit a crime"**. Thus, even if the person that committed the crime was not caught or the goods recovered, the incident still has to be reported on the IMS System, as do incidents involving staff and merchandises. The same applies to empty containers found by security and/or management, this is an indication of crime in a store and has to be reported as well. This can be reported once a day as a collective amount of loss.

A nil incident indicates that there was NO criminal incident or activity in the store. In the high crime environment we operate in, it is difficult to believe that not even a shoplifting took place in a store for a whole month or most part of it. One possibility for underreporting could be that security is neglecting their duty or not reporting all the incidents to the admin managers, who are ultimately responsible for capturing these incidents onto the system. Another possibility to explore would be that the store has such good security and prevention methods that there is no intention to commit crime in the store – in which case the industry would highly appreciate the sharing of such measures! Another reason for concern about the high number of nil reports is that some stores are reporting mostly nil incidents and only one or two actual incidents per month. This is highly unlikely. Currently it seems that nil incidents are loaded only to illustrate use of the system in order to avoid reprimand. The inaccurate information or withholding information could be deemed as an offence in itself, considering the far reaching impact on the database and in turn on the monthly reports presented on crime statistics.

We also have very little information on cheque or credit card fraud even though these incidents occur daily. Please encourage stores to also report these incidents on the system.

Please assist the CGC Crime Prevention Programme in closing this gap by ensuring correct and complete reporting of ALL incidents.



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CRIME - MAJOR OBSTACLE TO DEVELOPMENT



The Societal Benefits of the Industry Alignment Forum

It is common cause that crime is a major obstacle to economic development. The economic and social costs of crime and violence are high enough that the World Bank found a country may lose as much as 14% of its GDP per annum to crime.

Closer to home, in a South African victims' survey, over a quarter of those interviewed said that they would not start their own business because they feared violent crime. The Justice Ministry estimates that white collar crime (including fraud and corruption) costs the local economy between R50-150 billion a year. This may account for 30% of all business failures and consume 2-5% of a company's economic turnover.

Alarming as that might sound, a 2004 Institute for Security Studies' survey found that corruption was the second most common crime after housebreaking in South Africa. Back in 2002 the United Nations found that 15% of South African businesses had been approached to pay a bribe. Of those approached, 7% had paid a bribe. In a frightening outcome 62% of all businesses interviewed claimed that bribery was becoming an accepted business practice.

The most common services for which bribes were paid were clearing goods through customs (75%) and the procurement of goods for government (75%), and to a lesser extent other private companies (51%).

Furthermore, about 60% of companies claimed that the payment of bribes would halt a police investigation. This indicates the prevalence of both private-public and private-private corruption.

Both private and public sector corruption is vital for the ongoing operations of organised crime syndicates. In a United Nations study on organised crime it was established that 75% of syndicates claimed that corruption was vital to their activities. A similar number of these groups invested the proceeds of crime into legitimate businesses.

There are no statistics available on the penetration of organised crime groups in government or the private sector. What is clear, however, is that their crime groups are associated with some of the more serious and violent crimes known to South Africans, such as vehicle hijackings, cash-in-transit robberies and bulk theft of commercial products.

Relatively high crime rates have raised business costs in South Africa. This means that fewer jobs are created and smaller businesses find it difficult to enter the market. Foreign investment as a percentage of GDP has averaged at 17%, which is low by the standards of other successful developing countries.

In order to win the confidence of investors, South African companies have to lead the way in overturning negative perceptions about crime in the country. Business Against Crime South Africa's Industry Alignment Forum aims to reduce the incidence of retail and cash-in-transit robberies, bulk theft at business premises, commercial crime and corruption.

Its approach is to institute effective crime prevention measures and build partnerships with government to strengthen the criminal justice system. These initiatives can potentially save the lives of the public and mitigate the economic losses suffered by business and government.

In doing so, the private sector will be able to create more jobs and the government will be able to spend more tax revenue on promoting development.

Source: Business Against Crime



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ECR / CGCSA CONFERENCE 2006

Book now for South Africa's premier business event

It is that time of the year again. Following on from our successful conference in 2005, the 2006 ECR/CGCSA Conference and Marketplace will be held at the Sandton Convention Centre on 31st October - 1st November. This year's conference theme is **"Focused on market development through brand innovation and strategic collaboration."**

CONFERENCE PROGRAMME 2006

Tuesday 31 October 2006

07:30 - 09:00	Registration & Marketplace
09:00 - 10:30	Plenary Session - 1
10:30 - 11:00	Refreshment Break
11:00 - 12:30	Breakout Sessions - 1
(Mini Conferences)	
12:30 - 14:00	Lunch & Marketplace
14:00 - 15:30	Breakout Sessions - 2
(Mini Conferences)	
15:30 - 16:00	Refreshment Break
16:00 - 17:30	Plenary Session - 2
17:30 - 19:30	Drinks in the Marketplace

Wednesday, 1 November 2006

07:30 - 09:00	Registration & Marketplace
09:00 - 10:30	Plenary Session - 3
10:30 - 11:00	Refreshment Break
11:00 - 13:00	Plenary Session - 4
13:00 - 14:00	Lunch
14:00 - 15:15	Plenary Session - 5
15:15 - 15:30	Conference Close



This is the biggest networking event of the year for the South African FMCG industry. In recent years, our annual conferences has attracted in excess of 800 delegates from all over South Africa and is still growing.

The Breakout sessions on day one will be a series of mini conferences within the conference dedicated to amongst others, the following streams:

- Marketing at Retail and Shopper Value Creation
- Supply and Demand (ECR activities)
- Crime Prevention
- Technical Innovation and Global Standards
- Skills Development

PRICES

Members:	R4 674 including VAT
Non-members:	R5 814 including VAT

Company discounts:

10 or more delegates qualify for 10% discount. Company discounts apply only if arrangements are made by one coordinator at one time and paid in full.

- (1) Book via our website: <http://www.ecr-sa.co.za> OR
- (2) Request a faxed booking form from Lorraine Nadas on tel no (011) 789 5777 OR
- (3) Email: LN@cgcsa.co.za



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NOTICE TO MEMBERS

Notice is hereby given that the Annual General Meeting of members of the Association will be held at **CGCSA Offices, Block B, Hurlingham Office Park, Woodlands Avenue, Hurlingham Manor, Sandton on Wednesday, 14th June 2006, at 08h30**, to transact the following business: -

1. To confirm the minutes of the previous Annual General Meeting
2. To receive and consider the report of the Board of Directors
3. To receive and consider the Annual Financial Statements for the Financial Year ended 28th February 2006, together with the report of the Auditors
4. To elect Board members in place of:
 - ✓ DS Crow
 - ✓ M Dally
 - ✓ K Kruythoff
 - ✓ JJ Scannell
 - ✓ DR Smollan

who in terms of the Articles of Association, retire by rotation and being eligible, offer themselves for re-election.

5. To approve the remuneration of the Auditors for the past audit and to re-elect the Auditors for the ensuing year
6. To transact such other business as may be transacted at an Ordinary General Meeting

BY ORDER OF THE BOARD

A. A. R. Iwanski
Chief Executive Officer

Note: In terms of the Articles of Association, any member may nominate a candidate for election to the Board. Such nominations shall be:-

1. Made in writing
2. Signed by the person making it and by the nominee
3. Signed by or supplemented by a notice signed by some other Member who wishes to second the nomination, and
4. Delivered to the CEO at least fourteen days before the Annual General Meeting

Such nominations shall be accompanied by a written undertaking by the nominee to serve, if elected.



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TAKING THE PROFIT OUT OF CRIME - THE ASSET FORFEITURE UNIT

*Article compiled by Annalise Kempen
Information provided by Adv Dianne Willman*

Using one's possessions, in whatever way, can be very traumatic, especially when they are stolen. But theft has become part of our daily lives in South Africa, and therefore we are all somehow "prepared" for becoming one of these statistics. However, when one's property is repossessed, one feels humiliated and it is far more difficult to explain such a situation to one's friends and family. Being unable to pay one's debt is in the majority of cases the reason why the bank or a sheriff will repossess one's possessions. But there are exceptions.

If you have been under the impression that your possessions would be safe against repossession if you were not to involve yourself with illegal activities, you are mistaken. In the beginning of 2004 a Western Cape High Court ruled that the Asset Forfeiture Unit could seize the vehicle of a Karoo man, charged with three serious offences after previous convictions for drunken driving and speeding.

One could ask: Why? In principle, vehicles can be seized legally if they are used in the perpetration of crime, even if the perpetrator has not been part of organised crime. But, road carnage in our country has become almost as serious as crime, and therefore radical efforts are needed to put an end to it. On the issue of confiscating vehicles of drunk drivers, John Schnell (Director: Road Traffic Inspectorate, KZN) said that there are many people who have no problem breaking road rules as they can afford the fines they get, but that he believes that confiscating a vehicle being used to commit a serious offence will act as a huge deterrent.



Who is responsible for the seizures?

The Prevention of Organised Crime Act 121 of 1998 provides that property obtained by means of criminal activities may be forfeited to the State. After consultation with local and international experts, it was agreed that South Africa needed a specialised unit to ensure that forfeiture took place in an organised and legal way.

The Asset Forfeiture Unit (AFU) was established in May 1999 in the Office of the National Prosecuting Authority (NPA) to focus on the implementation of Chapters 5 and 6 of the Prevention of Organised Crime Act 121 of 1998. The AFU was created in order to ensure that the powers in the Act to seize criminal assets would be used to the maximum effect in the fight against crime, and in particular, organised crime.

The small, friendly face of Willie Hofmeyr has become a familiar one on South African television. And despite the seriousness of any task that he has at hand, he always manages to save a smile for the camera. He was appointed as the Head of the Asset Forfeiture Unit in May

1999, surely not a position for which many would envy him. (The recent Schabir Shaik case is only one case in point.)

The AFU became a full division of the NPA (National Prosecuting Authority) in 2001 due to its growth and the increasingly important role. As a result of this, the Head of the AFU, Willie Hofmeyr, became a Deputy National Director.

The Asset Forfeiture Unit

The AFU in the Office of the National Director of Public Prosecutions is a major component in the State's war against organised crime. The AFU is a law enforcement tool and its importance must not be ignored or underestimated.

According to ISS Monograph no 51, January 2001 "Clean money, suspect source: turning organised crime against itself," the aim of the Asset Forfeiture Unit is to ensure that regulations for the confiscation and forfeiture of criminal assets are applied effectively. This is in accordance with international experience that has shown that forfeiture provisions will not be applied on a large scale unless a dedicated unit is created for this



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purpose. This is due to the fact that a confiscation and forfeiture system usually consists of a complex combination of criminal and civil laws, as well as a range of concepts new to both criminal and civil law. "Forfeiture specialists" are therefore needed who can build up the necessary expertise in order to ensure the effective application of the relevant legislation.

The Unit does not prosecute, but works closely and in parallel with the prosecution and the police investigation officers. The Unit comprises State advocates and financial investigators from the South African Police Service, the Directorate of Special Operations ("Scorpions") and members of the Special Investigative Unit ("Cobras").

Certain crimes in particular are selected as priority crimes to be targeted by the AFU: economic crime (fraud, 419 scams), corruption, cases involving natural resources, brothels, drugs, precious metals, violent crimes such as robbery, housebreaking, theft and possession of stolen property.

The key objectives of Asset Forfeiture:

- Taking the profit out of crime

The main aim of asset forfeiture is to take the profit out of crime, in other words, to ensure that crime does not pay. It is clear that one of the main incentives to commit crime is due to the substantial financial benefit derived from it. If the benefit is removed, so is the reason to do crime. Asset forfeiture targets the proceeds of crime.

Studies in the United States have shown that criminals are prepared to go to prison for a time to pay for their crimes or that they are prepared to pay a fine, but touching their asset base seriously affects them.

- Removing property which is an instrumentality of an offence(s)
 Asset forfeiture is not only aimed at

removing assets that are the proceeds of crimes, but also to remove property used to commit crimes. Property that is instrumental in an offence can also be forfeited, ie a vehicle that is used as a getaway car in an armed robbery case, or a house that is used as a laboratory to manufacture drugs (see Pollex in SERVAMUS: April and May 2006). The aim behind that is clear: no person should use or allow his/her property to be used to commit crimes. In a Supreme Court of Appeal judgment in NDPP v Cook Properties; NDPP v 37 Gillespie Street Durban; NDPP v Seevnarayan 2004 (8) BCLR 844 SCA, the court said that the owner of property cannot be supine. The matter concerned was, inter alia the forfeiture of property on the basis of it being an instrumentality. The court warned owners that they needed to be vigilant in how their property is being used by them and others.

Why is asset forfeiture necessary?

In the M-net series Prison Break, one of the inmates who is a member of the Mafia, has a prison guard on his "payroll" in exchange for preferential treatment. Being able to pay someone, while you are in prison having no income, is only possible if your asset status is very healthy despite your conviction. The main income of career/professional criminals' (such as Mafia members) is normally derived only from crime. If this inmate's assets were forfeited to the State during his trial, he would most probably not have been in a position to pay one of the prison wardens, or would look forward to the "good life" once he is released from prison. Knowing that one's family would be able to continue with the "high life" while serving a prison sentence, somehow makes it "worthwhile" for the criminals, as they will also be able to return to this lavish lifestyle, once released. As Mr Hofmeyr said in an interview with Carte Blanche: "Criminals are in a sense career criminals and they see going to jail at some stage

almost as an occupational risk. And they are willing to take that risk, as long as they know that when they come out of jail they will be well-off and while they are in jail their families will be well-looked after."

Criminal prosecution is often not enough to make a significant impact on crime in South Africa as criminals know that their proceeds of crime are safe from being taken away from them. Because organised crime's main objective is for the perpetrator to lead a better life, it is necessary that the objects that s/he has gained through his/her illegal actions, be taken away from him/her. Remember: the harsh reality of a seizure is that it affects not only the individual criminal, it affects his/her whole family. Not only is the house in which family lives taken, the majority of its contents is also at risk, leaving only the basics. It is not only the assets of a suspect that are seized, but also those owned by other persons who are holding property on the criminal's behalf or who have received property from the criminal as a "gift". The property or property to the value thereof can be seized.

In an interview with Carte Blanche aired on 12 March 2006, Mr Willie Hofmeyr said that there was no reason why anyone should benefit from any crime. "You won't believe (how) many criminals are actually benefiting. The latest estimates say white-collar crime costs South Africa R150 billion every year. That's enough money to fund the justice, police and prison budget for 3 years."

In the same programme the Head: Forensics at Sonnenberg Hoffman Galombik, Mr Steven Powell said that the implications of white-collar crime are far more devastating than street crime.

How are assets seized?

Assets can only be seized once a court order has been obtained. The AFU



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investigators and advocates cannot be summonsed to a crime scene and order goods to be seized. Only after a court order has been granted by the High Court may the goods be seized.

After a case has been referred to the AFU, the matter is referred to the investigators for investigation.

The main functions of the investigators are the following:

- Investigating cases with forfeiture potential;
- identifying cases with forfeiture potential;
- compiling financial profiles on suspects linked to cases with forfeiture potential;
- tracing assets linked to suspects in cases with forfeiture potential;
- acting as a link between advocates from the AFU and the investigators from other units;
- assisting advocates in preparing applications for court;
- monitoring the criminal proceedings;
- attending crime scenes with the criminal investigators;
- assisting the curator bonis / sheriff of the court to effect service of an order and also to execute the order;
- general administration of files;
- effecting deposits into CARA (Criminal Assets Recovery Account) at the Reserve Bank;
- performing standby duties and attending crime scenes after hours; and

- making presentations regarding AFU proceedings and training members of other law enforcement agencies.

Other investigations may include investigations to ascertain whether a certain item of property is an instrumentality of an offence. Such investigations include: was the house or vehicle previously used to commit crimes? Are the suspects members of an illegal syndicate? Is the property in some way essential to their illegal operations?

After the case has been investigated, it is handed to an advocate to draft legal papers. In order for asset forfeiture to occur, a court order has to be obtained.

Asset forfeiture proceedings are civil proceedings. The standard of proof is therefore proof on a balance of probabilities and not beyond a reasonable doubt. This makes it easier to obtain such orders. Different kinds of order can be obtained depending on the facts of the case.

- These are:
- Restraint order
 - Confiscation order
 - Preservation order
 - Forfeiture order.

Restraint and Confiscation Orders

The first two orders, namely restraint and confiscation orders, depend on whether there has been a prosecution of a criminal and his/her conviction. In order to obtain these orders, it has to be shown that the accused benefited from his/her offence, and what the amount of that benefit was. The advocate seeks a confiscation order for the amount for which the accused benefited from his/her crime(s).

There are provisions in the Act that increase the amount that can be requested from the Court in the confiscation order. This is, for example, in

cases where the accused has previously been engaged in related-criminal activities. Another example is where the accused cannot justify owning assets that s/he has, ie s/he cannot show that the assets are derived from a legitimate source of income. The value of those assets is calculated. A confiscation order is sought in the amount of the value of his/her property.

A restraint order is usually obtained prior to a confiscation order being made after the accused's conviction. The accused's property is seized or restrained before his/her conviction to ensure that property is available to be sold later to pay the confiscation order that may be made should the accused be convicted.

Preservation and Forfeiture Orders

The latter two orders, namely preservation and forfeiture orders, do not depend on a prosecution. Some evidence of criminal activity is however required. It has to be proved that the particular property, like a house or vehicle, is the proceeds of crime and/or an instrumentality of an offence. These orders target specific items of property like the house or car of the accused. The property has to be tainted in some way.

CONFIDENTIALITY OF INVESTIGATIONS

Confidentiality in cases involving AFU is of utmost importance

SAPS members are strongly requested not to disclose any information regarding the involvement of the Asset Forfeiture Unit in a particular matter to the Defence or anyone else. The main reason for confidentiality is to prevent the concealment or dissipation of assets by a suspect. Once the suspect or other relevant party becomes aware of the AFU's interest in their assets, there is a great incentive for them to either conceal or dissipate them.

Members of the AFU will not disclose to the Defence, suspect or any other



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relevant party information in the docket provided by the police without the consent of the relevant authority.

What happens after an order has been obtained?

Once an order has been granted by the relevant High Court, the assets need to be seized and stored to be sold later once a final order has been obtained. An independent person is appointed in the court order to seize the assets and preserve them until such order has been issued. This person is referred to as the curator bonis. Personnel from companies such as Deloitte and Touche, Pricewaterhousecoopers and Ernst and Young may act as a curator bonis.

A specific date is arranged for when the court order will be executed and the assets seized by the curator bonis. This is usually undertaken with the assistance of the SAPS.

The court order is formally served on the suspect and/or other relevant parties by the sheriff of the court.

After a sale, the proceeds are deposited into an account known as the Criminal Assets Recovery Account (CARA). These monies are then used for law enforcement purposes. Money is distributed to the prosecution and police to assist them in fighting crime. Victims of crimes are also considered.

Success rate

On 21 November 2005 The Star reported that a cheque for R50 000 (the amount Leigh's Matthew's father paid Donovan Moodley for her safe release) was handed to Mr Rob Matthews, by Adv Camilla Botes of the Johannesburg Asset Forfeiture Unit. The AFU succeeded in gaining a confiscation order after Moodley had been charged with kidnapping and murdering Leigh and extorting money from her family. The order entitled the Unit to seize assets to the value of R53 000 - equal to the ransom plus the value of a ring Leigh received for her 21st birthday, which

Moodley had taken from her.

In the last 5 years, approximately R700 million worth of assets has been frozen. Approximately R70 million is currently available in CARA (Criminal Asset Recovery Account) to be distributed. Over R100 million has been paid to victims. This in itself demonstrates the effectiveness of asset forfeiture thus far.

What is the SAPS' role in asset forfeiture?

The SAPS has a very important role to play in asset forfeiture and its importance cannot be stressed enough.

The key phrase is the referral of cases, including:

- a suspect who has benefited from his/her crime;
- a house that has been used to manufacture drugs or operate a brothel;
- cash seized from a drug dealer,
- the syndicate leader who is unemployed (and never arrested) but seems to maintain a lavish lifestyle;
- vehicles found with drugs in them.

Investigators must refer cases to the AFU as much as possible, and as often as possible. As indicated above, investigations are undertaken by the AFU and the financial investigators. Investigating officers may be required to supply an affidavit to be used to obtain the order. This is drafted by the AFU advocates after consultations with the relevant police official.

There are other benefits to referring cases to the AFU. Evidence that is useful to prove the criminal case may be obtained. The criminal case is therefore strengthened and further charges may be added such as money laundering. In addition, SAPS Units that refer cases

stand a better chance of receiving a payout from CARA. It may even happen that vehicles that are seized are handed to the SAPS to fight crime.

Referring a case is easy. Details of contact persons in the different divisions are provided below:

JOHANNESBURG REGION:
 Office: (011) 220 4096
 AFU Head: Adv Raylene Keightley: (011) 220 4134/4084

PRETORIA REGION:
 Office: (012) 845 6000
 AFU head: Adv Richard Chinner: (012) 845 6736

FAR NORTH REGION:
 Office: (012) 845 6000
 AFU Head: Adv Peter Volmink: (012) 845 6722

CAPE TOWN:
 Office: (021) 487 7000
 AFU head: Adv Hermione Cronje: (021) 487 7084

DURBAN REGION:
 Office: (031) 327 5584
 AFU head: Adv Monty Moodley: (031) 327 5684

BLOEMFONTEIN REGION:
 Office: (051) 400 6700
 AFU contact person:
 Adv Amanda Maree: (051) 400 6720

PORT ELIZABETH REGION:
 Office: (041) 502 5700
 AFU Head: Adv William Kingsley: (041) 502 5701

EAST LONDON REGION:
 Office: (043) 722 4082
 AFU contact person: Adv Henke Ackerman

Interesting cases

One of the cases that made headlines



consumer goods council
**crime prevention
programme**

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for the most of 2005, was the Shabir Shaik case, and at the same time the AFU's role in asset forfeiture also came under the spotlight. In June the State indicated that it wished to apply to court to have more than R30 million of Shaik's assets confiscated as "proceeds of crime". These assets followed from Shaik's use of (former deputy president) Jacob Zuma's name to obtain contracts, as well as Zuma's intervention to get Shaik to profit from the Government arms deal.

In another case the assets of an alleged American-Israeli drug dealer and money-laundering kingpin were seized by the AFU in March 2006. The AFU had obtained an order from the Johannesburg High Court to seize the assets which included a R12 million game farm in Limpopo, a R2.5 million mansion in Umhlanga, a Mercedes-Benz and various bank accounts. The man had been living in South Africa since 2002. The seizure came after the US Dept of Homeland Security had tracked him to South Africa and notified local authorities of his links to several individuals involved in the production and distribution of Ecstasy. AFU investigations revealed that the kingpin had often conducted affairs with legal institutions using false information. He also supplied false information to immigration officials, illegally obtained extensions on his temporary residence permits and used a false South African birth certificate and ID number. This man had used South Africa essentially as a hideout, but due to the extradition request from US authorities, it tipped off a bigger case here - a classic case of money laundering.

Conclusion

For many people asset forfeiture simply means the reclaiming of what has been wrongfully gained by criminals - the State claiming the fruits of crime on behalf of society. For the Asset Forfeiture Unit their job is to ensure that they take the profit out of crime by seizing the proceeds of crime. As normal law-abiding citizens we are encouraged by any effort of the State to protect us from harm - physically or materially, and as the AFU has been trying to hit criminals where it hurts most, namely their pockets, this Unit should receive our full support.

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The End!